Annotated Zoning Regulations

Town of Windsor, CT

Windsor Town Planning and Zoning Commission

TOWN OF WINDSOR, CONNECTICUT

TOWN PLANNING AND ZONING COMMISSION

ZONING REGULATIONS

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EFFECTIVE DATE

December 4, 2008
(rev. September 13, 2016)

How to Navigate These Regulations Online

We have modified these Regulations to make navigating them online easier, more intuitive, and more informative. Apart from the more obvious tabs, notes, and illustrations on the sidebars of each page, there are numerous internal links that allow you to look up definitions, view illustrations in the appendix, follow cross-references, or jump to a different chapter. There are also external links to other regulations, ordinances, statutes and plans; application forms, citizens' guides, and other helpful documents; and websites of town, regional and state agencies containing relevant information.

Due to limitations of Word and PDF documents, navigation is not as intuitive as we would like. Internal links are highlighted in blue and left-clicking on them with your mouse or touchpad will take you directly to them, as you would expect of any hyperlink. Once you follow an internal link to a definition, illustration, or cross-reference, there is no intuitive way to find your way back to exactly where you were, which can lead to a frustrating search for your original location and a good reason not to follow the links. However, there is a simple solution. In the header at the top of every odd page, there is the following notation:

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The headers and footers also contain subsection (e.g. **Section 1.0**) and page numbers (e.g., **1-2**) to provide a visual reference for where you are in the Regulations, which surprisingly is not always evident as you drill down into a lengthy regulation. For example, you may be in Subsection 8.6B(1)b(iii) and not see Section 8 or even Subsection 8.6 anywhere on the page. Rather than scroll up or down to find out where you are, just look at the header to get your bearings

RECORD OF AMENDMENTS TO THE TEXT
TOWN OF WINDSOR ZONING REGULATIONS

EFFECTIVE DATE	SECTION(S)	REMARKS
9-13-2016	2.2, 3.7.12	To reduce sign clutter and permit shared signage.
9-13-2016	3.1.2, 4,4,15, 14,1,18	To clarify residential fence height regulations and visibility at intersections.
11-8-2015	1.3.3, 2.2, 5.2.4C, 5.2.6R, 8.6U	To lift the moratorium and allow palliative marijuana dispensaries in the B-2 and I zones as a special use, while speculatively banning future non-medical marijuana sales.
7-12-2016	5.2.6E	To clarify screening requirements for rental cars and trucks, and taxis
5-10-2016	3.1.2	To simplify screening of dumpsters and mechanical equipment.
5-10-2016	2.2, 3.2	To update the outdoor lighting regulations to address new technology and backlight, uplight, and glare (BUG) ratings.
5-10-2016	2.2, 4.4.1, 4.4.2	To clarify definitions and regulations pertaining to decks, patios, porches, and pools.
8-5-2015	2.2, 14.2.9	To clarify lot area for lots created by free split and subdivision.
8-5-2015	2.2. 3.9, 16.1.3, 16.1.4, 16.1.8, 16.1.11, 16.2.3, 16.2.6	To codify and clarify procedures regarding site plans and simplified site plans review, receipt of applications, incomplete applications, notification to agencies, and bond requirements.
8-5-2015	2.2, 4.4.15, 4.5.10	To allow canning and summer kitchens and distinguish them from accessory apartment kitchens.
8-5-2015	3.3, 15.2	To update off-street parking requirements in Windsor Center by allowing shared parking and reducing minimum parking requirements.
6-1-2015	14.2.14	To modify mobile food vendor standards.
6-1-2015	8.2	To modify building material requirements in the I Zone.
5-13-2015		
12-27-2014	7.6.3	To add provisions to permit religious institutions in RC Zone.
12-27-2014	2.2, 5.1, 5.2	To clarify standards for restaurants, including the provision of entertainment and accessory restaurants.
12-3-2014	3.7	Comprehensive sign regulation update.
11-1-14	2.2, 3.7.2, 3.7.7	To modify school sign regulations.
10-1-2014	3.7.7H	To clarify standards for directional signs.
10-1-2014	1.3.3, 2.2	To extend the palliative marijuana dispensary moratorium.
4-4-2014	4.4.7	To add provisions to allow raising of small livestock in the residential zone.
4-4-2014	15.2.15	To add standards for structures for temporary housing due to individual property loss.
4-4-2014	2.2, 3.3.5, 4.5.12, 8.6R, 10.5.2	To provide in-patient and out-patient dialysis treatment at skilled nursing facilities.

3-29-2014	2.2, 3.1.2, 3.4, 5.1.3, 14.1, 14.7.2	To clarify truck loading area, drive-through lane, and rooftop mechanical unit screening requirements.
1-1-2014	3.4.2	To remove loading space standards for hotels.
12-10-2013	3.1.2	To bring the measurement of major trees in line with nursery standards.
11-30-2013	1.3.3, 2.2	To establish a palliative marijuana dispensary moratorium.
9-13-2013	3.3.4E, 3.3.4F	To expand the use of angled parking and add 75 degree parking stalls.
5-12-2012	8.6T, 3.3.5	To add provisions for livery services in the I Zone and add parking standards for livery services.
4-14-2012	2.2, 3.1.1, 3.1.2, 3.3.1, 3.3.2, 3.7.2, 3.7.7, 4.4.6, 4.5.4, 4.5.5, 4.5.8, 4.5.10, 4.5.14, 4.5.16, 5.1.4, 5.1.6, 5.2.6, 5.3, 10.5.18, 13.2.3, 14.1.9, 14.2.3, 14.2.4, 15.2.13, 16.1.8, 16.3.2, 16.7.2, 16.8.3, 16.9.4	To clarify and eliminate outdated standards and zones.
4-14-2012	3.3.5E(1)	To add parking standards for a middle and/or high school operated by a Regional Education Service Center.
12-17-2011	3.3.5G, 8.6L	To modify industrial and warehouse minimum parking ratios.
11-15-2011	13.2.8, 16.7	To modify the Traditional Neighborhood Design Development standards and the Design Development application procedures.
10-15-2011	13.1.3	To modify the Center Design Development standards.
7-12-2011	5.2.4C, 5.2.6B, 5.2.6D, 5.2.6F, 5.2.6K, 5.3.4B, 8.6E	To modify separating distances between liquor establishments and various other establishments.
4-22-2011	13.2.9	To add Poquonock Village Design Development
12-18-2010	13.2.8, 2.2, 3.0, 16	To add Traditional Neighborhood Design Development
8-4-2010	8.6S	To modify the Film Studio Special Use in the I Zone
4-13-2010	4.5.7	To grandfather places of assembly and congregation and religious institutions not on arterial roads that were approved prior to January 31, 2006 by special use.
11-18-2009	3.1.2, 3.6, 15.2.13	To clarify “refuse storage areas”; update drainage design, grading and erosion and sedimentation controls to be in conformance with Town Ordinances; and correct field survey datum.
10-17-2009	13.1	To update the Center Design Development regulations.
12-04-2008		Overall recodification.

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SECTION 1 - INTRODUCTION

1.0 PURPOSE AND AUTHORITY

These Regulations are adopted and may be amended from time to time under authority of Chapter 124 of the Connecticut General Statutes for the purposes of promoting the health, safety, morals and general welfare of the community; reducing traffic congestion in the streets; ensuring adequate light and air; preventing the overcrowding of land; avoiding excessive concentration of population; facilitating adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and conserving the value of property and encouraging the most appropriate use of the land, based on its suitability for particular uses and structures, with reasonable consideration for the character and property values of the area, in accordance with the adopted Plan of Conservation and Development. These Regulations are intended to provide the Town Planning and Zoning Commission the authority to give reasonable consideration for the protection of historic factors in its evaluations and decisions.

1.1 ZONE DISTRICTS

Pursuant to the stated goals and purposes, the following zones are established (see illustrative zoning map, Appendix, page A-24):

AA	Residential Zone
A	Residential Zone
R-13	Residential Zone
R-11	Residential Zone
R-10	Residential Zone
R-8	Residential Zone
B-1	Business Zone
B-2	Business Zone
P	Professional Zone
RC	Restricted Commercial Zone
I	Industrial Zone
W	Warehouse Zone
AG	Agricultural Zone
NZ	Public and Quasi-Public Zone
PUD	Planned Urban Development

1.2 ZONING MAP

Zone Boundaries are shown on the Official Zoning Map. This map was accepted by the Windsor Town Planning and Zoning Commission on July 15, 2015 and shall be a part of these Regulations.

Annotated Regulations – You may have noticed something different about these Regulations: chiefly, this yellow box called a sidebar. We call it a sidebar for two reasons: 1) it is a text box or bar located at the outside edge of the page, and 2) like a courtroom sidebar conversation that is intentionally off the record, these sidebars contain information that is not part of these regulations. We have tried to provide layman's terms, guidance, explanations, and interpretations, but they are not intended as legal advice, which should be sought from a qualified attorney.

Regulations and Map - These regulations and the Official Zoning Map are also available online at: www.townofwindsorct.com

How to Use these Regulations – The typical reader of these Regulations has a question on their mind like, "What can I do with a property in this zone?" or "What do I have to do to get this approved?" To answer the first question, you might start with the use tables or go directly to one of the zone specific sections, which is a good start, but only the beginning in terms of finding all that you need to know. To answer the third question, you might start with the sections on procedures and/or site development standards before branching out to the sections on general and zone specific standards. Handy tabs on the margin of each page and section numbers in the headers will tell you where you are, while the colored tabs below will take you to new chapters and blue hyperlinked text will direct you to more specific locations, both within and outside of these Regulations.

The Permissive Sense – Zoning regulations are written in two basic styles: the permissive sense and the prohibitive sense. Regulations written in the prohibitive sense list all of the uses that are prohibited, leaving anthing that is not listed as permitted by-right. This type of regulation is rare and frought with danger, as rapid changes in technology can leave a town unprepared for new, potentially noxious uses such as methanol distilleries or wind farms.

These Regulations are generally written in the permissive sense, meaning that all of the permitted uses are specifically listed as either permitted, accessory, or special uses. Anything that is not specifically listed is therefore prohibited. To add new uses requires either a change in these Regulations to add them, or an interpretation by the the staff or Commission that the use is a variation on an existing permitted, accessory, or special use. For example. The Commission determined that a palliative marijuana dispensary is not a pharmacy and requires a text amendment to add them as a special use.

Despite the permissive sense of these Regulations, there are both direct and indirect prohibitions against a small number of uses (e.g., certain self-serve car washes), or any use that exceeds certain performance standards (e.g., rendering of animal waste products).

1.2.1 Interpretation of Boundaries

In interpreting the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

A
boundaries abutting street or highway right-of-way lines shall extend to the centerline of such streets or highways;

B
boundaries following railroad lines shall be interpreted as midway between the main track(s);

C
boundaries following shorelines shall move with natural changes in the shore line and boundaries following streams, rivers or other linear bodies of water shall follow their centerlines;

D
in cases of uncertainty, the Commission shall determine the location of the boundary;

E
in the case of a lot, separately described in the latest deed of record prior to the effective date of these Regulations, situated in more than one zone, the Commission may allow the provisions of either zone to be applied into the other zone for a distance not to exceed 20 feet without the requirement for a zone change public hearing if it finds that doing so will improve the proposed development and not negatively impact surrounding properties; and

F
in cases where the standards or requirements applicable to a zone shown on the Official Zoning Map have been deleted from these Regulations, the Commission shall determine the most appropriate standards.

1.3 ZONING REGULATIONS

1.3.1 Interpretation of Regulations

A
Prohibited if not clearly permitted: any use of land, buildings, or structures not clearly permitted by these Regulations in the various zoning districts is prohibited.

B
Minimum requirements: the provisions of these Regulations are minimum regulations, adopted to protect the public health, safety,

morals and general welfare. Unless specified, wherever the requirements of these Regulations conflict with the requirements of any other ordinance, statute, rule, regulation or deed restriction, the more restrictive standards shall govern. Whenever the requirements of a Section or Subsection of these Regulations conflict with any other Section or Subsection, the more restrictive standards shall govern.

C
Conflicts: where any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that establishes the greatest restriction upon the use of land, buildings, or structures, or imposes the highest standard, shall control.

1.3.2 Conformity Required

A
No building, structure, or land shall be used or occupied, except in conformity with these Regulations.

B
No building or other structure or part thereof shall be erected, moved, replaced, reconstructed, extended, enlarged, or altered, except in conformity with these Regulations.

C
No land shall be sold, divided or diminished in area in a manner that results in a lot or use of all or a part thereof ceasing to conform to these Regulations.

D
No yard, setback, or other minimum requirement shall be reduced, except in conformity with the provisions of these Regulations.

E
No height, coverage, or other maximum requirement shall be increased, except in conformity with the provisions of these Regulations.

F
No land shall be sold or divided in a manner that results in a dimensional or any other standard that does not conform to the requirements of these Regulations.

G
All accessory uses shall be located on the same lot with the principal uses to which they are accessory. Accessory uses and/or structures shall not be located, established or continued on a lot without the prior

Accessory Uses – The term accessory use implies that it is subordinate to another use. An accessory use is not permitted unless clearly subordinate to an appropriate permitted or special use (e.g. a parking lot, cannot stand alone as the only use on a property but can be built to support an office building).

establishment of a permitted principal use, nor shall any new lot be created that has an accessory use or structure without a principal use.

H
No yard or other open space provided about any building for the purpose of complying with the provisions of these Regulations shall be included as any part of the yard or open space for any other building; no yard or any other open space on one lot shall count as a yard or open space for a building on any other lot. Should a lot be subsequently created from a part of a lot already occupied by a building, both resulting lots and any existing or future buildings or structures located on those lots shall comply with all dimensional requirements of these Regulations.

Boilerplate – Validity, separability, the savings clause, and the repealer are legal statements necessary to protect the balance of these Regulations in the event that any section is challenged and found to be invalid; to protect any pending legal action from becoming inoperative; and to avoid any conflict with preceding codes and ordinances.

1.4 VALIDITY, SEPARABILITY AND EFFECTIVE DATE

1.4.1 Validity and Separability

If any Section or provision of these Regulations is declared by the courts to be unconstitutional or invalid, that decision shall be limited to the Section or provision declared unconstitutional or invalid and shall not affect the validity of these Regulations as a whole, or any other part thereof.

1.4.2 Savings Clause

The enactment of these Regulations, repealing the prior Regulations, shall not abate any action or proceeding pending under the prior Regulations.

1.4.3 Repealer

All ordinances or parts of ordinances or regulations inconsistent with these Regulations are hereby repealed.

1.4.4 Effective Date

A
These Regulations shall take effect on August 5, 2015.

B
A copy of these Regulations, including the Official Zoning Map, is on file in the Office of the Windsor Town Clerk.

SECTION 2 - INTERPRETATION AND DEFINITIONS

2.0 INTENT

The definitions contained in this Section shall apply to the interpretation of these Regulations, except where the context clearly indicates otherwise or where their strict interpretation would be contrary to the intent of these Regulations.

2.1 USE OF TERMS

2.1.1 Words used in the singular shall include the plural, and vice-versa.

2.1.2 Words used in the present tense shall include the future tense, and vice-versa.

2.1.3 The word "shall" is mandatory and not discretionary.

2.1.4 The word "may" is permissive.

2.1.5 The word "required," when used to modify a word or phrase (e.g., "required yard" or "required planting") shall indicate mandatory compliance with a requirement of these Regulations.

2.1.6 The word "lot" shall include the words "parcel," "site," "property," and "premises".

2.1.7 The word "person" shall include a "partnership," "firm," "association," or "corporation".

2.1.8 The words "occupied" or "used" shall include the words "designed," "arranged," "intended to be occupied," and "intended to be used".

2.1.9 The words "zone," "zoning district," and "district" shall have the same meaning.

2.1.10 The phrase "these Regulations" shall refer to the entire Zoning Regulations or to any of its sections or subsections.

2.1.11 The word "Commission" shall refer to the "Windsor Town Planning and Zoning Commission".

2.1.12 A "relevant" or "appropriate professional" shall be a person or agency licensed by or registered in the State of Connecticut to conduct business in one or more of the following fields: surveying, engineering, landscape architecture, or architecture.

Use of this Section – The intent of this Section is not to be a comprehensive glossary of planning and zoning terms. The majority of the language used in these Regulations is based on common definitions found in any dictionary of the English language (e.g., driveway, roof, or wall) or law dictionary (e.g., guardianship hardship, seperability).

Some words used throughout these Regulations are planning and zoning "terms of art" that are commonly used in planning and zoning but are not commonly used in conversational English (e.g., berm, bollard, building line). Other common words have a narrower or even uncommon meaning that is specific to these Regulations (e.g., abandonment, family, front yard) and are defined here to leave no doubt as to the intent of a regulation. These terms of art and regulation-specific terms are provided here as a resource to clarify and simplify the use of these Regulations.

2.1.13 The word "plan" shall include, but not be limited to, plot plans, landscaping plans, parking plans, grading plans, sections, erosion and sedimentation control plans, elevations of buildings, and all associated agreements, reports, and statements. The term "site development" shall include "site plan".

2.1.14 The word "regulation" shall include the words "provision", "requirement," and "standard".

2.1.15 Unless specified otherwise, "floor area" shall mean "gross floor area".

2.1.16 Except where specifically defined below, all words used in these Regulations shall carry their customary meaning.

2.2 DEFINITIONS

Abandonment – While abandonment of a permitted use is typically not an issue, when a use is legally non-conforming, which means that it is no longer permitted in its present location but is allowed to legally continue (also called "grandfathered"), abandonment of the use becomes critical since it cannot be resumed once legally abandoned. The courts have ruled that non-use for a period of time is not abandonment. A deliberate act to abandon on the part of the owner/tenant must occur, such as written intent to abandon, removal of fixtures necessary for the use, or replacement of the non-conforming use with a conforming use,

Abandonment: To cease/discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, renovation or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Accessory Apartment: A second dwelling unit contained within or added onto an existing single-family residence and which is clearly subordinate to the main dwelling unit. A second kitchen not part of a self-contained subordinate dwelling unit shall not constitute an accessory apartment.

Accessory Building or Structure: A building or structure, part of, customarily incidental, and subordinate to the principal permitted use, building, or structure on the same lot or on a contiguous lot under the same ownership.

Accessory Use: (see Use, Accessory)

Active Adult Housing: A managed residential development with the occupancy limited to those aged 55 and over, as permitted by state and federal fair housing laws.

Active Adult Subdivision: A subdivision limited to households with at least one person 55 years of age or older and no residents under 18 years of age.

Active Recreation: Recreational activities requiring a lined court or field or involving formal picnic areas (with tables, barbecues, trash containers, etc.).

Additional Habitable Floor Area: Habitable floor area in an existing single-family structure that received a Building Permit within three years prior to the receipt of an application for an accessory apartment, and shall include any habitable floor area proposed to be added as part of the application.

Additional Habitable Floor Area - Additional habitable floor area is defined and regulated for the sole purpose of limiting the impact of accessory apartments, which are intended to be accommodated within existing structures to the extent practical.

Adult-Oriented Establishment: As defined under Chapter 11, Article VII, Section 11-111 of the Town of Windsor Code of Ordinances.

Alcoholic Beverage: As defined in Section 30-1 of the Connecticut General Statutes.

Amusement Device, Mechanical or Electronic: Any electronic or mechanical device intended to be operated for a fee as a test of knowledge or skill for amusement, competition, or sport. Amusement devices shall include, but not be limited to, devices commonly known as pinball machines; basketball, bowling, shuffleboard, and skeeball games; and electronic video games, including personal computers configured and offered for gaming purposes.

Animal Hospital: A facility where animals are given medical or surgical treatment and may be boarded during the course of their treatment and recovery (see also veterinarian office).

Antenna: A device used to receive or transmit electromagnetic waves including but not limited to whip antennas, panel antennas and dish antennas.

> **Antenna, Dish**: A parabolic antenna for transmitting or receiving signals (e.g., radio or television) from earth-orbiting satellites.
>
> **Antenna, Roof Mounted**: An antenna mounted on the roof of a building or structure other than a tower.
>
> **Antenna, Side Mounted**: An antenna mounted on the side of a building or structure other than a tower.
>
> **Antenna, Ground Mounted**: an antenna mounted directly on the ground or on a tower.

Dish Antennas – Small dish antennas commonly used for satellite TV reception are protected by the federal Telecomunications Act of 1996. The town is prohibited from restricting the placement of such dish antennas in any way that delays or increases the cost of installation.

Antenna Mount: The structure or surface on which an antenna is mounted.

Aquifer: a geologic formation consisting of water saturated stratified drift deposits of sands and/or gravels yielding significant potable water to public water supply wells.

Arcade For Mechanical Amusement Devices: An establishment housing more than six mechanical amusement devices.

Assisted Living: Nursing services and assistance with activities of daily living provided to clients living within a managed residential community with supportive services that encourage clients primarily age 55 or older, or clients with chronic and stable conditions as determined by a physician or healthcare practitioner per Regulations of Connecticut State Agencies, Section 19-13-D105(e)(7) to maintain a maximum level of independence.

Backlight: For an exterior luminaire, lumens emitted in the quarter sphere below the horizontal plane and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light (see also BUG rating System).

Barbed Wire - Barbed wire and similar security measures (concertina wire, rezor wire, security bars and gates) are tightly regulated to avoid the false impression that Windsor is unsafe, which could negatively affect property values.

Barbed Wire: A metal wire or strand of wires with integrated barbs placed at short intervals, used chiefly for livestock fencing but also as an added security measure on top of security fencing (see also Concertina Wire and Razor Wire).

Base Flood Elevation (Bfe): The elevation of the crest of the base flood or 100-year flood, or 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.

Berm

Basement: A room or story partly underground with at least one-half of its height above the average grade of the adjoining ground (see Appendix, page A-9) (see also Cellar).

Bed and Breakfast (B&B): A use conducted entirely within an owner-occupied single-family dwelling, which is subordinate to the principal use as a residence and involves the overnight rental of up to four rooms and breakfast service to overnight guests.

Berm: An earthen bank used for visual screening or mounded against a building for insulation or aesthetic purposes.

Billboard: (see also Sign, Billboard).

Bollards

Bollard: A post of metal, wood, concrete, or a combination thereof, that is used to block motor vehicle passage, protect structures from motor vehicle collision, or serve as a light fixture.

Buffer Strip: An area of land, including landscaping, berms, walls, and fences that is located between potentially conflicting land uses and is intended to mitigate negative impacts of the more intense use on the less intense use.

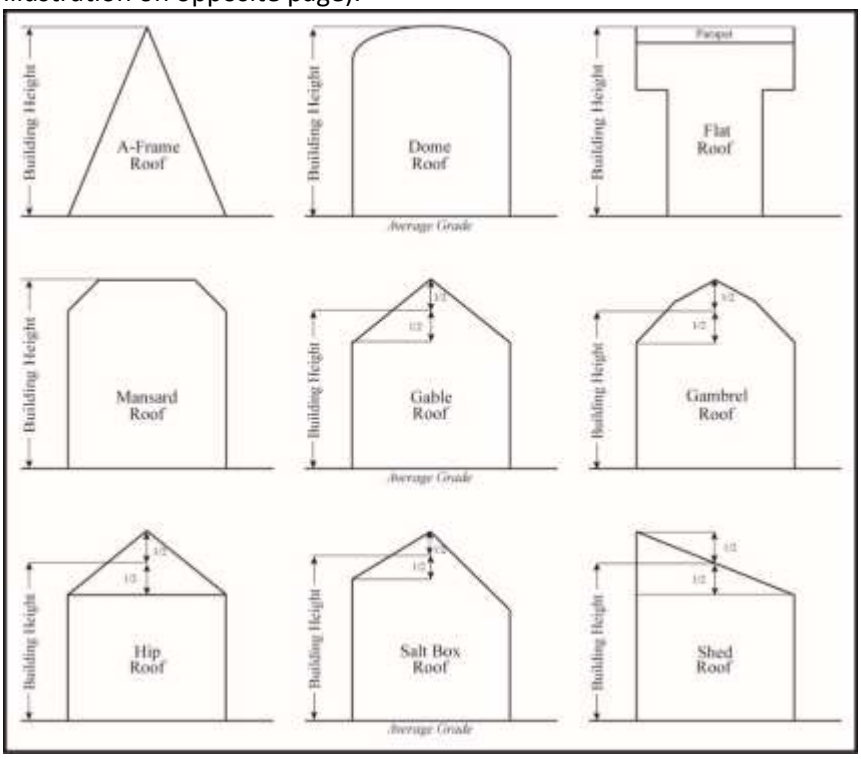
BUG Rating System: A luminaire classification system that regulates backlight (B), uplight (U), and glare (G) in order to limit unnecessary light pollution and debilitating glare.

Building: An enclosed, semi-enclosed, or roofed structure.

Building Connector: An enclosed walkway connecting separate buildings on separate lots.

Building Coverage: The percentage of a lot covered by buildings.

Building Height: The vertical distance measured from the average level of the finished grade along all walls of the building to the highest point of the roof for A-frame, dome, and flat roofs (including the top of any parapet); to the deck-line for mansard roofs; and to the average height between the eaves and ridgelines for gable, gambrel, hipped, saltbox, or shed roofs. Chimneys, spires, mechanical rooms, and other appurtenances shall not be counted towards building height, so long as they comprise no more than 25% of the aggregate roof area (see illustration on opposite page).



Building Line: A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise established by the Commission; a line shown to be a building line on a plan of subdivision signed by the Commission.

Building, Principal: A building used to conduct the principal use permitted on the premises.

Carwash: Any facility designed to wash motor vehicles.

> **Carwash, Semi-Automatic**: A carwash that uses automatically operated mechanical equipment to convey, wash, and dry motor vehicles while occupied by the driver.

Prohibited Car Wash

Self-Serve Carwashes – Self-serve carwashes with automated tunnels are only permitted in association with an existing gas station. Self-serve car wash bays, where cars are manually washed by the owner are not permitted.

Nightclubs – Nightclubs are not permitted clubs, whether limited to private members or not. Restaurants with liquor licenses can provide limited entertainment as an accessory use to the service of food, as a special use.

Cellar: A room or story with more than one-half of its height below the average grade of the adjoining ground (see also Basement).

Club: An organization incorporated under the provisions of the membership corporation or benevolent orders laws and any establishment owned, leased, occupied, and/or operated by such an organization solely for a recreational, social, patriotic, political, benevolent, or athletic purpose, but not for financial gain. A club shall cater only to its members or guests accompanying them. A "club member" is a person who maintains his/her active membership by payment of dues and whose name and address are entered on the list of active members.

Cluster Subdivision: A subdivision of a tract of land into smaller lots than permitted by the zoning requirements, provided that the density of occupancy is not increased and the resulting surplus land is dedicated to the Town or other responsible steward for open space or agricultural purposes.

Collector Drive: A driveway within a parking lot that distributes traffic to feeder drives and gives access to emergency vehicles.

Co-Location: The use of a single antenna mount or site by more than one licensed carrier or locating a wireless telecommunication facility on an existing structure (e.g., water tower) or building.

Commercial Kennel: (see Kennel, Commercial)

Commercial Security Structure: Security doors, security gates, security grates, window guards, security (vehicular) barriers, barbed or razor wire, or similar fixed or movable physical barriers designed to protect the contents or occupants of a commercial establishment.

Commercial Security Structure

Commercial Vehicle: Any motor vehicle other than an automobile, sport utility vehicle, motorcycle, motor-scooter, minivan, passenger van, conversion van, light-duty pickup truck, or similar vehicle registered and intended exclusively for personal use, or a farm, lawn or garden tractor.

Computer Data Center: Area containing computer servers and not computer work station areas.

Concertina Wire: Barbed or razor wire coiled accordion-style to create a security barrier, which may consist of multiple coils as a standalone barrier or as an added security measure on top of security fencing (see also Barbed Wire and Razor Wire).

Concertina Wire

Conference Center: A facility providing guest rooms, meeting rooms, restaurants and other accommodations and services supporting the needs of the surrounding commercial developments.

Congregate Housing: A form of residential housing consisting of independent living units supplemented by congregate meals, housekeeping, health and personal services, for households in which the resident owner or lessee is 62 years of age or older and has temporary or periodic difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, or dressing.

Day Care Center: A facility providing a program of supplementary care to more than twelve related or unrelated children/adults outside their own home on a regular basis for three to twelve hours a day, which may be an accessory facility to exclusively serve employees of a commercial facility.

Day Care Home, Family: A private family home providing a program of supplementary care to not more than six children/adults, including the provider's own children/relatives, where the children/adults are cared for on a regular basis for three to twelve hours a day, and where the principal provider of the services resides on the premises. Family day care homes shall not be regulated differently from a single-family home.

Day Care Home, Group: A private family home providing a program of supplementary care to seven to twelve related or unrelated children/adults on a regular basis for three to twelve hours a day, and where the principal provider of the services resides on the premises.

Deck: An open platform structure or portion of a structure, usually constructed of wood, composite, or similar material, and structurally supported at least eight inches above the finished grade (see also Patio and Porch).

Density of Occupancy: The number of families or dwelling units allowed per acre of developable land.

Design Development Concept Plan: A plan document that illustrates and describes the proposed development and its physical impacts on surrounding areas, facilities, and systems.

Design Development Detail Plan: A plan document that includes detailed architectural and engineering drawings of the proposed improvements in accordance with these Regulations and an approved design development concept plan.

Developable Land: For the purposes of calculating density, that portion of a lot free of any inland wetlands or watercourses; areas designated as Special Flood Hazard Area; or slopes greater than 25% (see also Undevelopable Land).

Developable Land – The amount of developable land on a development parcel is used to calculate the density of housing units in subdivisions and design developments. By limiting the calculation of density to only developable land, there is no incentive to utilize an entire parcel for development to maximize housing yield, regardless of buildability, thus removing pressure off of sensitive areas such as wetlands and steep, erodible slopes, as well as reducing development and maintenance costs of roads and other infrastructure

Disabled Person: A person who is declared permanently and totally disabled by the Social Security Administration, the State Department of Income Maintenance, or by signed statements from two medical doctors.

Dispensary Facility: A "licensed dispensary" of palliative marijuana pursuant to Section 21a-408-1 of the State of Connecticut Regulation of the Department of Consumer Protection Concerning Palliative Use of Marijuana.

Dog Run: A narrow, fenced enclosure where a dog can remain unsupervised without a leash.

Marijuana – The sale of marijuana for recreational use from any retail establishment is prohibited by local, state, and federal law. This local prohibition supercedes any future changes in state and/or federal law that might legalize recreational marijuana, until such time as these regulations are amended to allow it.

Dormitory: A building or group of buildings used for the purpose of accommodating students, faculty, members of religious orders, or farm workers with sleeping quarters, with or without communal kitchen facilities and administered by a legitimate educational or religious nstitution, or working farm(s). The term dormitory includes convents, seminaries, and monasteries, but does not include clubs, fraternity houses or sorority houses.

Dwelling: A building containing one or more dwelling units designed or used exclusively for residential purposes.

Dwelling, Single-Family: A dwelling containing one dwelling unit only, on one lot.

Dwelling, Two-Family: A dwelling containing two dwelling units attached at the side by a party-wall located on the same lot under one ownership or on separate lots with an interior property line dividing the two lots along the party-wall (see Appendix, pages A-10 and A-11).

Dwelling, Multi-Family: A dwelling containing three or more dwelling units on the same lot under one ownership with the units arranged as garden or terrace apartments, townhouses, or attached dwellings (see Appendix, pages A-10 and A-11).), or on separate lots with interior property lines dividing the lots along the party-walls (see Appendix, page A-11).

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family only.

Efficiency Unit: A one-room dwelling unit, exclusive of any bathroom, kitchen, laundry, pantry, foyer, corridor, closet, or dining area with less than 70 square feet of floor space.

Elderly Person: A person who is 62 years of age or older.

Electronic Message Center: A sign that uses computer-generated or electronic means to change advertising copy, messages, or color, including signs that flip or rotate.

Electronic Message Center

Fall Zone: For the purposes of regulating the location of telecommunications and wind generation towers, fall zone means the distance equaling the tower height from any property line of the proposed site, except in those instances where the proposal meets co-location requirements.

Family: One person; a group of two or more people related by blood, marriage, legal adoption, or legal guardianship; or a group of not more than five unrelated people, living and cooking together in the same dwelling unit as a single housekeeping unit. A family may also include domestic help, but does not include roomers, boarders, or lodgers.

Farm: A tract of land containing three or more acres, used in whole or in part for agricultural purposes, which may include the keeping of domestic and other animals when permitted by these Regulations.

Farmer's Market: One or more vendors located on a common parcel of land for the purpose of selling agricultural products, including value-added farm goods such as jams, jellies, sauces and baked goods prepared in accordance with applicable state statutes and regulations, as well as hand-crafted items.

Feeder Drive: A driveway within a parking lot that primarily serves adjoining parking spaces.

Fema: The Federal Emergency Management Agency.

Film Studio: Facility to produce films containing offices, computer data centers, stages, film editing, green rooms, mill, paint shop, commissary, studio residences, and other uses that are incidental to the film studio. No artistic productions shall be produced which motion picture industry standards would consider pornographic.

Film Studio Residences: Residences within a film studio, occupied on a non-permanent basis by people associated with the film studio.

First Cut: (see Free Split**)**

Flood Insurance Rate Map (FIRM): The official map of the community on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards (100-year floodplain) and the insurance and risk premium zones applicable to a community. FIRMs published after January 1990 may also show the limits of the regulatory floodway.

Flood Insurance Study (FIS): The official study of a community in which Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

Floodplain: Any land area susceptible of being inundated by water from a source.

Footcandle: A unit of illuminance equivalent to the illumination produced by one candle at a distance of one foot and equal to one lumen per square foot (see also Lumen).

Free Split: The first division of a legal lot of record that existed prior to the adoption of the Town of Windsor Subdivision Regulations (July 16, 1955), into no more than two parcels that conform to all applicable requirements of these regulations.

Fuel Filling Station: Buildings and premises where the principal use is the retail sale of fuels, but may also include the sale of convenience foods and limited automotive services (as described in Section 15.2.1).

Glare: Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort and/or reduced visibility. In the BUG rating system, glare specifically refers to light in the quarter sphere below the horizontal plane and in the intended direction of the luminaire, or in the case of luminaires with symmetric distribution, in the half sphere below the horizontal plane (see also BUG rating System).

Grade or Ground Level: The average elevation of the finished surface of the ground adjacent to the midpoints of the exterior walls of a building or structure (see Appendix, page A-9).

Gross Floor Area: The area of all floors, measured within the outside perimeter of the exterior walls of a building, including hallways, stairs, closets, the thickness of interior walls, columns and other features.

Gross Vehicle Weight Rating (GVWR): The maximum rated weight capacity of a vehicle, including the weight of the base vehicle, all added equipment, driver and passengers, and all cargo loaded into or on the vehicle.

GVWR Plate

Helistop: An area designed and used for the takeoff, landing, and parking of one helicopter, but excluding terminal facilities or facilities for fueling, maintenance, or storage of helicopters.

Helistop

Historic Area: For the purposes of locating telecommunication and wind generation towers, historic area shall mean Windsor's Historic District as defined in the Town of Windsor Code of Ordinances, Section 14-56; properties listed on the National Register of Historic Places; or areas within 250 feet of such district or properties.

Home-Based Business: Any business, occupation, or activity undertaken for gain within a residential structure by the owner or occupant that is incidental and secondary to the use of the structure as a dwelling unit in the following general hierarchy of intensity:

> **Home-Based Business, Minor**: The use of a portion of a dwelling for a home-based business, which may include one non-resident employee and involve no more than five patron, client, or associate visits and/or deliveries per week.
>
> **Home-Based Business, Major**: The use of a portion of a dwelling for a home-based business involving two or more non-resident employees or six or more patron, client, or associate visits and/or deliveries per week.

Home Office: A home-based business owned and operated by the resident(s) of the dwelling unit for office use, including, but not limited to, initiating or receiving phone calls, mail, e-mail, or faxes; preparing or maintaining business records, word and data processing; and off-premises telephone and mail order sales.

Horizontal Illuminance: The level of illumination in footcandles, measured on a horizontal surface or ground level.

Hotel: A building or group of buildings providing lodging accommodations for transient guests, where access to guest rooms is generally through a common interior corridor (see also Conference Center and Hotel, Extended-Stay).

Hotel, All-Suite: A full-service hotel exclusively providing hotel suites to all transient guests (see also Hotel Suite).

Hotel, Extended-Stay: A building or group of buildings providing lodging accommodations for long-term transient guests in suites with one or more rooms, exclusive of any bathroom, laundry, pantry, foyer, corridor, closets, or dining alcove with less than 70 square feet of floor space, but including a separate kitchen area. Extended-stay hotel suites shall not be considered dwellings.

Hotel, Full-Service: A hotel providing amenities and services including, at a minimum, but not limited to: restaurants, lounges, recreation facilities, banquet facilities, meeting rooms, and may also include a conference center (see also Conference Center).

Hotel Suite: A connected series of hotel guest rooms to be used together (see Hotel, All-Suite and Hotel, Extended-Stay).

Household Head: The resident owner or lessee of a dwelling unit.

Ideally Oriented: An asymmetric outdoor luminaire mounted so that any backlight is projected perpendicular to the nearest property line is considered ideally oriented (i.e. the rear plane of the luminaire is parallel to the property line).

Impervious Coverage: The percentage of a lot covered by impervious surfaces.

Impervious Surface: A hard, man-made surface that prevents the percolation of stormwater into the soil including building roofs, excepting eaves; streets, parking lots, sidewalks and other paved surfaces, swimming pools; and other impenetrable surfaces.

Kennel, Commercial: The boarding, grooming, or training of dogs of any age not owned by the owner of the premises, and/or the breeding, raising, or training of four or more dogs, four or more months old, for commercial gain.

Kitchen: A room or area where food is stored, prepared and/or cooked, containing three or more of the following: kitchen counters and/or cabinets; a range; wall oven and cooktop; kitchen hood; microwave oven; refrigerator and/or freezer, dishwasher, kitchen sink (22" x 30" or greater), or food disposal.

Kitchen, Canning: A second kitchen, which may also be a summer kitchen, used for prepping, caning, drying, freezing, or otherwise preserving food.

Impervious Coverage – Impervious coverage is capped at 50% to help preserve existing vegetation and wildlife habitat; provide area for landscaping, stormwater retention, and groundwater recharge; and minimize the heat island effect. It can be increased to as high as 66% under several special use provisions.

Canning Kitchen

Kitchen, Summer: A second kitchen located in a basement or outside of the residence, traditionally used to avoid heating the principal structure during the summer, which may also be used to increase meal preparation capacity during special occasions, or as a canning kitchen. Permanent barbeque pits/smokers, portable charcoal or gas grills/smokers, and outdoor brick ovens shall not be considered kitchen appliances for the purposes of regulating kitchens.

Licensed Carrier: A company authorized by the Federal Communications Commission (FCC) to build and operate a wireless telecommunication facility.

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

Light Fixture, Full Cut-Off Type: A luminaire designed to prohibit any light dispersion or direct glare to shine above a 90-degree horizontal plane from the base of the luminaire.

Light Fixture, Fully-Shielded: A fully-shielded luminaire that can control light glare in any direction.

Light Glare: Excessive light emitted from a luminaire that can impair night vision.

Light, Indirect: Light reflected or scattered off surfaces other than those associated with the light fixture.

Light Pollution: Excess light that is emitted into the atmosphere above the 90-degree horizontal plane from a luminaire, which can cause unwanted sky glow, light trespass, and glare into an abutting property or right-of-way.

Light Trespass: Direct light from an artificial light source on one property that is intruding into an area where it is not wanted or does not belong on another property.

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

Lighting Zones: Overlay zone for determining the limitations for outdoor lighting as specified in these Regulations.

Lighting Zone 0 - No Ambient Lighting (LZ-0): Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora

Full Cut-Off Light Fixture

Light Pollution

Light Trespass

and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. Human vision is adapted to the darkness, and people expect to see little or no lighting. When not needed, lighting should be extinguished.

Lighting Zone 1 - Low Ambient Lighting (LZ-1): Areas where lighting might adversely affect flora and fauna or disturb the character of the area. Human vision is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Lighting Zone 2- Moderate Ambient Lighting (LZ-2): Areas where human activity and vision are adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

Lighting Zone 3 – Moderately High Ambient Lighting (LZ-3): Areas where human activity and vision are adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

Lighting Zone 4 - High Ambient Lighting (LZ-4): Areas where human activity and vision are adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous. After curfew, lighting may be extinguished or reduced in some areas as activity levels decline.

Limited Entertainment Area – Entertainment area is limited to ensure that entertainment remains accessory to the restaurant and that the service of food does not become subordinate to entertainment, creating a nightclub, which is not permitted.

Limited Entertainment Area: Restaurant floor area, devoted at any time to the combined uses of cocktail lounge, bar, dance floor, stage, or standing room for the viewing of entertainment, not to exceed 25 percent of the gross floor area (including storage areas) of the restaurant.

Live-Work Unit: A dwelling unit, part of which may also be used as a business establishment by the resident(s) of the unit.

Living Area: The net floor area of a dwelling unit, exclusive of garages, breezeways, unheated porches, basements, cellars, and utility rooms.

Lot: A parcel or parcels of land under the same ownership, capable of being lawfully built on and/or used in compliance with these Regulations.

Lot, Corner: A front lot that abuts two or more streets, resulting in two or more front yards (see Appendix, page A-3).

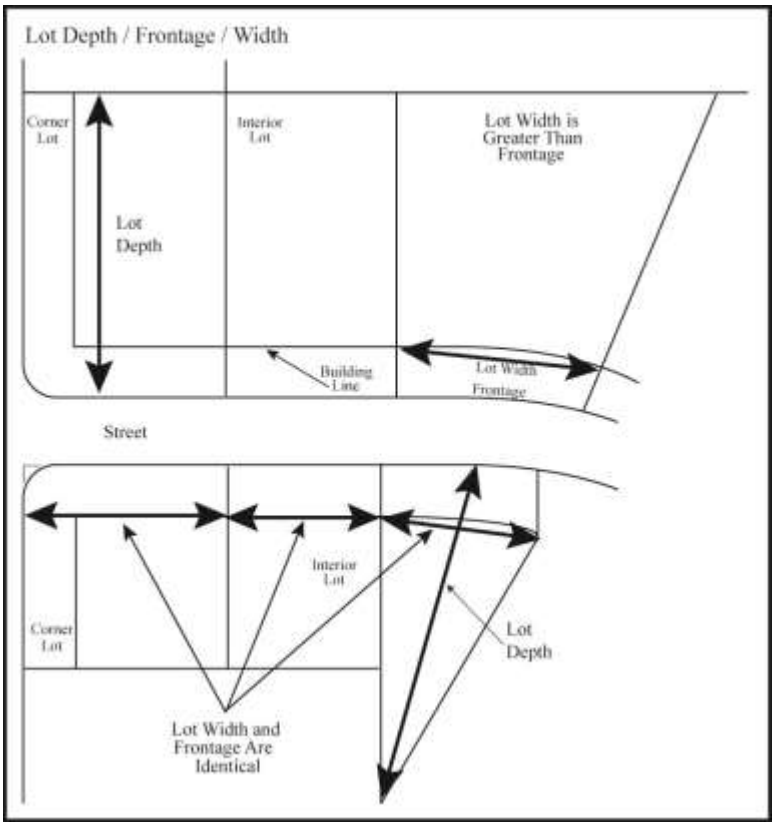
Lot, Flag: A lot located to the rear of a front lot with a narrow access strip of at least 25 feet in width providing access to the street.

Lot, Front: A lot abutting a street that generally meets the minimum lot width requirement when measured at the minimum front yard setback from the street.

Lot, Non-Conforming: A lot of record, lawfully established and maintained, which no longer conforms to the land use standards or use regulations of the underlying zone.

Lot, Through: A lot with frontage on two or more streets that do not intersect adjacent to the lot (see Appendix, page A-2).

Lot Area: The area of a lot in acres or square feet.



Lot Frontage: The property line of a lot, measured along the street line (see also Lot and Lot Width).

Lot Line: A boundary separating a lot from another lot or a right-of-way.

Lot Frontage vs. Lot Width - Lot frontage and width are two similar but different concepts that are often confused with one another. Lot frontage is the length of the front property line measured along the street right-of-way, which can bend to fit curves. Lot width is a straight line measured between the side property lines, which for the purpose of these regulations is measured at the required building setback in each zone (e.g., generally 40 feet from the front property line in the AA Zone). Depending on the shape of the lot, the difference between lot frontage and width can be dramatic (e.g., flag lots, or pie shaped lots on cul-de-sacs, can have frontages as narrow as 25 feet but lot widths of 125 feet or more at the required building line).

Major Trees – Because the trunk of many young evergreen trees can be difficult to measure through their dense branches, the minimum required size is determined by the height of the tree at the midpoint between the top whorl of branches and the tip of the central leader. The reason for not measuring to the top of the tree is that the central leader can often be as much as two feet in height, diminishing the effective screening height of the tree, which is generally limited to the broader base of the tree.

Deciduous trees, which drop their leaves, are measured by the thickness of their trunk or caliper. Like evergreens, the location of measurement can be critical to getting a true measure of tree size. Measuing at ground level can exaggerate the diameter of the trunk due to the root flare at the base of most trees. To achieve uniform measurement, the caliper of deciduous trees is measured just above the root flare.

Be careful to take accurate measurements and remember that plastic pots and bagged and balled (B&B) roots raise the height of nursery stock well above their planting height.

Marijuana – The sale of marijuana for recreational use from any retail establishment is prohibited by local, state, and federal law. This local prohibition supercedes any future changes in state and/or federal law that might legalize recreational marijuana, until such time as these regulations are amended to allow it.

Lot Line, Front: A boundary separating a lot from a street, or in the case of a flag lot, a boundary separating a flag lot from a front lot and located generally parallel to the street that provides access to the lot.

Lot Line, Rear: A boundary line separating two lots and located generally opposite the front lot line, except that a corner lot or a through lot shall not be required to have a rear lot line.

Lot Line, Side: A boundary line separating two lots that is neither a front lot line, nor a rear lot line.

Lot Width: The width of a lot measured in a straight line between the two points where the building line intersects the side lot lines, except that it shall not include any portion of the lot used for vehicular access to any other lot. In the case of a corner lot, lot width shall be measured parallel to the narrower of the two front lot lines (see also Lot Frontage).

Lumen: A standard unit of measurement of the brightness (luminous flux) of a light source (see also Footcandle).

Major Tree: A shade tree measuring three to three and one-half inches in caliper at time of planting, a flowering tree measuring two and one-half to three inches or more in caliper at time of planting, or an evergreen tree measuring six to eight feet or more in height at the midpoint between the uppermost whorl(s) and the tip of the leader at time of planting.

Marijuana Store: Any retail establishment selling marijuana for recreational use, whether or not marijuana or derivative products are the principle product sold on the premises.

Mobile Food Vendor: A person who goes from town to town or place to place within a town, selling food in a ready-to-consume state, from within or alongside a mobile vending vehicle or cart.

Mobile Home: A portable vehicular structure built on a chassis-type frame designed to be inhabited when parked and capable of being moved from site to site on its own chassis and not permanently sited or mounted on a foundation.

Motor Vehicle Junkyard: A lot used for the maintenance or storage of two or more unregistered motor vehicles or two or more vehicles, or equivalent parts thereof, no longer in condition for legal use on public streets, but excluding a lot containing a licensed "general repairer" as provided for in Chapter 246 of the Connecticut General Statutes.

Mounting Height: The height of a luminaire above grade level.

Not Sensitive: For the purposes of locating telecommunication and wind generation towers, "not sensitive" shall mean all areas not categorized as sensitive (see Sensitive Area).

Nursing Home: A residential facility licensed by the State of CT Department of Public Health to provide five or more individuals with short-term or long-term nursing, convalescent, and rehabilitative care; which may include a dialysis center providing both in-patient and out-patient services.

Office Flex Space: One- to two-story buildings incorporating offices, research-laboratories, manufacturing, warehousing, assembly, packaging, and/or storage of articles or their wholesaling and distribution.

Open Space: Undeveloped land that is preserved in perpetuity for protection of natural resources, natural features, scenic resources, or community character.

Other Areas: for the purposes of locating telecommunication and wind generation towers, "other areas" shall mean Windsor Center, its Fringe Areas, and the Wilson Study Area (south of Putnam Highway), as depicted in the Plan of Conservation and Development (see Appendix, pages A-28 and A-29), and Special Flood Hazard Areas or within 250 feet of Special Flood Hazard Areas along the Farmington or Connecticut Rivers.

Overnight: Any period of time of any duration whatsoever between the hours of 10 P.M. and 7 A.M. on any day of the year.

Outside Storage Facility: A secure facility for the seasonal outside storage of boats, campers, trailers, recreational vehicles, or similar items.

Paraphernalia: drug paraphernalia, as defined in Section 21a-240 of the Connecticut General Statutes.

Parking Demand: The actual number of parking spaces utilized by a use(s) at a given hour and day of the week.

> **Parking Demand, Net-Peak**: The cumulative peak parking demand of multiple uses during the busiest hour of the week in a mixed-use development.
>
> **Parking Demand, Peak**: Parking demand during the busiest hour(s) of the day or week.

Parking Lot: An area of land, other than a street, used as an accessory use for the temporary parking of more than three motor vehicles. Parking lots shall include enclosed, semi-enclosed, and underground

Peak Parking Demand – Each use under zoning has a required number of parking spaces (e.g., three spaces for each barber chair to accommodate a barber, a customer in the chair, and a waiting customer). When a mix of uses exists on a property such as a shopping center or mixed-use building, the required parking for each use is added up to produce the total required parking.

Because the demand for parking over a 24-hour period varies by use (e.g., offices require no parking at night and on weekends, while residences do, and vice-versa), total required parking is not a good measure of how many parking spaces are actually needed. Instead, we can look at the hourly parking demand of each use and add those hourly numbers up to determine which hour(s) of the day has the highest total of actual parking spaces used, which can be significantly lower than total required parking in the case of mixed office and residential use. This is called net-peak parking demand, and can significantly reduce the amount of land, pavement, and stormwater management needed to support development.

parking structures. Structured parking shall not be counted as gross floor area for the purposes of calculating the required number of parking spaces as per Section 3.3.5.

Parking Space, Oblique: A parking space constructed at an angle of 45 or 60 degrees to the drive that provides access to it.

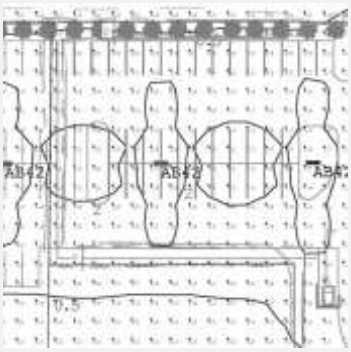
Parking Space, Standard: A 9 feet wide by 18 feet long parking space constructed perpendicular (90 degrees) to the drive that provides access to it.

Patio: An improved or graded area located on the ground with no structural supports other than subsurface base material or retaining walls. A patio located at grade shall not be considered a structure.

Pawnbroker: Any person whose business consists primarily of loaning money on security of personal property left in pawn and pledged as collateral for the loan and where pawned property may be redeemed by the seller in a fixed period of time or sold to the general public.

Pawn Shop: An establishment where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where pawned property may be redeemed by the seller in a fixed period of time or sold to the general public.

Personal Service Establishment: An establishment primarily engaged in providing services to meet personal needs including but not limited to barber shops; beauty, nail, or tanning salons; dry cleaners and laundries; shoe or small appliance repair shops; and tailor shops.



Sample Photometric Plan

Photometric Plan: A graphical representation of illuminance used to show the level and/or evenness of a lighting design and how light fixtures will perform on a given site.

Porch: A covered platform, deck, or patio attached at an entrance to a building, which may be open, semi-enclosed, or enclosed.

Premises: A building together with the lot on which it is situated.

Professional Office: Offices of persons rendering professional services, limited to architects and landscape architects; attorneys; certified massage therapists; certified public accountants; chiropractors and osteopaths; dentists and oral surgeons; enrolled agents; naturopaths; ophthalmologists and optometrists; physical therapists; physicians; planners; podiatrists; professional engineers and land surveyors; psychologists, psychiatrists, and licensed clinical social workers; speech and language pathologists and audiologists; registered investment

advisors and registered representatives; and veterinarians (as defined in Section 20-196-3 of the Regulations of Connecticut State Agencies).

Public Property: Any parcel of land owned by the MDC or by a municipal, state, or fedral government.

Rated Nameplate Capacity: The maximum rated output of electrical power production equipment such as a wind turbine. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

Razor Wire: A metal wire or tape with sharp edges set across it at short intervals, used chiefly for security fencing or barriers (see also Barbed Wire). Razor wire is commonly coiled to create concertina wire (see also Concertina Wire).

Razor Wire

Religious Institution: A place of religious worship or assembly maintained and controlled by a religious organization, which may include a rectory, convent or parsonage; private school; meeting hall; administrative offices; licensed child or adult daycare; playground; and/or cemetery.

Residential Areas: For the purpose of locating telecommunication and wind generation towers, "residential areas" shall mean areas located in, or within 250 feet of, a Residential Zone.

Restaurant: A food service establishment whose principal function is the preparation and service of meals to customers.

> **Restaurant, Accessory**: A restaurant that is accessory to a principal use, is generally: restricted to patrons or employees of the principal use; not overtly advertised to the public; and characterized by the sales of foods and non-alcoholic beverages. Accessory restaurants shall include office cafeterias, theater snack bars, department store and drug store lunch counters or snack bars, grocery store delicatessens, and similar food service establishments.
>
> **Restaurant, Fast-Food**: A restaurant characterized by high customer turnover; payment upon order or receipt of food; sales of foods and non-alcoholic beverages for on- or off-premises consumption; and foods and beverages are pre-prepared or available after a short waiting period and are primarily served in or on disposable wrappers, containers, or plates.
>
> **Restaurant, Full-Service**: A restaurant characterized by low customer turnover, sales of hot meals and alcoholic beverages for on-premises consumption, generally with table service, and

may also include limited entertainment facilities by special use (see also Limited Entertainment Area).

Restaurant, Limited-Service: An establishment characterized by low to moderate customer turnover; sales of food and beverages, which may include alcoholic beverages limited to beer and/or wine only by special use; and no limited entertainment facilities other than a small stage for the provision of live or recorded entertainment. Limited-service restaurants shall also include but not be limited to cafeterias, caterers serving a la carte meals, coffee shops, delicatessens, donut shops, ice-cream parlors, snack bars, and other similar food service establishments.

Service Bar: A bar for wait staff to pick up and take alcoholic and other beverages to their customers.

Service Bar

Retail Sales: The sale or rental of goods and merchandise (excluding goods sold to commercial or industrial customers at wholesale value for resale or use), available for purchase and/or removal from the premises by the purchaser.

Right-Of-Way: An area dedicated to public or private use for pedestrian and vehicular movement, which may also accommodate public utilities.

Self-Storage Facility: A structure or group of structures in a secure compound, containing individual storage units of varying sizes for the self-service storage of personal property.

Sensitive Area: For the purposes of locating telecommunication and wind generation towers, "sensitive area" shall mean historic areas, residential areas, other areas, and streets.

Sign: Any device, banner, pennant, valance, fixture, placard, supergraphic, or structure that uses any color, material, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Signs shall not include any flag or seal of any governmental body; lettering or trademarks on registered vehicles in active use, or lettering or trademarks on any equipment considered incidental to the main use of the business, such as fuel pumps and tire racks, provided that it is an integral part of the equipment (see also supergraphic).

Arcade Sign

Sign, Animated: A sign that involves motion of any part or creates the illusion of motion through the flashing, animation, or scrolling of lights, copy, or images (see also electronic message center).

Sign, Arcade: A type of directional signs suspended above and perpendicular to a covered sidewalk or arcade in front of a multi-tenant commercial building, identifying an establishment to pedestrians on the sidewalk and generally not visible to passing motorists.

Sign, Billboard: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises, unified site development, or common drive on which the sign is located.

Sign, Business: A sign advertising or directing attention to a business, commodity, or service conducted, sold, or offered on the premises where the sign is located. Business signs shall include those of individual retail, wholesale, warehouse, industrial, or commercial establishments.

Sign, Canopy: A sign placed on the panels of a permanent canopy or erected above and supported by the canopy, and extending no higher than the eaves or the top of a parapet wall.

Sign, Changeable Copy: A non-animated sign or portion thereof with characters, letters, or illustrations that can be manually changed without altering the surface of the sign, at a frequency not to exceed once per day.

Sign, Construction: A sign erected on a site to be developed or being developed.

Sign, Directional: A sign that improves the flow and safety of vehicular and pedestrian circulation of a site through the use of messages such as "entrance," "parking," "vehicle charging stations," and "shipping and receiving".

Sign, Directory: A directional sign intended for viewing principally from within a site and used to direct vehicles or pedestrians to multiple tenants or functions within a site.

Sign, Farm Stand: A sign directing attention to the sale of agricultural products grown on the premises.

Sign, Freestanding: A sign placed on the ground or supported by a structure other than a building placed in or on the ground.

Sign, Identification: A sign on the premises indicating only the name of a professional or office building; an occupied residential development; industrial area or park; a commercial shopping

Billboards – In order to uniformly regulate billboards in a manner that protects scenic vistas and community character, any type of off-site advertising sign is considered a billboard, regardless of size.

Canopy Sign

Changeable Copy Sign

Directory Sign

center; or the name of a school, park, religious institution, hospital or other public or quasi-public facility.

Sign, Indirectly Illuminated: A sign illuminated by devices that project artificial light from either behind an opaque surface (halo lighting) or onto the outside surface of the sign and involves no translucent surfaces.

Sign, Internally Illuminated: A sign with an internal light source, which maintains visibility in darkness by projecting light through a translucent surface. This includes signs with a translucent illuminated background, signs with an opaque background and translucent illuminated copy or logos, and neon signs.

Sign, Interpretive: A non-commercial sign or display that is used to educate the public by interpreting the immediate natural or man-made surroundings (e.g., historic markers or nature trail interpretive displays).

Sign, Nameplate: A sign on the premises indicating the name and/or the activity of the occupant or occupants of a professional or office building, or the name and nature of a .

Sign, Naturally Illuminated: A sign depending on natural light for illumination.

Sign, Neon: A sign made of shaped glass tubing, illuminated by electrically-charged neon or similar inert gas.

Sign, Open: A sign indicating whether a commercial establishment is open or closed.

Sign, Projecting: A sign supported solely by a building and projecting more than 18 inches.

Sign, Public Interest: A sign informing the public of matters of public interest associated with schools as well as political, fraternal, social, or service organizations.

Sign, Public Warning: A sign informing the public of danger, hazard, trespass, infringement, or request.

Sign, Real Estate: A sign offering for sale or lease the property that it is located on, which may include reference to the owner or agent.

Sign, Roof: A sign erected above roof level or extending higher than the eaves or the top of a parapet wall.

Roof Sign

Sign, Special Event: A temporary sign announcing a business opening, festival, or similar special event.

Sign, Temporary: Any sign, banner, pennant, valance or advertising display constructed of cloth, fabric, cardboard, or other light material intended to be displayed for a short period of time.

Sign, Wall: A sign erected on a wall of a building and extending no higher above roof level than the eaves or the top of a parapet wall.

Special Event Sign

Site Plan: An engineered plan used to develop a property in conformance with site development and other standards of these regulations as well as other state and local codes and ordinances.

Site Plan, Simplified: A site plan reflecting minor changes to an existing development where a fully engineered drawing is cost prohibitive relative to the proposed work; an A-2 survey is not necessary to determine zoning compliance; and proposed changes do not involve storm drainage, flood flow or storage, the location of existing or proposed underground utilities, or other attributes requiring professional design, location, and/or documentation on a site plan.

Solar Energy Facility: Solar thermal collectors, arrays of photovoltaic cells, and related equipment used to generate electrical energy, heat air or water, or store solar energy.

Solar Energy Facility

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

Storage Facility, Outside: (see Outside Storage Facility)

Story: That portion of a building, other than a half-story or cellar, between any floor and the ceiling or roof above it (see Basement, Cellar and Appendix, page A-9).

Half-Story

Story, Half-: An attic beneath a gable, gambrel, or hip roof where no more than 50% of the gross floor area has a ceiling height of seven and one-half feet or more, exclusive of dormered floor area that comprises less than 10% of the gross floor area.

Street: Any public or private roadway located within a right-of-way designed, maintained, and used as a public thoroughfare in accordance with the Connecticut General Statutes and the Town of Windsor Code of Ordinances, or recorded in the office of the Town Clerk if constructed and accepted before the passage of state and local regulations.

Street, Service: A cul-de-sac, street, or drive giving access to multi-family housing, or parking and recreation facilities in a Design Development.

Street, Through: A street that provides continuous circulation and may serve as a collector of service streets in a Design Development.

Street Line: The property line dividing a street from other private or public land.

Structural Alteration: Any change to the supporting members of a structure such as bearing walls, columns, beams, or girders, or any substantial change to the roof or exterior walls, with the exception of required repairs.

Structure: Anything constructed or erected that requires location on, in, or under the ground, or attachment to something located on, in or under the ground.

Studio: An establishment designed for recording, editing, and/or broadcasting of audio/video, or the creation or display of art or photography.

Supergraphic

Supergraphic: A painted design covering all or a major portion of a wall, building, or structure. A supergraphic is considered a sign if it contains any text, logo, or pictorial depiction of any product or service, or identifies any business on the premises.

Swimming Pool: Any structure capable of containing water to a depth of at least two feet with a surface area of 100 square feet or more, intended for swimming, bathing, or recreational use.

Tattoo And/Or Body-Piercing Establishment: An establishment whose principal business activity is the practice of tattooing or body-piercing.

Body-Piercing: Piercing or creating a channel through any part of the human body, other than an ear lobe, for the purpose of inserting jewelry or other decorative object.

Tattooing: The indelible marking or coloring of the skin of any person by pricking in coloring matter and/or by producing scars.

Ton: A short-ton or 2,000 pounds.

Tower: A structure or antenna mount intended to support antennas or wind generators including self-supporting lattice, guyed and monopole towers.

Tower Base: The point where a tower is attached to its foundation.

Tower Base Equipment: A building, structure, or cabinet at the tower base containing service, electrical, and back-up power equipment.

Tower Base Height: For the purposes of regulating the height of towers, tower base height means the maximum building height in the underlying zone plus ten feet.

Tower Height: The distance from the ground elevation to the topmost point of a telecommunication or wind generation tower, including any antenna, wind generator blade, or other apparatus.

Traditional Neighborhood Design Development (TNDD): A type of design development that emphasizes compact, mixed-use, pedestrian-oriented development. A TNDD focuses on traditional town patterns: neighborhoods sized for easy walking distances, human-scale design, neighborhood centers, public spaces, civic uses, and other features that foster a sense of community. TNDDs are also characterized by an interconnected network of appropriately sized streets, on-street parking, street trees, and other features intended to slow local traffic and create a safe and attractive environment for pedestrians, in addition to vehicles.

Block Standards: Standards to ensure an interconnected and walkable network of streets and blocks.

Building Form Standards: Standards controlling the configuration, features, and functions of buildings that define and shape the public realm. These typically include regulations for lot sizes, building placement and form, use, parking, encroachments, and frontage types, and may also include other regulations, such as for building types or architecture.

Building Type Standards: Standards that define the form and function of permitted building types (e.g., townhouses, detached single-family houses, apartments, live/work units).

Form-Based Regulation: A type of zoning regulation designed to foster predictable results within the built environment and a high-quality public realm by using physical form, rather than the separation of uses, as the organizing principle for the regulation.

Green Building Standards: Standards for environmentally sensitive, energy-efficient, and low-carbon footprint buildings that assist in achieving neighborhood sustainability goals.

Green Neighborhood Standards: Standards for environmentally sensitive, energy-efficient, and low-carbon footprint neighborhoods that assist in achieving community sustainability goals.

Public Space Standards: Standards for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, parks, water bodies, greenways).

Regulating Plan: A map(s) that establishes street types and the location of transect zones regulated under a form-based regulation.

Self-Supporting Phase: A development phase that includes all infrastructure improvements necessary to support that specific phase of the development (e.g., roadways, storm drainage infrastructure, fire hydrants, utilities).

Transect: A system of classifying human habitats in a range from the most natural to the most urban, describing the physical character of a place at any scale, according to the density and intensity of land use.

Transect Zone (T-Zone): One of several areas on a Regulating Plan that is governed by a form-based regulation. T-Zones are administratively similar to the conventional land use zones in these Regulations, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are interated, including those of the private lot, building, and public frontage.

Warrant: An administrative ruling, administered by the Planning Department, that permits a practice that is not consistent with a specific provision of a TNDD form-based regulation, but is

Regulating Plan – A regulating plan is a zoning map for a form-based development. Instead of use-based zones, a regulating plan has fom-based zones called transects, named for the continuum from undeveloped open space to more urban forms (in Windsor's case, village form). Unlike the Official Zoning Map, a regulating plan can contain site-specific requirements such as required vistas and alternative setbacks.

Self-Supporting Phases – To protect public health, safety, and welfare; when developing a subdivision or a design development, a minimum amount of infrastructure must be in place before the Building Deaprtment can issue certificates of occupancy. The balance of those improvements can be bonded.

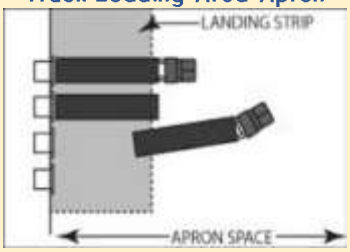
By dividing a development into self-supporting phases, the developer can limit the amount of necessary bonding to active phases instead of the entire development, which could take years to complete. The town is assured that in the event of failure to complete the development, any bonded phases can be completed and stand alone as safe, functional neighborhoods.

consistent with the intent of Section 13.2.8A and any intent expressed in the form-based regulations.

Transfer Station: A facility at which solid waste and recyclables are transferred from collection vehicles, sorted, and/or consolidated for shipment to a landfill or recycling facility in another vehicle.

Truck Loading Area Apron: The area encompassing truck loading dock spaces, truck trailer storage spaces, truck loading dock ramps, and the maneuvering area required to position trucks and/or trailers in/on them (see also Truck Loading Dock Space, Truck Loading Space, Truck Trailer Storage Space, and Truck Loading Dock Ramp).

Truck Loading Area Apron



Truck Loading Dock: a raised platform where trucks are loaded or unloaded.

Truck Loading Dock Ramp: a temporary or permanent ramp designed to allow trucks to enter a building through a dock-height door to access an indoor truck loading space (see also Truck Loading Space).

Truck Loading Dock Space: a truck loading space adjacent to a truck loading dock (see also Truck Loading Dock, Truck Loading Space and Truck Trailer Dolly Pad).

Truck Loading Space: a paved and marked space of sufficient size and appropriate location to load and unload trucks.

Truck Loading Space, Short-Term: a truck loading space without a loading dock for trucks stopping for no longer than one-half hour during a delivery route to pickup and/or deliver goods to a building or establishment.

Truck Parking Space: a parking space for truck tractors and fixed-axle trucks when not loading or unloading in a truck loading space (see also Truck Loading Space).

Truck Terminal: Land and buildings used for the rapid transfer of a load from one vehicle to another or one party to another, not to include transfer stations. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks.

Truck Trailer Dolly Pad: a high-strength concrete landing strip in a truck loading or storage space, designed to bear the concentrated weight of loaded truck trailer on its landing gear, when disconnected from a tractor (see also Truck Trailer Landing Gear, Truck Loading Space, Truck Loading Dock Space and Truck Storage Space).

Truck Terminal or Warehouse and Distribution Facility? – A truck terminal differs from a warehouse and distribution facility due to its lack of storage space and its cross-dock flow of shipping items. Truck terminals generally consist of a long, narrow building lined with loading docks on opposite sides, allowing loads to be transferred directly from one truck to another. Truck terminals are distinguished under these regulations due to the intensity of truck traffic from a relatively small facility, compared to a warehouse or distribution facility.

Truck Trailer Dolly Pad

Truck Trailer Landing Gear: trailer jacks that are lowered to the ground to support and stabilize a truck trailer before disconnecting from a tractor for loading/unloading or storage (see also Truck Trailer Dolly Pad).
Truck Trailer Storage Space: a paved and marked space with a dolly pad for storing trucks and truck trailers awaiting loading or unloading at a separate loading dock space, or departure (see also Truck Loading Space, Truck Trailer Dolly Pad).

Underlying Zone: The zoning district underlying a lot.

Undevelopable Land: For the purposes of calculating density, that portion of a lot containing inland wetlands or watercourses, areas designated as special flood hazard area, or slopes greater than 25% (see also Developable Land).

Uplight: For an exterior luminaire, light in the half sphere above the horizontal plane (see also BUG rating System).

Use: The specific purpose for which a building, structure, or land is designed, arranged, intended, or may be occupied or maintained under these Regulations.

> **Use, Accessory:** A use customarily incidental and subordinate to the principal use on the same lot or on a contiguous lot under the same ownership. An accessory use other than required off-street parking shall be no more than 25 percent of the principal use or building.
>
> **Use, Non-Conforming:** A legal use that existed prior to the adoption of these Regulations, or any amendment thereof, that does not presently conform to these Regulations or its amendments.
>
> **Use, Principal:** The permitted primary use of a building, structure, and/or lot.

Variance: A departure from any provision of the zoning requirements for a specific parcel, except use, without changing the zoning regulations or the underlying zoning of the parcel. A variance usually is granted only upon demonstration of legal hardship based on the peculiarity of the property in relation to other properties in the same zoning district.

Vehicle, Commercial: Any over-the-road motor vehicle designed and used for the transportation of materials, merchandise, freight, or paying passengers, including school buses.

Vehicle, Recreational: Any type of vehicle used primarily for recreational use including but not limited to motor homes, campers, camping trailers, boats, and associated trailers**.**

Vertical Illuminance: The level of illumination in footcandles, measured on a wall or theoretical vertical plane representing a property boundary, used to determine light trespass.

Veterinarian Office: An office for the practice of veterinary medicine, which does not include the incidental boarding of animals during their treatment and recovery.

Veterinary Hospital: (see Animal Hospital).

Visible: For the purposes of regulating the location of telecommunications and wind generation towers, "visible" means that the tower base, tower base equipment, and lower part of a tower is visible to a higher degree than for a tower that is not visible, as viewed by an observer from any sensitive area.

> **Visible, Not**: For the purposes of regulating the location of telecommunications and wind generation towers, not visible means the tower base, tower base equipment, and lower part of a tower is behind a building of at least one story in height or a stand of trees (with an average height greater than 20 feet and that in the winter screens at least 80% of the base, base equipment and lower part of a tower), as viewed by an observer from any sensitive area (see Visible above).

Warehouse: A facility predominantly used for the storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, but excluding truck terminals, transfer stations, and bulk storage facilities for storing hazardous or noxious materials.

Watercourse: A river, stream, brook, waterway, lake, pond, marsh, swamp, bog, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through, or border on the Town or any portion thereof not regulated under CGS Section 22a-28 through 22a-35.

Wetland: Land, including submerged land not regulated under CGS Section 22a-28 through 22a-35, inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey of the U.S. Department of Agriculture, as may be amended from time to time. Wetlands may include filled, graded, or excavated sites that possess an aquic (water saturated) soil moisture regime as defined by the National Cooperative Soils Survey.

Wind Facility: All equipment and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission lines and support structures, storage, collection and supply equipment, transformers, service and access roads, and one or more wind turbines.

> **Wind Facility, On-Site**: A wind facility located at a residential, commercial, industrial, agricultural, institutional, or public facility that will generate more than 50% of the electricity consumed by the facility.

Wind Facility Height: The vertical distance from the average finished ground level at the main tower edges to the highest point of the structure, including any blade, lightning rod, or antenna. If a blade extends above the tower at any point in its arc, then the tip of the rotor blade at its highest point or blade-tip height shall be used.

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

Wind Turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a Tower, accelerator platform or nacelle body, and one or more rotors, with two or more blades for each rotor.

Wireless Telecommunications Facility: A tower or mount, antennas, and other equipment used to provide wireless telecommunications services.

Yard: An area that lies between the principal building or group of buildings and the nearest lot line (see Appendix, pages A-2 and A-3).

> **Yard, Front**: A yard extending across the full width of a lot and lying between the front property line or street line and the minimum building line.
>
> **Yard, Practical Front**: The average depth of the front yards (or setbacks) of all developed lots located on the same side of the street between the two nearest street intersections.
>
> **Yard, Rear**: A yard extending across the full width of a lot and extending a minimum required distance from the rear property line.
>
> **Yard, Side**: A yard extending from the front yard to the rear yard, or in the absence of a rear yard, to another side yard, and

Perceived vs. Required Yards – To those not familiar with zoning, the percieved front yard is the space between the front of a building and the street. Under zoning, a front yard is the minimum building setback from the street right-of-way, not the street itself.

A typical new residential street has a 50-foot right-of-way and a minimum road width of 28 feet, leaving 11 feet of lawn and sometimes a sidewalk within the right-of-way on each side. Depending on the zone, the required front yard ranges from 25 to 50 feet from the street right-of-way, leaving a perceived front yard of 36 to 61 feet between the building and the street.

When principal buildings (e.g. houses) are located further from the right-of-way than the minimum setback, accessory structures and uses can be located between the building and the minimum setback that might otherwise be prohibited in the required front yard. For a use or structure to be prohibited in a perceived front yard, it would have to be prohibited in front of the principle structure, not simply prohibited in the front yard. For example, "Parking in the front yard is prohibited" would allow parking to be located in front of a building, as long as it is more than 50 feet from the right-of-way in the industrial zone, while "No parking shall be located in front of the principle building" in a business zone would prohibit any parking in the perceived front yard.

extending a minimum required distance from a side property line.

SECTION 3 - SITE DEVELOPMENT

3.0 APPLICABILITY

In any zone prior to issuing a Building Permit for new buildings, additions or structures, or for any land use or modification, extension, or addition thereof (except when the proposed use is a single-family dwelling on a single-family lot), and prior to issuing a Certificate of Occupancy in any zone for any change of use on an existing lot that requires a change in the parking or any other zoning standard, a Site Development approval shall be obtained from the Commission, or from town staff in the case of a form-based design development or a technical or minor change under Section 3.9. Prior to the Commission action, an application and required supportive material shall be filed with the Town Planner in compliance with this Section and other relevant sections of these Regulations as well as other relevant town, state, and federal codes and regulations.

3.1 LANDSCAPING

The location, bulk, and character of any building, sign, lighting, screening, planting, and paving areas shall be in functional and aesthetic harmony with each other and surrounding areas so as not to detract from property values (see Appendix, pages A-20 and A-21).

3.1.1 General Planting Requirements

A
Required Trees and Shrubs

Required trees and shrubs are intended to reduce excessive heat, glare, and dust; provide visual and noise buffers; and prevent excessive stormwater runoff, resulting in soil erosion, depletion of groundwater, or water pollution.

(1) For sites where there is not a sufficient number of mature trees in existence or that will remain on the site due to construction, there shall be a minimum of one major tree and two bushes or shrubs planted for every 25 feet of property line or any combination of contract limit line and property line, which shall be planted individually or grouped to achieve the most effective combination of buffering, erosion control, and shading where necessary, as well as for general aesthetic purposes.

(2) For developments under this Section that require a buffer strip, the number of trees and shrubs required shall be doubled along any property line or contract limit line adjacent to a required buffer strip (as per Section 3.1.2A).

Applicability - When developing a new site or making exterior modifications to an existing development, this Section details all of the landscaping, lighting, loading, parking, signage and other requirements governing development, but it does not include all required standards. Zone specific standards such as required yards, building height, and building coverage are contained in Sections 4 through 12 for each zone, or class of zones in the case of business and residential zones, as well as for floating zones called design development districts, found in Section 13. Miscellaneous standards and general exceptions in Section 14 can also modify standards from those contained in this Section as well as those for specific zones in Sections 4 through 12.

Procedures - For general and site plan specific procedures, see Sections 16.1 and 16.2 respectively.

Perimeter Landscaping – The intent of this section is not to have a formal row of trees spaced every 25 feet around a development. The intent is to have appropriately placed perimeter landscaping to beautify and lessen the visual impact of the development. Areas of remaining perimeter trees are to be preserved whenever possible and these areas are excluded from the perimeter calcution used to determine the required number of perimeter trees and shrubs.

Invasive vs. Non-Native Species - There is often confusion between invasive and non-native species. While many invasive species, such as Japanese Knotweed, Norway Maple, and Russian Olive are not native to Connecticut, there are many non-native species such as Kwanzan Cherry, Austrian Pine, and Japanese Cedar that are not invasive in habit. Invasive species are able to spread prolifically and can outcompete or even kill native species by smothering them. Most non-native species are simply not indigenous to Connecticut.

While not prohibited, non-invasive, non-native species are discouraged when a native species has a similar form and function (e.g., Emerald Arborvitae instead of Japanese Cedar). For many ornamental plants, there are no native equivalents.

Threatened Species - A growing list of trees and shubs, including hemlock, ash, and elm, are under attack by insects and diseases, making them poor choices for landscape trees. Because we do not know where the next threat will come from, it is wise to plant a diversity of species so that the loss of one or more species (especially when planted as a screening buffer) will leave some trees and shrubs intact.

(3) Existing trees shall be saved whenever possible. If grading is required in their vicinity, trees shall be protected from damage during construction and appropriately welled or mounded to ensure their long-term survival. Any existing trees left in a condition reasonably assuring their survival shall be credited as two required trees.

(4) Trees and shrubs shall be suitably mulched, staked, and protected from damage by animals and weed trimmers to ensure their proper growth and survival.

(5) Trees located within parking lots shall have a clear trunk height of at least six feet and shrubs shall be kept trimmed so as not to impede the vision of pedestrians and motorists.

(6) Any trees or shrubs within five feet of a driveway, parking lot, or walkway shall be salt-tolerant.

(7) Plantings shall not include invasive species specified in Public Act No. 04-203, as amended. Preference shall be given to native species that are similar in appearance and function to a non-native species whenever possible.

B
Planting Beds

In order to ensure the survival of trees and shrubs, mulched planting beds containing at least four inches of bark, stone, or wood mulch shall be provided around all trees and shrubs to retain moisture. Planting beds shall be avoided adjacent to sidewalks. Stone mulch shall not be used for planting beds within four feet of a sidewalk unless suitably contained within its area.

C
Ground Cover

(1) All disturbed site areas not covered by paving, roofs, or planting beds for trees or shrubs shall contain suitable ground cover consisting of grass, ivy, or appropriate substitutes.

(2) Bark, stone, or wood mulch shall not be used as the predominant ground cover.

(3) Stone mulch shall not be used for ground cover within five feet of a driveway, parking lot, or walkway unless suitably contained within its area.

(4) Any ground cover within five feet of a driveway, parking lot, or walkway shall be salt-tolerant.

(5) Grass berm slopes shall be no greater than 4h:1v to facilitate mowing, while berms planted with ground cover and shrubs shall be no greater than 2h:1v, except as approved by the Town Engineer to meet other community or environmental objectives.

D
Maintenance of Landscaping

Required landscaping shown on an approved site plan shall be maintained in a manner reasonably assuring its survival. Any required planting found dead by the Zoning Enforcement Officer shall be replaced in-kind during the next available planting season after being found.

E
Irrigation of Landscaping

In order to help ensure the survival of required landscaping, an underground irrigation system shall be installed in landscaped areas primarily visible from the street for developments greater than one acre involving a new building(s) or addition(s) that more than doubles the existing floor area. The Commission may waive this requirement during its review of a site plan application if it finds that the unique soil composition, drainage characteristics, and/or proposed plant species do not require irrigation to survive.

3.1.2 Specific Landscaping Requirements

A
Required Buffer Strips

In order to provide additional screening and separation between potentially incompatible uses, planted buffer strips of the indicated width shall be provided on the following zoned properties when their development occurs adjacent to any residential or AG Zone, or any NZ Zone when used for purposes that the Commission determines are incompatible:

Business and Professional Zones:	20 feet
Restricted Commercial Zone:	50 feet
Industrial and Warehouse Zones:	50 feet

(1) For every foot of increase in buffer strip width that allows greater opportunity for berms, fences, walls, and/or trees to provide more effective visual screening and noise reduction, the Commission may approve a one-foot reduction in the separating

Buffer Strips – Buffer strips are intended to insulate residential uses from incompatible commercial and industrial uses. The buffer strip consists of two compnents: a strip of undeveloped land meeting the minimum required width between incompatible uses, and a combination of trees, shrubs, berms, fences, and walls that provide a visual screen between those uses.

Truck Loading Areas – Truck loading area aprons are required to be 150 feet from residential, NZ and AG zone boundaries, far in excess of the required 20- to 50-foot buffer strips. Given that the buffer strip can consist of as little as level ground with two trees and four shrubs per 25 feet of property line, the Commission can reduce this 150-foot separating distance by one foot for each foot that the buffer strip is increased to accommodate berms, walls, fences, and/or additional landscaping to better screen the truck loading areas.

For example, the 150-foot separating distance can be reduced by 50 feet to 100 feet if the overlaying buffer strip is *increased* by 50 feet to 100 feet. With landscaped berms being four to eight times as wide as they are high due to slopes on each side ranging from 2:1 to 4:1 (horizontal:vertical), the extra 50 feet of buffer strip affords an extra 6 to 12 feet of berm height, which can then be planted for additional screening height.

distance between truck loading area aprons and any residential, NZ, or AG Zone boundary line required under Section 3.4.1A(1).

(2) Where the zone boundary line dividing the above uses falls on or within a street right-of-way, the buffer strip along the street right-of-way may only be reduced by sidewalks or access driveways from the adjacent street.

(3) Any non-residential special use (except conversions as per Section 4.5.1) located adjacent to or within any residential, NZ, or AG Zone shall require a buffer strip along the property line meeting the width requirements of the zone that the use is generally associated with, as determined by the Commission.

(4) No parking or signs, except for an identification sign, shall be allowed on any buffer strip.

(5) The Commission may reduce or waive the buffer strip requirement and may authorize the substitution of berms, fences, trees, and/or walls as provided for in Section 3.1.2B if it finds that the substitution will achieve the same purpose (see Appendix, page A-5).

B

Fences, Walls, and Hedges

Visibility at Intersections – Fences near street corners and driveways can affect drivers' ability to see oncoming cars, bicyclists, and pedestrians. Section 14.1.8 regulates fences in these critical areas.

(1) Fences, walls, or hedges may be built to a height of eight feet. If enclosing an athletic court or field, the fence shall not exceed 12 feet in height. Higher fences may be approved by the Commission or jointly by the Town Planner and Zoning Enforcement Officer if required to contain certain athletic activities, such as a golf driving range, backstop, batting cage, outfield wall, or end zone. A building permit is required for any fence over six feet in height, or as required by the Connecticut State Building Code, as amended.

Barbed Wire and Razor Wire – The use of barbed wire and razor wire, especially when configured as spiraling concertina wire, is discouraged to avoid the false impression that Windsor's commercial and industrial areas are prone to crime.

(2) The Commission may permit the use of barbed wire on top of security fencing by special use, if the applicant can demonstrate and the Commission finds:

(a) the barbed wire is necessary for security purposes; and

(b) its appearance can be minimized through the use of colored cladding and/or screened behind buildings, landscaping, or topography, to the extent pratical.

(3) No fence shall be constructed using razor wire and no fence or security barrier shall incorporate either barbed wire or razor wire as concertina wire.

(4) The addition or expansion of a fence on a non-residential property shall require a revision to a site plan, which may be approved under Section 3.9 of these Regulations.

(5) Additional Architectural and Landscaped Screening

(a) In addition to any landscaping requirements above, to the extent practical, evergreen hedges; wood or vinyl stockade fences; chain link fences with metal or vinyl slats (or comparable treatment); masonry; earthen berms; or any combination of the above up to eight feet in height, shall be required to screen truck loading area aprons, , refuse storage areas (e.g., trash and recycling dumpsters and compactors), and ground-mounted mechanical equipment (see Appendix 1, page 13). This requirement shall not apply to these areas and/or equipment when:

(i) screened from public view by a building and/or sufficient existing year-round vegetation;

(ii) visibility from an adjoining property is limited to similar areas and/or equipment located behind buildings (e.g., loading area apron adjacent to loading area apron); or

(iii) adjacent property will not be visually or financially impacted (e.g., passive open space, a power line right-of-way, undevelopable land, etc.)

(b) The Commission may require landscaped screening similar to Subsection (a) above in order to screen motor vehicle headlights or other objectionable views from the street or adjacent properties.

(c) To the extent practical given the setback from the street, the height and size of the roof of a proposed building, and the surrounding topography, rooftop mechanical units shall be set back sufficiently far from the leading edge of the roof and/or screened using a parapet wall or other architectural screening, so as not to be visible from the street or the closet required yard of adjacent properties, when viewed while standing at ground level.

Razor Wire

Additional Screening – Ground- mounted utilities and both ground- and roof-mounted mechanical equipment are often an afterthought at the site planning stage, as public utilities are not involved at that point and final building construction drawings with utility and mechanical equipment locations noted may not be complete. Despite this, screening of any utility or mechanical equipment will be required prior to the issuance of a certificate of occupancy, so the general location of this equipment should be anticipated and appropriate screening planned so that design decisions such as roof loading and setbacks to curb lines do not preclude the installation of proper architectural or landscape screens without costly changes in design.

(d) Trash and recycling dumpsters and compactors and mechanical equipment shall be located on a concrete pad constructed in accordance with the Town of Windsor Engineering Standards and Specifications.

(6) Fences, walls or hedges higher than those permitted in Subsections (1) and (2) above, or required in Subsection (3) above may be allowed if required by the Commission as retaining walls or for extraordinary screening purposes.

(7) Maintenance of Fences

Fences shall be maintained in good condition so as not to appear dilapidated, create a public or private nuisance or pose a danger to adjoining property owners or the public, or fail to perform their intended function when required for screening or containing activities such as limited outdoor storage.

C
Required Landscaping Within Parking Lots

(1) Parking Lots Adjacent to Property and Right-of-Way Lines

(a) Any parking lot containing three or more parking spaces located adjacent to a street line shall be separated from the street line by a curbed, landscaped area at least ten feet in width, exclusive of any planting area that may be located within the street right-of-way. The Commission may require a fence, wall, hedge, berm, or a combination of these and other plantings to achieve necessary screening and shading.

(b) Except as provided in Subsections (iii), (iv), and (v) below, parking lots or driveways near side or rear property, lease, or contract limit lines (property lines) shall comply with the following:

(i) no parking lots or drives are permitted within ten feet of a side or rear property line in the Industrial and Warehouse Zones;

(ii) no parking lots or drives are permitted within six feet of side or rear property lines in all other zones;

(iii) any buffer strip required under Section 3.1.2A shall supersede Subsections (i) and (ii) above;

"...but I'm only sprucing up the property!" – Required landscaping serves many purposes, including providing shade, wildlife food and/or habitat, and visual screening; beautifying the property, filtering stormwater pollutants; and anchoring unstable slopes. Replacing damaged or destroyed trees and shubs with the same specified size and species is encouraged, but removing or replacing landscaping with different species can defeat their original purpose. Changing any landscaping contained on a site plan requires a site plan modification to determine whether the form and function of landscaping is comparable to the original design and that no invasive or inappropriate non-native species are being planted.

When approved landscaping conflicts with changes in site function and/or the tastes of new ownership (e.g. "It hides the building", or "I hate raking leaves"), staff can discuss changes that meet both the letter of the regulations and the intent of the original design, while reflecting the current functional needs and possibly aesthetic desires.

(iv) for developments in Windsor Center, its Fringe Areas, and the Wilson Study Area (south of Putnam Highway), as depicted in the Windsor Center Plan and Wilson Plan in the Plan of Conservation and Development (see Appendix, pages A-28 and A-29), the Commission may reduce the distance to three feet; and

(v) the Commission may modify the required distance between pavement and property line for any part of a unified parking lot or when the property adjoins a non-access line of a limited access highway.

Building Buffers – It may seem counterintuitive to require a larger buffer between buildings and parking lots than between buildings and driveways, but the extra five feet against parking lots allows for sidewalks in addition to ten feet of planting area to accommodate trees and shrubs, which can be used to break up large expanses of walls.

(2) Parking Lots Adjacent to Buildings

(a) Except as provided below, no parking lot or driveway shall be closer than ten feet from any portion of a building other than its drive-through lane, garage entrance, truck loading area apron, or short-term truck loading space:

(i) in the Industrial or Warehouse Zones, or on a lot greater than two acres in the B-2 Commercial Zone, no parking lot or driveway shall be closer than 15 feet from any portion of a building other than its garage entrance, truck loading area apron, or short-term truck loading space unless parking is not provided between a particular side of the building and the nearest property line, in which case the drive may be located no closer than ten feet from that side of the building;

(ii) for developments in Windsor Center, its Fringe Areas, and the entire Wilson Study Area (including north of Putnam Highway), as depicted in the Windsor Center Plan and Wilson Plan in the Plan of Conservation and Development (see Appendix, pages A-28 and A-29), the Commission may reduce the distance requirements above to no less than three feet (see Appendix, page A-12); and

(iii) where a roof is required for protection of pedestrian entry doors, the roof shall be exempt from these requirements as per Section 14.2.17.

(b) The area between the curb and building shall be used for sidewalks, plantings, or other landscaping.

(3) Landscaped Islands within All Parking Lots

In all parking lots, rows of parking spaces shall be terminated by curbed landscaped end islands at least 9 feet in width and 17 feet in length for single rows and 9 feet in width and 34 feet in length for double rows. For every ten spaces in a parking lot, curbed landscaped interior islands at least 9 feet in width and 17 feet in length shall be arranged within the parking area as approved by the Commission. These landscaped interior islands may be waived by the Commission for developments in Windsor and Wilson Centers (as described in Section 13.1.3A) and for parking lots to the rear of buildings in the Industrial and Warehouse Zones. Sidewalks may be required in the landscaped islands (see Appendix, pages A-14 through A-16).

Landscaped Islands – The requirement for one landscaped island for every ten parking spaces in a parking lot should not be taken so literally as to allow no more than ten parking spaces in a row without a landscaped island to separate them from the next ten parking spaces. Neither should the requirement for one major tree and two shubs per landscaped island be taken so literally as to require that every island has one major tree and two shrubs.

While those conditions might be ideal for evenly spacing landscaped islands, trees and shrubs throughout a parking lot to reduce the heat island effect or to break up views of a large building, it may not be ideal for locating light poles, which can be obscured by maturing trees if planted on the same island, or for plowing snow, when one or two spaces are sandwiched between an interior island and an end island. For example, if there are 12 parking spaces in a row, rather than ten spaces, an interior island, and two spaces; you could have six spaces to either side of the required interior island. Similarly, if an island has a light pole located on it, you could move the required tree to another location in or around the parking lot, or combine two required islands to create an island large enough for both.

(4) Landscaping in Large Parking Lots

In order to provide for safe and convenient vehicular and pedestrian movement within parking areas, safe separation and delineation between parking spaces and drives, areas for snow shelving, permeable areas for the recharge of groundwater, areas for the installation of lighting fixtures, and relief from excessive expanses of paving, large parking lots in excess of 30 parking spaces shall comply with the following.

(a) Parking Lots of 30 or More Spaces

In parking lots of 30 or more parking spaces, 27 square feet of net planting areas shall be required within the parking lot for each parking space, exclusive of any other planting area requirement, except that for developments in Windsor and Wilson Centers (as described in Section 13.1.3A), this requirement may be reduced to 18 square feet. The net planting area shall exclude any paved area for sidewalks or car overhang area (i.e. two feet for a parking space with curbed wheel stops). Within these landscaped areas, one major tree and one shrub or bush shall be provided for every ten spaces, exclusive of any other planting requirement. This landscaped area shall be used for end and interior landscaped islands and, where applicable, for landscaped strips required in Subsection (b) and (c) below (see Appendix, pages A-14 through A-16).

(b) Parking Lots of 100 or More Spaces

In addition to end and interior landscaped islands required in Subsection (a) above, parking lots of 100 or more spaces shall have curbed landscaped strips at least ten feet in width between every other interior set of abutting rows of parking spaces. Where the Commission requires sidewalks within a landscaped strip, an additional five feet of width may be required (see Appendix, pages A-14 through A-16).

(c) Parking Lots for Retail Developments of 500 or More Spaces

In addition to the landscaped island and landscaped strip requirements of Subsections (a) and (b) above, parking lots of 500 or more spaces shall be designed, to the extent possible, to provide continuous and separate walkways, vehicular ways, and emergency vehicular ways in order to minimize conflict (see Appendix, page A-16).

3.2 OUTDOOR LIGHTING

In order to maximize the effectiveness of site lighting, avoid unnecessary upward illumination, prevent light trespass onto adjacent properties, and to reduce glare, the following outdoor lighting standards shall apply.

3.2.1 General Requirements

A

Lighting for new site plans and applicable design developments shall comply with these regulations. Cumulatively changing more than 25% of the luminaires; their mounting heights; or their location on an existing site plan or design development after May 11, 2016 requires a site plan or detailed plan modification with a photometric plan to determine that such changes do not increase any non-conformity.

Any aforementioned changes up to 25%, or changes to sites that have five outdoor light fixtures or fewer, shall provide sufficient detail for the Town Planner and Zoning Enforcement Officer to jointly determine that such changes comply with all applicable regulations and will not increase any non-conformity, which may require a photometric plan in accordance with Section 3.2.4B at the Town Planner and Zoning Enforcement Officer's discretion, depending on the sensitivity of adjacent land and the degree of difficulty in evaluating potential light trespass and/or glare.

Landscaped Strips – In parking lots of 100 or more parking spaces, ten-foot wide landscaped strips are required between every other abutting row of parking spaces. This requirement is often misconstrued to require more landscape strips than are necessary.

For example, a typical bay of parking consists of a 24-foot aisle serving rows of perpendicular parking to either side. Two bays can be built side by side with two rows of parking spaces touching head-to-head, but when a third bay is built, the second and third abutting bays must be separated by a landscaped strip. However, a fourth bay can be built adjoining the third without a landscaped strip. In other words, only one landscape strip is needed for the first four bays or eight rows of parking, and each additional landscaped strip will serve up to two additional bays of parking.

Dark-Sky Compliance – The International Dark Sky Association and the Illuminating Engineering Society of North America have collaborated on a set of model lighting regulations designed to minimize light pollution. While not adopted in their entirety due to their size and complexity, these Regulations borrow many of the core concepts and present them in a more simplified form.

Mounting Height – The mounting height of luminaires is measured from the ground to the bottom of the luminaire

B

The maximum mounting height of any luminaire shall be 24 feet from the average surrounding grade in all zones, except that the Commission, by a two-thirds vote, may increase the maximum height of luminaires if the Commission finds that:

(1) the unique nature of the facility (such as an outdoor recreational facility) requires higher lighting supports to achieve acceptable light levels within the illuminated area;

(2) the luminaires comply with the maximum allowable BUG ratings found in Section 3.2.2;

(3) the combination of height and/or topography will not create an objectionable direct glare source from adjacent properties or more distant residential areas (site sections may be required to determine compliance);

(4) the applicant must request the height increase in writing at the time of application; and

(5) a report and plan indicating actual results from the lighting installation shall be provided to the Zoning Enforcement Officer by the applicant to ensure compliance with these regulations.

Light Pole Foundations – Light pole foundations or "supports" are restricted in both height and location to protect light poles from being hit and falling and/or causing damage or injury; to prevent their encroachment into required parking spaces; and to prohibit tall, unsightly concrete piers. They can be no taller than six inches above grade and must be at least three feet behind a curb to protect light poles from damage. When curbless pavement is used to allow overland flow of stormwater into drainage swales, steel bollards may be needed to protect light poles from backing vehicles and especially tractor trailers.

C

Light poles within parking lots shall be located within curbed landscaped islands and their foundations recessed at least three feet from any curb to avoid potential contact with vehicles (see Appendix 1, page 15). Foundations for all light poles shall not exceed six inches above the average surrounding grade.

D

All wiring shall be placed underground as per Section 14.1.15

E

Canopy lighting (e.g., beneath a fuel filling station canopy or a porte-cochere) shall be recessed or flush with the underside of the canopy.

F

Floodlighting is prohibited. Wall-packs, external sign lighting, and architectural lighting shall be shielded to limit light to the intended surface and prevent glare and light trespass above the horizontal plane of the top of the wall or sign surface being illuminated. Downward architectural and sign lighting is encouraged wherever feasible.

G

The effectiveness of full cut-off luminaires shall not be defeated by mounting or tilting the bottom of luminaire at an angle above the horizontal plane.

H

All non-essential lighting shall be placed on timers and turned off after business hours, leaving only lighting necessary for site security (non-essential lighting can include aesthetic and parking lot lighting).

I

Strings of exposed lights are prohibited, except in connection with permits described in Chapter 11, Section 11-21 of the Town Code and as per Section 3.7.2R of these Regulations.

J

Where the lighting zone of a site or an adjacent site cannot be clearly determined based on the activity and/or vision level of either site, the Town Planner and Zoning Enforcement Officer shall jointly make a determination as to which lighting zone(s) shall apply. To avoid potential future conflict, unless dedicated as open space or containing sensitive natural areas, the lighting zone of adjacent vacant land shall be designated according to the likeliest use in the underlying land use zone given the current or proposed use of the site being developed or modified.

K

Streetlights, excluding floodlights prohibited as per Section 3.1.2F, located within a public or private street right-of-way shall be exempt from this Section, except that all new or retrofitted light fixtures shall be full cut-off type fixtures (see Appendix, page A-31). Streetlights shall be in accordance with the Town of Windsor Engineering Standards and Specifications.

L

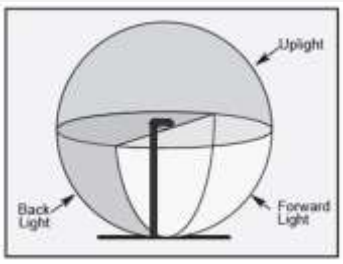
The use of floodlights mounted on utility poles located in public rights-of-way to illuminate adjacent sites is prohibited unless the Commission finds that:

(1) There are no other feasible lighting alternatives;

(2) The lighting fixtures are shielded in accordance with Section 3.1.2F above; and

(3) The lighting is not intrusive to nearby properties.

Utility Pole Floodlight



BUG Diagram

BUG Ratings - BUG stands for backlight, uplight, and glare, which are negative aspects of outdoor lighting. The letters and numbers on the chart to the right (e.g., G3) refer to industry ratings applied to most new luminaires after testing, allowing outdoor lighting designers to choose the most appropriate luminaire for each application/condition.

Understanding the Chart - Each lighting zone represents a specific environment, ranging from Lighting Zone 0 (undeveloped natural areas) to Lighting Zone 4 (high levels of human activity at night). The mounting height of luminaires can have a significant impact on the amount of backlight and glare affecting adjacent properties, so the ratings become stricter when the luminaire is closer to the property line than two times its mounting height (e.g, a luminaire mounted 24 feet high on a pole located 36 feet from a property line). Ideal orientation is also critical for effective and appropriate outdoor lighting, requiring stricter standards and/or additional analysis to minimize negative impacts.

3.2.2 Backlight, Uplight, and Glare

A

The following table represents the maximum allowable backlight, uplight, and glare (BUG) ratings permissible in each lighting zone. A luminaire may be used if its BUG ratings are equal to or less than the maximum allowable BUG ratings for their mounting height and the lighting zone in which they are to be installed.

Maximum Allowable Backlight, Uplight, and Glare (BUG) Ratings

	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Backlight Rating*					
Greater than two mounting heights from property line	B1	B3	B4	B5	B5
One to two mounting heights from property line and ideally oriented**	B1	B2	B3	B4	B4
Half to one mounting height from property line and ideally oriented**	B0	B1	B2	B3	B3
Less than half mounting height to property line and ideally oriented**	B0	B0	B0	B1	B2
Allowed Uplight Rating*	U0	U1	U2	U3	U4
Allowed % light emission above 90º for street or area lighting	0%	0%	0%	0%	0%
Allowed Glare Rating* (Forward Light)	G0	G1	G2	G3	G4
Any luminaire not ideally oriented** with one to less than two mounting heights to any property line of concern***	G0	G0	G1	G1	G2
Any luminaire not ideally oriented** with half to one mounting heights to any property line of concern***	G0	G0	G0	G1	G1
Any luminaire not ideally oriented** with less than half mounting height to any property line of concern***	G0	G0	G0	G0	G1

*For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment

is only relative to backlight and glare on this table and shall not be used to increase the lighting area of a site

**To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern. Luminaires that are not ideally oriented within two mounting heights of the property line of concern shall be evaluated in accordance with Section 3.2.3B.

*** Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2X the mounting heights of the luminaire location shall meet the reduced Allowed Glare Rating in above table.

B

If BUG ratings are not available or luminaires within two mounting heights of a property line are not ideally oriented, the performance of the lighting plan or of any less than ideally oriented luminaires shall be evaluated in accordance with Section 3.2.3B.

C

Unless obstructed by buildings, evergreen vegetation, or other visual obstructions, when a site abuts a lower lighting zone, the BUG ratings, or where applicable, the vertical illuminance at the property line, shall meet the standards for the lower lighting zone.

3.2.3 Horizontal and Vertical Illuminance

Uniform site lighting in vehicle and pedestrian areas reduces the contrast between bright and dark areas that can impair visibility and reduce safety. Maintaining minimum levels of light and appropriate average light levels throughout vehicle and pedestrian areas ensures uniform site lighting. Controlling vertical illuminance at property boundaries reduces light trespass and protects the enjoyment and use of neighboring properties.

A

The following maintained horizontal illuminance recommendations, measured in footcandles on the ground, shall be met to the extent practical. Average and minimum footcandle estimates should be calculated separately limited to the paved surfaces used exclusively by vehicles and shared by vehicles and pedestrians to avoid zero footcandle estimates off the pavement that will nullify the uniformity ratio (u-ratio) due to division by zero. Relief from these recommendations may be provided under Section 3.2.3C.

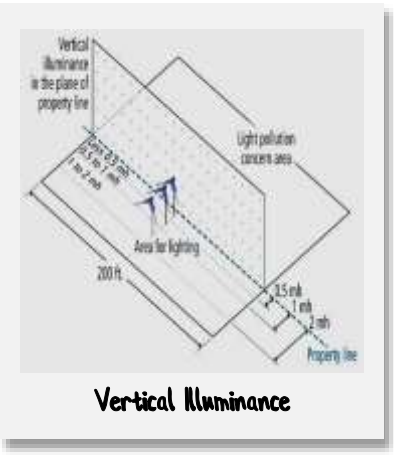
Do Yourself a Favor – BUG Ratings are a fairly recent development and some lighting manufacturers have been slow to adopt them. However, with numerous manufacturers and hundreds of choices for luminaires, there is an appropriate BUG rated luminaire for any application or location that can be easily checked against the chart on the previous page for compliance with these Regulations. Choosing a non-BUG rated fixture makes determining compliance difficult and the onus is placed on the applicant and their lighting professional to independently perform the equivalent analysis necessary to qualify a non-rated luminaire (see Section 3.2.3B)

Illuminance – Please note that the maintained horizontal illuminance recommendations are not standards. Light levels can be affected by many variables including: the type of light source, wattage, reflector or refractor shape, mounting height, mounting location, shielding, etc. Light diffuses logarithmically with distance from a source and its intensity measured on the ground is cumulative between multiple sources, making the task of meeting an exact standard with all of the given variables nearly impossible. For this reason, recommendations are used as aspirational standards. In reviewing a photometric plan for lighting a site, slight deviations from these recommendations are expected, while wholesale deviations, orders of magnitude from these recommended levels are unacceptable.

Horizontal Illuminance Recommendations

Levels of Activity (Examples)	Maintained Horizontal Illuminance (footcandles)					
	General Parking and/or Pedestrian Use Areas			Vehicle Use Area Only		
	Ave.	Min.	U-Ratio	Ave.	Min.	U-Ratio
Lighting Zone 4 Major Cultural, Civic, or Sports Facility Regional Shopping Center Fast Food Restaurant	3.6	0.9	4:1	2.0	0.67	3:1
Lighting Zone 3 Village Commercial Center Community Shopping Center Cultural, Civic, or Recreational Event Office Park Transportation Parking (commuter lots, etc.)	2.4	0.6	4:1	1.0	0.33	3:1
Lighting Zone 2 Neighborhood Shopping Center Industrial Employee Parking Educational Facility Religious Institution Multi-Family Neighborhood	0.8	0.2	4:1	0.5	0.13	4:1
Lighting Zone 1 Single-Family Neighborhood	NA	NA	NA	NA	NA	NA
Lighting Zone 0 Rural Housing Farmland Open Space	NA	NA	NA	NA	NA	NA

Source: Illuminating Engineering Society of North America (IESNA)
Ave.: footcandles over the illuminated surface
Min.: minimum footcandles anywhere within the illuminated surface
U-Ratio: uniformity ratio or the ratio of average footcandles to minimum footcandles



Vertical Illuminance

B

When BUG ratings for luminaires are not available, the entire outdoor lighting design shall be analyzed for maintained vertical illuminance, using industry standard lighting software, including inter-reflections in the following manner.

(1) Input data shall describe the lighting system including luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IESNA guidelines. Buildings or other physical objects on the site within three object heights of the property line must be included in the calculations.

(2) Analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site with the top of the enclosure no less than 33 feet (10 meters) above the tallest luminaire. Calculations shall include total lumens upon the inside surfaces of the box top and vertical

sides and maximum vertical illuminance (footcandles) on the sides of the enclosure. The design complies if the maximum vertical illuminance on any vertical surface is less than the allowed maximum illuminance for the lighting zone of the adjacent affected property.

Vertical Illuminance Measured at the Property Line

Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
0.05 footcandles	0.1 footcandles	0.3 footcandles	0.8 footcandles	1.5 footcandles

(3) Relief from these recommendations may be provided under Section 3.2.3C.

C
Recognizing that outdoor lighting design is a complex and inexact process dependent upon a number of independent factors such as: the availability of suitable landscaped areas or structures for installing luminaires; the location of existing poles and/or mounting walls; the non-conforming nature of existing lighting, which may be improved as a result of proposed modifications; and the fact that strict adherence to the above recommended maintained horizontal and vertical illuminance levels may be impractical, the Town Planner and Zoning Enforcement Officer may jointly allow for flexibility in the outdoor lighting plan, provided that the applicant submits evidence to support the need for flexibility and that the proposed lighting addresses any concerns to the extent practical. If there is disagreement on any issue between the staff and the applicant, the plan will be referred to the Commission for consideration as a Site Plan Modification.

3.2.4 Lighting Plans

Site plans shall include lighting plans with the following information:

A
The following measures of maintained horizontal illuminance (in footcandles) shall be calculated separately for both exclusive vehicle areas (i.e. access drives and loading areas) and shared vehicle and/or pedestrian areas (e.g. parking lots, sidewalks, courtyards, pedestrian plazas, etc,):

(1) maximum,

(2) minimum,

(3) average, and

(4) average to minimum uniformity ratio or U-Ratio;

B
A photometric plan shall be provided indicating the location of every luminaire; horizontal footcandle readings every ten feet, preferably with appropriate isolines; and where required under Section 3.2.3B, vertical illuminance in accordance with Section 3.2.3B(2);

C
Descriptions, details and/or manufacturer's cut sheets of luminaires, including component specifications such as lamps, reflectors, optics, and angle of cutoff; timers; mounting poles and foundation details where applicable; and

D
the hours of lighting operation.

On-Street and Public Parking - Unless specified, on-street and other public parking cannot be used to satisfy off-street parking requirements.

3.3 OFF-STREET PARKING

The design of off-street parking lots shall comply with the following requirements and standards.

3.3.1 General Requirements

A
Whenever practical, parking lots in the required front yard area shall be avoided, but in cases where Sections 3.1.2, 5.2.2B, 8.2.1, 14.2.4B(1), and 14.2.4B(2) apply, they shall be prohibited.

B
Required parking spaces shall be located either on the same lot with the principal use or on other land owned or leased by the same owner or tenant and within a radius of 1,000 feet of any part of the building that it is intended to serve, provided that the remote parking is surplus to the required parking for the remote site and remains available for the duration of the intended use.

C
The use of land for access to, or for parking in connection with, a use shall be accessory to and part of that use.

D
Except as provided for in Section 15.2.6, shared off-street parking facilities between the two or more properties are allowed, provided that there are sufficient parking spaces to meet the cumulative parking requirements of all uses located on both properties.

E
Reduced Parking

(1) Recognizing the availability of mass transit and public parking, the mixed-use nature, and the walkability of Windsor Center; to create a more vital village environment and promote reinvestment in and adaptive reuse of existing floor area in the B-2 in Windsor Center and its Fringe Area, as depicted in the Plan of Conservation and Development (see Appendix, page A-28):

(a) changes in the use of existing gross floor area (build prior to July 15, 2016) may be approved without the provision of additional parking, as may otherwise be required; and

(b) so as not to discourage the provision of additional parking, any parking spaces added subsequent to the adoption of this regulation shall be credited towards potential new floor area on the subject property, which floor area may be approved subsequent to the approval of the parking spaces.

(2) Except as provided in (1) above, for residential and commercial uses, and mixed-use developments utilizing existing floor area (built prior to February 2, 1993) on currently developed sites in Windsor Center, its Fringe Area, and the Wilson Study Area (south of the Putnam Highway), as depicted in the Plan of Conservation and Development (see Appendix, pages A-28 and A-29), the Town Planner and Zoning Enforcement Officer jointly may reduce the minimum parking requirements in increments of ten percent for each of the following conditions that they find:

(a) the proposed use of the site is neighborhood-oriented and will serve pedestrians within the respective areas described above;

(b) the proposed site is located near on-street or other public parking of a sufficient amount and within reasonable proximity to justify the reduction; and/or

(c) the proposed site is located within one-quarter mile of a mass transit stop.

(3) The Commission may authorize further reductions in parking requirements for shared parking facilities in accordance with Sections 15.2.6 and 15.2.7.

Parking in Windsor Center – For decades, Windsor Center has had reduced parking requirements that recognize the ability to park off-site, walk, or take transit to patronize or work at a business. Despite these reductions of up to 50% off the required number of parking spaces, there have been few successes in the adaptive reuse of older buildings and it became clear that "if we keep doing what we're doing, we'll keep getting what we're getting" because many businesses have so little (or no) parking that a 50% reduction is simply not enough.

To break the parking stalemate, existing floor area is now grandfathered in and can be put to any use regardless of available on-site parking, subject to special use approval, where applicable. Adjacent property owners are also encouraged to work cooperatively with each other and the Town to optimize shared parking lots.

Pervious Pavement – To minimize impervious surfaces and to discourage excessive parking used only for a few peak parking days per year, the Commission may require parking in excess of the minimum requirement to be constructed with a pervious pavement system, which could be porous asphalt as well as concrete or grass pavers, which are capable of standing up to brief use on those peark parking days.

The Commission can also defer up to 70% of required parking spaces and when even that amount is too many for an industrial or warehouse use, the Commission can allow pervious pavement for parking that is surplus to demand.

Deferred Parking – While the Commission can defer up to 70% of required parking, depending on the use, the fact that parking does not have to be built does not excuse the property owner from having to design and engineer the deferred parking spaces. The site plan must contain storm drainage, landscaping, lighting, signage and all other applicable items needed to construct the deferred parking in order to determine whether the total buildout of parking and drainage facilities can comply with zoning. This also allows parking to be constructed at a moment's notice if needed in the future to accomdate either growth in a business or sale/lease to an occupant with more conventional parking needs.

F

If the Zoning Enforcement Officer (ZEO) finds that a use does not have a clearly defined parking standard, the ZEO and Town Planner shall jointly determine an appropriate standard based on surveys by the American Planning Association, Institute of Transportation Engineers, or similar organizations.

G

To minimize impervious surfaces as well as reduce stormwater runoff and non-point pollution in parking lots of 50 or more spaces, the Commission may require parking spaces in excess of the minimum requirements of these regulations to be constructed with a pervious pavement system approved by the Town Engineer. Where minimum parking requirements exceed the needs of a particular establishment, after taking into account the ability to defer parking under Section 3.3.1H(2), parking lots may also be constructed with a pervious pavement system approved by the Town Engineer.

H

Depending on the parking needs of a particular tenant, the Commission may authorize a phased development of the off-street parking area in compliance with the following criteria.

(1) The total number of spaces required to be shown on the site plan shall be determined in accordance with the standards for the proposed use(s).

(2) The construction of the parking area and installation of the spaces may be phased according to short- and long-term needs of the proposed use(s). Up to 50 percent of the total required spaces may be deferred in reserve parking, except that for buildings housing computer equipment and operations and warehouse uses, this deferred percentage may be increased to 70 percent. This approval shall become invalid if the use changes.

(3) Spaces not intended for construction as part of the short term shall be labeled "Reserve Parking" on the plan and shall be properly designed and shown as an integral part of the overall parking layout and must be located on land suitable for parking area development.

(4) If at any time after the Certificate of Occupancy is issued the Zoning Enforcement Officer determines that additional spaces may be needed, he shall notify the Commission and the owner of the property concerning his finding.

(5) The Commission may, after reviewing the Zoning Enforcement Officer's report, require that all or any portion of the spaces

shown on the approved site plan as "Reserve Parking" be constructed.

I

The provision of shared driveways, parking areas, or facilities on unified sites shall require proof of all necessary easements and other agreements that may be necessary to ensure continued cooperation and responsibility over the shared facilities.

J

Where all or part of a parking lot serving uses on a parcel is leased to or accepted by the Town or other quasi-public entity for use as a public parking lot, the number of existing parking spaces, or the number of parking spaces possible on the parcel under these regulations, shall continue to be credited toward meeting the parking requirements of the parcel, provided that the land is leased or transferred at no cost to the Town or other quasi-public entity.

3.3.2 Pavement Standards

A

All parking areas and drives shall be constructed in accordance with the Town of Windsor Engineering Standards and Specifications unless the Commission requires a greater thickness where needed, grants a waiver to the bituminous concrete paving requirement when the Town Engineer finds another material to be equivalent or superior for the site, or requires pervious pavement in accordance with Section 3.3.1G.

B

Required off-street parking facilities shall be properly maintained as long as the use or structure that the facilities are designed to serve exists. Unless shared parking is approved in accordance with Section 15.2.6, required parking areas developed for specific structures and uses shall be reserved at all times for those persons who make use of the premises. Stalls shall be laid out according to approved plans.

C

In order to maintain proper access for emergency vehicles and to protect the general public health and safety, all aisles and drives shall be kept clear for movement of cars and emergency vehicles, and all potholes, drainage problems, etc. shall be adequately repaired. If the Zoning Enforcement Officer or his/her designee finds a condition (e.g., a pothole) within the paved area that may endanger health or safety, the condition shall be repaired or eliminated by the owner or other responsibility party as soon as weather permits.

Pavment Standards – Pavement standards are located separately in the Engineering Standards and Specifications. Unless modified by the Commission, the commercial bituminous pavement standard is a minimum of 2" of compacted Class 2 bitumious wearing course on a minimum of 2" of compacted Class 1 bituminous binder course on a minimum of 8" of compacted processed aggregate base on a minimum of 10" of gravel subbase (where required) on a stable, prepared subgrade. If this sounds similar to a public street cross-section, it shares the same materials and thicknesses. This cross-section is required to ensure that parking and loading areas will wear at least as well as our proven public road standard, providing decades of safe service without major repairs.

Penalties for Potholes – Failure to maintain parking lots, driveways, and drainage facilities in safe and operable condition is a violation of these Regulations. The Zoning Enforcement Officer (ZEO) can order any dangerous pavement condition repaired as soon as weather permits, subject to prosecution and fines in court for failure to comply.

3.3.3 Driveway Standards

A

No lot shall have more than one curb cut and driveway for each 150 feet of frontage. In order to protect public safety where traffic volume, patterns, or street geometry warrants, the Commission may require that only one curb cut and driveway serve any lot regardless of the length of street frontage. In the case of corner lots, driveways shall be located at least 150 feet from the intersection of the street lines of the lot or, in the case of a lot with frontage of less than 150 feet, the driveway shall be as far from the intersection as practical. Driveways entering streets at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible. Joint use of driveways by adjacent lots is encouraged.

B

Driveways shall not be more than 30 feet wide, measured at and parallel to the street line, unless otherwise approved by the Town Engineer. A curbed landscaped island may be required to define a separate entrance and exit if a driveway wider than 30 feet is allowed.

C

Driveways shall not cross the street line (or its tangent in the case of a curved street) at an angle of less than 45 degrees. Where a driveway meets the street pavement, it shall be flared by curbs with radii of 20 feet or more, tangent to the street curb (or outer edge of the shoulder when the road is not curbed) and the driveway, or as specifically determined by the Town Engineer or the State of Connecticut, where applicable.

D

Where there are two driveways serving the same lot, they shall be at least 100 feet apart, unless they are one-way driveways. The Director of Public Safety or Legal Traffic Authority may require that any driveway be suitably marked for entrance or exit only.

E

Feeder Drives

Except as per Section 3.3.4D, feeder drives adjoining standard parking spaces, or two-way feeder drives adjoining oblique parking spaces shall be no less than 24 feet in width (see Appendix, page A-15). Feeder drives that adjoin oblique parking spaces or that are longer than 45 feet shall provide continuous directional circulation. The Commission may waive this requirement for non-retail/service uses if a turnaround area and adequate on-site circulation is provided.

F
Collector Drives

Collector drives shall be no less than 30 feet in width and shall provide continuous circulation. The Fire Marshal shall designate collector drives (see Appendix, pages A-15 and A-16).

G
Vehicle Turnaround

Except for residential driveways serving individual dwelling units, driveways and parking lots that require vehicles to back over a sidewalk or street line are prohibited. The Commission may waive this requirement for conversions of single-family dwellings to include two or more dwelling units, after taking into consideration the intensity of pedestrian and vehicular traffic on the street.

H
Traffic Flow Markings

Traffic flow patterns within a parking lot shall be marked with painted arrows where required by the Director of Public Safety or Legal Traffic Authority.

3.3.4 Parking Space Standards

A
In order for a parking space to be credited as a required space, it shall not obstruct the use of another parking space and shall have access to a drive that meets at least the feeder drive width standard (see Section 3.3.3E).

B
For parking spaces that require physical wheel stops, curbing shall be provided. Bumper guards may be allowed only where excessive grade changes require them for auto and driver safety. Precast wheel stops may be permitted only where drainage flow between the wheel stops is necessary.

C
If a standard parking space (i.e. a 9 ft. x 18 ft. perpendicular parking space) does not front on a curbed wheel stop that a vehicle can overhang by at least two feet (e.g., it fronts on another parking space, a bumper guard, or a wall), the length of the parking space shall be 20 feet.

D
If necessitated by the geometry of the lot, the width of a two-way feeder drive may be reduced to 22 feet, provided that the width of adjoining standard parking spaces is increased by one foot.

Variable Parking Spaces – Parking spaces come in numerous configurations, depending on their angle, adjacent driveway width, and adjacency to walls, sidewalks and other parking spaces. The typical parking space overhanging a curb is 18 feet deep by nine feet wide, and when overhanging a sidewalk, the sidewalk width must be increased by two feet for wheelchairs to navigate aound parked vehicles. When the front of the parking space abuts a wall or another parking space, the depth increases to 20 feet to account for lack of overhang. In addition to the standard 90° parking space, parallel and angled parking spaces of 45°, 60°, and 75° are also permitted.

Variable Driveway Widths - The typical non-residential driveway is 24 feet wide for two-way circulation, but when one-way circulation is combined with parallel or angled parking spaces, the driveway width can be narrowed to as little as 13 feet. When the width of a parking lot is more constrained than the length, the standard driveway width can be narrowed to 22 feet, provided that the adjacent 90° parking spaces are increased to 10 feet in width to allow sharper backing movements without hitting adjacent cars.

Minimum vs. Maximum – Most parking space requirements are expressed as minimums to ensure an adequate number of parking spaces for each use but in several instances, such as center design developments, the parking space requirements may also include maximums to limit the number of cars and foster use of mass transit, and walking within the village.

E

Parallel and oblique parking spaces shall be limited to instances where existing site geometry prohibits standard parking spaces and feeder drives, except that oblique parking shall be permitted for parking lots that are used primarily for employee parking.

F

The standards for oblique and parallel parking shall be as described in the following table and in Appendix, page A-26:

(1)	Parking angle	0°	45°	60°	75°	90°
(2)	Curb length per car	23'	12'-9"	10-'5"	9-’3”	9'
(3)	Stall depth	9'	18'	19'	20’	18'
(4)	Parking lot width for 1 row + driveway	21'	31'	37'	42’	42'
(5)	Parking lot width for 2 rows + driveway	32'	49'	56'	62’	60'
(6)	Feeder drive	14'	13'	18'	21’	24'

3.3.5 Minimum and Maximum Parking Ratios

Except as per Section 3.3.1E, in all zones, the following minimum and, where noted, maximum ratios of off-street parking spaces shall be provided and permanently maintained for each respective use.

A

Residential

(1) All dwelling units, except as provided in Subsections (2) through (4) below:

(a) 1.5 spaces per efficiency or one-bedroom dwelling units; and

(b) two spaces per dwelling unit containing two or more bedrooms.

(2) Housing for older persons operated by the Windsor Public Housing Authority and Center Design Developments: two spaces for every three dwelling units.

(3) Housing for older persons, congregate care, and assisted living facilities: one space per dwelling unit.

(4) Dwellings in live-work units:

(a) efficiency or one-bedroom units: no space required;

(b) two- or more bedroom units: one space required; and

(c) commercial floor area: as per Sections D and F(1) and (2) below.

Parking Ratios – The minimum number of required parking spaces is expressed as a ratio (e.g. 1 space per 250 sq. ft. or 4 spaces per 1,000 sq. ft.). Unless specified, square feet of floor area refers to gross floor area, factoring in hallways, stairwells, and other non-productive space that might otherwise be excluded from net floor area or gross leasable area calculations.

B
Health Facilities

(1) Hospital: five spaces per bed.

(2) Nursing home: one space per 1.75 beds, plus one space per 250 square feet devoted to out-patient dialysis services.

(3) Medical offices or walk-in clinic: one space per 250 square feet.

C
Travel and Other Accommodations

(1) Hotel (including all-suite and extended-stay): one space per guest room or suite.

(2) Bed and breakfast: two spaces for the principal dwelling plus one space per bedroom available for lodging.

(3) Rented rooms in dwellings: one additional space for each guest that can be accommodated on the premises.

D
Office Uses

(1) General office uses: one space per 250 square feet.

(2) Professional office uses (except medical offices): one space per 200 square feet.

(3) Corporate office buildings: one space per 250 square feet, not to exceed a ratio of one space per 200 square feet, except as per Section 3.3.1G.

E
Educational, Cultural, Religious, and Recreational Facilities

(1) Schools:

(a) preschool or kindergarten: two spaces per classroom;

(b) elementary, middle or junior high school: one space per three students at maximum capacity or one space per three seats in the largest assembly area (auditorium, gymnasium, or athletic field), whichever is greater;

(c) high school: one space per employee plus one space per three students at maximum capacity, or one space per three seats in the largest assembly area (auditorium, gymnasium, or athletic field), whichever is greater; and

(d) in the case of a middle and/or high school operated by a Regional Education Service Center pursuant to Connecticut General Statutes, Section 10-66, the following requirements shall apply in lieu of the requirements of Subsections (b) and (c) above: one space per employee plus one space per three seats in the largest assembly area (auditorium, gymnasium, or athletic field);

(e) trade school/junior college: one space per two students at maximum capacity.

(2) Libraries: one space per 500 square feet.

(3) Theaters, assembly, and meeting halls: one space per three seats.

(4) Clubs, social, or fraternal organizations:

(a) Without catering: one space per member.

(b) With catering: one space per member, plus one space per 250 square feet.

(5) Religious institution: one space per three seats.

(6) Recreation and community centers: one space per three seats or one space per 250 square feet, whichever is greater.

(7) Bowling alleys, billiard parlors: five spaces per bowling lane and/or 3 spaces per billiard table.

(8) Athletic/health and fitness clubs: one space per 200 square feet.

Parking for Religious Institutions – The parking standard for religious institutions is one parking space per three seats in the main hall, which is predicated on the Judeo-Christian tradition of families arriving together and sitting in pews or chairs. Several religious denominations kneel or sit on the floor, sometimes using prayer mats, instead of chairs.

For religious faiths with holy days that do not correspond to the western weekend (e.g. Friday for Islam), many congregants arrive from work instead of from home with their families. Both of these conditions can lead to a much higher parking ratio and pose difficulties for calculating required parking (i.e. no seats and no dimensions for prayer mats, aisle and row widths, etc.). In these instances, prospective religious institutions must conservatively estimate their on-site parking needs to avoid conflicts with surrounding neighborhoods due to traffic and on-street parking.

F
Restaurant, Retail, and Service Businesses

(1) Retail stores and shopping centers:

(a) less than 50,000 square feet: one space per 200 square feet; and

(b) 50,001 or more square feet: one space per 250 square feet, not to exceed one space per 200 square feet, except as per Section 3.3.1G.

(2) Service businesses:

(a) barber shop, beauty salon, nail salon, tanning salon, or similar establishment: three spaces per work station or tanning bed, or as per Subsection (1) when located in a shopping center of five or more tenants;

(b) group day care home or day care center: one space per three clients, or as per Subsection (1) when located in a shopping center of five or more tenants;

(c) banks and similar financial institutions: one space per 200 square feet;

(d) funeral homes: one space per 100 square feet;

(e) dry cleaners: one space per 500 square feet;

(f) automotive repair shop: three spaces per repair bay (areas inside or directly in front of the repair bay or adjacent to fuel pumps (if any) are not considered spaces), plus one space per vehicle used by the business;

(g) used car sales: one space per used vehicle for sale in addition to any other required spaces on the site; and

(h) limousine and livery services: adequate area to park and/or store all service vehicles regularly parked and/or stored on premises, plus 0.5 spaces per service vehicles parked and/or stored on premises.

(3) Restaurants:

(a) full- or limited-service restaurant: one space per 75 square feet;

(b) fast food restaurant: one space per 100 square feet; and

Restaurant Parking – Comparing parking standards for full- or limited-service restaurants to those for fast food restaurants seems counterintuitive, as fast food resturants have a lower parking requirement despite generating more traffic. The reality is that drive-through windows, a higher proportion of floor area devoted to kitchen, faster service, and shorter meal times all combine to reduce the need for parking spaces relative to other restaurants.

When located in a shopping center, restaurants can take advantage of economies of scale in parking, relying on varying parking demand between a variety of businesses, and/or resulting in dining as part of a multi-purpose trip (i.e. park, eat, shop). To reflect this, as long as no more than 20% of the total floor area within the shopping center is devoted to restaurants, the parking requirement for restaurants is the same as for retail and service uses.

(c) when the total restaurant floor area within a shopping center does not exceed one-fifth of the overall floor area: spaces as per Subsection (1).

Manufacturing Parking – Manufacturing parking is unique in that manufacturing, office, and storage space within a facility is counted separately and three different parking ratios are applied. Most other uses apply a single parking ratio to gross floor areas, regardless of the presence of office, storage, or even unleasable floorspace such as hallways and stairwells, which are factored into the overall single ratio. The reason for breaking up manufacturing floor area is the tremendous variability of manufacturing uses in their ratios of office, manufacturing, and storage space as well as technological advances in robotics and other technologies that have lowered employee to floor area ratios.

G
Industrial and Warehouse Facilities

(1) Manufacturing:

(a) Manufacturing floor area: one space for each 600 square feet;

(b) Office floor area: one space for each 300 square feet;

(c) Storage floor area: one space for each 1,000 square feet.

(2) Warehouse:

(a) one space per 1,000 square feet for the first 50,000 square feet of warehouse gross floor area; plus

(b) one space per 2,000 square feet of additional warehouse gross floor area.

(3) Self-storage facility: one space per maximum number of employees on the site at one time, plus two additional spaces for customers.

(4) Office Flex Space: one space for each 500 square feet, provided that no more than 30% of floor space is for office use, in which case one space for each 300 square feet is required.

H
Computer Data Centers

(1) Offices: one space for each 300 square feet; and

(2) Other floor area: one space for each 1,000 square feet.

I
Film Studios

(1) Offices: one space per 300 square feet;

(2) Computer Data Centers: one space per 1,000 square feet;

(3) Stages, film editing, green rooms, mills, paint shop, commissary, film studio residences, and other uses that are incidental to the film studio: one space per 2,000 square feet; and

(4) A plan for off-site parking on large casting days shall be submitted to and approved by Town Staff.

3.4 OFF-STREET LOADING

3.4.1 General Provisions

A
Location and Screening

(1) Industrial and warehouse truck loading area aprons shall be no closer than 150 feet from any residential, NZ, or AG Zone boundary line, except that this separating distance may be reduced in accordance with Section 3.1.2A(5), provided that no truck loading area apron is located closer than 50 feet from any other lot in any Residential, NZ, or AG Zone unless contained within a building or screened by a masonry wall eight feet or more in height.

(2) Existing industrial and warehouse zoned facilities that do not comply with the requirements of this Section may be expanded provided that changes to the truck loading area apron do not increase the non-conformity.

(3) Truck loading spaces and truck loading area aprons shall be designed and located so that their use does not impede the normal use of required parking spaces and accessways.

(4) Except for short-term truck loading spaces, to the extent practical, truck loading area aprons shall be surrounded by complete visual screening or walls so as not to be visible from front yards of adjacent properties or from the street.

(5) Except as provided below, all truck loading spaces, truck parking spaces, and truck trailer storage spaces for uses other than industrial or warehouse uses shall not be located within 75 feet of any residential or AG Zone, or any NZ zoned property when used for purposes that the Commission determines are incompatible, and no delivery shall be made between 10:00 pm and 6:00 am.

(a) In Windsor Center, its fringe areas, and the Wilson Study Area (south of the Putnam Highway), as depicted in the Plan of Conservation and Development (see Appendix, pages A-28 and A-29), the Commission may reduce this

Truck Loading Areas – As developable land in Windsor dwindles, conflicts between future commercial and residential development may increase. Truck activity, punctuated by backup alarms, trailer coupling, engine braking, air brake releases, and other noises are a major source of complaints from surrounding residential neighbors. In an effort to mitigate these issues, truck loading areas have been restricted in location relative to public streets as well as to residential, agricultural, and public, quasi-public zones.

requirement by a vote of three-quarters of the Commission, after taking into consideration:

(i) the size of trucks proposed to serve the facility;
(ii) whether trucks or trailers will be parked overnight;
(iii) the hours, frequency, and duration of deliveries;
(iv) the proximity to affected properties;
(v) the current use of affected properties, and;
(vi) any proposed berms, fences, walls, and/or trees beyond the requirements of Section 3.1.1A(1) and (2) that would provide additional effective visual screening and noise reduction;

provided that the buffer is not reduced below the minimum required planted buffer strips specified for each respective zone in Section 3.1.2A.

(6) Truck loading area aprons located between a building and the adjoining street are prohibited, except as provided below:

(a) For properties containing more than one frontage, the Commission may allow truck loading area aprons between the side of the building and a secondary frontage, provided that no apron is located within a required front yard, or opposite a residential or AG Zone, or an NZ Zone that the Commission determines is used for an incompatible use; and that the apron is screened in accordance with Section 3.1.2.

(7) Existing commercial zoned facilities that do not comply with the requirements of this Section may be expanded provided that changes to the truck loading area apron do not increase the non-conformity.

Protection of Buildings– Buildings and other structures can be easily damaged by truck traffic when backing up to loading docks, driving through doors, turning around building corners, or driving under canopies. Oftentimes, the damage is not easily repaired without dismantling wall systems or replacing masonry block, so the damage is allowed to remain, creating a distressed appearance. This section establishes minimum standards for avoiding this issue.

B
Protection of Buildings

To limit damage to buildings and structures in the vicinity of short-term truck loading spaces, truck loading area aprons, fuel pumps, and drive-through windows/lanes:

(1) bumpers shall be required at dock-height doors and bollards shall be located to either side of drive-through doors, at building corners adjacent to paved accessways, or adjacent to drive-through windows to absorb potential damage from vehicles;

(2) walls adjoining truck loading area aprons, drive-through windows/lanes, or other paved areas not separated from the building by a required landscaped buffer shall be constructed of brick or masonry block that is resistant to denting, easily repaired, and compatible with the materials and design of the overall building; and

(3) the bottom of truck loading dock and fuel pump canopies shall be a minimum height of 14 feet and the bottom of drive-through canopies shall be a minimum of nine feet in height.

3.4.2 Loading Space Standards

A

In any zone, in connection with any new building or building addition resulting in a gross floor area of 10,000 square feet or more, that is to be used for manufacturing, storage, retail or wholesale sales, a hotel (excluding hotels without restaurant or conference facilities), a hospital, a laundry or dry cleaning establishment, or other use similarly requiring the distribution or receipt of material or merchandise by truck, the following minimum required off-street truck loading spaces shall be provided and permanently maintained on the site for each respective use:

(1) 10,000 to 20,000 square feet of gross floor area:one truck loading space;

(2) 20,000 to 30,000 square feet of gross floor area:two or more truck loading spaces;

(3) 30,000 to 50,000 square feet of gross floor area:three or more truck loading spaces; or

(4) 50,000 or more square feet of gross floor area: four or more total loading spaces,

as required by the owner or occupant of the building and approved by the Commission.

B

Each exterior truck loading space shall be at least 10 feet in width and 25 feet in length, except that long-term truck loading spaces designed to accommodate tractor trailers shall be at least 12 feet wide and 65 feet in length and if not constructed entirely of high-strength concrete, shall contain at least a truck trailer dolly pad.

C

Each truck trailer storage space shall be at least 12 feet wide, 65 feet in length, and if not constructed entirely of concrete, shall contain at least a concrete truck trailer dolly pad. A truck trailer storage space shall not be considered a required truck loading space.

D
Due to their transient nature, short-term truck loading spaces are not required to include concrete truck trailer dolly pads.

Alternative Transportation Facilities – Alternative transportation facilities, such as bus stops and shelters, bicycle racks, employee showers, sidewalks, and trails, can reduce traffic, required parking, employment barriers, and both air and water pollution, as well as improve employee health, support nearby businesses, and promote mixed-use, transit-oriented development.

3.5 ALTERNATIVE TRANSPORTATION FACILITIES

3.5.1 Provisions for Pedestrians

A
All sidewalks within parking areas or along their perimeter shall have a net width of at least four feet, exclusive of any two-foot car overhang area.

B
Unless waived by the Commission in accordance with Section 3.5.1F, sidewalks shall be required along the street frontage of all new site developments.

C
To encourage pedestrian circulation, the Commission may require a sidewalk or trail connecting the principal building(s) to the required sidewalk along the street or an alternative trail permitted under Section 3.5.1F below.

D
In Windsor Center, its Fringe Area, and the Wilson Study Area (south of Putnam Memorial Highway), as depicted in the Plan of Conservation and Development, the Commission may require increased sidewalk widths and the use of alternative paving materials such as brick or stone, consistent with a shopping street environment.

E
Unless specified otherwise in these Regulations, all sidewalks shall be constructed in accordance with the Town of Windsor Engineering Standards and Specifications.

F
Following a written request for a waiver by the applicant at the time of application, the Commission may waive the requirement for sidewalks along the street frontage by a two-thirds vote when one or more of the following conditions exist:

(1) the provision of a sidewalk would cause significant environmental harm to adjacent wetlands or wildlife habitat;

(2) the provision of a sidewalk poses significant engineering challenges; or

(3) a bituminous concrete path of eight feet in width or greater in an alternate location is preferable to a standard sidewalk due to the conditions above. The design of the path shall be approved by the Town Engineer.

3.5.2 Provisions for Bicycles

In order to conserve energy and lessen congestion in the streets, sidewalks, trails, and transit facilities shall be designed to encourage the use of bicycles. Bicycle racks shall be conveniently located at bus stops/shelters and/or building entrances when appropriate. Sidewalks and trails shall be extended to adjoining streets or developments in order to achieve the intent of these Regulations.

Bicycle Lockers

3.5.3 Provisions for Mass Transit

In order to conserve energy and lessen congestion in the streets, improvements may be required in developments requiring 100 parking spaces or more to provide for bus pullouts and/or shelters.

3.6 DRAINAGE DESIGN, GRADING AND EROSION AND SEDIMENTATION CONTROLS

The minimum standards for the construction of drainage, erosion and sedimentation control devices, and for grading shall be those included in the Town of Windsor Stormwater Management Ordinance, Town of Windsor Erosion and Sediment Control Ordinance, Town of Windsor Engineering Standards and Specifications, the Connecticut Guidelines for Soil Erosion and Sediment Control, the Connecticut Stormwater Quality Manual, and these Regulations, whichever standards are more stringent. Elevations shall be based on Connecticut State Plane Coordinate System (NGVD 29 and NAVD 88) or MDC datum.

Stormwater Drainage, Erosion and Sedimentation Control and Flood Control – Once regulated entirely by zoning, stormwater drainage, and erosion and sedimentation control are now regulated by the separate Stormwater Management, and Erosion and Sedimentation Control Ordinances, which together with the Floodplain Ordinance are administered by the Engineering Department. Where applicable, these ordinances require separate permits from any inland wetland or zoning permits, although in most cases, they can be submitted and addressed concurrently.

3.6.1 Drainage Design

All sites shall conform to the provisions of the Town's Stormwater Management Ordinance. If a Stormwater Management Permit is required by the Stormwater Management Ordinance, evidence of an approved permit shall be a condition of approval for any and all Zoning approvals required by the proposed development/activity.

Sites that do not require a Stormwater Management Permit shall meet the following minimum requirements:

A
The stormwater drainage system required under the Stormwater Management Ordinance shall be included with and considered as part of the accompanying development application.

B
Drainage systems shall be designed and constructed to prevent runoff from parking lots, roofs, and driveways from flowing over sidewalks.

C
In order to prevent flood damage within the site, in adjacent areas, and downstream, the runoff flows of a 100-year, 24-hour return frequency storm event extending across any property line shall not exceed the level of flow prior to development.

D
Drainage devices may include, but shall not be limited to, one or more of the following: drywells, catch basins or retention ponds, and shall be approved by the Town Engineer.

E
In order to prevent water from entering buildings, the elevations of the lowest floor and all at-grade openings, which shall be clearly shown on the plans, shall be properly related to the final grading.

3.6.2 Grading

A
The grading plan shall show proposed finished contours at two-foot intervals and proposed spot grades at the corners of all buildings, at lot corners, and along the centerline of streets at no less than three points. The proposed grading shall be verified in accordance with Section 16.8.2. Elevations shall be based on either the Connecticut State Plane Coordinate System (NGVD 29 and NAVD 88) or MDC datum.

B
The grading shall provide for proper drainage of the area. No embankment shall exceed a slope of 2h:1v, unless suitable stabilization procedures are provided by the applicant and approved by the Town Engineer.

C
At the completion of the re-grading operation, the area re-graded, except portions affected by structural or parking improvements, shall be covered with four or more inches of soil capable of supporting a perennial vegetative cover of suitable type and quantity to prevent erosion and to restore its compatibility and harmony with its natural surroundings.

D

The grading, or re-grading, shall be done without damaging any adjoining property including, but not limited to, damage caused by the diversion of surface water onto adjoining property.

E

No combustible or organic material shall be used for fill in connection with any grading or re-grading, but this shall not prevent the deposit of combustible material in any dump or sanitary landfill operated under the authority of the Town of Windsor.

F

Grading that could significantly alter the flow of stormwater onto an abutting property, poses an erosion or falling hazard, or threatens the structural integrity of an abutting property shall not occur within 15 feet of any property line unless specifically approved by the Commission, or in the case of a minor technical revision to a site plan in accordance with Section 3.9, specifically approved jointly by the Town Engineer and Town Planner.

H

To prevent erosion, siltation and flooding, the embankments of swales or watercourses created or relocated shall be properly seeded and shall not exceed a slope of 2h:1v unless suitable stabilization procedures (riprap, planting, etc.) are approved by the Town Engineer.

3.6.3 Soil Erosion and Sediment Control

A

A soil erosion and sediment control permit application shall be submitted for any site development or other activity that results in the cumulative disturbance of more than one-half acre of land, with the exception of the following activities:

(1) any emergency activity that is immediately necessary for the protection of life, property, or natural resources;

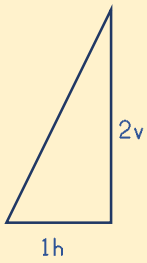
(2) nursery and agricultural operations conducted as a principal or accessory use; and

(3) construction of a single-family detached dwelling, disturbing less than one acre of land, that is not part of a subdivision or residential site development, provided that a permit is not required by the Inland Wetlands and Watercourses Commission.

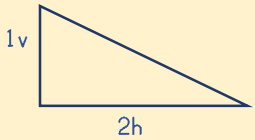
B

The Town Engineer is the designated authority to review and approve Erosion & Sediment Control Plans and Permits.

Describing Slope – Slopes are expressed as rise over run, y/x, v/h; as the ratios y:x or v:h; or as an angle (63°). The maximum 2h:1v slope noted to the left is a 2:1 or two to one slope. Confusingly, landscapers and other trades often note this slope as 1:2 or a one to two slope. We have added the "h" and "v" to denote horizontal and vertical to remove any doubt.



A 1:2 slope is often considered a maximum mowable slope, which would be described as a 2:1 slope by someone on a lawnmower.



C

Applications for Erosion and Sediment Control Permits shall be filed with and on forms provided by the Town Engineer and shall include the items set forth in Subsection E below.

D

The fee for review of any Erosion and Sediment Control Permit application shall be based on the fee structure established in the Town Price Guide and shall be paid at the time of application.

E

The Town of Windsor will utilize the policy, criteria, and information including technical specifications and standards in the latest edition of the Connecticut Guidelines for Soil Erosion and Sediment Control, as well as the Town's Stormwater Manual, as amended, and the Town's Engineering Standards and Specifications, as amended, for the property implementation of erosion and sediment control. These documents may be updated and expanded periodically, based on improvements in science, engineering, monitoring, and local maintenance experience.

(1) Site developments disturbing an area of five acres or more require registration under the Connecticut Department of Environmental Protection's General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities prior to commencing construction.

(2) Each soil erosion and sediment control permit application shall be accompanied by the following items in order to be considered:

(a) an Erosion and Sediment Control Plan in accordance with Subsection (3);

(b) a signed statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan developed for the application; and

(c) a permit application and plan review fees in accordance with the Town Price Guide.

(3) The Erosion and Sediment Control Plan shall be prepared in accordance with the criteria established in applicable design manuals and documents and must be submitted with the stamp and signature of a Professional Engineer licensed in the State of Connecticut.

(4) Modifications to the Plan shall be processed and approved or disapproved in accordance with Subsection F below.

Modifications may be authorized by the Town Engineer by written authorization to the permittee.

F
Review and Approval

(1) The Town Engineer shall inform the applicant, in writing, whether the application and erosion and sediment control plan are approved or disapproved within 30 days after receiving an application.

(2) Approval of the application and Erosion and Sediment Control plan must be obtained prior to the issuance of any building permit.

G
Inspections

(1) The Town Engineer shall make inspections as required below and shall either approve that portion of the work completed or shall notify the permittee when work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the approval of the Town Engineer shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the Town Engineer or his/her designee at least two working days before the following:

(a) start of completion;
(b) completion of clearing limit demarcation;
(c) installation of sediment and erosion control measures;
(d) completion of site clearing;
(e) completion of rough grading;
(f) completion of final grading;
(g) close of the construction season;
(h) completion of final landscaping; and
(i) removal of the sediment and erosion control system.

(2) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of these inspections is to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in writing and submitted to the Town Engineer at the time interval specified in the approved permit.

(3) The Town Engineer may enter the property of the applicant as necessary to make regular inspections to ensure the validity of the reports filed under Subsection (2).

Sign Control – Due to their constitutional protection, extremely variable nature, and potential to negatively impact community character, signs can be difficult to regulate and enforce. As a result, these sign regulations can be difficult to administer despite the best efforts of staff and the Commission to simplify them. To avoid non-compliant designs that might give false expectations to clients, sign manufacturers are encouraged to consult with town staff to ensure that the number, size, location, and illumination of proposed signs meets all applicable regulations.

3.7 SIGNS

3.7.1 Intent

The Town of Windsor has established a rich and distinguished historical identity within the State and an aesthetic character and scale of development that is appropriate to that identity. It is the intent of this Section to provide for appropriately designed signs that are suitable to perform designated functions within a particular zone; compatible with adjacent developments and land uses; and do not detract from property values or threaten the public health, safety, or welfare.

3.7.2 General Requirements

A

Signs other than temporary public interest, public warning, and billboard signs are classified as accessory uses.

B

Billboards are only permitted by special use in the Industrial and Warehouse Zones as the scale of development in these zones is more compatible with billboards than development in other zones where billboards can be aesthetically incompatible, create visual clutter, and diminish the character and quality of life in those areas, subject to the following provisions.

(1) Any billboard structure shall be classified as the primary use of the site on which it is constructed. The relevant requirements of the zone on which the lot exists shall be adhered to for billboard use.

(2) The sign area of any billboard shall be no larger than 400 square feet and the total height of both the sign and structure shall not exceed 35 feet.

(3) In order to take into account the relationship of travel speed, distance, and comprehension of written messages, and in order to minimize aesthetic harm, visual distractions, and the traffic hazards that they may cause, the following location standards shall be adhered to:

(a) the placement of any billboard structure shall not be within 1,500 feet (measured in a straight line) from any

expressway (as defined in the Plan of Conservation and Development (POCD));

(b) the placement of any billboard structure shall not be within 2,000 feet (measured in a straight line) from any major arterial (as defined in the POCD) and Archer Road; and

(c) billboards shall not be constructed within 1,500 feet (measured in a straight line) of one another.

(4) The placement of any billboard structure shall not be such that it is visible during any time of the year from any residential zone, including residential zones in abutting towns, and shall not be within 100 feet of any such property or town line.

(5) In order to protect the scenic beauty of two of our most important natural resources, the placement of any billboard structure shall not be within 3,000 feet (measured in a straight line) from the Connecticut and Farmington Rivers.

(6) No more than 30 percent of existing trees 15 feet or taller shall be cut down on a billboard site to accommodate any development under this Section.

(7) Applications under this Section shall comply with the relevant provisions of Section 15.

(8) There shall be a one-year time limit for all developments under this Section.

(9) The fee for a billboard application shall be five dollars per square foot of sign area.

C

Animated signs and electronic message centers are prohibited.

D

Signs painted directly on the surface of any wall are prohibited unless the Commission finds that the sign will be in harmony with surrounding developments, that the removal of the sign can be reasonably achieved without harming the surface of the wall, and that the sign conforms to sign area requirements.

E

Roof signs are prohibited.

Non-conforming Signs – Non-conforming signs create unusual difficulties in maintaining their legal non-conforming or "grandfathered" status. Subsection J on the following page requires that any sign related to a use must be removed when the use ceases to operate. If the sign is non-conforming, its removal could be considered an overt act to abandon the non-conforming sign. A special provision was added to the sign regulations to allow a non-conforming sign to be removed (when practical) and documented with the Zoning Enforcement Officer, so that an equally or less non-conforming sign can be installed when a new use occupies the premises.

Many businesses take their non-conforming signs with them for reuse or nostalgic purposes, and unless their size is documented by sign permit or notice to the ZEO at the time it is taken down, their grandfathered status may expire due to lack of proof of their non-conformity. Staff will attempt to work with the owner/tenant to establish the size of the non-conforming sign through evidence of their outline on a wall, signposts, photographs, etc.

Supergraphics – Supergraphics are large signs or graphics mounted or painted on the face of buildings or other structures. Because paint on brick, stone, or other masonry cannot be easily removed, if at all, supergraphics are prohibited unless it can be demonstrated that they can be easily removed without damaging the original surface.

F

Projecting signs shall provide at least eight feet of ground clearance, or as specified by the Connecticut State Building Code, if suspended above an area where the public walks.

G

Freestanding signs shall be located at least five feet from a public right-of-way and shall not exceed the height of the eaves or the top of the parapet wall of the building to which it relates.

H

Except as provided in Sections 3.7.2M, 3.7.12, and Subsections (1) and (2) below, only one freestanding business or identification sign, or one projecting business or identification sign shall be permitted per lot, even if there is more than one use or business on the lot.

(1) However, outside of the Windsor and Wilson Center areas (as shown on Appendix pages A-22 and A-23), the Commission may allow more than the permitted freestanding signs as a special use if the applicant demonstrates a need based on the configuration, size, location, and topography of the lot or the placement of buildings.

(2) For corner lots with frontage on more than one street, located outside of the Windsor and Wilson Center areas (as shown on Appendix pages A-22 and A-23), and with combined frontages of twice the minimum required lot width for the zone in which the lot is located or greater, one additional freestanding sign shall be permitted on a secondary frontage.

I

Except for temporary sale or similar temporary window signs as per Section 3.7.2T, signs placed on or within three feet of a window and visible from the exterior of the building shall be included in sign area calculations.

J

To the extent practical, all signs relating to a use or activity shall be removed within 30 days after discontinuance of the use or activity. Documentation of legal non-conforming signs may be provided to the Building Department at the time of removal to preserve their legal non-conforming status when a new use or activity resumes on the premises.

K

Construction signs shall be removed immediately after a building project has been completed.

Window Signs – Window signs present an enforcement challenge due to their historic use by certain busineses, such as grocery store sale signs and neon beer signs, but not by others. When too many temporary signs are placed in windows, they become an eyesore and a safety hazard if they obscure the view of cashiers by police or block a cashier's view of gas pumps. To prevent this, the maximum area of both permanent and temporary window signs cannot exceed 1/3 of the total window area.

With advances in LED technology, programmable LED window signs have become prevalent. When operating in an animated fashion, they become "electronic message centers", which are prohibited. In static mode, they can be used as a permitted "open" sign.

While signs can be displayed inside a business (e.g., "Appliances" or "Produce"), if mounted within three feet of a window and intended to be viewed from outside, they are considered a permanent window sign. Permanent window and/or awning sign area is subtracted from the maximum permitted wall sign area.

L

Real estate signs shall not be displayed after a property has been rented or sold.

M

For non-residential sites abutting limited access highways where the applicant demonstrates a need based on the configuration, size, location, and topography of the lot or the placement of buildings, the Town Planner and Zoning Enforcement Officer may allow one additional freestanding business or identification sign in lieu of a wall sign oriented to be visible primarily from the limited access highway up to a maximum of 200 square feet in area, to be subtracted from the wall sign area permitted under Section 3.7.5B. If the Town Planner and Zoning Enforcement Officer do not determine a need for a freestanding signs based on the above criteria, at the applicant's request, they may refer the sign application to the Commission for their determination.

Highway-Oriented Signs – Property owners and tenants along limited access highways want to use their highway exposure to their advantage, but this gives them an unfair advertising advantage over properties without similar frontage. To balance the desire for exposure for tenants that often do not rely on drive-by customers, these Regulations regulate both freestanding and wall signs facing limited access highways.

N

No site shall be allowed more than two types of business signs (i.e. freestanding, projecting, or wall signs).

O

(reserved for future use)

P

Wall signs intended to be viewed from a limited access highway shall comply with the following, as determined by the Town Planner and Zoning Enforcement Officer:

(1) there is no freestanding sign, as provided under Section 3.7.2M;

(2) the sign is not overly distracting to drivers;

(3) the sign is compatible with the building;

(4) the sign is not too large for its intended viewer;

(5) the sign will not harm the Town's image for passing motorists because of its excessive size or design;

(6) the sign will not negatively affect abutting property values; and

(7) if the Town Planner and Zoning Enforcement Officer determine that a sign does not meet the above requirements, at the applicant's request, they may refer the sign application to the Commission for their determination.

Q
The installation of all signs shall conform to the requirements of the Town of Windsor Code of Ordinances and the Connecticut State Building Code.

R
No string of exposed and/or animated lights shall be displayed and/or used to attract attention to a business or other use, except between Thanksgiving and New Years Day or for decorative illumination of outdoor dining, unless approved by the Commission or the Director of Public Safety.

S
Nothing in these Regulations shall prohibit or regulate the installation of emergency, street, public interest, or public warning signs by a governmental body.

T
Nothing in these Regulations shall prohibit signs intended for viewing principally from within a building, directional signs, including arcade and directory signs, intended for viewing principally from within a site, or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that the latter shall not occupy more than 33-1/3 percent of the total display window area, except as per Sections 5.2.6L(2) and (3).

U
For non-residential developments in the Windsor and Wilson Center areas (as shown on Appendix pages A-22 and A-23), the maximum area of all wall signs facing a residential zone shall not exceed ten square feet. The Commission may allow wall signs totaling up to 20 square feet by special use, provided that it finds that the sign(s) will not have an adverse impact on nearby properties. The above restrictions shall not apply to developments or establishments with a floor area greater than 10,000 square feet.

Wilson and Windsor Center Signs – Due to their mixed-use nature and close proximity of signs to residential uses, signs in these neighborhoods are restricted relative to other suburban locations.

V
The requirements of Sections 3.7.2A through 3.7.2U shall apply to all signs in all zones, but shall not apply to design developments or planned urban developments, in which cases the Commission shall approve the appropriateness of all such signs unless remanded to the Town Planner at the time of concept plan, detailed plan, or comprehensive plan approval for review and staff approval in accordance with the applicable provisions of these Regulations.

3.7.3 (reserved for future use)

3.7.4 Sign Illumination Regulations

A

Sign illumination that simulates traffic lights or emergency warning lights is prohibited.

B

With the exception of internally illuminated channel letters and/or logos, and internally illuminated signs with opaque backgrounds, where only the copy and/or logos are illuminated at night, internally illuminated signs are not a permitted accessory use.

C

The Commission may approve an internally illuminated sign with a transcluscent background by special use if the applicant demonstrates and the Commission finds that:

(1) the establishment for which the sign is intended is open a significant number of hours after dark;

(2) the display of a background color is critical to the identification of the establishment during nighttime business hours;

(3) the sign will not cause excessive glare or be overly distracting to drivers;

(4) the sign is compatible with the building, the site and the surrounding area;

(5) no sign faces are directed towards an abutting residential property;

(6) the sign will not negatively affect abutting property values; and

(7) the Commission may limit sign illumination to only during normal business hours.

To minimize the negative impacts of internally illuminated signs with transluscent backgrounds, the permitted sign area shall be reduced by 50 percent.

D

All indirect illumination sources shall be shielded so that the light will not shine in the eyes of pedestrians and motorists, nor cause unnecessary glare into adjacent residential properties or the night sky.

E

Internally illuminated signs designed for viewing from only one side shall be opaque on the opposite side.

Internal Illumination – Illumination can be as important to the aesthetics of a sign as copy or color. When the light colored background of an internally illuminated sign is translucent, the entire sign becomes a source of glare, equivalent to a large light bulb. For this reason, internally illuminated signs with translucent backgrounds are not permitted-by-right. They may still be permitted by special use, but suffer a 50% area penalty, which previously applied when they were permitted by-right.

Sign technology has become highly sophisticated with opaque masks where only the letters and logos are cut out, leaving the sign face dark at night; LED backed halo lettering that casts a soft glow on a wall around opaque letters; and fine resolution LED channel letters and logos, previously not possible with neon, fluorescent, or incandescent bulbs. These technologies and external light sources provide numerous options for effective, tastefully illuminated signs.

Warning -- Replacing the face of a rectangular cabinet sign does not typically require a sign permit, but if an internally illuminated face with an opaque background with only the copy visible at night is to be replaced with an entirely translucent sign face, a special use permit and possibly a smaller sign is required. Upgrading lighting or replacing cabinets, channel letters, or other signs physically attached to poles or walls requires a sign permit, which also doubles as a building permit, so that they can be inspected for building code compliance.

Calculating Sign Area (part one) - Until a recent revision, sign illumination and its impact on sign area was the most confusing aspect of these sign regulations. Calculating the maximum allowable sign area for both freestanding signs and wall mounted (including projecting) signs remains confusing due to the many flexibility formulas, incentives, penalties, and area specific requirements.

For example, both sides of a freestanding or projecting sign count towards the maximum allowed sign area, which is not the case in many sign regulations. Wall signs that are 100 feet or more from the street can be 1½ to 2 times the maximum sign area allowed, to compensate for their distance from the street, giving them effectively the same size from the perspective of a more distant viewer. Signs in Windsor Center and Wilson are somewhat restricted: not due to an anti-business attitude but from an understanding that buildings are very close to the street, reducing the need for large signs as well as freestanding signs so close to their wall sign counterparts, and businesses are intermixed with residential uses.

3.7.5 Sign Design and Area Regulations

A
Design

(1) Signs shall be designed in harmony with the building and established surrounding development (see Appendix, pages A-18 and A-19),

(2) Signs that block the public's visibility of pedestrian or vehicular traffic, public information signs, or traffic signals are prohibited.

B
Area

(1) In all zones, except single-family residential zones, the following shall apply:

(a) the maximum total area of all combined projecting and wall sign(s) is calculated by multiplying the length of the front wall of the building or establishment by the area factor specified in (i), (ii) and (iii) below:

(i) one square foot of sign for each linear foot of the front wall of buildings or establishments located less than 100 feet from the street right-of-way;

(ii) one and one-half square feet of sign for each linear foot of front wall of buildings or establishments located between 100 feet and 200 feet from the street right-of-way; and

(iii) two square feet of sign for each linear foot of front wall of buildings or establishments located more than 200 feet from the street right-of-way.

(b) for the purposes of this Section, the front wall of a building or establishment shall be the wall containing the main entrance.

(c) if a site contains no occupied principal building (e.g., a park or a construction site), the maximum allowable sign area shall be limited to the maximum area for each appropriate freestanding sign permitted in the zone, as per Sections 3.7.7 through 3.7.15.

(2) The area of an actual or proposed sign shall be calculated by measuring the area of the smallest rectangle that encompasses

the extreme limits of any text, logo, or other graphic, excluding the street address, together with any material forming an integral part of the background of the sign or any color used to differentiate the sign from the backdrop or structure that it is placed on, but not including any supporting structure, bracing, decorative fence, or wall that otherwise complies with these Regulations and is clearly incidental to the sign itself.

(3) (reserved for future use)

(4) For freestanding and projecting signs, all sides containing text, logos, or other graphics shall be included in the calculation of the total sign area.

(5) Except as per Section 3.7.2B, the maximum allowable sign area of permitted freestanding signs located on a lot that is greater than the minimum lot width required in the underlying zone may be modified according to the following formula, provided that no sign exceeds two times the permitted area and the Town Planner and Zoning Enforcement Officer find that larger signs will not have an adverse impact:

$$D = (Y/X) \times C$$

Where X = the minimum lot width
Y = the actual lot width
C = the maximum allowable freestanding sign area and
D = the adjusted maximum allowable freestanding sign area.

(See Appendix, page A-27, Example 2)

(6) Directional signs shall not be subtracted from the permitted freestanding sign allocation, provided that a sign does not exceed 12 square feet and is not intended to be viewed from a street, or where intended to be viewed from a street, does not exceed six square feet and not more than 25 percent of the sign area is used for a business name and/or logo. A sign permit must be obtained and, if not approved at the time of site development approval, the size and location of directional signs must first be jointly approved by the Zoning Enforcement Officer and Town Planner under Section 3.9 of these Regulations.

3.7.6 Approval and Violations

A

No signs shall be permitted in a public right-of-way unless the location is approved by the Director of Public Safety or other relevant authorities.

Calculating Sign Area (part two) – Distinguishing a sign from its background is not always easy. When mounting lettering on a brick wall, you would not consider the entire wall a sign. In this case, the smallest single rectangle that encompasses all of the text and/or logo is the sign area, but paint a rectangular background behind the letters and *that* rectangle becomes the sign area. Purpose-built monolithic structures that serve no purpose other than to support a sign can be counted in their entirety as signs if the structure can be considered an integral part of the sign.

The placement of letters and logos can have a significant impact on the effective area of a sign. For example, an 18-foot wide car dealership name followed by a 2' by 2' logo results in a 40 square foot sign, but center that same logo over the name and the sign becomes a 72 square foot sign with the same amount of sign copy: the two-foot wide logo counts as wide as the name below due to the rectangle encompassing both the name and logo.

Sign Flexibility Formulas – Certain corner lots with more than twice the required street frontage; lots and/or buildings that present challenges for effective signage; and lots with frontage on limited-access highways can be eligible for additional freestandings signs. Freestanding signs on certain lots with excessive street frontage, or that are set back behind the required building line can be up to twice the maximum size allowed. Wall mounted signs that are set back 100 or more feet from the right-of-way can be up to twice the the maximum size allowed.

When a Sign Permit is not Necessary – Replacing the face of a rectangular cabinet sign does not typically require a sign permit, but if an internally illuminated face with an opaque background with only the copy visible a night is to be replaced with an entirely translucent sign face, a special use permit and possibly a smaller sign is required.

B

Prior to the installation of any sign, a sign permit and, where necessary, site plan approval shall be obtained.

C

Noncompliance with any provisions of this Section is a zoning violation subject to the full penalties noted in Section 16.8.3.

3.7.7 Signs Permitted in All Zones

A

Public Interest

The Zoning Enforcement Officer, Town Planner, and when located within a public right-of-way, the Director of Public Safety or Legal Traffic Authority, may jointly grant permission for the temporary display of appropriately located, sized, and lighted public interest signs for a period not to exceed three weeks.

Public and private schools serving kindergarten through the 12th grade may incorporate a permanent, changeable copy, public interest sign, not to exceed 20 square feet per face, into an identification sign for the school.

B

Public Warning

The Director of Public Safety or Legal Traffic Authority may grant permission for the installation of appropriately located, sized, and lighted public warning signs located within a public right-of-way or other public property.

C

Business

Fuel Price Signs – Due to the volatile nature of gas prices and the often tall height of price signs, LED price signs are permitted according to strict regulations on their illumination.

A fuel filling station may erect only one freestanding sign, not exceeding 80 square feet, with an additional 30 square foot changeable copy sign allowed for price information only. To address the volatility of fuel prices, the changeable copy sign may be digital, provided that:

(1) only the copy is illuminated on a black background;

(2) the sign illumination can be adjusted so as to be visible by day without creating glare at night;

(3) the sign does not flash intermittently; and

(4) the copy is not changed more frequently than twice per day.

D
Interpretive

The Zoning Enforcement Officer and Town Planner may jointly grant permission for the installation of appropriately located and sized interpretive signs located on public property.

E
Directional

One or more freestanding and/or wall signs in accordance with Section 3.7.5B(6).

3.7.8 Signs Permitted in Residential Zones

A
Construction

One freestanding sign not exceeding 40 square feet per side, to advertise a building project. Each subcontractor may display one freestanding sign not exceeding four square feet.

B
Identification

One wall or freestanding sign not exceeding 24 square feet.

C
Points of Historical Interest

One wall or freestanding sign not exceeding four square feet. The Director of Public Safety may permit additional signs if the use is public or quasi-public in nature.

D
Nameplate

One wall or freestanding sign per dwelling unit, not exceeding one and one-half square feet per side.

E
Real Estate

One freestanding sign per property offered for sale, not exceeding four square feet per side.

F
Farm Stand

One freestanding sign not exceeding 16 square feet, which shall be removed at the end of the growing or sales season.

G
Business

One non-illuminated freestanding sign, not exceeding three square feet per face, for major home-based businesses or professional offices approved under Sections 4.5.1, 4.5.4, 4.5.5 or 4.5.6.

Business Signs – business signs are not permitted by-right in residential zones. Sections 4.5.1, 4.5.4, 4.5.5 and 4.5.6 refer to special use permits that allow business signs as an accessory use with Commission approval.

H
Open

One non-illuminated sign not to exceed two square feet for farm stand use only.

3.7.9 Signs Permitted in Business Zones

A
Arcade

For the convenience of pedestrians, whose view of wall signs may be obstructed, each establishment with frontage on a sidewalk covered by an arcade, canopy, or pergola in a multi-tenant building may erect one arcade sign beneath the structure, not to exceed two square feet per face. The sign must provide a minimum of eight feet of ground clearance.

Arcade Signs – Despite the name, arcade signs are not meant to advertise video arcades. "Arcade" refers to a covered passageway or colonnade. Arcade signs are small hanging signs meant to guide pedestrians under an arcade, canopy or pergola, where their view of wall signs above the arcade is obscured. Because they are not intended to be viewed by motorists, they are not counted against any permitted sign allotment.

B
Construction

One freestanding sign not exceeding 40 square feet per side, to advertise a building project. Each subcontractor may display one freestanding sign not exceeding four square feet.

C
Business

An establishment may:

(1) erect only one projecting sign, not exceeding 16 square feet; or

(2) an establishment, other than a fuel filling station (see Section 3.7.7C), with less than 3,000 square feet of ground floor area in the main building (except fuel filling stations) may erect only one freestanding sign, not exceeding 32 square feet, except that in Windsor and Wilson Center areas (as shown on Appendix, pages

A-22 and A-23), no freestanding sign may exceed 16 square feet per face and the provisions of Section 3.7.5B(5) shall not be applicable; or

(3) an establishment, other than a fuel filling station (see Section 3.7.7C), with 3,000 square feet or more of ground floor area in the main building (except fuel filling stations) may erect only one freestanding sign, not exceeding 50 square feet, except that in Windsor and Wilson Center areas (as shown on Appendix pages A-22 and A-23), no freestanding sign may exceed 16 square feet per face and the provisions of Section 3.7.5B(5) shall not be applicable;

(4) hotels located adjacent to a limited access highway may erect only one freestanding sign not exceeding 100 square feet;

(5) hotels in other locations may erect only one freestanding sign not exceeding 50 square feet; and

(6) all other business signs not described above shall conform to the applicable requirements of Section 3.7.

D
Identification

(1) One wall or freestanding sign not exceeding 32 square feet.

(2) Shopping centers occupying less than ten acres may erect one freestanding sign not exceeding 50 square feet, solely to identify the center.

(3) Shopping centers occupying ten acres or more may erect one freestanding sign not exceeding 100 square feet, solely to identify the center.

E
Nameplate

One wall, freestanding, or projecting sign per office or establishment, not exceeding two square feet per face.

F
Real Estate

As per Section 3.7.8E, except that the sign may be of wall or freestanding construction. The area of a freestanding real estate sign may be increased in accordance with Section 3.7.5B(5), except that the maximum area allowed shall be 32 square feet.

G
Farm Stand

One freestanding sign not exceeding 16 square feet, which shall be removed at the end of the growing or sales season.

H
Special Event

In order to promote the economic development and viability of Windsor businesses, especially during slow economic times, the temporary display of a special event sign(s) based on such factors as its size, the size of the site, its placement on the site, potential safety impacts and the degree that the sign(s) might compromise the character of the surrounding area, may be approved as follows:

(1) the Building Official and Town Planner may jointly approve a special event sign for an initial period of three months if they find that the display will not create nuisances, hazards, or excessively compromise the character of the area;

(2) by special use, the Commission may grant approval for up to an additional three months beyond any approval period granted jointly by the Building Official and Town Planner, if it confirms the findings in (1) above, and further finds that the approval will not create a significant competitive advantage for the applicant over other Windsor businesses, and that the approval will not create a concentration of special event signs;

(3) the Zoning Enforcement Officer and Town Planner may jointly approve sandwich board signs under Section 3.9 if they determine that:

(a) the sign will not create visibility problems for, interfere with, or pose hazards to pedestrian or vehicular traffic;

(b) the sign is no larger than six square feet per face, is structurally sound, and does not create a safety hazard;

(c) the sign is located on the premises where the special event will occur;

(d) approvals shall be for a total of 12 weeks per calendar year and may be used in one or more weekly increments throughout the year; and

(e) the Zoning Enforcement Officer shall reauthorize the sign annually upon written request, provided that there have

Special Event and Temporary Signs – Temporary signs are undoubtedly the most common zoning violation in Windsor, with franchise operators setting the pace with banners, feather signs, pole signs, pennants, etc. provided by their respective corporations. When these signs are left unenforced, they lead others to believe that they are perfectly legal, who then invest in temporary signs of their own, compounding the problem. Be forewarned that these temporary signs can be enforced at any time, regardless of who else may have similar signs or who had them first.

One type of temporary sign is permitted: special event signs, which can be used to advertise grand openings, new management, job openings, sidewalk sales, etc. To avoid a costly mistake, consult with the Building or Planning Department before purchasing or installing any temporary signs.

Sandwich-Board Signs – Special event signs can take the form of banners and sandwich-board (A-frame) signs. A-frame signs pose several challenges that can make them dangerous if not properly placed and secured. If placed on a sidewalk or near a curb, they can pose a tripping hazard to pedestrians and block motorists' views of oncoming traffic when pulling out of driveways and side streets. If not secured to the ground with stakes or some kind of weight, they can blow over into the street and cause an accident or otherwise damage vehicles.

been no violations of this Section during the preceding year.

I
Open

One non-animated window sign not to exceed two aquare feet, regardless of illumination.

3.7.10 Signs Permitted in the Professional Zone

A
Construction

One freestanding sign not exceeding 40 square feet per side, to advertise a building project. Each subcontractor may display one freestanding sign not exceeding four square feet.

B
Business

One freestanding sign not exceeding 50 square feet.

C
Identification

One freestanding sign not exceeding 50 square feet.

D
Nameplate

One wall or freestanding sign per office or studio, not exceeding two square feet per face.

E
Real Estate

One freestanding sign per property offered for sale, not exceeding four square feet per side.

F
Open

One non-animated window sign not to exceed two square feet, regardless of illumination.

3.7.11 Signs Permitted in the Restricted Commercial Zone

Signs located in a Restricted Commercial Zone shall be regulated as per Section 3.7.9.

3.7.12 Signs Permitted in the Industrial and Warehouse Zones

A
Construction

One freestanding sign not exceeding 40 square feet per side, to advertise a building project. Each subcontractor may display one freestanding sign not exceeding four square feet.

B
Business

(1) One projecting sign not exceeding 50 square feet or one freestanding sign not exceeding 100 square feet.

(2) Hotels

(a) Hotels located adjacent to a limited access highway may erect only one freestanding sign not exceeding 100 square feet.

(b) Hotels in other locations may erect only one freestanding sign not exceeding 50 square feet.

(3) For lots containing two or more buildings separated by a minimum of 70 feet and oriented to a common drive, one freestanding sign not exceeding 100 square feet for each building shall be permitted.

(4) To limit sign clutter on streets and/or to provide sign exposure for flag lots or similarly configured rear lots; a lot with sufficient road frontage to display a business sign may share its sign area with another flag lot or rear lot sharing a common drive. Such shared business sign shall not preclude a business sign on the main body of the flag lot or similarly configured rear lot, oriented towards the common driveway but not intended to be viewed from the street.

(5) All other business signs not described above shall conform to the applicable requirements of Section 3.7.

C
Identification

(1) One freestanding sign not exceeding 100 square feet.

(2) For lots or unified site developments containing two or more buildings separated by a minimum of 70 feet and oriented to a common drive, one freestanding sign not exceeding 100 square feet shall be permitted in addition to the permitted freestanding business sign(s).

D
Nameplate

One wall, freestanding or projecting sign for each establishment, not exceeding four square feet.

E
Real Estate

One wall or freestanding sign not exceeding 16 square feet per face.

F
Special Event

As per Section 3.7.9H.

G
Open

One non-animated window sign not to exceed two square feet, regardless of illumination.

3.7.13 Signs Permitted in the Agricultural Zone

A
Construction

One freestanding sign not exceeding 40 square feet per side, to advertise a building project. Each subcontractor may display one freestanding sign not exceeding four square feet.

B
Business

(1) One projecting sign not exceeding 16 square feet or one freestanding sign not exceeding 50 square feet.

(2) Other business signs not described above that may be erected shall be wall signs conforming to the applicable requirements of Section 3.7.

C
Identification

One freestanding sign not exceeding 50 square feet.

D
Real Estate

One wall or freestanding sign not exceeding 16 square feet per face.

E
Farm Stand

One freestanding sign not exceeding 16 square feet, which shall be removed at the end of the growing or sales season.

F
Open

One non-illuminated sign not to exceed two square feet.

3.7.14 Signs Permitted in Design Developments

Unless remanded to the Town Planner at the time of concept or detailed plan approval, the location and design of all signs in a Design Development shall be approved by the Commission (see Section 3.7.2U).

3.7.15 Signs Permitted in the Public and Quasi-Public Zone

A
Construction

One freestanding sign not exceeding 40 square feet per side, to advertise a building project. Each subcontractor may display one freestanding sign not exceeding four square feet.

B
Identification

One freestanding sign not exceeding 32 square feet.

C
Business

As per Section 3.7.9C.

D
Special Event

As per Section 3.7.9H.

E
Real Estate

One freestanding sign per property offered for sale, not exceeding four square feet per side.

3.7.16 Signs Permitted in Planned Urban Developments

Unless remanded to the Town Planner at the time of concept plan or site plan approval, the location and design of all signs in a Planned Urban Development shall be approved by the Commission (see Section 3.7.2U).

3.8 CONFORMANCE WITH DISTRICT REQUIREMENTS

Unless otherwise provided, any development approved under this Section shall conform to all of the relevant regulations of the underlying zone in which the proposed development is located.

3.9 TECHNICAL AND MINOR CHANGES

A
Technical and minor revisions to an approved site plan may be approved jointly by the Town Planner, Building Official, and other relevant Town staff when proposed changes are limited to landscaping; lighting; parking; drainage; grading; erosion and sedimentation controls; utilities; signage; architectural details; or building additions or additional structures that are less than 25 percent of the floor area of the principal building or 10,000 square feet, whichever is least.

B
When a fully engineered site plan is cost prohibitive relative to the cost of a proposed minor change (e.g. adding a vestibule, handicap accessible ramp, landscaping, signage, dumpster enclosure, shed, or similar minor change) for which an A-2 survey is not necessary to determine inland wetland or zoning compliance; and proposed changes do not involve significant grading, storm drainage, floodplain, underground utilities, or other attributes requiring professional design, location, and/or documentation on a site plan; the Building Official, Town Planner, Town

Conformance with Distirct Requirements – In addition to the requirements of this section, there are both zone and use specific requirements for each underlying zone, found in Sections 4 through 13 as well as general requirements found in Section 14 – General Requirements.

What is a "3.9"? – A "3.9" is shorthand for a technical and minor revision to a site plan that can be approved administratively by town staff without action by the Commission under Section 3.9. Originally intended to handle field changes due to unforeseen conditions, 3.9s have been expanded to handle deliberate site modifications up to and including 10,000 square foot building additions; allowing construction activities to commence quickly, without waiting for monthly commission meetings.

Recent changes allow for simplified site plans to address technical and minor changes that do not require a fully engineered plan to determine conformance with these and other regulations. When subsequent significant changes are made to a site, the simplified site plan improvements must be incorporated into a fully engineered plan.

Engineer, Fire Marshal, or other applicable staff members may mutually agree to allow a simplified site plan that is limited in scope to the vicinity of the proposed change.

(1) Simplified site plans shall be drawn to scale and demonstrate compliance with all relevant regulations to the satisfaction of relevant town staff, but do not need to be professionaly drawn and sealed.

(2) Upon subsequent, more significant changes to a site, the simplified site plan shall be incorporated into a fully compliant site plan of the entire site.

C

When Inland Wetlands and Watercourses Commission (IWWC) action is required, application to the IWWC shall be made not later than the day of application for site plan revision and the revision shall not be approved unless in accordance with the approval of the IWWC.

D

Site plans and simplified site plans indicating technical and minor revisions shall be filed in the Commission files and the Town Planner shall report all approvals to the Commission at its next meeting. If there is disagreement on any issue between the staff and the applicant, the applicant will be referred to the Commission for site development approval.

SECTION 4 - SINGLE-FAMILY RESIDENTIAL ZONES

4.0 INTENT

It is the intent of this Section to provide suitable areas for appropriate residential development and for a full range and mixture of residential uses while preserving and enhancing the character and property values of single-family residential districts.

4.1 AREA, BULK, DENSITY, AND YARD STANDARDS

4.1.1 Single-Family AA

Density of occupancy - 1.3 dwelling units per acre of developable land
Minimum lot area allocated to one family - 27,500 square feet
Minimum lot area allocated to one family, flag lot - 55,000 square feet
Minimum lot width - 125 feet
Minimum front yard - 40 feet
Minimum front yard, flag lot - 80 feet
Minimum side yard - 15 feet
Minimum rear yard - 25 feet (exceptions as per Section 14.2.4D)
Maximum building coverage - 15% of the site
Maximum building height - 2 1/2 stories or 35 feet

4.1.2 Single-Family A

Density of occupancy - 1.6 dwelling units per acre of developable land
Minimum lot area allocated to one family - 20,000 square feet
Minimum lot area allocated to one family, flag lot - 40,000 square feet
Minimum lot width - 100 feet
Minimum front yard - 40 feet
Minimum front yard, flag lot - 80 feet
Minimum side yard - 15 feet
Minimum rear yard - 25 feet (exceptions as per Section 14.2.4D))
Maximum building coverage - 20% of the site
Maximum building height - 2 1/2 stories or 35 feet

4.1.3 Single-Family R-13

Density of occupancy - 2.2 dwelling units per acre of developable land
Minimum lot area allocated to one family - 12,750 square feet
Minimum lot area allocated to one family, flag lot - 38,250 square feet
Minimum lot width - 85 feet
Minimum front yard - 40 feet
Minimum front yard, flag lot - 80 feet
Minimum side yard - 10 feet
Minimum rear yard - 20 feet (exceptions as per Section 14.2.4D))
Maximum building coverage - 25% of the site
Maximum building height - 2 1/2 stories or 35 feet

Single-Family Homes – Single-family homes on individual lots are not subject to the requirements of Section 3 – Site Development, but are subject to applicable requirements of Section 14 - General Requirements as well as any modifications resulting from subdivision approval under the Town of Windsor Subdivision Regulations.

The Single-Family A and AA zones are old designations for what should be called the R-20 and R-28 Zones to match the naming convention of the smaller zones. The A and AA designations impart no different meaning (e.g. agricultural) to these zones.

Density vs. Lot Area - An acre of land is 43,560 square feet. When you multiply the minimum lot area by the density of occupancy for any zone, you will notice that the math does not add up (e.g. in the AA Zone 27,500 x 1.3 = 35,750, not 43,560. Why the difference? When subdividing a parcel, road infrastructure, mandatory open space, the irregular shape of the parcel, terrain, wetlands and/or other factors lead to inefficiencies that limit densities. The density of occupancy for each zone reflect these factors. When a lot split or subdivision does not include new infrastructure or open space due to an exemption or a fee in lieu of open space, only the minimum lot area is used to determine density.

4.1.4 Single-Family R-11

Density of occupancy - 2.3 dwelling units per acre of developable land
Minimum lot area allocated to one family - 11,250 square feet
Minimum lot area allocated to one family, flag lot - 33,750 square feet
Minimum lot width - 75 feet
Minimum front yard - 40 feet
Minimum front yard, flag lot - 80 feet
Minimum side yard - 8 feet
Minimum rear yard - 20 feet (exceptions as per Section 14.2.4D))
Maximum building coverage - 25% of the site
Maximum building height - 2 1/2 stories or 35 feet

4.1.5 Single-Family R-10

Density of occupancy - 2.7 dwelling units per acre of developable land
Minimum lot area allocated to one family - 9,750 square feet
Minimum lot area allocated to one family, flag lot - 29,250 square feet
Minimum lot width - 65 feet
Minimum front yard - 30 feet
Minimum front yard, flag lot - 80 feet
Minimum side yard - 8 feet
Minimum rear yard - 20 feet (exceptions as per Section 14.2.4D))
Maximum building coverage - 30% of the site
Maximum building height - 2 1/2 stories or 35 feet

4.1.6 Single-Family R-8

Density of occupancy - 3.0 dwelling units per acre of developable land
Minimum lot area allocated to one family - 7,500 square feet
Minimum lot area allocated to one family, flag lot - 22,500 square feet
Minimum lot width - 50 feet
Minimum front yard - 25 feet
Minimum front yard, flag lot - 80 feet
Minimum side yard - 8 feet
Minimum rear yard - 20 feet (exceptions as per Section 14.2.4D))
Maximum building coverage - 30% of the site
Maximum building height - 2 1/2 stories or 35 feet

4.2 MISCELLANEOUS STANDARDS

4.2.1 Areas Excluded from Density Calculation

A
In all residential subdivisions, undevelopable land shall not be used for density calculations.

Buildable Land – Areas that consist of wetlands, floodplain, or slopes in excess of 25% are not considered buildable and are generally excluded from density calculations unless specified otherwise.

The density of occupancy requirements shall not apply to subdivisions that meet all of the following criteria:

(1) it is located on an existing street(s) and requires no new streets;

(2) it has five or fewer lots; and

(3) at least 85% of the required lot area is developable land.

B
Easements

Easements shall be as per Sections 14.1.4 and 14.1.22.

C
Reduction of Area and Frontage Requirements for Sidewalks and Trails

(1) If authorized by the Commission, the minimum area and frontage requirements of one or more lots may be reduced to provide pedestrian rights-of-way. The total reduction shall not exceed twice the area and frontage required for this right(s)-of-way (minimum width ten feet).

(2) Notwithstanding this or any other provisions, through or corner lot adjacent to any pedestrian rights-of-way shall not be reduced below minimum frontage and area requirements.

D
Corner Lots and Through Lots

Corner and through lots shall be as per Sections 4.2.1C, 14.2.6, and 14.2.7.

4.2.2 Living Area Requirements

A
Except as provided in Sections 4.5 and 13.2.5, the living area per single-family dwelling shall not be less than the following:

(1) In AA Residential Zone

(a) Single-Story: 1,300 square feet minimum,

A dwelling with a minimum living area of 1,300 square feet shall

Easements – The area and width of easements for above-ground utilities and accessways are not counted towards minimum lot width, frontage, or area unless the Commission authorizes a reduction to accommodate a sidewalk or trail.

Corner Lots and Through Lots – Through lots, with front and rear frontage on streets, are discouraged. Corner lots are unique in that they have two front yards (one on each street). To compensate for this disadvantage and in light of side yards being generally perpendicular to front yards, corner lots also have two side yards, which is less restrictive than two front yards and two rear yards.

		not have more than three bedrooms. Additional rooms shall contain at least 175 square feet.
(b)	Split-Level and Bi-level:	1,500 square feet minimum, The vertical projection of all floors shall be at least 1,200 square feet.
(c)	Two-Story:	1,500 square feet minimum, The first floor shall contain at least 750 square feet.

(2) In AA and A Open Space Subdivisions and in A, R-13, R-11, R-10 and R-8 Residential Zones

The living area per single-family dwelling shall not be less than 950 square feet for a two-bedroom dwelling, plus an additional 175 square feet for each additional room, with a maximum required area of 1,475 square feet. Additions to any single-family dwelling existing at the time of adoption of these Regulations shall provide 175 square feet for each room added or be calculated according to this Subsection, whichever is less.

Varied Front Yards – Varied front yards are intended to break up the visual monotony of uniform house setbacks. However, they do pose a potential problem in the future when selling or refinancing a home and someone notes that the house is 25% closer to the street than the minimum front yard stated in these Regulations (e.g., 30' feet instead of 40' in the AA zone). For this reason, you must refer to the subdivision plan and/or plot plan (a.k.a. as-built plan) and observe the building line or front yard noted on these plans, which should show the required varied front yard (noting it as 30' feet using the previous example).

4.2.3 Varied Front Yards

Front yards shall be varied in all new residential subdivisions in residential zones according to the following requirements.

A

The front yard depth of one-third of the lots shall be reduced by 25 percent; for one-third of the lots, it shall be increased by 25 percent; and for one-third of the lots, it shall equal the required front yard depth.

B

The building line of each lot shall be shown on the filed subdivision plan and as-built plans for individual dwellings. The front yard depth shall not be considered non-conforming when modified and documented in accordance with this Section.

C
The average depth of the front yards in a subdivision shall not be less than the required front yard depth.

D
The distribution of varied front yards shall be arranged to provide the maximum variety of yard depths.

E
The Zoning Enforcement Officer and Town Planner may jointly authorize an on-site change to any front yard depth setback modified under this Section if they determine that a proposal constitutes a minor change, that the average depth of the front yards in the subdivision will not be less than the required front yard depth, and that some desirable site feature will be preserved as a result of the change. An application shall be filed under Section 3.9 to approve the change.

F
The Commission may waive the varied front yard requirement only when it finds that:

(1) the road curvature, grade or the topography of the area adequately breaks up the visual appearance of the line of homes with the same front yard depth; and

(2) grading that results in excessive environmental damage would be required to achieve varied front yards.

G
The provisions of this section shall not apply to flag lots.

4.2.4 One Principal Building Per Lot

Except as provided in Sections 4.5.3 and 13.2.5, in all single-family residential zones, only one principal building is permitted on a lot.

4.2.5 Residential Buildings Adjacent to Limited Access Highways or Railroads

Residential buildings adjacent to limited access highways or railroads shall as per Section 14.2.4D).

4.3 PERMITTED USES

4.3.1 Single-Family Dwellings

Permitted, Special, and Accessory Uses – Land uses and structures fall into one of three categories: permitted, accessory, and special uses. Permitted uses, in this case, single-family homes, are allowed by-right anywhere in the residential zones. Special uses are uses that have unique characteristics that make them unsuitable for all locations (e.g., a professional office in a residence) and the Commission has the discretion to determine whether a special use is suited to a particular property. Accessory uses are ancillary to either a permitted or special use, meaning that they support those uses but are not permitted to stand alone on a property (e.g. a driveway and garage).

4.4 ACCESSORY USES

Larger Accessory Structures – The Commission established a maximum accessory building size of 580 square feet to accommodate a typical 24' x 24' detached two-car garage, with the understanding that there is no size limit on attached garages, other than the area and width limitations of a particular lot. To provide flexibility for oversized lots where adding or enlarging an attached garage may not be an option, the Commission allows 20% of the area of the required rear yard to be used in lieu of 580 square feet. Do not confuse the required rear yard, which is only the rearmost 20-25 feet of the backyard, with the practical rear yard, which is the entire backyard. For potentially larger accessory structures, see Section 4.5.16.

Accessory Building Size – The maximum allowed accessory building size is the total floor area of *all* detached accessory structures, including garages, barns, sheds, gazebos, and similar structures.

4.4.1 Accessory Buildings, Porches, and Decks

A

Accessory buildings, porches, and decks shall be subject to the following requirements:

(1) maximum building height - one story or 15 feet;

(2) with the exception of open porches, as per Section 14.2.10, minimum side, front, and rear yards for accessory buildings, porches, and decks shall be the same as required for the principal building, except that detached accessory buildings located entirely behind the rear plane of the principal building on the lot may be located as close as six feet from a rear or side property line, provided that the accessory building is not used for human or animal habitation (e.g., cabana, gazebo, hen house or stable);

(3) except as per Section 4.5.16, the total floor area of all accessory buildings on a lot shall not exceed 580 square feet or 20 percent of the area of the required rear yard, whichever is greater, except that in the latter case, the total floor area shall not exceed 1,000 square feet or the total ground floor area of the principal structure, whichever is less;

(4) no portion of a detached accessory building or deck shall be located closer than ten feet to the principal building or any other accessory building; and

(5) for the purpose of counting building coverage, accessory structure coverage, and impervious coverage:

(a) porches increase both building and impervious coverage;

(b) accessory structures increase both accessory structure and impervious coverage; and

(c) decks and patios increase only impervious coverage.

4.4.2 Swimming Pools and Hot Tubs

A

Swimming pools, hot tubs, and their related decking/apron area and equipment, whether located above ground or in the ground, shall be subject to all requirements applicable to accessory structures, except that they shall not be located within any required yard, and any related

equipment shall be screened from street view by structures, fences, walls, or plantings.

B

For the purpose of counting building coverage, accessory structure coverage, and impervious coverage, swimming pools and related decks or aprons increase only impervious coverage.

4.4.3 Tennis Courts

Tennis courts shall not be located within any required yard and, if lighted, shall comply with Section 3.2.

4.4.4 Recreational Vehicles and Boats

Recreational vehicles, boats, and their trailers may be parked or stored on a lot in any residential zone subject to the following conditions.

Recreational Vehicles – Campers, RVs and boats are a common source of zoning complaints, especially when they are oversized and/or parked in a driveway or front yard. With the exception of loading and unloading; campers, RVs and boats should not be stored in a driveway and under no circumstances other than an emergency, should they be hooked up to water and electricity for living purposes.

A

Such equipment shall not be more than 25 feet in length.

B

If stored outdoors (not in a garage or other completely enclosed structure):

(1) no more than one vehicle and its trailer may be stored;

(2) they shall not be stored within the required front or side yard, except that in the case of corner lot located in the A or AA Zones, they may be located in a required side yard provided that they comply with all other requirements of this Section;

(3) they shall not be stored within five feet of the property line; and

(4) except for corner lots located in the A or AA Zones, they shall be screened from street view by structures, fences, walls, and/or plantings to the extent practical under these Regulations.

C

Such equipment may be parked anywhere on the residential premises for a period not exceeding 24 hours to allow for loading or unloading. Parking beyond 24 hours shall be considered storage.

D

Any recreational vehicle or boat parked or stored in any zoning district shall not be connected to any utility or used for living, sleeping, or housekeeping purposes.

Commercial Vehicles –Many commercial vehicle complaints are unfounded due to confusion over what is considered an illegal commercial vehicle under these Regulations. Just because a vehicle has a sign(s) and is clearly used for commercial purposes does not make it an illegal commercial vehicle in a residential zone.

With pickup trucks and vans outgrowing their traditional ½-ton, ¾-ton, and one-ton classifications, a new classification scheme was developed. Anything with a gross vehicle weight rating (GVWR) over 11,000 lbs, more than two axles, longer than 21 feet, and/or taller than 10 feet is not allowed in a residential zone. Most stock trucks and vans up to heavy-duty capacity (e.g., 150, 1500, 250, 2500, 350, 3500, or comparable) are suitable. The GVWR for most super-duty (e.g. 450), city trucks, and box trucks are probably over 11,000 lbs.

4.4.5 Commercial Vehicles

The parking of no more than one commercial vehicle, subject to the following conditions.

A

The commercial vehicle shall not exceed the following specifications:

(1) a gross vehicle weight rating of 11,000 pounds;

(2) two axles;

(3) an overall length of 21 feet; or

(4) an overall height of 10 feet, excluding roof racks.

B

Tailgate spreaders, snow plow blades, or other appurtenances to the commercial vehicle shall be stored when seasonally removed from the vehicle and, if stored outdoors, shall comply with the following:

(1) they shall not be stored in the required front or side yard, except that in the case of corner lots located in the A and AA Zones, they may be located in a required side yard provided that they comply with all other requirements of this Section;

(2) they shall not be stored within five feet of a property line; and

(3) they shall be screened from view from the street and abutting properties by structures, fences, walls, or plantings to the extent practical under these Regulations.

Home Occupations – Home-occupations come in several forms: minor home-based businesses, major home-based businesses, and professional offices with the professional living on premises. Minor home-based businesses are allowed by-right, while major-home occupations and professional offices require a special use due to additional employees, signage, traffic and other impacts.

4.4.6 Home-Based Businesses

Recognizing that home-based businesses can be an effective incubator for small businesses and reduce commuting traffic, but that they can also have impacts on surrounding residential properties, minor home-based businesses are permitted subject to the following conditions.

A

The owner of the business shall reside in the dwelling unit being used for the home-based business. The business may employ one additional employee not residing on the premises.

B

The business shall not generate more than five patron, client, or off-site employee visits, or deliveries/pickups by commercial carriers per week.

C
There shall be no delivery or pickup of products by commercial vehicles other than parcel service vehicles (e.g., Fed Ex Home, UPS, and USPS).

D
Equipment used shall be typically found in a residence, but shall exclude drums, horns, or amplified musical instruments.

E
No signs, display of products, or storage of materials used in the business shall be visible from the street.

F
The business shall not alter the residential character of the neighborhood.

G
The retail sale of goods not produced on the premises in compliance with this Section must be conducted off-premises.

H
Home-based businesses that exceed the requirements of this Section and professional offices in a dwelling may be considered by the Commission as special uses under Section 4.5.4 and 4.5.5.

4.4.7 Raising of Small Livestock

A
The non-commercial raising of livestock for private use, subject to the following minimum acreage and density requirements:

(1) the minimum lot size required to keep alpacas, cows, donkeys, goats, horses, llamas, mules, or similar domesticated animals shall be three acres;

(2) the minimum lot size required to keep female chickens, hereafter referred to as hens, shall be 7,500 square feet;

(3) the density of alpacas, donkeys, goats, llamas, mules, sheep, or similar small domesticated animals shall not exceed one head per one-half acre;

(4) the density of cows, horses, or similar large domesticated animals shall not exceed one head per three acres;

(5) the density of hens shall be six hens per acre, or any fraction thereof (e.g., 0.5 acres would permit six hens and 1.5 acres would permit 12 hens).

Family Day Care Homes – Family day care homes, group day care homes, and day care centers are defined by the number of clients served. Family day care homes can serve up to six clients including resident of the home; group day care homes can serve seven to 12 clients, exclusive of residents of the home; and a day care center is any day care facility exceeding 12 clients and/or not located in a residential dwelling.

While not listed as either a home-based business or as a separate accessory use, family day care homes are allowed as accessory uses, as according to the CT General Statutes, they are not to be treated differently than single-family homes, while group day care homes and day care centers require a special use under Section 15.2.16.

Farm Animals – Over the years, the line between pets and livestock has become blurred, with pot-bellied pigs (not permitted) and other small farm animals being kept as pets. To ensure that these animals are responsibly raised and do not create a nuisance in the residential zones, minimum acreages and other requirements were established, based on the relative size of each animal. Any animals kept must be for personal, and not commercial purposes.

Keeping Chickens – Keeping chickens is a major responsibility. They need housing, secured from predators and weather; adequate food and water, which can freeze in winter; and their manure and bedding material must be mangaged to avoid smells. Hens can take six months or more to lay eggs and live long after they finish laying, so be prepared to feed them and get nothing in return. Abandoning barren hens is not an option.

Roosters are prohibited due to their crowing, but are not needed for hens to lay eggs. You can purchase sexed chicks to ensure that none are male.

Chickens are a common vector for salmonella, so everyone, especially vulnerable children and older adults, needs to practice good hygiene after handling chickens and fresh eggs.

Guinea hens are native to Africa and have a very loud jungle-like call, similar to a peacock. Both guinea and pea fowl are prohibited for their noisy nature.

B
Location Requirements

(1) All livestock shall have access to adequate shelter and a suitably sized, well-drained, and fenced outdoor enclosure.

(2) All strucutres for housing livestock shall be sized, secured, and maintained in a manner that promotes animal health and minimizes odor.

(3) Structures for housing livestock, other than hens, shall not be located within ten feet of any dwelling unit, 20 feet of any property line, or 150 feet of any street line.

(4) Structures for housing hens shall be located behind the principle structure, no closer than ten feet from any dwelling unit, and in conformance with Section 4.4.1.

(5) No livestock shall be housed within a dwelling unit.

(6) All manure and soiled bedding materials shall be removed from the premises or composted in a manner that minimizes both odors and surface runoff that might pollute nearby water bodies.

(7) Livestock feed shall be suitably stored so as not to attract vermin.

C
The keeping of pigs, roosters, guinea fowl, or pea fowl are prohibited.

D
Compliance with all federal, state, and local health and safety regulations.

Boarding Houses – There are several ways that unrelated people can share a home: up to two boarders in a dwelling occupied by the owner; and up to five unrelated individuals sharing a dwelling as a family unit. What are not permitted are single-room-occupancies (SRO), where individuals occupy locked quarters with no common areas, and hot-bunking, where beds are shared between workers on different shifts, resulting in more than five occupants.

4.4.8 Renting of Rooms

The renting of rooms to not more than two boarders in a dwelling used by the owner as his/her own residence.

4.4.9 Boat Docks

For owner's use only and provided that it is in compliance with all appropriate codes, laws and requirements of town, state, and federal agencies.

4.4.10 Off-Street Parking of Motor Vehicles

In order to reduce the excessive fire hazard to neighboring properties and facilitate the plowing of snow, no more than four motor vehicles parked

off-street and outside of a structure shall be within 50 feet of any property line.

4.4.11 Dish Antennas

A

Roof- and wall-mounted dish antennas are permitted provided that:

(1) the dish is less than three feet in diameter;

(2) the highest point on the antenna does not exceed the highest point of the roof of the building that it is attached to; and

(3) whenever practical, no part of the antenna is visible from any street.

B

Ground-mounted dish antennas are permitted provided that:

(1) the dish is less than eight feet in diameter (dish antennas up to 12 feet in diameter may be approved under Section 4.5.9);

(2) no part of the antenna exceeds a height of 12 feet above grade;

(3) the antenna is screened from street view by existing structure(s), earthen berms, wooden fences, masonry walls, or plantings; and

(4) the antenna is permanently mounted on a concrete foundation.

C

All dish antenna installations under this Section shall comply with the following:

(1) no antenna shall be located within any required yard unless necessary for reception or transmission purposes;

(2) the antenna shall have Federal Communications Commission (FCC) certification where required; and

(3) a Building Permit is required prior to installation to ensure that the antenna is securely mounted and will not pose a threat to public safety.

D

Nothing in this Section is intended to limit access to telecommunication signals governed by the FCC under the Telecommunications Act of 1996, as amended, nor unduly increase the installation cost of an antenna governed by that Act.

Dish Antennas – If you have ever wondered how small satellite dish antennas (e.g. Dish Network or Direct TV) are allowed to be installed in odd locations, such as in front yards next to the street, the federal Telecommunications Act of 1996 prohibits town staff from regulating small satellite dish antennas in any manner that delays or increases the cost of installation. This has resulted in a nationwide laissez-faire approach, allowing them to go virtually unregulated, since building permit fees and location restrictions would likely violate both requirements of the Act.

C-Band and other larger satellite dishes *are* regulated and require building permits prior to installation due to their size and weight, and when mounted on the ground, may require a special use permit under Section 4.5.9.

Driveway Regulations – Most homeowners are not aware that driveways are highly regulated and that the driveway apron, where the driveway meets the road, is often owned by the town or state, requiring town or state permits to work within their respective right-of-ways. To limit excessive driveway pavement and curb cuts that detract from the residential character of neighborhoods, the width of driveways is generally limited to two car widths (18 feet). Driveways within six feet of neighboring property lines are also discouraged but not prohibited.

For flag lots, which are lots generally located to the rear of other lots, the driveway must be paved for its entire length to a width of 12 feet, with an additional three feet of clearance to either side to minimize delay and allow emergency vehicles to access difficult to reach rear homes.

4.4.12 Driveways

Modifications to existing driveways and new driveways serving single-family residential lots with frontage on public streets shall comply with the following.

A

Width Requirements

(1) For lots without a garage, driveways shall not exceed 18 feet in width (measured parallel to the street).

(2) For lots with front entry garages, driveways shall not exceed a width equal to the face of the garage or 18 feet, whichever is greater, for a distance of 20 feet from the door(s), and shall be tapered, if necessary, to 18 feet in width or less (measured parallel to the street) for the remainder of the driveway.

(3) For lots with side entry garages, driveways shall not exceed 35 feet in width (measured perpendicular to the face of the garage) across the face of the garage and shall be tapered to 18 feet in width or less (measured parallel to the street) for the remainder of the driveway.

B

In addition to the requirements of Section 4.4.12A, the driveway width within 5 feet of the garage door may be increased by an additional 4 feet total to catch drainage such as downspout flows, etc.

C

Unless jointly approved by the Town Planner and Zoning Enforcement Officer, or the Commission, driveways shall be no closer than 6 feet from a side property line. Upon proof of written notification to the affected abutting property owner(s) by the applicant, the Town Planner and Zoning Enforcement Officer may jointly approve driveways less than six feet but greater than three feet from a side property line by utilizing the Section 3.9 approval process without a fee, provided that the location of the driveway and its use are appropriate to the lot configuration and character of the surrounding area. Upon proof of written notification to the affected abutting property owner(s) by the applicant, the Commission may approve driveways less than three feet from a side property line, provided that the location of the driveway and its use are appropriate to the lot configuration and character of the surrounding area. The Commission shall also be the final arbiter in resolving any disagreements with staff decisions.

D
Curb cuts shall be no greater than required for the driveway width plus the transition radius at each edge as required by the Town of Windsor Engineering Standards and Specifications.

E
There shall be no more than one driveway and one curb cut per lot.

F
In order to prevent dust and stone accumulation on a sidewalk, roadway, or adjacent property, driveways shall be paved with a durable hard surface material (e.g., asphalt or concrete), including concrete sidewalks where required, in conformance with the Town of Windsor Engineering Standards and Specifications, for a minimum distance of 20 feet from the curb line or edge of pavement of the street or 10 feet from the property line, whichever is greater.

G
A turn-around area not to exceed 12 feet in width by 14 feet in depth is permitted.

H
The driveway shall be located as far as practical from street intersections.

I
For flag lot driveway requirements, see Section 4.5.14A(5).

4.4.13 Garage or Tag Sales

Garage or tag sales on residential properties are subject to the following conditions.

A
Sales shall be limited to a maximum of four occurrences per year, per address.

B
Each occurrence shall not exceed three days in duration.

C
Hours of operation shall be between 8 A.M. and 6 P.M.

D
Products shall not be displayed within the street right-of-way.

E
All signs advertising garage or tag sales must be legally placed and removed within 24 hours of event completion.

Tag Sale vs. Flea Market – To prevent garage or tag sales from becoming too frequent or even a permanent flea market, such sales are limited to four three-day occurrences per year, which is more than enough for a typical homeowner to sell any unwanted items, while discouraging pickers from establishing permanent sales that might become a nuisance to a neighborhood.

Farm Stands –Temporary farm stands are allowed, provided that they are movable and can be removed at the end of the season. Wagons, trailers, picnic tables and similar items are typically used with a secure honor-system money box, though they can be staffed daily. Farm stands of permanent construction are only allowed in the Agricultural Zone by special use.

Fences Make Good Neighbors – When installing a fence, make sure that the property line is accurate to avoid disputes.

The maximum height of fences can be confusing. Homeowners typically do not own between the curb and edge of the right-of-way, so fences are not allowed within these areas despite owners mowing them. Property line fences in front of a home cannot exceed four feet. A fence along a side property line can transition from four to six feet high once the fence is behind the front face of the house.

Houses on corner lots have two front yards and two side yards, which can all be seen from a street, making privacy more difficult. As such, they are allowed taller fences in the lesser of the two front yards under certain conditions to create a private yard resembling a traditional backyard.

Visibility at Intersections – Fences near street corners and driveways can affect drivers' ability to see oncoming cars, bicyclists, and pedestrians. Section 14.1.8 regulates fences in these critical areas.

F

The Town of Windsor Police Department reserves the right to prohibit or cease the operation of any garage or tag sale that presents a public safety problem.

4.4.14 Farm Stands of Mobile or Temporary Construction

Farm stands of mobile or temporary construction shall be as per Section 14.2.12.

4.4.15 Fences, Walls, and Hedges

A

Except for corner lots, no fence, wall, or hedge in excess of four feet in height may be located in front of the building line.

B

Except for fencing associated with accessory recreational uses under Section 4.4.15F, no fence, wall, or hedge in excess of six feet in height may be located behind the building line.

C

No fence, wall, or hedge that obscures the vision of motorists or pedestrians shall be located within a ten-foot radius of the intersection of any driveway edge and a street property line (see Appendix 1, page 7). No fence, wall or hedge of any height may be located within the public right-of-way, between the curb or edge of pavement and the street line (a.k.a. front property line).

D

On corner lots; fences, walls, or hedges up to a maximum height of six feet may be erected in front of a secondary building line (i.e. a building line adjoining the side that does not contain the front door) if they are set back five feet from any property line for each additional foot of height above four feet (i.e. five feet high at five feet from any property line and six feet high at ten feet from any property line).

E

Dog runs are permitted, provided that any portion constructed with a floor and/or roof shall conform to the provisions of Section 4.4.1A(2) and (3).

F

Fencing for tennis, basketball and other courts; pitching/batting cages; and other sports related fencing for private backyard use may be constructed up to 12 feet in height behind the building line, provided that they are not located within any required yard. A building permit is

required for any fence over six feet in height, or as required by the Connecticut State Building Code, as amended.

G
No fence shall be constructed using barbed wire, except for livestock enclosures in compliance with the minimum acreage requirements of Section 4.4.7.

H
No fence shall be constructed using razor wire and no fence or security barrier shall incorporate either barbed or razor wire as a concertina wire.

4.4.16 Canning and Summer Kitchens

Canning and summer kitchens shall be subject to the following conditions.

A
Canning kitchens within a residence and both canning and summer kitchens within detached accessory structures shall only be used for preserving food or seasonal use in lieu of the main kitchen, and shall not be used to facilitate either an accessory apartment unless approved under Section 4.5.10 or a major home-based business unless approved under Section 4.5.4.

B
Prior to issuing a building permit for any canning kitchen or for a summer kitchen located within a detached accessory structure, the applicant shall submit a floor plan(s) of the house or detached accessory structure to the Building Official and Town Planner, who shall jointly determine that the canning kitchen or summer kitchen is not intended to accommodate an accessory apartment, extended family, or boarders. The homeowner shall file an affidavit testifying to that effect on a form provided by the Planning Department.

C
Outdoor summer kitchens, whether exposed to the elements using weatherproof outdoor appliances or protected under a porch or patio roof, deck, awning, or other cover, are subject to building permits for any plumbing or wiring, where applicable.

4.5 SPECIAL USES

The following uses may be allowed by the Commission if operating MDC sewers and water are available to the site (except as per Sections 4.5.1B(11) and 4.5.9), and subject to the provisions of Sections 4.5 and 15. All non-residential developments involving new buildings, under

Why the Fuss over Kitchens? – Kitchens are an integral part of a single-family dwelling and when there is more than one, there is temptation, if not a tendency to create a second unpermitted dwelling unit for extended family, or even a renter to help pay the mortgage. Recognizing that it is a tradition in some cultures to have a second summer or canning kitchen to keep the house cool or the main kitchen clean and uncluttered, provisions have been made for these kitchens, while ensuring that they do not lead to unauthorized apartments.

Special Uses – In addition to any use-specific considerations and regulations associated with the following special uses, Section 15.1.3 contains general considerations that the Commission must consider on each special use application and Section 15.1.4 contains general conditions that may be applied to mitigate any concerns of the Commission or neighbors.

Section 15.2 contains additional special uses that may be permitted in any zone.

Section 4.5, shall comply with the provisions of Sections 4.5.6 and 15, except 4.5.6A(4) if not a professional office building.

4.5.1 Conversion of Existing Buildings

The Commission may allow the conversion of existing buildings to professional offices, home-based businesses, and residential uses in Windsor Center and its Fringe Areas, as described in the Plan of Conservation and Development, which for the purpose of this Section will be defined as the Central Business District (CBD). The Commission may also allow any use specified for residential zones within the CBD, in buildings with frontage along Windsor Avenue in Wilson, from the Hartford City line to I-291, which for the purpose of this Section will be defined as the Wilson Business District (WBD).

A
Intent

The intent of this section is to:

(1) channel small but significant increases in residential densities to the CBD and WBD;

(2) maximize the advantage of proximity to critical retail and mass transit facilities in order to reduce dependence on automobiles;

(3) minimize the conflicts and allow for appropriate transitions at the interface between business and residential areas;

(4) rehabilitate buildings and sites and stabilize property values; and.

(5) achieve objectives of the Plan of Conservation and Development.

B
Conditions

(1) The Commission shall determine that the physical characteristics of the subject property (including site location, size, and geometry) and the building size and design can be used as proposed within the intent of these Regulations and that it will not result in excessive impacts on adjacent properties.

(2) The applicant shall show and the Commission shall determine that the building will be in acceptable exterior and interior condition. Acceptable exterior condition shall mean, in part, that the building will have no physical evidence from the exterior of cracks in walls, foundations, or chimneys; no peeling or peeled paint; nor no broken, misplaced, or damaged parts, members,

siding, or shingles. Acceptable interior condition shall mean, in part, that interior spaces will be subdivided to appropriately provide for the intended uses and that reasonable equipment, appliances, etc. will be installed. The applicant may be required to repaint, re-side, point masonry, and take whatever other rehabilitation measures are necessary to achieve the intent of this Section.

(3) The Commission shall determine that the site will be in acceptable condition at project completion. Acceptable condition shall mean that the minimum requirements of Section 3 are met, with the exception of the following requirements.

(a) No new parking facility or drives shall be located within ten feet of any property line. The ten-foot areas shall be landscaped with fences, walls, and/or evergreen hedges to screen the parking area and block auto headlight glare to adjacent properties. The ten-foot area may be reduced as per Section 3.1.2C(1).

(b) The Commission may modify vehicle turnaround requirements for single-family residential building conversions to additional residential units as per Section 3.3.3G.

(4) Intensity of Use

(a) For the purpose of this Section, each professional office or major home-based business use shall be equivalent to a dwelling unit for intensity of use-to-lot area and interior area calculations.

(b) One additional dwelling unit may be allowed if the Commission finds that the intensified use is appropriate for the building, site, and neighborhood, and that the site and building meet zoning and other relevant code requirements. More than one additional unit may be allowed if an additional amount of land is available on the site, equal to the minimum lot size requirement for each additional unit.

(5) The lot must conform to the minimum area requirements of the underlying zone.

(6) There shall be no exterior storage of material and no other exterior indication of the major home-based business or professional office, except for signs in accordance with Section 3.7.8G.

(7) Off-street parking shall be required as per Section 3.3, except that for multi-family uses, the Commission may permit a 25 percent reduction in parking spaces if justified by proximity to shopping, mass transit, etc.

(8) Any building addition proposed in conjunction with an application for a conversion shall not exceed 150 square feet, except that the Commission may allow larger additions within the CBD and WBD, as delineated in the Plan of Conservation and Development, provided that it complies with the following:

(a) the lot shall be at least twice the area requirement of the zone;

(b) the building after conversion does not cover more than 25 percent of the lot;

(c) any units within entirely new construction shall adhere to these design requirements:

(i) outside access - as per Section 13.2.4A(1);

(ii) overhead protection over door - as per Section 13.2.4A(2);

(iii) patios or balconies - as per Section 13.2.4A(4);

(iv) exterior wall plane - as per Section 13.2.4A(5);

(v) all new construction shall adhere to the following:

minimum front yard - 40 feet
minimum side yards - 10 feet
minimum rear yard - 40 feet;

(vi) through sidewalks, common parking areas, or drives shall not be closer than 20 feet to any first floor window or door of a residential unit, however, the Commission may reduce this distance to ten feet if substantial screening is provided; and

(vii) the Commission may grant a request for modification or waiver of the requirements of Section 4.5.1B(8)(c) when justified by adverse geographical conditions, difficult lot configuration, or modifications to site design requested by the Commission.

(d) the maximum number of bedrooms per acre is 12.

(9) no stairs above the first story shall be added outside the exterior walls;

(10) the minimum living area for an efficiency unit shall be 300 square feet. An additional 150 square feet shall be provided for each additional room;

(11) the Commission may waive the requirement for operating MDC sewers if soil conditions and town and state health laws permit; and

(12) no alterations made to the exterior of the existing building shall detract from its residential or architectural character.

4.5.2 Open Space and Cluster Subdivisions

At its discretion, the Commission may allow development of open space or cluster subdivisions that permit a reduction in lot requirements while preserving land for open space, recreational, and/or other purposes in specified zones on sites consisting of 10 acres or more, as provided below.

A
Open Space Subdivisions

The Commission may allow the development of open space subdivisions for single-family dwellings in AA and A Zones, provided that the following conditions are met.

(1) The Commission shall determine that the proposed subdivision site contains an area desirable for open space or for other public purposes, based on the recommendations of relevant town agencies and consideration of the land's size, shape, natural features, location, and public access. The size and location of the open space shall be determined by the Commission. Open space shall be dedicated to the Town as per Section 14.1.21 or the Commission may accept an alternate grantee such as a homeowners' association, Windsor Land Trust, or other responsible group.

(a) Prior to issuing any Building Permits, appropriate agreements, restrictions, and documents shall be provided ensuring that the open space will be maintained in perpetuity.

(2) The Commission shall find that the subdivision plan is designed appropriately in relation to soil types, wetland areas,

Why Open Space Subdivisions? Open space subdivisions can create a win-win situation for the town and developers. By reducing the minimum lot area and width to the next lower zone, the length of roads and other infrastructure can be reduced by 15-20%, decreasing development costs for the developer and maintenance costs for the town, as well as reducing the environmental impact of the subdivision. Despite the smaller lot areas, the proximity to open space can increase the value of building lots, and an untrained eye cannot discern the difference in lot area. The 27-37% reduction in lot area from each lot is added to the mandatory open space set-aside of 15% of the overall property, increasing the amount of open space benefiting all residents in the subdivision and beyond, which in many cases should make the original question, "Why not open space subdivisions?"

Why no Fees In lieu of Open Space in Open Space Subdivisions? – The purpose of fees in lieu of open space is to use the fee to buy more suitable open space elsewhere when there is no appropriate open space due to small size, isolated location, or other issues. To accept a 10% fee in lieu of a 15% open space set-aside is counterproductive if either the additional land to be set-aside as part of the open space subdivision suffered from the same issues that made a fee in lieu preferable, or the only issue with the mandatory open space was its small size, which could be remedied by the additional open space set aside as part of the open space subdivision.

watercourses, topography, scenic vistas, and other natural features.

(3) Except as provided below, the maximum number of lots permitted in the proposed subdivision shall be determined by multiplying the acreage of developable land by a density factor of 1.3 for AA-Zoned land and by 1.6 for A-Zoned land.

(4) The lots in AA open space and A open space subdivisions shall conform to the area, yard, and height requirements of Section 4.1.2 and Section 4.1.3, respectively.

(5) In addition to any open space required under Town of Windsor Subdivision Regulations Section 4.7, the minimum amount of land dedicated to the Town, a private residents' association, Windsor Land Trust, or other responsible entity shall be determined by multiplying the acreage of the entire tract by the percentage that the required minimum lot area is to be reduced. The Commission may allow the area required for dedication to be reduced by no more than ten percent if it finds that, if left as part of individual lots to provide for screening and privacy, it would result in a more desirable and appropriate development than if it were dedicated. This area shall be protected by scenic or conservation easements as per Section 14.1.22. The percentage of undevelopable land to be dedicated shall not exceed that of the entire subdivision.

(6) Additional scenic or conservation easements may also be required as per Section 14.1.22.

B

Cluster Subdivisions

Open Space or Cluster Subdivision, What is the Difference? – A cluster subdivision is a form of open space subdivision that allows the clustering of a mix of dwelling types around cul-de-sacs and loop roads. They can be either completely single-family in nature, or if suitably located, can include a mix of single-, two-, and multi-family dwellings. By tightly clustering units into duplexes, attached houses, and townhouses, significantly more open space can be preserved for the benefit of all residents to use in lieu of private backyards.

A cluster subdivision is a unique form of open space subdivision, intended to provide a harmonious relationship between natural amenities and residential developments. The Commission may approve cluster subdivisions under Sections 4.5.2B(2) and (3) below, subject to the following conditions.

(1) Overall Requirements

A cluster subdivision shall comply with the following overall requirements.

(a) The site shall be located within any single-family residential zone(s).

(b) Except as provided below, the maximum number of lots permitted shall be determined by multiplying the acreage of developable land by a density factor of 1.3.

(c) The site shall contain existing wooded areas of sufficient density and size and of appropriate species to provide adequate screening and privacy between proposed dwellings and between proposed dwellings and public areas or areas to be owned in common by the residents. In specific cases, the Commission may find that equivalent privacy and screening may be provided by other unique natural site features (e.g., dramatic topography). All cluster subdivision applications shall clearly outline the method to reasonably ensure the survival of natural site features critical to the provision of screening and privacy (e.g., tree wells, mounds, root area drainage systems, retaining walls).

(d) All streets shall be built in accordance with both the Town of Windsor Engineering Standards and Specifications and the Town of Windsor Subdivision Regulations, except that sidewalks may be provided in alternative pedestrian travel locations through the open space as acceptable to the Commission, and, in cul-de-sac or loop streets, clearing and grading of more than 30 feet of the street right-of-way shall be discouraged, unless site conditions require greater clearing or grading; the resulting street pattern shall be as follows (see illustrative sketch, Appendix, page A-25):

(i) Cul-de-sac or loop streets shall have vehicular access only from distributor streets and other cul-de-sac or loop streets unless the Commission allows access from existing streets under Section 4.5.2B(1)(d)(iii); provide frontage and access to at least three-quarters of the total number of lots in the subdivision; be at least 500 feet apart (measured between their center lines) if located on the same side of the distributor street that they have access to, unless the Commission finds that because of the high density of trees or topographic changes between certain cul-de-sac or loop streets, a shorter distance will provide equivalent screening and privacy as intended under this Section; have at least a 50-foot buffer strip of natural screening between distributor streets and lots with frontage and access on cul-de-sac or loop streets; and be owned and

maintained by a homeowners' association, unless otherwise specifically recommended by the Commission.

(ii) Distributor streets: for the purpose of this Section, distributor streets (to be built as part of the proposed subdivision) shall be those streets that provide access to cul-de-sac or loop streets but provide direct access and frontage to no more than one-quarter of the dwelling units in the subdivision.

(iii) Existing streets shall provide access only to proposed distributor streets, except that the Commission may allow no more than 15 percent of cul-de-sac or loop streets in a proposed subdivision to gain access directly from existing streets if: (a) it is undesirable to gain access from the proposed distributor streets because of topographic and/or environmental reasons; (b) a minimum 100-foot wide buffer strip of natural or landscaped screening is provided between the existing street and lots with frontage and access on the proposed cul-de-sac or loop street; and (c) the existing street serves in a distributor street capacity (i.e., not a higher capacity street, for example, an arterial street). No access shall be provided directly to any dwelling from an existing street and no dwelling unit shall be located within 50 feet of the existing street right-of-way line(s). This 50-foot area shall provide natural or landscaped screening between the dwellings within the cluster subdivision and the existing street.

(iv) The total length of any combination of cul-de-sac or loop streets shall not exceed 850 feet as measured along the center line of the right-of-way of said streets from the center line of the nearest through street to the point where the right-of-way begins to flare into a cul-de-sac or loop street unless a greater length is authorized by the Commission because of adverse topographical conditions, difficult site configuration, future road extension, or other good cause.

(e) The Commission determines that the plan is designed appropriately in relation to soil types, wetland areas, watercourses, topography, scenic vistas, and other natural features.

(f) Because the allowed reduction of lot sizes makes building and site design critical elements in ensuring compliance with the intent of this Section, as part of its review and evaluation of any cluster subdivision application, the Commission shall factor landscaping and the design and location of all buildings into their decision.

(g) The minimum amount of land dedicated to the Town, a private residents' association, Windsor Land Trust, or other responsible entity shall be determined by multiplying the acreage of the entire tract by the percentage that the required minimum lot area is to be reduced from the AA lot area standard. The Commission shall determine whether or not the land will be dedicated entirely to the Town, entirely to another responsible entity, or to a combination of the two. Portions of dedicated land may exist as appropriately landscaped, oversized cul-de-sacs or as loop streets. The Commission may allow the area required for dedication to be reduced as per Section 4.5.2A(5). The percentage of undevelopable land to be dedicated shall not exceed that of the entire subdivision.

(i) The dedication of land for public purposes shall be as per Section 14.1.21.

(ii) The dedication of land (including that within street[s]) to a private homeowners' association shall be as per Section 14.1.21.

(h) Additional scenic or conservation easements may also be required as per Section 14.1.22.

(i) Maximum building height: 2-1/2 stories, or 35 feet.

(2) Single-Family

Where the Commission finds that a site has characteristics meeting the overall requirements and intent of this Section and that its development with similar dwelling types would be more appropriate and desirable than with a variety of dwelling types, the Commission may approve a single-family cluster subdivision, as provided below:

(a)	specific building requirements:	minimum living area - as per Section 4.2.2A(1)
(b)	specific lot requirements:	minimum area – 12,750 square feet minimum front yard - the minimum average of all front yards shall be at least 40 feet; for individual lots, front yards shall not be less than 30 feet minimum side yards - 15 feet minimum rear yard - 40 feet
(c)	specific site requirements:	each cul-de-sac or loop street shall provide direct access to no more than eight lots.

(3) Single-Family and Two-Family

Where a site meets the overall requirements and intent of this Section, and its development with varied housing types would be appropriate and desirable, the Commission may approve a cluster subdivision with lots for single-family, two-family and multi-family attached dwellings, as provided below:

(a) specific building requirements:

(i) for single-family: minimum living area - as per Section 4.2.2A(1)

(ii) for two-family: minimum living area - as per Section 4.2.2A(2)

(b) specific lot requirements:

(i) for single-family: as per Section 4.5.2B(2)(b)

(ii) for two-family: as per Section 4.5.2B(2)(b)

(iii) the Commission may modify or waive any of the requirements of Section 4.5.2B(3)(b) or Section 14.1.23 in cases where, in the opinion of the Commission, strict application of the requirements of this Section will result in an

overall design that is less desirable than one permitted by a modification or waiver of the requirements of this Section. The Commission shall not grant a request for modification or waiver of the requirements of this Section unless justified by adverse geographical conditions, difficult site configuration or modifications to site design or layout requested by the Commission.

(c) Specific Site Requirements:

(i) for cul-de-sac or loop streets where more than half of the total units are in single-family dwellings, the total number of units shall be no more than eight;

(ii) for cul-de-sac or loop streets where more than half of the total units are in two-family dwellings, the total number of units shall be no more than 12; and

(iii) for cul-de-sac or loop streets where more than half of the total units are in multi-family attached units, the total number of units shall be no more than 16.

(4) Waivers and Modifications

The Commission may modify or waive any of the requirements of Sections 4.5.2B(2)(b), 4.5.2B(2)(c), 4.5.2B(3)(b), 4.5.2B(3)(c), or 14.1.23 in cases where, in the opinion of the Commission, strict application of the requirements of this Section will result in an overall design that is less desirable than one permitted by a modification or waiver of the requirements of this Section. The Commission shall not grant a request for modification or waiver of the requirements of this Section unless justified by adverse geographical conditions, difficult site configuration, or modifications to site design or layout requested by the Commission. Any waiver or modification of the number of dwelling units allowed on a cul-de-sac or loop street shall be limited to an increase of no more than 50 percent of the number of units allowed before the waiver or modification.

If the Commission determines that the open space required under Section 4.5.2B(1)(g) is to be dedicated to a private residents' association, Windsor Land Trust, another responsible entity, or left in individual lots and encumbered by a conservation easement, the Commission may modify the requirements of Section 4.5.2B(1)(g) to allow the minimum

amount of land dedicated to be determined by multiplying the acreage of the entire tract by the percentage that the average lot area is reduced from the AA lot area standard. For the purpose of calculating the average lot area, no lot shall be considered to contain more than 27,500 square feet.

4.5.3 Single-Family, Two-Family, and Multi-Family Dwellings

The intent of this Section is to provide greater flexibility in determining the most appropriate residential development form for relatively small sites restricted by natural or man-made physical conditions, adjacent development, or property lines. A proposed development must be in harmony with the surrounding area, designed and sited to protect neighboring property values while respecting the site's natural or man-made features, in compliance with the intent of this Section and the Plan of Conservation and Development, and appropriately related to the town's general needs regarding housing, community facilities, and open space.

A
Miscellaneous Standards

The following shall be required for all developments proposed under this Section.

(1) The maximum area shall be ten acres.

(2) All developments under this Section may be permitted in all residential zones other than AA.

(3) All developments under this Section shall meet all relevant standards of these Regulations and the Town of Windsor Subdivision Regulations.

(4) The open space requirements of Section 4.7 of the Town of Windsor Subdivision Regulations shall apply to all developments under this Section. For calculating the fee in lieu of open space for lot(s) with more than one dwelling unit, the required fee shall be multiplied by the total number of dwelling units.

(5) The Commission shall review building elevations to ensure the development is in harmony with the general character of the neighborhood.

(6) Structures or paved areas for active recreation or for parking areas of greater than five spaces shall not be permitted within the required yards of the underlying zone.

(7) Regardless of the provisions in Subsection (6) above, no parking areas shall be located closer than ten feet from any property line.

(8) Through paths, common parking areas, or drives shall not be closer than 20 feet to any window or door of a residential unit.

(9) Drives and curb cuts shall be minimized. Whenever possible, combined driveways shall be used for semi-attached or attached dwellings.

(10) Lot area and yards or setbacks greater than permitted for the rest of the proposed development may be required for lots along some or all property lines in order to more appropriately relate to existing or potential conventional single-family development surrounding the site.

(11) Any density calculation under the subsection below shall exclude areas identified in Section 4.2.1 of these Regulations.

B

Specific Standards

The following specific standards shall be complied with for each type of development.

(1) Two-family dwellings on the same lot provide an opportunity for rental units in owner-occupied structures, where both units receive maximum privacy due to their side-by-side construction (even if used to provide for "in-law" apartments).

(a) The density of occupancy shall be as specified in the next lower zone (e.g., in an A Zone, the density of occupancy shall be 2.2 dwelling units per acre of developable land), except that in the R-13 and R-8 Zones, the density of occupancy shall be 2.7 and 3.3 dwelling units per acre of developable land, respectively.

(b) The lot area, yards, width, building coverage, and building height standards shall be the standards for the next higher zone. If the Commission determines that the remaining land is not needed for public purposes, this land shall be redistributed in the most appropriate manner to any combination of lots.

(c) In calculating number of dwelling units permitted, where the area-density of occupancy calculation results in an odd number and a fraction of a unit (e.g., 13-1/4), the number may be rounded up to the next highest even number (e.g., 14); for cases where the density calculation

involves an even number and a fraction (e.g., 12-3/4), the whole even number shall be used (e.g., 12).

(d) The building design standards shall comply with Section 13.2.5D(3).

(e) The living area requirement of one of the two units shall comply Section 4.2.2A(2). The minimum living area of the other unit shall be as per Section 13.2.5D(1)(b).

(2) Single-family and two-family dwellings on separate lots intended to provide economies of scale in terms of construction and land costs, subject to the following requirements.

(a) The density of occupancy shall be that specified in the next lower zone (e.g., in an A Zone, the density of occupancy shall be 2.2 dwelling units per acre of developable land), except that in cases involving the R-13 and R-8 Zones, the density of occupancy shall be 2.7 and 3.0 dwelling units per acre of developable land, respectively.

(b) The lot area, yards, width, building coverage, and building height standards shall be the standards for the next lower zone, except that there shall be no required side yard where the dwelling units are attached and the required front yard shall be that of the underlying zone. In cases involving the R-8 Zone, the requirements for that zone shall apply. In A, R-13 and R-11 Zones, the Commission may permit the lot area of a second lower zone only if it finds a need for land for public purposes.

(c) The calculation of number of dwelling units shall be as per Section 4.5.3B(1)(c).

(d) The building design standards shall comply with Section 13.2.5D(3).

(3) Multi-family dwellings intended to permit a small development of attached dwellings on the same lot or on separate lots (e.g., townhouses), or garden or terrace apartment dwellings, or any suitable combination thereof, subject to the following.

(a) Lots fronting on primary, secondary, or collector streets as classified by the Plan of Conservation and Development, as amended, shall not be designed to allow each dwelling unit to have its own separate driveway onto these streets.

(b) Compliance with applicable provisions of Sections 13.2.3B(7) and 13.2.5D(1).

(c) For a development of attached dwellings on the same lot, the development plan shall conform to the yard requirements of the more restrictive underlying zone and the density of occupancy shall be that of the next lower zone(s) (e.g., in an A Zone, the density of occupancy shall be 2.2 dwelling units per acre of developable land). In cases involving a proposed development in the R-13 and R-8 Zones, the density of occupancy shall be 2.7 and 3.3 dwelling units per acre of developable land, respectively.

(d) For a development of attached dwellings on separate lots, the development plan shall conform to the following yard and area requirements:

Minimum lot area – 2,400 square feet
Minimum front yard – as per Section 4.5.2B(2)(b)
Minimum side yard – 0 feet, except for the end units, which shall have a minimum side yard on one side of 25 feet
Minimum rear yard – 40 feet

The density of occupancy shall be that of the next lower zone(s) (e.g., in an A Zone, the density of occupancy shall be 2.2 dwelling units per acre of developable land). In cases involving a proposed development in the R-13 and R-8 Zones, the density of occupancy shall be 2.7 and 3.3 dwelling units per acre of developable land, respectively.

(4) Modifications

The Commission may modify Section 4.5.3B(2) to allow a development of single-family dwellings on the same lot in cases where all appropriate requirements of Section 4.5.3B(2) are met and, in the opinion of the Commission, strict application of the requirements of the Section will result in an overall design which is less desirable than one permitted by a modification of the requirements of the Section. The Commission shall not grant a request for modification of the requirements of the Section unless justified by adverse geographical conditions, difficult site configuration, or modifications to site design or layout requested by the Commission.

Major Home-Based Businesses – Major home-based businesses differ from minor home-based businesses in several respects. They allow more employees that do not live on-site, limited retail sales, a small business sign, and the use of equipment that is not customarily used in the home. Because of the potential for conflicts with the residential character of a neighborhood due to traffic, noise, etc., the Commission requires a special use to provide them the discretion to either mitigate any concerns or deny the application if it is inappropriate for the

4.5.4 Major Home-Based Businesses

Home-based businesses (excluding professional offices, see Sections 4.5.5 and 4.5.6) that are determined by the Zoning Enforcement Officer and/or Town Planner to be more intensive than those allowed under Section 4.4.6 and could have greater impacts on surrounding residential properties are considered major home-based businesses and are subject to the following requirements.

A
All relevant provisions of Sections 4.4.6 and 15.

B
The approval shall have a one-year time limit, which may be extended by the Commission upon renewal, based on the performance of the use during the previous approval period.

C
Days and hours of operation shall be Monday through Saturday between 8 A.M. and 6 P.M.

D
A special use plan with sufficient information for the Commission to consider the impacts of the use shall be provided with the initial application.

E
Off-street parking shall be provided in accordance with Section 3.3, except that any use that results in the off-street parking of more than 4 vehicles shall not be permitted.

F
There shall be no dumpsters on the premises.

G
There shall be no delivery or pickup of products by commercial vehicles other than parcel service vehicles (e.g., Fed Ex Home, UPS, and USPS).

H
There shall be no outdoor storage of equipment, materials, or products.

I
Any specialty equipment or construction that is associated with the home-based business shall be removed upon the termination of the special use.

J
Signage may be permitted under the following conditions:

(1) no more than six square feet of total sign area on the premises,

(2) no more than one freestanding sign,

(3) no sign shall exceed three square feet per face,

(4) illuminated signs are prohibited, and

(5) sign permits are required.

K

The Commission must conclude that the operation will not create noise, odor, glare, and/or other nuisances that are incompatible with single-family residential zones.

L

The limited retail sale of goods on the premises may be considered by the Commission when in conformance with Section 4.4.6D, F, and G.

M

The Commission may waive the requirements for connection to MDC sewer and water lines if town and state health laws permit.

4.5.5 Professional Offices in Dwellings

A professional office located in a dwelling subject to the following conditions (see also Sections 4.5.4 and 4.5.6):

A

the dwelling is also used by the professional person(s) as his/her own residence;

B

there shall be not more than a total of three persons involved with the operation of the use;

C

the office use shall occupy no more than 25 percent of the residential dwelling;

D

the Commission finds that the physical characteristics of the subject property (including site location, size and geometry) and the building size and design can be used as intended without resulting in excessive impact on adjacent properties;

Major Home-Based Businesses vs Professional Offices in Dwellings, What is the Difference? – Professional offices differ from major home-based businesses in several respects. They are more restrictive in the number of employees (three) and the types of professional uses (see "professional office" definition in Section 2.2), but with the understanding that clients will frequent the house throughout the day, which would otherwise be discouraged in a home-based business.

E
there shall be no exterior storage of materials and no other exterior indication of the professional office, except for signs in accordance with Subsection F below;

F
signage may be permitted under the following conditions:

(1) no more than six square feet of total sign area on the premises,

(2) no more than one freestanding sign;

(3) no sign shall exceed three square feet per face,

(4) illuminated signs are prohibited, and
(5) sign permits are required.

G
off-street parking shall be required as per Section 3.4 and Section 4.4.10.

(1) No new parking facility or drives shall be located within ten feet of any property line, with the exception of driveways. The ten-foot areas shall be landscaped with evergreen and deciduous plantings and/or fences and/or walls to screen the parking area and block auto headlight glare to adjacent properties. The ten-foot area may be reduced as per Section 3.1.2C(1)(b).

(2) Driveways shall be no greater than 18 feet in width allowing a maximum parking of 4 cars, as typically occurs in a single-family dwelling, to reduce non-conformity and non-compatibility in residential neighborhoods. If the site is not in compliance with this provision, a compliance plan shall be presented for Commission evaluation with the application. If approved, the plan shall be implemented within one year.

H
for purposes of this Section only, massage therapist shall be considered a professional use subject to fulfillment of at least one of the following requirements:

(1) successful completion of a course of study that provides 500 or more classroom hours at a school of massage therapy accredited by the American Massage Therapy Association; or

(2) successful completion of 70 classroom hours at a school of massage therapy accredited by the American Massage Therapy Association in addition to prior medical training including a B.S.

degree in nursing, physical therapy, chiropractics, osteopathy, or medicine.

I

massage therapists are also required to comply with Article V, Section 11-60 through 11-78 of the Windsor Code of Ordinances;

J

for purposes of this Section only, mail order distributors of medical devices and related supplies shall be considered a professional use subject to the following requirements:

(1) the principal operator shall have registration as an administrator with the Federal Drug Administration (FDA) and as a licensed medical device wholesaler in the State of Connecticut;

(2) no single unit shipped from the premises shall exceed 24" x 14" x 6" in dimension; and

(3) the approval shall be valid for one year.

K

The Commission may waive the requirements for connection to MDC sewer and water lines if town and state health laws permit.

4.5.6 Professional Offices (not located in a dwelling)

Professional offices meeting all applicable standards and requirements of the Professional Zone in addition to the following requirements.

A

The Commission shall determine that:

(1) the development is needed to serve the surrounding neighborhood or serves as a transitional land use between commercial and residential areas;

(2) the development is compatible with the surrounding area;

(3) the site is better suited for professional offices than for single-family homes; and

(4) the site is within one-quarter mile of one of the areas designated in the Plan of Conservation and Development as "Limit of Business Center" for Wilson Center or "Fringe Areas" for Windsor Center.

Professional Offices vs. Professional Offices in Dwellings, What is the Difference? – Professional offices differ from professional offices in dwellings in many respects. Because professional offices that are not accessory to a dwelling are the principle use of the property, they can have four times the impact of a professional office in a dwelling, which is restricted to 25% of the floor area in the home. Because of the intensity of use relative to a home, the location of professional offices is strictly controlled and the site requirements are more commercial than residential in nature.

B

In order to protect the nearby residential areas from negative impacts:

(1) a 20-foot landscaped buffer strip shall be provided on side and rear yards if abutting or across the street from a residential zone, otherwise a 10-foot landscaped buffer shall be provided. Front yard landscaping shall conform to Section 3.1.1;

(2) all required yards shall be 40 feet if abutting or across the street from a residential zone, otherwise per the AA Zone; and

(3) no parking is allowed in the front yard.

C

Signage shall be in accordance with the provisions of the Professional Zone, except that the Commission may limit or prohibit illuminated signs when they determine that they would have a detrimental effect on surrounding residential properties.

D

Exterior lights shall be turned off after hours, except for those needed for safety.

4.5.7 Places of Assembly and Congregation

New places of assembly and congregation listed below may be approved on sites with frontage on arterial streets as classified in the Plan of Conservation and Development, as amended. Places of assembly and congregation listed below that existed prior to January 31, 2006 by special use approval and which are not located on an arterial street shall continue to be permitted and the uses may be modified by special use approval so long as they remain places of assembly and said use is not abandoned.

A

Clubs, social or fraternal organizations, including those serving alcoholic beverages for on-premises consumption, but excluding those utilizing hardware or paraphernalia (e.g., guns, racing or show automobiles, snowmobiles, or motorcycles) on premises that may cause nuisances or hazards, may be approved under the following conditions.

Nightclubs – Nightclubs are not permitted clubs, whether limited to private members or not. As a special use, restaurants with liquor licenses can provide limited entertainment as an accessory use to the service of food,

(1) No structure used for recreation or entertainment shall be within 100 feet of any adjoining property line other than a street line or within 50 feet of any street line. Structures used for repair or storage shall not be located within 50 feet of property or street lines.

(2) No land used for active recreation shall be located within 100 feet of any property line.

(3) Vehicular access drives or parking areas shall not be within 50 feet of any adjoining property line, except for street lines, unless the Commission determines that a shorter distance will not create excessive disturbance to the adjoining property.

(4) For clubs, social or fraternal organizations serving alcoholic beverages, the following provisions shall apply:

(a) if granted, approvals shall be for a two-year period (and may be renewed);

(b) the club's facilities shall not produce nuisance, noise, or disturbance that adversely affects the health, safety or comfort of others or detracts from adjacent property values;

(c) permits shall be obtained from the appropriate state agencies; and

(d) applicants shall annually provide the Commission with the names and addresses of all officers of the club.

(5) If the Zoning Enforcement Officer determines that a club has ceased to comply with any or all of the requirements described above in Subsections (a) through (d) above, or in his/her opinion it has become a nuisance in the area, he/she shall notify the Commission. If, after public notice and public hearing, the Commission determines that the club has become a nuisance in the area or creates noise and disturbance on the premises so as to injure the health or comfort of others, the Commission shall restrict the special use of the club, and the sale of alcoholic liquors on the premises shall be prohibited. The Commission shall immediately notify the State Liquor Control Commission that the further sale of alcoholic liquor on the premises is prohibited and may take further action as necessary to further abate such use and nuisance or hazard, including totally revoking the special use.

B
Group Homes

In compliance with State and Town standards and requirements, and provided that:

(1) a community need is demonstrated; and

Locating a Religious Institution – There is often confusion over where a religious institution can locate. The NZ - Public and Quasi-Public Zone allows religious institutions by-right, but in the Residential and Agricultural Zones, they are only allowed by special use on arterial roads, which are essentially the state highways, Day Hill Road, and International Drive. Religious institutions were previously permitted anywhere in any zone by special use, but this led to parking issues in residential neighborhoods and numerous conversions of vacant commercial and industrial buildings, removing valuable real estate from the grand list.

Transfer of Residential Density (TRD) – TRD may be unique to Windsor in the entire nation. Development rights are traditionally bought, banked, and sold through a process called transfer of development rights (TDR), which is flexible but cumbersome to administer, and unpredictable in its results due to no predetermined location to apply purchased development rights. In contrast, TRD directly links the parcel donating the residential density to the parcel receiving the residential density, eliminating middle men, land banks, and the leap of faith necessary to purchase development rights without an approved location to use them, which can be difficult in the face of public opposition of higher density housing. With TRD, the Commission simultaneously knows the value of the donor parcel as farmland or open space as well as the impact of the transferred residential density on the receiving parcel.

(2) the Commission determines that the location of the site, the structure, and its relation to the site are appropriate to protect the safety of the occupants, as well as the value of adjoining properties.

C
Private Schools or Colleges

As defined by, and in accordance with, standards recommended by the State Board of Education and the State Department of Education.

D
Religious Institutions

Religious institutions are providing increasing services to the community. To promote the use of these services and provide easy access for increasing vehicular trips, new religious institutions may be approved on sites within Residential and Agricultural Zones with frontage on streets classified as arterial in the Plan of Conservation and Development. Religious institutions that existed prior to January 31, 2006 by special use approval and which are not located on an arterial street shall continue to be permitted and the uses may be modified by special use approval so long as they remain religious institutions and said use is not abandoned. Approvals shall be subject to the applicable provisions of the underlying residential zone (see also Section 10.5.3).

4.5.8 Transfer of Residential Density

In order to provide the flexibility to promote the most appropriate relationship of residential development to transportation, community facilities, employment areas and public and private services, residential densities may be transferred between all residential zones, the AG Zone and Design Developments subject to the following conditions.

A
The sending parcel that residential density is to be transferred from shall be:

(1) determined by the Commission to be developable land;

(2) in an appropriate location for future development or public purposes; and

(3) dedicated to the Town as per Section 14.1.21; to another grantee acceptable to the Commission, such as the State of Connecticut, Windsor Land Trust, a wildlife association or other nonprofit entity, whose main purpose is to convey a public benefit; or where continued farming is desirable and public access is not

desirable, it can be left in private ownership and protected by a permanent conservation easement.

B

If undevelopable land containing floodplains, steep slopes, wetlands or watercourses is desired for public access and ownership for passive recreation, such as providing a critical link in a trail network or access to a water resource, the Commission may allow the transfer of residential density according to density of the underlying zone for a limited area determined by the Commission to be sufficient for the intended purpose.

C

The receiving parcel that density is to be transferred to shall be physically, geologically, and geometrically suitable to accommodate the greater density with minimal adverse effects on adjacent development, and conveniently located near public and private services, mass transit, etc. without overburdening them.

D

The maximum resulting density shall not exceed the following:

(1) single-family zone: twice the density of the underlying zone;

(2) AG Zone: (see Section 10.5.10);

(3) Neighborhood, New Neighborhood, and Peripheral Neighborhood Design Developments: one additional dwelling unit per acre; and

(4) Center Design Development: five additional dwelling units per acre.

E

The resulting development may contain any combination of single-family, semi-attached, or multi-family dwellings, in proportions established by the Commission, provided that in single-family zones (excluding Design Developments), buildings shall not exceed the height standard of the underlying zone.

F

The maximum number of dwelling units that may be transferred to a single-family zone in one application is 50 dwelling units.

G

The Commission must determine that the transfer of density concept is preferable to conventional development on both the sending and receiving parcels.

H
The requirements for connection to MDC sewer and water lines is not applicable to the sending parcel.

4.5.9 Ground-Mounted Dish Antennas

Dish Antennas –The federal Telecommunications Act of 1996 prohibits town staff from regulating small satellite dish antennas in any manner that delays or increases the cost of installation. C-Band and other larger satellite dishes are not similarly exempted. If you see or are directly impacted by a rudely placed satellite dish (e.g., on your property line or next to a public sidewalk), know that there was nothing that the town could do to stop it other than suggest a more appropriate location

A
The Commission may permit ground-mounted dish antennas with a dish of up to ten feet in diameter, subject to the following:

(1) no part of the antenna exceeds a height of 14 feet above grade;

(2) the lot meets the minimum area requirements;

(3) the lot size, geometry, topography, and/or location of building(s) on the lot minimizes the visual impact; and

(4) the antenna meets the screening and structural requirements of Sections 4.4.11B(3) and (4), and all of the requirements of Section 4.4.11C.

B
The Commission may permit ground-mounted dish antennas with a dish up to and including 12 feet in diameter, subject to the following:

(1) no part of the antenna exceeds a height of 16 feet above grade;

(2) the lot that the dish antenna is proposed for is at least three acres in area; and

(3) the dish antenna meets the screening and structural requirements of Sections 4.4.11B(3) and (4), respectively; all of the requirements of Section 4.4.11C; and the provisions described in Section 4.5.9A(3).

4.5.10 Temporary Conversions to Allow Accessory Apartments

In-Law Apartments – While accessory apartments are a great way to keep elderly or infirm family members close at hand and living in a home-like environment, they come with restrictions. The intent is to accommodate these family members without compromising the single-family character of the neighborhood, or opening up single-family neighborhoods to two-family rental properties with absentee landlords.

To accomplish these goals, these conversions are temporary, limited to family members, and require the property owner to live on the premises. If the owner is elderly or infirm, they may live in the apartment and allow an adult child and their famiy to occupy the larger main dwelling. The size of new additions to the house are also strictly controlled to avoid significant increases in floor area that might overcrowd the property and/or give the appearance of a duplex.

The Commission may allow the temporary conversion of a single-family dwelling to incorporate one accessory apartment in order to provide for the temporary housing needs of an extended family.

A
Intent

The intent of this Section is to:

(1) provide a process to assist family members desiring to address the housing and social needs of Windsor's increasing elderly population and the disabled;

(2) provide an alternate housing arrangement, which can adequately and comfortably house the elderly and the disabled in a non-institutional manner;

(3) promote stronger family ties by providing living arrangements for an extended family;

(4) reduce the necessity for public agencies to provide housing and support services; and

(5) establish a procedure to minimize potential impacts from these conversions on abutting single-family uses.

B
Conditions

The following shall be the minimum conditions applied to all special uses granted under this Section.

(1) The applicant shall provide a special use plan, floor plan, and building elevations in sufficient detailed as required by the Commission to evaluate the request.

(2) The lot shall conform to the minimum area requirements of the underlying zone.

(3) At the time of application and every two years subsequent to the date of approval, the applicant shall present an affidavit to the Town, executed by the property owner(s), stating that:

(a) the owner will continue to reside on the premises;

(b) the occupant(s) of both units are related by blood, marriage, or adoption; and

(c) at least one of the households shall have at least one elderly or disabled person.

(4) The Commission shall determine that the accessory apartment can be easily integrated back into the single-family dwelling upon expiration or termination of the special use.

(5) The accessory apartment shall be clearly subordinate in size to the single-family dwelling unit and in no case shall it be larger than 650 square feet in total floor area.

Additional Habitable Floor Area – The intent of an accessory apartment is to accommodate an accessory dwelling within an existing residential structure. When a home is so small that an accessory apartment cannot fit within the existing structure, these regulations give just enough flexibility to allow the minimum expansion necessary to accommodate the apartment without compromising the single-family character of the structure.

To keep people honest in their intentions, we defined "additional habitable floor area" as any floor area constructed within three years of a request for an accessory apartment. In doing so, we prevent an oversized addition from being constructed just prior to a request for an accessory apartment that would otherwise be prohibited by these regulations after the approval. Someone can still game the system, but the three-year waiting period either requires foresight or it is likely too long to wait for an elderly or infirm family member, who can be accommodated in a more modest addition.

The up to 500 square feet of additional habitable floor area that can be added after approval is measured in addition to the minimum habitable floor area requirement, not in addition to the current floor area. In other words, if the minimum habitable floor area for a two-story colonial in the AA Zone is 1,500 square feet and the house is already 1,800 square feet, the maximum additional habitable floor area is 200 square feet to reach 2,000 square feet, or 500 square feet more than 1,500 square feet.

(6) Except when approved within a proposed new single-family home, the accessory apartment shall meet the following floor area requirements.

(a) The accessory apartment shall be located within the existing single-family structure to the extent that the minimum habitable floor area for the principal dwelling is maintained in accordance with Section 4.2.2A.

(b) When an accessory apartment cannot be accommodated entirely within the existing single-family structure in accordance with Subsection (a), the accessory apartment may include additional habitable floor area not to exceed 500 square feet beyond the minimum habitable floor area specified in Subsection (a). The Commission shall not approve applications under this Section that include single-family structures with more than 500 square feet of additional habitable floor area.

(c) For existing single-family structures that currently exceed the minimum habitable floor area requirement of Section 4.2.2A by more than 500 square feet, the Commission shall not approve applications under this Section that include more than 150 square feet of additional habitable floor area.

(d) For the purposes of this section, an attached garage shall be considered existing habitable floor area when converted to an accessory apartment.

(7) No additional entrances shall be located on any wall plane generally facing any street.

(8) No additional mailbox or mail slot shall be provided for the accessory apartment.

(9) In addition to the additional habitable floor area permitted in Subsection (5) above, an existing attached garage or basement area may be used for conversion to an accessory apartment, subject to receiving a Building Permit.

(10) The accessory apartment shall have safe and convenient access to the outside.

(11) The Commission may waive or modify any parking requirements or standards in these Regulations for the accessory apartment, based on the specific circumstances surrounding each

application. The number of off-street exterior parking spaces shall not exceed four.

(12) Upon written notice of termination of the special use by the Zoning Enforcement Officer due to failure to comply with the occupancy requirements of Subsection (3) above, the accessory apartment shall be removed within 120 days. The removal of all kitchen appliances and fixtures, and the safe cutting and/or capping of the utility lines and pipes servicing them, to the satisfaction of the Building Official and Town Planner shall constitute removal of the accessory apartment. The Building Official may allow the removal of the pre-existing kitchen instead of the kitchen in the accessory apartment.

Removing the Kitchen – To ensure that an in-law apartment can no longer function as an independent living space, applicants are required to post a bond for the removal of the kitchen when the accessory apartment is no longer occupied. The bond is returned when town staff verifies that the kitchen has been removed. Any floor area added to accommodate the accessory apartment becomes part of the main dwelling when any divising walls, doors, or door locks between the dwellings are removed.

(13) The special use shall terminate upon the death(s) or relocation(s) of all qualifying occupant(s) of either unit (i.e. the owners and/or their elderly or disabled relatives) or upon transfer of title to the property to a non-qualifying household or other entity. This condition shall appear on the special use permit which must be filed on the land records.

(14) A cash bond shall be posted with the Town Planner in an amount determined by the Building Official to be sufficient to remove the kitchen to the degree described in Subsection (12) and integrate the accessory apartment back into the single-family dwelling. Upon the removal of the accessory apartment to the satisfaction of the Building Official and Town Planner, as provided in Subsection (12), the bond shall be returned to the applicant.

(15) The applicant shall sign an agreement stipulating to the provisions of this Section regarding the termination of the special use, removal of the accessory apartment, and bonding provisions.

C

The Commission may waive the requirements for connection to MDC sewer and water lines if town and state health laws permit.

4.5.11 Bed and Breakfast Establishments

A

The Commission may allow a bed and breakfast establishment (B&B) when used in conjunction with a primary residence subject to the following requirements:

Inn vs. Bed and Breakfast – A bed and breakfast is not intended to be a full-service inn or hotel. It is intended to allow a homeowner of an older home on an arterial street to provide overnight lodging and breakfast to transient guests within their residential home. Muliti-night guests would be responsible for their lunches, dinners, and any alcoholic beverages over the course of their stay.

(1) B&Bs shall not include provisions for cooking in the rented rooms, but may include breakfast served by the owner to the guests;

Airb&b – Rental of a home through Airb&b or a similar service, with or without the homeowner present, is not a legal bed and breakfast unless approved under these Regulations.

(2) rooms shall have access and egress from within the principal residence;

(3) the maximum number of rooms available to guests shall be four and the maximum number of guests shall be eight;

(4) the maximum length of stay shall be 14 days per calendar year per guest;

(5) parking shall be screened as per Section 4.5.1B(3)(a);

(6) no accessory buildings shall be used for lodging purposes;

(7) the owner of the property shall reside in the principal dwelling throughout the duration of its use as a B&B. The use shall become invalid if the principal dwelling ceases to be owner-occupied;

(8) B&Bs shall only be permitted in structures built prior to 1940 and shall be located on an arterial street, as defined in the Plan of Conservation and Development, unless otherwise specified by the Commission;

(9) a B&B shall be connected to the public water supply and sanitary sewer system if they are available within 200 feet of the structure:

(a) If public water or sanitary sewers are not available for connection, then the use shall be permitted only if a satisfactory water supply, meeting the requirements of a potable public water supply as listed in the applicable State Statutes and regulations, is provided; and also provided that it can be demonstrated to the local Director of Health that the site contains enough suitable area for a private subsurface sewage disposal system constructed to the standards of the State Statutes and regulations in effect at the time of application;

(10) the parcel shall meet the minimum area requirements for the underlying zone; and

(11) the owner of the residence to be used as a B&B shall obtain a Certificate of Occupancy.

4.5.12 Housing and Health Facilities for Elderly and Handicapped Residents

Housing and Health Facilities for Elderly and Handicapped Residents vs. Housing for Older Persons, What's the Difference? – Both types of housing are limited to older or, in some cases, infirm residents, but housing and health facilities for elderly and handicapped residents are intended to provide a transition from independent living through skilled nursing homes. Housing for older persons is age-restricted independent living in single-family homes with limited recreational amenities and no transitional services such as meals, personal services, or 24-hour staffing.

A

Intent

To provide a variety of specially designed housing and living environments that provide supportive services necessary to permit the older population, despite age, infirmity, and other functional limitations and handicapped persons to remain as independent as possible in a residential setting. Developments under this Section may consist of one or more of the housing types described in this Section, but preference will be given to a variety of housing and living environments developed as a unified community that will meet the changing needs of its residents.

B

The Commission may allow the following uses in any residential zone subject to the provisions of Section 15 and those below.

(1) Housing for Older Persons, Congregate Housing, Assisted Living Facilities, and Nursing Homes

(a) Residential units in detached, semi-attached, attached, or terraced type dwellings on individual lots or on the same lot.

(b) Central service buildings or facilities for providing meals, social services, health and personal services, assisted living, recreation, administrative and management functions.

(c) The development may also include a nursing home when constructed and operated in conjunction with a congregate housing development, primarily for use by the residents of the congregate housing development.

(i) The number of nursing home beds provided shall not exceed 33 percent of the number of residential units in the development.

(ii) Provided that there is sufficient parking to accommodate the additional traffic, the Commission may permit a nursing home to extend in-patient dialysis services to non-residents on an out-patient basis as a special use.

(d) The development may also include a convenience retail shop with a maximum of 1,000 square feet of floor area

(excluding storage area) for the sale of food items, prescription and/or nonprescription drugs, household items and gifts for the use of the occupants. The shop shall be located in the same building as the congregate dining or community facilities, and neither it, nor its signage, shall be visible from any public street.

(e) For the purposes of this Section, Housing for Older Persons is per relevant subsection(s) of Sections 4.5.12C, 4.5.12D and per Section 4.5.14, with the following exceptions:

(i) the minimum acreage shall be ten acres;

(ii) central service buildings or facilities shall be provided as per Section 4.5.12B(1)(b); and

(iii) density calculations shall exclude areas of utility easements.

C
Miscellaneous Standards

The following shall be required for all developments proposed under this Section.

(1) The minimum area shall be ten acres.

(2) All developments under this Section shall meet all relevant standards of these Regulations and Town of Windsor Subdivision Regulations.

(3) The Commission may require the developer to dedicate land for public purposes per Section 14.1.21.

(4) No parking areas shall be located closer than 50 feet from any exterior property line of the site.

(5) Through paths, common parking areas (if any), or drives shall not be located closer than 20 feet from any window or door of a residential unit.

(6) Access streets shall comply with Section 13.2.3B(2) and may be public streets if required by the Commission.

(7) Residency requirements, which shall run with the land, shall be imposed by the developer limiting occupancy of the development as follows:

(a) For congregate housing, one member of the household shall be at least 55 or 62 years of age (depending on the density of the development as specified in Section 4.5.12D(1) below). A dwelling unit may be occupied by the surviving member(s) of a household, regardless of age, if the household head was at least 55 or 62 years of age (depending on the density of the development as specified in Section 4.5.12D(1) below) and a resident of the dwelling unit at the time of death.

(b) For assisted living facilities and nursing homes, one member per dwelling unit shall be at least 55 years of age or require assisted living services and facilities as per Regulations of Connecticut State Agencies, Sec. 19-13-D105(e)(7).

(8) A central kitchen containing a minimum of 500 square feet shall be located adjacent to the common dining room.

(9) A common dining room containing a minimum of 15 square feet per resident shall be located in an area convenient to all dwelling units. For purposes of calculating the number of residents, each unit shall be counted as having 1.5 residents.

(10) Community facilities consisting of at least one of the following: game room, craft room, music room, library, TV room, exercise room or multi-purpose room, shall be provided at the ratio of at least ten square feet per resident. A maximum of 25 percent of the area of the congregate dining room may be credited for satisfying this requirement.

(11) A health examination room containing a minimum of 100 square feet with a hand washing sink, space for a treatment table, and space for storage, shall be provided.

(12) All units shall have an emergency call/intercom system connected to an on-site location staffed 24 hours per day by at least one cardiopulmonary resuscitation (CPR)-certified attendant.

(13) Outdoor recreation facilities, such as landscaped walking trails with benches, community flower and/or vegetable gardens, and patios shall be provided to the satisfaction of the Commission.

(14) For congregate housing, detached, semi-attached, and attached dwellings shall have garages with automatic door openers. A maximum of 25 percent of the required garages may be waived if the Commission is satisfied that the overall design of the

development provides adequate parking and storage. For assisted living facilities and nursing homes, adequate storage areas are required.

(15) The design of the development shall include access to common dining, indoor recreation, and community and health facilities from all units via enclosed climate-controlled corridors. The Commission may waive this requirement if an acceptable alternative means of providing residents access to these facilities is provided.

(16) Public sewers and water shall be available to the site.

D
Specific Standards

(1) The maximum density of occupancy for residential units shall be as follows.

(a) Congregate housing:

(i) limited to a household containing at least one person at least 55 years of age or older - shall not exceed four units per acre of developable land;

(ii) limited to a household containing at least one person at least 62 years of age or older - shall not exceed six units per acre of developable land.

(b) Nursing homes shall not exceed 15 units per acre of developable land.

(c) Assisted living facilities shall not exceed six dwelling units per acre of developable land.

(d) For developments of more than one of the housing types described in this Section being developed as a unified community, the density allowed is as follows:

(i) for two housing types, the density for each housing type may be increased by 1 dwelling unit per acre; for three housing types the density for each housing type may be increased by an additional .25 units per acre; for four housing types, the density for each housing type may be increased by an additional .25 units per acre;

(ii) in order to promote developments large enough to promote community character, the minimum acreage allocated to each housing type shall be ten acres; and

(iii) in order to accommodate difficult site size constraints for sites found to be desirable for development under this Section, the Commission may allow the reduction of any minimum acreage requirement by up to 25%.

(2) For detached or semi-attached dwellings on separate lots, the lot area, yard width, building coverage, and building height standards shall be the standards of the next lower zone (e.g., in an A Zone, the R-13 requirements shall apply); except that there shall be no required side yard where the dwelling units are attached. In cases involving the R-8 Zone, the requirements for that zone shall apply.

(3) For semi-attached dwellings on the same lot, the lot area, yard width, building coverage, and building height standards shall be the standards of the next higher zone (e.g., in an R-13 Zone, the A Zone requirements shall apply). In cases involving the AA Zone, the requirements for that zone shall apply, except that the lot area shall be 30,000 square feet.

(4) For multi-family attached dwellings on the same lot or garden or terrace apartment dwellings, the development plan shall conform to the yard requirements of the more restrictive underlying zone. Maximum building height shall conform to Section 13.2.6D(3)(b). Minimum lot area per dwelling shall be 2,400 square feet.

(5) For multi-family attached units on separate lots, the development plan shall conform to the yard and area requirements of Section 4.5.2B(3)(iii). Maximum building height shall be 2-1/2 stories or 35 feet.

(6) The building design standards shall conform to applicable provisions of Section 13.2.4. Single-family or semi-attached dwellings shall have at least 800 square feet for a one-bedroom unit, with 150 square feet of additional area for each additional bedroom.

(7) Upon written request of the applicant at the time of application, the Commission may modify or waive any of the requirements of Sections 4.5.12C and 4.5.12D (except density, public sewer and water availability, age minimum, and overall site area

requirements) in cases where, in the opinion of the Commission, strict application of the requirements of these Sections will result in an overall design that is less desirable than one permitted by a modification or waiver of the requirements of these Sections.

(8) Two elevators shall be provided in all attached or terraced type buildings consisting of two or more floors. Each elevator shall have independent power supplies, operating equipment, and separate enclosed shafts and shall be capable of independent operation.

(a) All elevators, regardless of height of car travel, shall provide standard firemen's service and at least one car shall be capable of full operation during the loss of primary power. In all buildings equipped with elevators, at least one secondary elevator device (such as a stair chair or stair lift) shall be available for emergency use.

Housing for Older Persons vs. Housing and Health Facilities for Elderly and Handicapped Residents, What is the Difference? – Both types of housing are limited to older or infirm residents, but housing for older persons is simply age-restricted, independent living in single-family homes, while housing and health facilities for elderly and handicapped residents provide a transition from independent living through skilled nursing homes, providing amenities such as meals, personal services, 24-hour staffing and/or skilled nursing.

I am 45, why can't I or my children live in housing for Older Persons – Fair housing laws prohibit housing discrimination based on age, and other factors, however, the law does allow age-restricted communities that provide minimum levels of amenities for residents 55 and older, often referred to as active-adult communities, and for residents 62 and older. If more than 20% of the unit owners or lessees are under 55 or 62 respectively, an entire age-restricted community will be in violation of federal law. Rather than allowing *up to* 20% of the units to be sold or rented to non-compliant households and force a subsequent survivor of a qualifying householder to move out for being underage to avoid putting the community over the 20% threshold, Windsor requires that the owners or leasees of 100% of the units meet age or infirmity requirements, which allows the survivors of up to 20% of the qualifying heads of household to remain in their units upon the demise of their partner or their move to skilled nursing facility.

4.5.13 Housing for Older Persons

A
Intent

The intent of this section is to provide for the private development of housing meeting the needs of older residents of Windsor.

B
The Commission may allow the following uses in any residential zone, subject to the provisions of Section 15 and the following:

(1) residential units in detached, semi-attached, attached, or multi-family attached dwellings on individual lots or on the same lot;

(2) community building or facilities for providing recreation and personal services for the occupants of the development; and/or

(3) development under this Section shall be located in areas that are accessible to public and private services such as mass transit stops and shopping facilities and shall be compatible with the character of surrounding residential development.

C
Miscellaneous Standards

The following shall be required for all developments proposed under this Section.

(1) The minimum area shall be two acres.

(2) The maximum area shall be ten acres.

(3) The household head shall be an older person, as defined in Section 4.5.13D(1)(a) or (b), or handicapped as per Section 1-1f of the Connecticut General Statutes, and no residents shall be under 18 years of age. The above residency requirements shall be imposed by the developer limiting occupancy in perpetuity.

(4) All units intended for occupancy as per Section 4.5.13D(1)(a) shall be handicapped-adaptable.

(5) All units intended for occupancy as per Section 4.5.13D(1)(b) shall be handicapped accessible.

(6) All units shall have full basements, except that units developed under Section 4.5.13D(1)(b) may be approved without full basements if the Commission finds that adequate storage and laundry facilities are provided on the ground floor.

(7) Accessory buildings on individual homeowner lots are not permitted.

(8) Compliance with applicable provisions of Sections 4.5.12C(2), 4.5.12C(3), 4.5.12C(5), 4.5.12C(6), and 4.5.12C(16).

(9) The maintenance of all common areas not intended to be individually owned shall be provided by a homeowners' association organized under Chapter 828 of the Connecticut General Statutes (CGS 47-200).

(10) In order to enhance fire safety for elderly or infirm residents, all buildings containing dwelling units shall be protected by automatic sprinklers designed and installed in accordance with applicable National Fire Protection Association Standards. All dwelling units shall have brick-encased chimneys or a construction that provides equal or better fire protection, as determined by the Fire Marshal and Building Official, unless high-efficiency appliances are used that do not require a chimney.

(11) All drives, parking lots, and sidewalks shall be constructed to Town of Windsor Engineering Standards and Specifications.

(12) Driveway/road widths may be modified by the Commission after consideration of the recommendations of the Town Engineer and Fire Marshal.

We Are Having Trouble Selling Our Age-Restricted Homes to Qualifying Residents. Can We Unrestrict Our Communiy? – There is no simple answer to this question. There is an unspoken agreement between active-adult housing developers, residents, the federal government, and the Town. The communities are given significant density bonuses, allowing for smaller lots and arguably cheaper homes due to reduced land costs, with the understanding that the increased density will not result in additional school children, whose education accounts for more than two-thirds of the town budget. Many residents choose active-adult housing, not only for the low-maintenance lifestyle, but for the peace of mind of a child-free neighborhood. Oftentimes, the small lots, lack of property boundaries, and/or amenities for children make them unsuitable for raising familes. To unrestrict a community would not only subject some owners to neighborhood children they never bargained for, it would also place an unfair burden on the town to educate additional children that it never bargained for either. Can it be done? Possibly, but it would require unanimity of owners, a difficult path through planning and zoning to create a compliant unrestricted community, and an acknowledgement that it would set a precedent for other age-restricted communities to follow; potentially placing a tremendous cumulative burden on Windsor's school budget.

D
Specific Standards

(1) The maximum density of occupancy for residential units shall be as follows:

(a) developments limited to households containing at least one person 55 years of age or older shall not exceed four units per acre of developable land;

(b) developments limited to households containing at least one person 62 years of age or older shall not exceed five units per acre of developable land; and

(c) no residents shall be under 18 years of age.

(2) The building design standards shall conform to applicable provision of Sections 13.2.4A(1-4) and 13.2.4B. In no case shall a single-family or semi-detached dwelling be less than 750 square feet for a one-bedroom unit, with 150 square feet of additional area for each additional bedroom.

(3) For a development of detached structures on the same lot, front yard, lot width, building coverage, and building height standards shall be those of the existing underlying zone, side and rear yards for the overall lot shall be 25 feet.

(4) For a development of individual lots, the yard, width, and building coverage standards shall be those of the R-8 Zone.

(5) For detached units on the same lot there shall be a sixteen-foot minimum separation between structures.

(6) In order to enhance the health and convenience of residents, all units shall have central air and automatic garage door openers.

(7) The master bedroom in all units shall be on the first floor.

Why are they Called Flag Lots? – The term flag lot refers to the shape of a typical rear lot, which resembles the shape of a flag on a pole (see below).

Typical Flag Lot

4.5.14 Flag Lots

The intent of this Section is to provide greater flexibility in determining the most appropriate residential development form for unusually large, deep, or oddly shaped lots. Development containing flag lots must be in harmony with the surrounding area; designed and sited to protect neighboring property values while respecting the site's natural or man-made features; in accord with the intent of this Section and the Plan of Conservation and Development; and appropriately related to the Town's general needs regarding housing, community facilities, and open space.

A

All developments proposed under this Section shall be subject to the following conditions.

(1) The flag lot and associated front lot shall conform to all requirements of the underlying zone, except that the minimum area of the flag lot shall be at least twice the corresponding minimums in the AA and A Zones and three times the corresponding minimums in the R-13, R-11, R-10 and R-8 Zones.

(2) The front yard of the flag lot shall be a minimum of 80 feet, measured from the rear lot line of the front lot or as determined by the Commission.

(a) Section 4.2.3 Varied Front Yards shall not apply to flag lots.

(3) On a flag lot, residential structures shall not be located farther than 750 feet from the town street providing access. This distance shall be measured along the center line of the driveway providing access to the town street.

(4) On a flag lot where the principal entrance of a residential structure is located more than 200 feet from the nearest accessible town street, a residential sprinkler system designed and installed in accordance with N.F.P.A. Standard 13D shall be required. The sprinkler system shall be designed and installed by a properly licensed installer and inspected by the Fire Marshal or his/her designee prior to receiving a Certificate of Occupancy.

(a) The owner shall provide an annual report from a licensed sprinkler system installer, certifying to the Fire Marshal that the system has been tested and is operational.

(5) A flag lot shall have an access strip incorporated into the lot with a minimum width of 25-feet along its entire length from the street to the buildable portion of the lot, which shall be capable of supporting a driveway. Any driveway serving a flag lot shall not exceed a 12% grade and shall have a paved surface at least 12 feet in width for its entire length with at least three feet of additional passable area on each side, capable of supporting fire apparatus and free of obstructions. When the driveway and/or other utilities are located outside of the required access strip, the applicant shall provide documented proof of the alternative rights of access.

Why are Flag Lots Regulated?
– Flag lots are unconventional and pose a number of potential problems compared to standard lots. They are difficult to find and access in an emergency; and can reduce the level of privacy of lots in front of them that homeowners have come to expect in their backyards. To limit their use to only the most appropriate locations, and ensure that they are both safe and have minimal impact on their neighboring properties, the Commission requires a special use.

(6) The street entrance to the flag lot shall be posted with a one and one-half to three square foot sign clearly indicating the housenumber (and street name if necessary) of the flag lot.

(7) To ensure privacy for adjacent lots, a four foot high evergreen screen, designed to reach a minimum height of six feet at maturity, shall be planted along the rear lot line of all lots located in front of a flag lot. The Commission may waive this requirement if topographic conditions or existing vegetation provide adequate screening. The Commission may require a conservation easement to ensure the survival of such existing vegetation and may also require additional screening or landscaping along the access driveway or other property lines where it is needed to protect the privacy of adjacent lots.

(8) The driveway of the flag lot shall not create traffic conflicts or a concentration of driveways at any one location.

(9) The Commission may require additional setbacks, landscaping/screening, or fire protection measures.

B
The Commission shall find that the subject site is more appropriate for flag lot development than for conventional development and that the proposed development will not have excessive negative impacts on adjacent properties nor preclude the appropriate development of adjacent properties.

C
The Commission may waive the requirements for connection to MDC sewer and water lines if town and state health laws permit.

4.5.15 Non-Residential Uses Related to Existing Community Facilities

The Commission may approve non-residential uses in existing dwellings and lots near existing community facilities (i.e. public and semi-public uses) where the Commission finds a benefit to residents and an enhancement to the community facility, subject to the following conditions and requirements:

A
the proposed site must be abutting or across the street from an existing community facility;

B
the proposed use shall not create intensive activities, nuisances, or visual impacts harmful to the value of nearby residential properties and should

serve as a transitional use between residential uses and the existing community facility;

C
the site shall be located on an arterial or secondary highway as classified in the Plan of Conservation and Development;

D
the proposed site is not within a half (1/2) mile of an existing similar use located in a non-residential zone or a non-residential building;

E
the approval shall have an initial one year time limit, which may be extended by the Commission upon renewal, based on the performance of the use during the previous approval period;

F
the dwelling of the proposed site must be owner occupied and the non-residential use shall be accessory to the residential use;

G
if needed, the site and structure(s) on it must be improved to nearby residential property standards or to a higher standard to help seed revitalization in the area;

H
the Commission shall approve all signs or display objects related to the proposed use on the site and/or structure(s) and find that they are in harmony with the intent of this Section;

I
the Commission may impose limits on time of operation or any other conditions to protect the public health, safety and welfare and minimize negative impacts on adjacent areas; and

J
the proposed use shall comply with Section 15 of the Zoning Regulations.

4.5.16 Increasing Accessory Building Size

A
The Commission may, through special use, allow the area of all accessory buildings on a lot within a residential zone to be greater than permitted in Section 4.4.1A(3) provided the following:

(1) the maximum building height shall be one story and no greater than eighteen feet;

Accessory Building Size – The maximum allowed accessory building size is the total floor area of *all* detached accessory structures, including garages, barns, sheds, gazebos, and similar structures.

Larger Accessory Structures – The Commission established a maximum accessory building size of 580 square feet to accommodate a typical 24' x 24' detached two-car garage, with the understanding that there is no size limit on attached garages other than the area and width limitations of a particular lot. To provide flexibility for oversized lots where adding or enlarging an attached garage may not be an option, the Commission allows 20% of the area of the required rear yard to be used in lieu of 580 square feet (see Section 4.4.1). Alternatively, for lots that exceed minimum area requirements, the Commission allows incremental increases in accessory floor area by special use, not to exceed the footprint of the dwelling, so as not to become the predominant or even principal structure on the lot. The special use trades flexibility in size for aesthetic considerations to ensure the compatibility of such large accessory structures.

(2) minimum side, front, and rear yards shall be the same as permitted in the underlying zone;

(3) the area of all accessory buildings on a lot may be increased by the following method:

Zone	Minimum Lot Area (sq. ft.)	Additional Floor Area per Extra 1,000 sq. ft. of Lot Area (sq. ft.)
AA	27,500	46
A	20,000	34
R-13	12,750	21
R-11	11,250	19
R-10	9,750	16
R-8	7,500	12

For each additional 1,000 square feet of lot area above the minimum lot area required in the underlying zone, the Commission may increase the 580 square foot maximum floor area of accessory buildings permitted under Section 4.4.1A(3) in accordance with the above table, provided that the total floor area of any one accessory building does not exceed the footprint of the principal dwelling;

(4) the appearance of the accessory structure, including architectural design and materials, and its size and scale, shall be compatible with the primary structure as well as the surrounding properties;

(5) adequate and appropriate screening shall be provided to buffer the structure from street views and abutting properties; and

(6) maximum building coverage for each zone shall not be exceeded.

B

The Commission may waive the requirements for connection to MDC sewer and water lines if town and state health laws permit.

SECTION 5 - BUSINESS ZONES

5.0 INTENT

The intent of this Section is to provide appropriate standards for business uses and promote business development consistent with sound planning and design principles and with the intent of the Plan of Conservation and Development and these Regulations.

5.1 B-1 BUSINESS ZONE

This zone is intended to provide low-intensity retail, personal service, and office uses that do not create excessive pollution and nuisances; to serve as a transitional zone between residential and more intensive business zone(s); and to serve adjacent residential neighborhoods. Generally, uses requiring excessive vehicular trips or trucking or uses operating in late hours are incompatible with this district.

5.1.1 Area, Bulk, Density, and Yard Standards

Minimum lot area - 15,000 square feet
Maximum lot area - 2 acres
Minimum building area - 1,500 square feet
Maximum building coverage - 25% of the site
Maximum building height – 2-1/2 stories or 35 feet
Minimum lot width - 100 feet
Minimum front yard - 40 feet
Minimum rear yard - 50 feet
Minimum side yard - 30 feet if adjacent to a residential, AG or NZ Zone; otherwise none required, but if provided must be ten feet; if none is provided, footings, sills, fascias, or gutters may project a maximum of six inches onto abutting property if written permission is obtained and recorded in the land records of the Town of Windsor; otherwise, the outer face of the foundation wall(s) shall be no more than six inches within the property line in order to permit the construction of footings, sills, fascias, or gutters up to the property line.

Zero Lot Line Development – The B-1 and B-2 Zones allow adjacent buildings that are both within a commercial zone to be attached, eliminating the required side yard. If not attached, such buildings must be at least 20 feet apart unless adjacent to a residential or NZ Zone, in which case, no building can be closer than 30 feet from the side property line.

5.1.2 Miscellaneous Standards

A
Outdoor storage of material is prohibited.

B
Restaurants or eating establishments are prohibited, except accessory restaurants as provided in Section 5.2.5E.

C
Developments shall conform to the proposals in the Windsor and Wilson Center Plans in the Plan of Conservation and Development, such as consolidation of parking areas in the rear and consolidation of driveways and their location on side streets and not on primary or secondary highways and in agreement with proposed revisions to street patterns.

D
All retail sales shall be conducted entirely within an enclosed permanent structure.

Additional Performance Standards – See Section 14.1.10 for additional townwide performance standards.

5.1.3 Performance Standards

A
No use is permitted that generates noise levels that exceed the provisions of the Town of Windsor Code of Ordinances. In accordance with the provisions of Section 22a-174-18 of the Connecticut General Statutes, no truck engine shall be allowed to idle for a period in excess of three minutes when such vehicle is parked in any parking lot, truck loading area apron, transient truck loading space, or other location adjoining a residential zone.

B
No use is permitted to be open for business between the hours of 10 P.M. and 7 A.M.

C
No use is permitted that relies on other business establishments for 50 percent or more of its sales trade (e.g., wholesale sales).

D
No use is permitted that requires a drive-through window for its operation, except as per Section 5.1.6A.

E
All uses shall comply with the intent of Section 5.1.

Permitted, Special, and Accessory Uses – Land uses and structures fall into three main categories: permitted, accessory, and special uses. Permitted uses (e.g. retail stores) are allowed by-right anywhere in the commercial zones. Special uses are uses that have unique characteristics that make them unsuitable for all locations (e.g. small engine repairs) and the Commission has the discretion to determine whether a special use is suited to a particular property. Accessory uses are ancillary to either a permitted or special use, meaning that they support those uses but are not permitted to stand alone on a property (e.g. a parking lot).

5.1.4 Permitted Uses

The following uses are permitted subject to compliance with applicable standards and requirements.

A
Offices - professional, general and banks.

B
Personal service establishments, excluding dry cleaners where cleaning is done on the premises.

C
Retail Stores, excluding the sale of alcoholic beverages (except by a legitimate grocery business providing beer at retail for off-premises consumption), adult-oriented establishments (as defined in Section 2.2).

D
Retail bakeries where baking is done on-premises and baked goods are sold for off-premises consumption.

5.1.5 Accessory Uses

A
Off-street parking and loading, signs, and outdoor lighting.

B
Any activity customarily and directly related to the operation of the principal use, provided that it meets all applicable standards and requirements.

C
The outdoor overnight parking of no more than two commercial vehicles, one of which shall have a maximum GVWR of 14,000 lbs., while the second shall have a maximum GVWR of 11,000 lbs., provided that the trucks are:

(1) regularly used by a business on the premises to transport goods;

(2) screened year-round from any street or residential, NZ or AG Zone boundary line;

(3) parked no closer than 20 feet to any such street or boundary line; and

(4) parked in a manner that does not interfere with the normal use of any required parking space or drive.

Commercial Trucks – The size and number of commercial trucks parked overnight per establishment in the B-1 Zone is limited to one truck with a maximum gross vehicle weight rating (GVWR) of 14,000 pounds and a second truck with 11,000 pound GVWR.

The storage of trucks or trailers covered with advertising in prominent parking spaces and not otherwise used in day-to-day operations is prohibited

5.1.6 Special Uses

The Commission may permit the following uses subject to the applicable provisions of Section 15 and as specified below.

A
Establishments with drive-through windows provided that the Commission determines that:

(1) each drive-through window has a vehicle queuing area of at least 80 feet in length; and

Special Uses – In addition to any use-specific considerations and regulations associated with the following special uses, Section 15.1.3 contains general considerations that the Commission must consider on each special use application and Section 15.1.4 contains general conditions that may be applied to mitigate any concerns of the Commission or neighbors.

Section 15.2 contains additional special uses that may be permitted in any zone.

(2) the drive-through window and its associated queuing area do not interfere with the safe use of required parking spaces, interior vehicular or pedestrian circulation, or any access driveway to or from a public street.

B

Dry cleaners with dry cleaning on premises provided that no nuisance is caused to abutting residential areas and refuse containers, stacks, tanks, and all other mechanical equipment are screened from the street or abutting properties or are located indoors.

C

Reserved for future use.

D

Indoor repair of household appliances; garden equipment such as lawn mowers and snow blowers; small automotive parts, etc., excluding licensed motor vehicles or their engines, and subject to the applicable provisions of Section 5.1.6B.

5.2 B-2 BUSINESS ZONE

This zone is intended to provide for general business activities on a town-wide scale and for business activities that are compatible with central business district functions, wherever appropriate, while retaining and maintaining a shopping street environment inviting to pedestrian use (e.g., display windows and other pedestrian amenities in close proximity to public sidewalks).

5.2.1 Area, Bulk, Density, and Yard Standards

Minimum lot area - 15,000 square feet
Maximum lot area - 2 acres, except as per Section 5.2.6
Minimum building area - 1,500 square feet
Maximum building area – first floor area less than 3,000 square feet in Windsor Center and Wilson Center (see Appendix, pages A-28 and A-29); see Section 5.2.6O for first floor area of 3,000 square feet or more in Windsor Center and Wilson Center by special use.
Maximum building coverage – 33-1/3% of the site
Maximum building height - 3 stories or 45 feet
Minimum lot width - 75 feet
Minimum front yard - 10 feet
Minimum rear yard - 30 feet
Minimum side yard - 30 feet if adjacent to any residential, AG or NZ Zone; otherwise none required, but if provided must be ten feet; if none is provided, footings, sills, fascias or gutters may project a maximum of six inches onto abutting property provided that written permission is obtained and recorded in the land records of the Town of Windsor; otherwise the outer face of the foundation wall(s) shall be no more than six inches within the property line in order to permit the construction of footings, sills, fascias or gutters up to the property line.

Zero Lot Line Development – The B-1 and B-2 Zones allow adjacent buildings that are both within a commercial zone to be attached, eliminating the required side yard. If not attached, such buildings must be at least 20 feet apart unless adjacent to a residential or NZ Zone, in which case, no building can be closer than 30 feet from the side property line.

5.2.2 Miscellaneous Standards

A
As per Section 5.1.2, except that restaurants may be permitted as per Sections 5.2.5E and 5.2.6D.

B
Uses requiring parking between the front of the main building and the street line are prohibited, except as per Section 5.2.6H.

Parking in Front of Buildings – The B-2 Zone is intended to create a pedestrian oriented downtown shopping street environment, as exemplified by Windsor Center and Wilson. Parking in front of buildings pushes them further from the sidewalk and emphasizes driving over walking. Therefore, parking in front of buildings is only allowed by special use, which is commonly allowed in more suburban shopping locations.

C
All retail sales shall be conducted entirely within an enclosed permanent structure, except as provided below:

(1) outdoor sales may only be conducted on the premises of a permanent retail establishment;

(2) the display or storage of merchandise shall not obstruct the use of any sidewalk, driveway, or fire lane;

(3) for premises containing multiple establishments, the display or storage of merchandise shall not interfere with the business activities of other establishments on the premises;

(4) to ensure compliance with this Section, a site plan revision indicating the location and limits of outdoor sales areas, as well as the size and location of all signs, may be required; and

(5) sales conducted in a tent or other temporary structure may only be approved by the Commission by special use, as per Section 5.2.6Q.

Additional Performance Standards – See Section 14.1.10 for additional townwide performance standards.

5.2.3 Performance Standards

A
No use is permitted that does not comply with Sections 5.1.3A and C.

Drive-Through Lanes – Drive-throughs require a special use, separate from any permitted or special use associated with it.

B
No use is permitted that requires a drive-through window for its operation, except as per Section 5.2.6C.

C
All uses shall comply with the intent of Section 5.2.

Permitted, Special, and Accessory Uses – Land uses and structures fall into three main categories: permitted, accessory, and special uses. Permitted uses (e.g. retail stores) are allowed by-right anywhere in the commercial zones. Special uses are uses that have unique characteristics that make them unsuitable for all locations (e.g. a full-service restaurant) and the Commission has the discretion to determine whether a special use is suited to a particular property. Accessory uses are ancillary to either a permitted or special use, meaning that they support those uses but are not permitted to stand alone on a property (e.g. a parking lot).

5.2.4 Permitted Uses

The following uses are permitted in compliance with the standards and requirements of this Section.

A
Offices - as per Section 5.1.4A.

B
Personal service establishments - as per Section 5.1.4B.

C
Retail stores - excluding adult-oriented establishments, as defined under Article VII, Section 11-111 of the Town of Windsor Code of Ordinances, but including establishments providing alcoholic beverages at retail for off-premises consumption provided that:

(1) the main entrance of the outlet providing alcoholic beverages at retail for off-premises consumption is not closer than 1,000 feet, measured in a straight line, from the main entrance of any other

outlet providing alcoholic beverages at retail for off-premises consumption;

(2) the main entrance of the outlet providing alcoholic beverages for off-premises consumption is not closer than 400 feet, measured in a straight line, from the nearest property line of any public or private school serving pre-kindergarten through the 12th grade; public playground or athletic field; public library, community center, or similar community facility;

(3) as a special use, the Commission may reduce or waive the distance requirements of Subsections (1) and (2) above by a vote of two-thirds of the members of the Commission, provided that they find that such reduction or waiver:

(a) will not cause an excessive concentration of liquor outlets in the area;

(b) is not likely to have an adverse impact on public or private schools, playgrounds and athletic fields, a public library, community center, or similar community facility within the area; and

(c) will not hinder the appropriate development and use of land and buildings in the area; and

(4) the above distance requirements shall not be applicable to a legitimate grocery business providing beer at retail for off-premises consumption.

D

In order to protect the unique character of Windsor Center (see Appendix, page A- 28), buildings in the B-2 Zone of Windsor Center shall comply with the following, except as per Section 5.2.6O.

(1) Buildings shall have at least two stories capable of occupancy and shall be no higher than 45 feet.

(2) The percentage of the glazed area of exterior walls shall be a minimum of 25% for any first floor wall facing any street and a minimum of 10% for any higher floor(s) facing any street. The glazing shall enable visibility into and out of the building by emergency personnel. The wall area shall be calculated by multiplying the interior floor to ceiling height by the width of each story.

(3) Buildings shall be set back a minimum of 10 feet and a maximum of 15 feet from any street.

Windsor Center Architecture – To protect the unique architectural, historic and mixed-use character of Windsor Center, special architectural requirements were established to promote multi-story buildings built with traditional materials and containing a significant amount of windows, in keeping with an historic shopping street environment. Section 5.2.6O provides potential relief from these requirements as a special use.

(4) The unglazed exterior walls shall be of clay brick or wood clapboard (with a maximum exposure of 4-½ inches) or a combination of these materials, as generally found in Windsor Center.

(5) Windows or doors shall not be covered with any interior or exterior commercial security structure.

(6) Section 5.2.4D(5) shall apply to all Business, Industrial, and Warehouse Zoned areas shown on the Wilson Study Area map (see Appendix, page. 29).

5.2.5 Accessory Uses

A

Off-street parking and loading, signs, and outdoor lighting.

B

Any activity customarily and directly related to the operation of the principal use, provided it meets all applicable standards and requirements.

C

The outdoor overnight parking of up to two commercial vehicles with maximum cargo weight ratings (CWR) of up to two tons and five tons respectively, provided that:

(1) they are used by a business located on the premises;

(2) they are parked no closer than 20 feet to and screened year-round from any street or residential, NZ, or AG Zone boundary line; and

(3) they do not interfere with the normal use of any required parking space or driveway.

D

Mechanical Amusement Devices

Permits for no more than two mechanical amusement devices available to the general public may be granted by the Zoning Enforcement Officer provided that:

(1) the location and use of proposed devices will not adversely affect public health and safety, abutting properties and their uses (such as by providing bicycle racks, etc.), or the operation of the primary use on the premises;

Commercial Trucks – The size and number of commercial trucks parked overnight per establishment in the B-2 Zone is limited to one truck with a maximum cargo weight rating (CWR) of two tons and a second truck with five-ton CWR.

The storage of trucks or trailers covered with advertising in prominent parking spaces and not otherwise used in day-to-day operations is prohibited

Arcades – At their peak in popularity, video and pinball arcades were considered an attractive nuisance, leading to their prohibition. As video games became ubiquitous, installed in bars, bowling alleys, convenience stores and other locations, the line between prohibited arcades and video games as an accessory use became blurred, leading to a strict limit of two.

In recent years, the arcade has morphed into Internet cafes and then sweepstakes parlors that attempt to skirt gambling laws by offering internet access with a chance to win cash prizes.

(2) the operation of the mechanical amusement devices shall only be during the operating hours of the primary use; and

(3) continuous adult supervision is provided over the operation of these amusement devices.

Permit applications, accompanied by information and plans as required by the Zoning Enforcement Officer (ZEO), shall be submitted along with a $100 permit fee. Upon failure to comply with any of these conditions, the ZEO shall issue a written notice of any violations and remedial actions that must be taken to correct them. If corrections are not made within 30 days of such notice, the permit shall be revoked.

E

Accessory restaurants contained entirely within a commercial, industrial, or retail establishment, provided that:

(1) the restaurant floor area, including the serving counter, kitchen area, storage area, and any other space necessary for operation of the restaurant, shall not exceed 25% of the gross floor area of the establishment;

(2) the sale of alcoholic beverages for on-site consumption is prohibited;

(3) there shall be no bar, cocktail lounge, or other limited entertainment facilities;

(4) drive-through windows are prohibited;

(5) where takeout service is provided, a littler control plan shall be submitted requiring that site maintenance and trash removal will be performed by employees on a daily basis; and

(6) when located in an establishment of 3,000 square feet or less, indorr or outdoor seating is prohibited.

5.2.6 Special Uses

The Commission may permit the following uses subject to the applicable provisions of Section 15 and as specified below.

A

Uses listed in Section 5.1.6 with the same conditions, where applicable.

Accessory Resturants – Accessory restaurants are one of five distinct tyes of restaurant and the only one allowed by right, albeit as an accessory use. The intent is to allow the simple service of food within a larger establishment, ranging from gas station convenience stores to department store or grocery store cafés, but without the benefit of drive-through windows, outdoor dining, or sales of alcohol.

Special Uses – In addition to any use-specific considerations and regulations associated with the following special uses, Section 15.1.3 contains general considerations that the Commission must consider on each special use application and Section 15.1.4 contains general conditions that may be applied to mitigate any concerns of the Commission or neighbors.

Section 15.2 contains additional special uses that may be permitted in any zone.

B

Commercial recreational and cultural buildings and facilities (e.g., indoor theaters, bowling alleys, excluding arcades for mechanical amusement devices.

(1) Establishments housing from three to six mechanical amusement devices available to the general public may be permitted subject to the provisions of Section 5.2.5D.

(2) Any restaurant shall comply with the requirements of Section 5.2.6D.

(3) Indoor and outdoor visual and performing arts venues, excluding adult-oriented establishments, as defined under Article VII, Section 11-111 of the Town of Windsor Code of Ordinances, may include concession stands, snack bars, or similar amenities as an accessory use, which may include the sale of alcohol, subject to the requirements of Section 5.2.6D(1)(e).

C

Establishments with drive-through windows, as per Section 5.1.6A.

D

Restaurants, excluding any restaurant providing adult entertainment, as defined under Article VII, Section 11-111 of the Town of Windsor Code of Ordinances, may be allowed as follows.

(1) Limited-service restaurants.

(a) Drive-through windows are prohibited;

(b) Takeout service may be allowed provided that a litter control plan is submitted requiring that site maintenance and trash removal be performed by employees on a daily basis. The approval of any takeout service shall also be subject to an initial one-year time limit to monitor site conditions, including implementation of the litter control plan;

(c) The retail sale of beer and/or wine, and the provision of entertainment shall be subordinate to the principal use of limited-service restaurant and when added to an existing limited service restaurant, shall constitute a substantial change in the character and intensity of the use, requiring a new special use;

Resturants – There are five types of restaurants, each distinguished by their unique mix of service and features. Accessory restauants are the most limited and are described on the previous page. Limited-service restaurants are also limited in their scope to exclude drive-through windows, and full liquor, although they do allow limited entertainment and outdoor dining. Fast food restaurants are what you might expect, with drive-through windows, take-out service and no wait staff or liquor of any kind. As their name implies, full-service restaurants, offer the broadest range of services, including full liquor, bar/lounge seating, and live entertainment, though drive-through and walk-up windows are prohibited. Brew pubs are a variation on full-service restaurants that allow beer to be brewed and sold on the premises.

(i) service of alcoholic liquor is limited to wine and/or beer for on-premises consumption only, subject to Sections 5.2.6D(2)(b) and 5.2.6D(2)(f);

(ii) there shall be no limited entertainment facilities other than a service bar and a stage that may not exceed 10 percent or 100 square feet of the gross floor area, whichever is greater; and

(iii) live or recorded entertainment shall cease no later than 1 A.M. Sunday through Thursday and 2 A.M. on Friday and Saturday, except that the Commission may further limit these hours where live or recorded entertainment has the potential to become a nuisance to the area.

(d) In determining the appropriateness of the use and if necessary, specifying a time limit or further limiting either the hours of operation or the provision of entertainment, the Commission may consider the following conditions: traffic safety, density of similar establishments, the size of the facility, service of alcoholic liquor, type of entertainment provided, take-out service, and proximity to residences and other potential sensitive uses.

(e) For establishments of less than 500 square feet located in existing buildings in Windsor and Wilson Centers (as described in Section 13.1.3A), the Commission may reduce or eliminate required parking.

(2) Full-service restaurants, including brew pub restaurants.

(a) The retail sale of liquor and the provision of entertainment shall be subordinate to the principal use of full-service restaurant. Substantial changes in the provision of liquor and/or the addition of limited entertainment facilities to an existing full-service restaurant shall constitute a substantial change in the character and intensity of the use, requiring a new special use. For the purposes of this Section only, principal use means that no more than 15 percent of the gross floor area (including storage areas) may be devoted to cocktail lounge or bar. This measurement shall be derived by calculating the area encompassed by the bar, the associated stools, and a three-foot aisle beginning at the back of the stools. No more than 25 percent of the gross floor area (including storage areas) may be devoted

at any time to the combined uses of cocktail lounge, bar, dance floor, stage, or standing room for the viewing of entertainment. The applicant shall provide a floor plan indicating the size and location of any bar or entertainment area described above.

(b) The minimum gross floor area of the restaurant shall be 3,000 square feet (including storage areas), except that the Commission may waive this requirement for restaurants serving no alcoholic beverages or wine and/or beer only.

(c) Live or recorded entertainment shall cease no later than 1 A.M. Sunday through Thursday and 2 A.M. on Friday and Saturday, except that the Commission may further limit these hours where live or recorded entertainment has the potential to become a nuisance to the area.

(d) Walk-up windows and drive-through windows are prohibited.

(e) In determining the appropriateness of the use and, if necessary, specifying a time limit, or further limiting either the hours of operation or the provision of entertainment, the Commission may consider the following conditions: traffic safety, density of similar establishments, the size of the facility, service of alcoholic liquor, type of entertainment provided, and proximity to residences and other potentially sensitive uses.

(f) The production and wholesale delivery of brewed beverages is permitted only as an accessory use to brew pub restaurants.

(3) Fast-food restaurants.

(a) The site location shall meet the following criteria:

(i) the site is located within 1,000 feet of an interchange ramp of a limited access highway; or

(ii) the site is located within an industrial area that is more than 1,000 feet from the nearest residential zone; and

(iii) the site is located at least 1,000 feet from another fast-food restaurant.

(b) The Commission may reduce the distance requirements of (a)(ii) and (a)(iii) above down to 500 feet if it determines that the character of the intervening area between a proposed site within an industrial area and the nearest residential zone or the proposed site and another fast-food establishment is commercial in nature.

(c) The site has a minimum lot area of 1.5 acres and a minimum lot width of 175 feet.

(d) A traffic study is submitted demonstrating that an acceptable level of service exists and will be maintained or improved by the proposed development.

(e) Drive-through windows are allowed subject to the criteria of Section 5.1.6A, except that the queuing area for vehicles shall be measured from the point that food orders are placed.

(f) There shall be no entertainment facilities, as described in Section 5.2.6D(2)(a).

(g) Children's play areas and related equipment shall be approved by the Commission and reflected on an approved site plan.

(h) Hours of operation (open to the public, including drive-through window) shall be between 6 A.M. and 11 P.M. These hours may be extended by the Commission if found to be compatible with adjacent uses.

(i) Submission of a litter control plan to include policies to be followed by employees in keeping the premises and the area within a 500-foot radius free of litter originating from the site and the location and design of litter containers, which shall be shown on the site plan.

(j) Dumpsters shall not be allowed within any required yard or buffer and shall be enclosed by an opaque gate with six-foot masonry walls on three sides.

(k) No outdoor storage shall be allowed, except within the required dumpster enclosure or similar structure.

(l) The Commission may establish a time limit, the length of which is to be determined by the nature of the proposed facility (i.e., proximity to residences, hours of operation, drive-through facilities, etc.).

(m) The sale of alcoholic beverages for on-site consumption is prohibited.

(4) Seasonal outdoor eating areas.

(a) Seasonal outdoor eating areas are permitted as an accessory use to an approved restaurant under the following conditions:

(i) it does not result in interference with or hazards to pedestrians on public sidewalks or vehicular traffic;

(ii) it will not create visibility problems for traffic or pedestrians;

(iii) if the establishment is not in compliance with site coverage requirements, only pervious construction (i.e. no concrete slab or asphalt) or grassed areas shall be used for the eating area to reduce stormwater runoff;

(iv) umbrellas, retractable awnings, and similar devices shall be safely anchored and removed at the end of the outdoor eating season;

(v) required parking areas shall not be used;

(vi) no additional parking shall be required;

(vii) adequate trash receptacles shall be provided; and

(viii) the location of tables shall not restrict access to any portion of the building by emergency services.

(b) Approval for seasonal outdoor eating areas for an existing restaurant may be approved by Town staff under Section 3.9 in accordance with all requirements of this Section. Disagreements between staff and the applicant shall be referred to the Commission for resolution, or for treatment as a site plan and/or special use if the Commission reasonably anticipates that outdoor eating at the site has the potential to adversely affect the surrounding area.

(c) The applicant shall provide a simplified site plan containing sufficient information for the Commission and/or staff to review the proposal and its impacts on the site and surrounding area. At a minimum, the simplified site plan shall indicate any tables, chairs, trash receptacles, etc. associated with outdoor eating in relation to buildings, sidewalks, parking spaces, and driveways.

(d) There shall be no site plan application fees or annual renewals after the initial application, except when the Town staff determines that a substantial change has occurred that requires additional evaluation by the staff, in which case a new plan and application fee shall be submitted.

(e) All tables, chairs, trash receptacles, etc. shall be removed at the end of each outdoor eating season.

(5) The restaurant facilities described above shall not produce nuisance, noise, or disturbance so as to adversely affect the health, safety, or comfort of others or detract from adjacent property values. If the Zoning Enforcement Officer or Chief of Police determines that a restaurant has become a nuisance or hazard in the area, he/she shall notify the Commission. The Commission, after public notice and public hearing, may take any of the actions described in Section 4.5.7A(5) to abate or eliminate the nuisance or hazard.

E

Car rental and taxi service provided that the Commission determines that the service is primarily oriented to the community and that taxi(s) and or trucks over 11,000 lbs GVWR or greater are garaged or parked outdoors in well-landscaped parking lots screened from any street by buildings, fences, walls, and/or hedges at least four feet high.

F

All-suite hotels and hotels, subject to the following requirements:

(1) Site Area: single-story structures - 2,500 square feet per unit

two-story structures - 1,875 square feet per unit
three-story structures - 1,500 square feet per unit

Maximum building coverage - 20% of the site
Maximum impervious coverage - 40% of the site
Front yard - 40 feet

A Multitude of Hotel Options – In addition to hotels and all-suite hotels in the B-2 Zone, there are also extended-stay hotels in the B-2, RC, and I Zones (see Sections 5.2.6K, 7.6.1 and 8.6P), as well as full-service hotels and conference centers in the I Zone (see Section 8.6N), each with their own specific requirements.

Side yard - 20 feet
Rear yard - 20 feet

Any other uses included in the hotel complex shall not result in a building or impervious coverage in excess of the standards contained in this Section and shall have additional parking as required by Section 3.3.5.

(2) No hotel shall contain fewer than 400 square feet of floor area per unit; no all-suite hotel shall contain fewer than 500 square feet of floor area per unit; and no unit in either type of facility shall have sleeping accommodations for more than four persons.

(3) In order to achieve a balance in the type of available accommodations and to provide amenities needed by hotel guests and Windsor residents, any development proposed under Section 5.2.6F shall provide adequate amenities and services including, but not limited to, restaurant(s), lounge(s), recreation facilities, banquet facilities, and meeting rooms.

(4) Any restaurant or lounge included in the hotel complex shall comply with the requirements of Section 5.2.6D.

G
Printing, publishing, and reproduction services.

H
Uses requiring parking otherwise prohibited in Section 5.2.2B, provided that the uses are not in locations where the disruption to the retail frontage would be significant.

I
Developments on sites of more than two acres including larger single stores, shopping centers, or other large buildings.

Development of Large Sites – Because the B-2 Zone is a small-lot, pedestrian-oriented zone, developments of two-acres or more or with parking in front of the building that tend to be automobile-oriented are generally not in keeping with the intent of the zone, requiring special uses in either case.

J
The Commission may allow the conversion of existing buildings to residential units in any combination with permitted or special uses, or may allow a conversion to totally residential units, provided they comply with the following.

(1) Buildings and structures may not be enlarged, except for accessory uses (e.g., garages, dead storage).

(2) Design standards shall conform to Section 5.2.1 and Sections 13.2.4A(5) and 13.2.5D(1)(b), except that the minimum dwelling unit size for an efficiency unit and a one-bedroom dwelling unit shall be at least 500 square feet, exclusive of cellars, basements,

or unfinished attics. Each additional bedroom shall contain at least 150 square feet of additional living area.

(3) The gross maximum density shall be 20 bedrooms per acre. For density purposes, efficiency units count as one bedroom.

(4) Parking shall be provided at the rate of 1.5 spaces for efficiency and one-bedroom units, and 2 spaces for two- or more bedroom units.

(5) The property shall be within one-quarter mile of mass transit service (e.g., D.O.T. bus and/or rail lines), be near shopping and community facilities, and shall be served by MDC water and sewer.

(6) The Commission shall determine that the proposed development will provide an appropriate residential environment, considering the building design, relation of building to streets and to surrounding developments and uses.

(7) The Commission may waive the requirement for operating MDC sewers if soil conditions and town and state health laws permit.

K

Extended-stay hotels subject to the following.

(1) Up to 17 sleeping areas (or bedrooms) per acre are permitted.

(2) The suites are designed for transient lodgers and not for permanent residential accommodation.

(3) Parking areas or drives shall be no closer than 10 feet to any blank wall and no closer than 15 feet to any window or door of a suite.

(4) No building shall be within 40 feet of any property line.

(5) At a minimum, all first-story exterior walls shall be of brick veneer or brick construction.

(6) Exterior wall design shall comply with Section 13.2.4A(5).

(7) Exterior stairs, porches, and landings shall be constructed of steel and/or concrete.

(8) Approval of building elevations.

(9) Accessory facilities available to lodgers, such as for eating and recreational purposes, may be provided; however, the inclusion of restaurants, recreational, or other facilities open to the

A Multitude of Hotel Options – In addition to extended-stay hotels in the B-2 Zone, there are also extended-stay hotels in the RC and I Zones (see Sections 7.6.1 and 8.6P), hotels and all-suite hotels in the B-2 Zone (see Section 5.2.6F), as well as full-service hotels and conference centers in the Industrial Zone (see Section 8.6N), each with their own specific requirements.

general public other than lodgers will only be permitted if the Commission finds that adequate additional site area is available to accommodate the facilities and their generated parking needs.

(10) A restaurant or lounge included in the hotel complex shall comply with the requirements of Section 5.2.6D.

L

Adult-oriented establishments subject to the following locational, structural, and operational requirements and conditions.

(1) Location Requirements

The center of the main entrance of an adult-oriented establishment shall not be closer than 1,000 feet (measured in a straight line) from the center of the main entrance of any other adult-oriented establishment, or the nearest property line of any lot used as a religious institution; public library; day care facility; community recreation building; playground; sports field; a school serving grades pre-kindergarten through twelfth grade; an Agricultural, Residential or Planned Urban Development Zone; or a Design Development District. This distance requirement may be waived by a two-thirds vote of the Commission if the applicant submits a petition at or before the public hearing, signed by 50 percent or more of the business owners and homeowners within 1,000 feet of the proposed location and further provided that the Commission makes the following findings:

(a) the proposed use will not harm nearby property values;

(b) the establishment of an additional use of this type in the area will not be contrary to any residential or non-residential program of neighborhood conservation or improvement; and

(c) the proposed use will not increase the risk of crime in the area.

(2) Structural Requirements

(a) Adult-oriented establishments shall be physically arranged to provide unobstructed visibility at all times from common areas of the establishment into the entire interior of any room, booth, or similar enclosure used for viewing adult-oriented motion pictures or other types of live adult entertainment.

(b) All areas of the establishment open to patrons shall be lighted to a minimum maintained horizontal illuminance of three foot-candles.

(c) Advertisements, displays, or other promotional materials shall not be visible to the public from sidewalks or other public or semi-public areas.

(d) All building openings, entries, windows, etc. shall be located and designed to prevent viewing into the interior from any public or semi-public area.

(3) Operational Requirements

(a) No permittee or employee of an adult-oriented establishment shall allow any minor person to loiter in any part of the premises, including parking lots used by patrons of the adult-oriented establishment.

(b) No permittee of an adult-oriented establishment shall allow any person to knowingly, intentionally, or recklessly perform any live performance featuring any of the proscribed sexual activities described in Article VII, Section 11-111 of the Town of Windsor Code of Ordinances. Every act or omission by an employee constituting a violation of this provision shall be considered the act or omission of the permittee if it occurs with the authorization, knowledge, or approval of the permittee, or as a result of the permittee's failure to supervise the employee's conduct. The permittee and/or operator of an adult-oriented establishment shall be responsible for ensuring compliance with the structural requirements of Subsection (2) of this regulation.

(c) The premises shall be open to random inspections for compliance with these Regulations during all hours when the premises are open for business.

(4) Qualifications of Permittee

(a) A permittee of an Adult Entertainment Establishment shall comply with all requirements of Article VII, Section 11-115 of the Town of Windsor Code of Ordinances.

(b) If the applicant is not the owner of the subject premises, the owner, whether it be an individual, principal officer(s) of a corporation or limited liability corporation,

or general partner(s) of a partnership or limited liability partnership, must consent to the application and meet the same requirements and shall be jointly and severally responsible with the applicant and any subsequent permittee for complying with these Regulations.

(c) This special use shall run with the land provided that any subsequent owner and any subsequent operator of the adult-oriented establishment continues to meet the provisions of both these Regulations and Article VII, Sections 11-110 through 11-122 of the Town of Windsor Code of Ordinances. If such person is other than an individual, they must meet these qualifications.

(5) Time Limit

(a) Each special use shall issue for one year and shall automatically be renewed on an annual basis without application provided the Zoning Enforcement Officer (ZEO) certifies that there were no violations of this regulation during the previous year. If such certification cannot be made, the ZEO shall provide written notice to the holder of the special use that a new application is required. The permittee may continue to operate under the existing special use until such time as a new application is approved or denied.

(b) The special use shall be revoked on written notice by the ZEO to the Commission and the permittee where any of the following occur:

(i) a permittee is no longer qualified due to conviction of the crimes specified in Article VII, Sections 11-110 through 11-122 of the Town of Windsor Code of Ordinances;

(ii) a permittee has had two or more violations of this regulation to which he or she has received written notice; or

(iii) a permittee has one or more uncorrected violations of this regulation pending for over two months.

(c) Once revoked, no permit shall be issued for the same permittee or for the same location for five years.

(6) Appeal

Any denial, denial of renewal, or revocation of a special use for an adult-oriented establishment shall be appealable to the Superior Court within 15 days of written notice and publication thereof by any person aggrieved in accordance with the procedure established for zoning appeals to court by Section 8-8 of the Connecticut General Statutes. Any denial of renewal or revocation shall be stayed during the appeal unless otherwise ordered by the Superior Court. Nothing herein shall prevent the Commission and/or ZEO from seeking injunctive relief, preventing further operation while such an appeal is pending.

(7) Exemption

(a) The provisions of this regulation prohibiting live nude performance shall not apply when the nudity is expressive conduct incidental to and necessary for the conveyance or communication of a genuine message or public expression and is not a pretense used to exploit nudity for commercial gain, and as such, is constitutionally protected speech.

(b) In adopting this regulation, it is not the intent of the Commission to:

(i) deny any person their constitutional right to free speech;

(ii) impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, video-tapes, books, and/or other materials;

(iii) deny or restrict the constitutional rights of any adult to obtain and/or view sexually oriented materials;

(iv) restrict or deny any constitutional rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute, or exhibit such materials.

(c) This regulation further has no applicability to any place or location to which a constitutional right of privacy shall be applicable.

(8) Minimum Regulations

The provisions of these Regulations shall be considered minimum regulations, adopted to promote the public health, safety, morals, or general welfare. Unless specified, when the requirements of these Regulations conflict with the requirements of any other lawfully adopted ordinances, statutes, rules, regulations, or deed restrictions, the most restrictive or higher standards shall govern.

M

Pawn shops, tattooing, and/or body-piercing establishments subject to meeting the following locational and operational requirements and conditions.

(1) Location Requirements

The center of the main entrance of a pawn shop, tattooing, and/or body-piercing establishment shall not be closer than 800 feet (measured in a straight line) from the center of the main entrance of any one of these three uses measured against any other of these three uses or the nearest property line of any lot used as a religious institution; public library; day care facility; community recreation building; playground; sports field; a school serving grades pre-kindergarten through twelfth grade; an Agricultural, Residential, or Planned Urban Development Zone; or a Design Development District. This distance requirement may be waived by a two-thirds vote of the Commission, provided that the applicant has submitted a petition at or before the public hearing, signed by the owners of at least 51 percent of the residences and commercial establishments within an 800-foot distance of the proposed location.

(2) The pawn shop, tattooing, and/or body-piercing establishment is operated in accordance with any other relevant state and/or local law.

(3) Conditions

(a) The proposed use will not harm nearby property values.

(b) The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or non-residential.

(c) The proposed use will not harm the health, safety, or general welfare of residents of the Town of Windsor and,

more specifically, of the area surrounding the proposed site.

(d) The proposed use meets the applicable provisions of Section 15.

(4) Exceptions

The provisions of this Section shall not apply to:

(a) ear piercing; or

(b) tattooing performed by a physician, osteopathic physician, or a registered nurse in preparation for a medical procedure.

N

Developments in Windsor Center (see Appendix, page A-28) and Wilson Center (see Appendix, page A-23) involving large buildings with a first floor area of 3,000 square feet or more. Large buildings in village settings can create significant traffic impacts because of their relatively high activity levels and, because of their bulk, can negatively affect the character of Windsor Center and Wilson Center. In addition to the factors indicated in Section 15 of these Regulations, the Commission shall determine that the proposed development does not create excessive traffic impacts and that all proposed large buildings are designed so that their form, scale, materials, and details are compatible with the form, scale, materials, and details of buildings prevalent in Windsor Center and Wilson Center.

Large Developments in Windsor Center – To protect the unique architectural, historic, pedestrian friendly, and mixed-use character of Windsor Center, large, auto-oriented, single-purpose developments of two acres or more (exclusive of center design developments) are discouraged in favor of small-lot, mixed-use development, requiring special uses for developments of two acres or more, parking in front of the building, drive-through windows, and single-story buildings.

O

In order to provide flexibility while not compromising the character of the development of Windsor Center (see Appendix, page A-28), certain requirements of Section 5.2.4D may be modified by the Commission after giving consideration to relevant provisions of Section 15, the appearance of the four closest principal buildings, and as per the following conditions.

(1) The Commission may allow a one-story building if the roof of the building is constructed with adequate pitch, dormers, and structure so that the attic can be easily converted into a useable second floor in the future. The plan shall provide for adequate access ways to the second floor, insulation, rough finishes, electric lines, and capped sewers.

(2) The minimum requirement for glazing on the sides of buildings facing any street may be reduced by up to 20% per story (i.e. the minimum requirement of 25% for the first story may be reduced to no less than 20%, while the minimum requirement of 10% for

any story above the first floor may be reduced to no less than 8%).

(3) Front yards may be modified by up to five feet.

(4) The Commission may allow the use of cementicious, vinyl, metal, or similar siding material (with a maximum exposure of 4-½ inches) if it is similar in appearance to wooden clapboard or shakes.

(5) For all Business, Industrial, and Warehouse Zoned areas shown on the Wilson Study Area map (see Appendix, page A-29), the Commission may approve the installation of commercial security structures no closer than 18 inches from the interior of window or door glazing after considering the recommendations of the Police and Fire Departments regarding public safety and impacts on public safety personnel if the following is complied with:

(a) The Commission shall determine that the use is uniquely in need of the security structure(s), the Police Department has been unsuccessful in protecting the existing business or other businesses similarly at risk, and electronic security devices installed on the premises have proven ineffective. When and if the use changes, the structure(s) shall be removed unless re-approved by the Commission for a new use under this Section. To ensure the removal of the commercial security structure(s), a cash bond determined by the Building Official to be sufficient to cover the cost of removing the structure(s), shall be submitted prior to issuance of a Building Permit, which shall be returned upon removal of the structure(s).

(b) The window and/or door security structure(s) is/are retractable and concealed during normal business hours.

(c) In order not to obstruct visibility into the interior and impact the safety of employees or responding emergency personnel, no more than 15% of the total window or door glazing may be obscured by the security structure(s).

(d) The Police and Fire Departments shall have a key(s) to the security structure(s).

(e) The Commission shall find that the security structure(s) is/are minimally visible, decorative in appearance, and

blend with the interior/exterior background of the establishment.

P
Funeral homes.

Q
Limited outdoor retail sales conducted in a tent or other temporary structure are subject to the following:

(1) all retail sales shall comply with all applicable provisions of Section 5.2.2C;

(2) any tent or other temporary structure shall require a Building Permit and shall meet all applicable requirements of the current building and life-safety codes;

(3) to prevent premature failure of parking lot pavement, stakes to support a tent or other temporary structure shall not be driven directly into parking lot pavement;

(4) adequate protection from traffic shall be required where necessary;

(5) no further sales shall be permitted unless lawn areas used for erecting tents or other temporary structures have been restored, if necessary, at the conclusion of a sale;

(6) sales shall be limited to two weeks per calendar year per site;

(7) the sale of fireworks, sparklers, or other pyrotechnics is prohibited;

(8) all signs shall conform to the special event sign standards of Section 3.7.9H;

(9) to ensure compliance with this Section, a site plan revision indicating the location and limits of outdoor sales areas, including tents or other temporary structures, as well as the size and location of all signs shall be required; and

(10) the provisions of this Section shall not apply to a farm stand, nursery, or other horticultural sales establishment approved under these Regulations.

Dispensaries – Dispensary facilities are also allowed by special use in the Industrial Zone under these same requirements, as per Section 8.6U.

R

Dispensary facility, provided that:

(1) the center of the main entrance of a dispensary facility shall not be closer than 1,000 feet (measured in a straight line) from the nearest property line of any lot used as a religious institution; public library; day care facility; community recreation building; playground; sports field; a school serving grades pre-kindergarten through twelfth grade; an Agricultural, Residential or Planned Urban Development Zone; or a Design Development District. This distance requirement may be waived by a two-thirds vote of the Commission if the applicant submits a petition at or before the public hearing, signed by 50 percent or more of the business owners and homeowners within 1,000 feet of the proposed location and further provided that the Commission makes the following findings:

(a) the proposed use will not harm property values;

(b) the establishment of an additional use of this type in the area will not be contrary to any residential or non-residential program of neighborhood conservation or improvement; and

(c) the proposed use will not increase the risk of crime in the area.

(2) no more than one dispensary facility may be approved in Windsor;

(3) the dispensary facility is not likely to have an adverse impact on any public or private school, playground, athletic field, public library, community center, or similar community facility within the area;

(4) the dispensary facility will not hinder the appropriate development and use of land and buildings in the area;

(5) no medicinal products or drug paraphernalia shall be visible from outside of the facility.

(6) a security plan for the dispensary facility is provided that includes but is not limited to adequate exterior lighting; alarms; and video recording systems, to monitor the interior, entrances, and exterior of the facility so as to discourage crime, loitering, and other nuisances, and to protect both clients and employees of the facility. Such security plan shall not include barbed wire, razor wire, concertina wire, or commercial security structures, as

defined in Section 2.2, unless a need is demonstrated and special use permits are issued in accordance with Sections 3.1.2B(2) and 5.2.6O(5) respectively; and

(7) the facility is licensed by the Department of Consumer Protection and meets all pertinent requirements of Sections 21a-408-1 through 21a-408-70 of the State of Connecticut Regulations of the Department of Consumer Protection Concerning Palliative Use of Marijuana, as may be amended.

SECTION 6 - PROFESSIONAL ZONE (P)

6.0 INTENT

The Professional Zone is intended to provide for professional uses and services to neighborhoods and the fringe areas of the business centers so that it clearly serves the transitional function between residential and more intensive business uses. The uses for the Professional Zone are intended to be low-intensity uses located in well-designed, attractively landscaped settings that do not produce excessive auto traffic, noise, or other nuisances to surrounding areas.

6.1 AREA, BULK, DENSITY, AND YARD STANDARDS

Minimum lot area - 15,000 square feet
Minimum lot width - 100 feet
Minimum front yard - 40 feet
Minimum side yard - 30 feet if adjacent to a residential, AG or NZ Zone, otherwise 10 feet
Minimum rear yard - 50 feet
Minimum building area - 3,000 square feet
Maximum building coverage - 25% of the site
Maximum building height – 2-1/2 stories or 35 feet

6.2 MISCELLANEOUS STANDARDS

The miscellaneous standards for uses developed as part of this Section shall comply with the provisions of Section 5.1.2.

6.3 PERFORMANCE STANDARDS

6.3.1 Compliance with Intent

Uses shall be consistent with the intent of this zone.

6.3.2 Performance Standards

The performance standards shall be as per Section 5.1.3, except for Section 5.1.3E.

6.4 PERMITTED USES

The following uses are permitted, subject to compliance with applicable standards and requirements:

6.4.1 Professional Offices

Additional Performance Standards – See Section 14.1.10 for additional townwide performance standards.

Permitted, Special, and Accessory Uses – Land uses and structures fall into three main categories: permitted, accessory, and special uses. Permitted uses (e.g. professional offices) are allowed by-right anywhere in the Professional Zone. Special uses are uses that have unique characteristics that make them unsuitable for all locations (e.g. a hair salon) and the Commission has the discretion to determine whether a special use is suited to a particular property. Accessory uses are ancillary to either a permitted or special use, meaning that they support those uses but are not permitted to stand alone on a property (e.g. a parking lot).

6.5 ACCESSORY USES

6.5.1 Off-street parking and loading, signs, and outdoor lighting.

Any activity customarily and directly related to the operation of the principal use provided it meets all standards and requirements.

6.6 SPECIAL USES

The following uses may be allowed by the Commission, subject to provisions of Section 15, and provided that the Commission determines that the proposed use of the site will comply with the intent of Section 6.0.

6.6.1 General Offices

6.6.2 Personal Services

Personal services shall be as per Section 5.1.4B.

6.6.3 Studios

Special Uses – In addition to any use-specific considerations and regulations associated with the following special uses, Section 15.1.3 contains general considerations that the Commission must consider on each special use application and Section 15.1.4 contains general conditions that may be applied to mitigate any concerns of the Commission or neighbors.

Section 15.2 contains additional special uses that may be permitted in any zone.

SECTION 7 - RESTRICTED COMMERCIAL ZONE (RC)

7.0 INTENT

The Restricted Commercial Zone is intended to provide a transitional area between residential and more intensive commercial and industrial uses and activities by permitting a limited range of high-quality commercial and industrial uses under more stringent development standards than the Commercial and Industrial Zones.

7.1 AREA, BULK, DENSITY, AND YARD STANDARDS

Minimum lot area - 5 acres
Minimum yards (front, side, and rear) - 50 feet
Maximum building coverage - 20% of the site
Minimum lot width - 250 feet
Maximum building height - 3 stories or 60 feet

7.2 MISCELLANEOUS STANDARDS

No parking is permitted within any required yard.

7.3 PERFORMANCE STANDARDS

A
As per the applicable subsections of Section 14.1.10.

B
Uses shall be consistent with the intent of this Zone.

7.4 PERMITTED USES

7.4.1 Professional offices, research-laboratories, business services (such as computer software establishments), and corporate offices.

7.5 ACCESSORY USES

7.5.1 Off-street parking and loading, signs, and outdoor lighting.

7.5.2 Manufacturing or processing operations clearly accessory and subordinate to the primary use, using no more than 25 percent of the total floor area.

7.6 SPECIAL USES

The Commission may allow the following uses subject to the provisions of Section 15 and as specified below.

Additional Performance Standards – See Section 14.1.10 for additional townwide performance standards.

Permitted, Special, and Accessory Uses – Land uses and structures fall into three main categories: permitted, accessory, and special uses. Permitted uses (e.g. corporate offices) are allowed by-right anywhere in the Restricted Commercial Zone. Special uses are uses that have unique characteristics that make them unsuitable for all locations (e.g. religious institutions) and the Commission has the discretion to determine whether a special use is suited to a particular property. Accessory uses are ancillary to either a permitted or special use, meaning that they support those uses but are not permitted to stand alone on a property (e.g. a parking lot).

In addition to any use-specific considerations and regulations associated with special uses, Section 15.1.3 contains general considerations that the Commission must consider on each special use application and Section 15.1.4 contains general conditions that may be applied to mitigate any concerns of the Commission or neighbors.

Section 15.2 contains additional special uses that may be permitted in any zone.

A Multitude of Hotel Options – In addition to extended stay hotels in the RC Zone, there are also extended-stay hotels in the B-2 and I Zones (see Sections 5.2.6K and 8.6P), hotels and all-suite hotels in the B-2 Zone (see Section 5.2.6F), as well as full-service hotels and conference centers in the Industrial Zone and PUD Zone (see Sections 8.6N and 12.1.5), each with their own specific requirements.

7.6.1 Extended-stay hotels and their accessory uses as per Section 5.2.6K, full-service hotels and conference centers and their accessory uses as per Section 8.6N, that support the needs of the surrounding developments. The Commission shall determine that the proposed facility is significant in size, conveniently located to both the surrounding development and other business or travel amenities, and designed to high-quality building and landscaping design standards. The minimum total required parking for any facility shall be the sum of the required parking for each use within it. On-site restaurants shall comply with Section 5.2.6D(2). The site shall be located within 500 feet of an interchange of an interstate highway. The minimum standards of the RC Zone shall apply, except for those specified in Section 8.6N.

7.6.2 General Offices

7.6.3 Religious institutions are providing increasing services to the community. To promote the use of these services and provide easy access for increasing vehicular trips, these facilities may be approved on sites within Restricted Commercial Zones with frontage on streets classified as arterial in the Plan of Conservation and Development. Approvals shall be subject to the applicable provisions of the underlying Restricted Commercial Zone. (see also Sections 4.5.7D and 10.5.3)

SECTION 8 - INDUSTRIAL ZONE (I)

8.0 INTENT

The Industrial Zone is intended to provide suitable, well-designed industrial areas in accordance with the Plan of Conservation and Development; to provide for low-intensity industrial uses in well-designed buildings and attractively landscaped sites; to promote and maintain a well-balanced land use pattern; and to provide employment and an appropriate tax base for the Town of Windsor.

8.1 AREA, BULK, DENSITY, AND YARD STANDARDS

Minimum lot area - 2 acres, except that for lots with frontage on Day Hill or Prospect Hill Roads, the minimum lot area shall be 4 acres
Minimum front yard - 50 feet (exceptions as per Section 14.2.4)
Minimum front yard - 35 feet for lots less than 2 acres (exceptions as per Section 14.2.4)
Minimum side yard - 35 feet
Minimum rear yard - 35 feet
Maximum building coverage – 33-1/3% of the site
Minimum lot width - 180 feet
Maximum building height - 4 stories or 60 feet (see also Section 8.6Q)

8.2 MISCELLANEOUS STANDARDS

8.2.1 Parking within the front yard is prohibited.

8.2.2 Paving for any vehicular use within ten feet of any side or rear property lines, except for access drives and sidewalks connecting parking areas, drives, and buildings within the site with streets or adjoining sites is prohibited.

8.2.3 For areas other than the Day Hill Road, Northfield Drive, and Orange Way (as described in Sections 14.2.3A and 14.2.3B, respectively), the following exterior building material requirements for the total area of the front and two side elevations shall apply.

A
There shall be a minimum of 70% of any combination of masonry, brick, cut stone, pre-cast concrete, or glass, with a minimum of 3% glass, and for office buildings, smooth skin metal panels.

B
In order to provide for design flexibility to account for unforeseeable conditions, the Commission may, by special use, reduce the minimum standards above by up to 10% (e.g., if the minimum standard is 70%, it

The Day Hill Corporate Area – The Day Hill Corporate area is the main engine that drives Windsor economy. Part of its attraction and success is attributed to the high quality of development along Day Hill Road and adjacent roads such as Northfield Drive and Orange Way. To protect that high quality image, more stringent development standards apply to these areas than are presented here. Please refer to Sections 14.2.3A and 14.2.3B for development standards applying to these areas

One Size Does Not Fit All – Most regulations are written with the best of intentions, but sometimes they can have unintended consequences. Building standards meant to ensure that new development meets minimum quality standards can adversely effect older busineses looking to expand and match their existing architecture, or new businesses with unique characteristics, such as cold storage and self-storage facilities, and data centers, for which minimum glazing (glass) requirements pose efficiency and/or security issues. Relief from these requirements can be provided by the Commission under these and similar circumstances.

may be reduced to no less than 63%). The criteria for this evaluation shall include:

(1) uniqueness of site, building, and building location within the site;

(2) uniqueness of the use and its value to the community; and

(3) relationship and impact to adjacent developments.

C
The Commission may reduce the above standards for an addition to any building, constructed prior to March 21, 2006, to allow an addition that is similar in material to the existing structure, provided that the addition meets or exceeds the percentage of masonry, brick, cut stone, pre-cast concrete, and glass in the applicable sides of the original structure.

D
Except where lack of windows would compromise the character of the surrounding area, the Commission may reduce the minimum glass requirement for data centers, utility structures, or similar buildings, where windows would compromise the security and/or cooling requirements.

Additional Performance Standards – See Section 14.1.10 for additional townwide performance standards.

E
The roof of the largest part of the building shall appear to be flat from the front and the two sides.

8.3 PERFORMANCE STANDARDS

A
As per the applicable provisions of Section 14.1.10.

B
Uses shall be consistent with the intent of this Zone.

Permitted, Special, and Accessory Uses – Land uses and structures fall into three main categories: permitted, accessory, and special uses. Permitted uses (e.g. manufacturing) are allowed by-right anywhere in the Industrial Zone. Special uses are uses that have unique characteristics that make them unsuitable for all locations (e.g. uses requiring limited outside storage) and the Commission has the discretion to determine whether a special use is suited to a particular property. Accessory uses are ancillary to either a permitted or special use, meaning that they support those uses but are not permitted to stand alone on a property (e.g. parking commercial vehicles).

8.4 PERMITTED USES

A
Offices and research-laboratories.

B
Manufacturing, fabricating, compounding, assembling, packaging, storage or treatment of articles, or their wholesaling and distribution.

C
Exceptions as per Sections 14.2.3A and 14.2.3B.

8.5 ACCESSORY USES

A

In addition to the outdoor parking of commercial vehicles that are accessory to the principal use, the overnight parking of up to two additional commercial vehicles is allowed, provided that they are parked no closer than 20 feet to, and screened year-round from, any street line or Residential, AG, or NZ Zone boundary and do not interfere with the normal use of any required parking space or driveway.

B

Permits for no more than two mechanical amusement devices available to the general public may be granted by the Zoning Enforcement Officer subject to the provisions of Section 5.2.5D.

8.6 SPECIAL USES

The Commission may allow the following uses subject to the provisions of Section 15 and as specified below with exceptions as per Sections 14.2.3A and 14.2.3B.

Special Uses – In addition to any use-specific considerations and regulations associated with the following special uses, Section 15.1.3 contains general considerations that the Commission must consider on each special use application and Section 15.1.4 contains general conditions that may be applied to mitigate any concerns of the Commission or neighbors.

Section 15.2 contains additional special uses that may be permitted in any zone.

A

Industrial development on lots with lot area less than that required under Section 8.1, provided that:

(1) all other standards of Section 8.1 are met;

(2) the Commission finds that, based on the location, topography, and shape of the lot, the reduced lot size would result in a more appropriate development; and

(3) the reduced lot development will not negatively affect adjacent development.

B

Uses requiring limited outdoor storage of material or products, provided that:

Public vs. Private Outdoor Storage – Limited outdoor storage is intended for businesses to store raw materials, components, and finished products outdoors. Self-storage facilities, including the outdoor storage of boats, campers, etc, are allowed by special use under Section 8.6"O"

(1) no part of the storage area shall be located within any front or side yard, and

(2) it shall be screened from any street view and view from the front and side yards of the adjacent side properties by buildings or masonry screen walls at least six feet high.

C

Sales agency of new automobiles, or commercial and recreational vehicles (snowmobile, motorcycle, etc.) provided that:

Commercial Recreational and Cultural Facilities – This broad category has covered everything from indoor motocross tracks to museums: a broad spectrum of uses to address within one land use category. Apart from the limited critera here, the Commission relies heavily on the general considerations and conditions governing all special uses, found in Sections 15.1.3 and 15.1.4 respectively.

While retail and restaurant uses are generally prohibited in the Industrial Zone, apart from accessory uses in hotels, recreational and cultural facilities that are unique in nature and likely to draw clientele from the region and beyond can include such facilities on a limited basis to serve the needs of the facility.

Auto Sales and Repairs – Auto sales and repairs are tightly controlled uses that were moved from the commercial to industrial zones and in many respects, grandfathered in place with limited opportunities to upgrade to more intensive automotive uses. New car dealers can both repair and sell used cars as accessory uses under Section 8.6C and as an accessory use to a general repair facility under Sections 8.6F and 15.2.1C, up to six used cars can be offered for sale at any given time.

Limited vs. General Repairs – General repairs include anything that can be done to repair an automobile, up to and including rebuilding engines and transmissions. Motor vehicle limited repairer licenses prohibit the latter, and are generally used to permit brake, muffler, shock, and tire shops.

(1) the outdoor storage or display of vehicles does not occur on the front yard; and

(2) an area no larger than one-half the gross area of the building shall be used for the outdoor storage or display of vehicles visible from any street.

D

Oil distribution, provided no oil tanks are above ground and at least one-half of the trucks are garaged (garage door not to be visible from any street and trucks not parked in any side yards).

E

Commercial recreational and cultural buildings and facilities (e.g., indoor theaters, bowling alleys).

(1) The facility may include retail and restaurants per Section 5.2.6D as an accessory use to the main use for clients/customers of the main use, except that if the Commission finds that the main use is of value to the development of the town and unique to the town, region and/or state, it may approve up to 30% of the total building area for retail and restaurant uses for walk-in customers.

By unique, it is intended here to mean that the use is singularly unique to the Town of Windsor, the Capitol Region, and possibly the State of Connecticut.

(2) The facility shall not include arcades for mechanical amusement devices. Establishments housing from three to six mechanical amusement devices available to the general public may be permitted subject to the provisions of Section 5.2.5D.

F

Limited repair and service of motor vehicles or the conversion of previously approved limited repair facilities to general repair facilities provided that:

(1) no activity takes place in front or side yards;

(2) no service or repairs on tractor-trailer trucks, farm equipment, construction vehicles, snowmobiles, or motorcycles are permitted;

(3) no bodywork or painting is permitted;

(4) if towing operations are approved, the Commission may limit the number of tow trucks and determine the size and location of the storage area for tow trucks and towed vehicles;

(5) the Commission shall establish an initial time limit not to exceed two years, which may be extended by the Commission upon renewal, based on the performance of the use during the previous approval period; and

(6) for existing general repair facilities that currently operate with a Repairer's License (not to include a Limited Repairer's License), as defined in Section 14-51 of the Connecticut General Statutes, the Commission may allow by special use as an extension of general repair facilities the sale of no more than six used cars at any one time provided that:

(a) Sections 8.6F(1) to 8.6.F(5) shall apply;

(b) used cars are displayed in approved parking spaces, provided at a ratio of one space per used car, in addition to any other required parking spaces;

(c) all activity shall be adequately screened from adjacent properties; and

(d) no signage or other advertising (e.g., flags, signs) is permitted on-site or on the vehicles.

Limited vs. General Repairs (continued) – While new limited repair facilities can be approved; grandfathered limited repair facilities can be upgraded to general repairs with used car sales as a special use under Section 8.6F; and general repairers can add used car sales under Section 15.2.1C, the intent here is not to allow new limited repair facilities approved under Section 8.6F to subsequently upgrade to general repairs at a later date, as evidenced by new (as opposed to upgraded) general repair facilities not being permitted outright to begin with.

G

Commercial kennels and animal hospitals, subject to all applicable codes and regulations of local and state agencies, provided that:

(1) the lot is located a minimum of 500 feet from any Residential or NZ Zone;

(2) all exercise areas for animals shall be screened from streets and adjoining properties; and

(3) operating MDC sewers and water are available to the site.

Kennels – Commercial kennels generally have a commercial element to them, and in the case of personal dogs, there has to be more than four adult dogs used for commercial gain. Boarding, grooming, and training are clear examples of commercial activities but it has become increasingly blurry with breeding and fostering dogs.

Fostering rescued dogs is not a commercial enterprise but can become intensive. Therefore, the definition of commercial kennel technically includes the boarding of any dogs not owned by the owner of the premises. Fostering a dog or two is not likely to be noticed, but could be enforced as a kennel in response to a complaint, so being a responsible foster home and neighbor would be wise.

H

Private-use helistop, incidental to a permitted use, used for the landing and takeoff of helicopters and restricted to use by the owner or by persons authorized by the owner provided that:

(1) the design of the helistop shall meet the criteria provided in the Federal Aviation Administration's Heliport Design Guide, Advisory Circular No. 150/5390-2C dated April 24, 2012, as amended;

(2) the helistop receives all licenses required by applicable state or federal law or regulation;

Why Allow Helistops? – Allowing helistops is a nod to large national and global corporations that may regularly ferry their upper management around the region and country on short notice. By permitting these facilities by special use, Windsor can offer an expeditied route to this site option if it is desired by a prospective corporation that is searching for a new location to compete in this global economy.

Helistops are not fully functional heliports with fueling, maintenance, and hangar space, but simply clearly marked locations, removed from dangers such as light poles and power lines, that allow helicopters to safely land and take off, similar to Hartford Hospital's helipad for their Lifestar service, which could use such a helistop to meet ground-based emergency services during periods of traffic congestion.

(3) no helistop shall be located less than 500 feet from a residential or AG Zone as measured from the center of the helistop to the residential or AG Zone boundary line;

(4) helistops located at least 500 feet but less than 1,000 feet from a residential or AG Zone shall be restricted to use by helicopters in the following categories:

(a) single-engine, turbine-powered helicopters with maximum gross weights not exceeding 4,500 pounds;

(b) twin-engine, turbine-powered helicopters with maximum gross weights not exceeding 10,500 pounds;

(5) helistops located at least 1,000 feet but less than 1,500 feet from a residential or AG Zone shall be restricted to use by helicopters in the following categories:

(a) all helicopters listed in (4) above;

(b) single-engine, piston-powered helicopters with maximum gross weights not exceeding 4,500 pounds;

(c) single-engine, turbine-powered helicopters with maximum gross weights not exceeding 8,000 pounds;

(6) helistops located at least 1,500 feet from a residential or AG Zone shall be restricted to use by helicopters in the following categories:

(a) all helicopters listed in (4) and (5) above;

(b) all helicopters with maximum gross weights not exceeding 22,000 pounds;

(7) the entire helistop facility shall be located entirely on the applicant's site and shall be at least 100 feet from any property line;

(8) no maintenance or supply facility or facility for the storage of fuel shall be permitted on the site;

(9) a helistop facility for landings and takeoffs shall be graded and designed to prevent volatile levels of flammable liquids or vapors from entering buildings, spreading onto parking lots, streets or driveways, or from entering the drainage systems of the site, streets, or adjoining properties;

(10) fire protection measures and equipment meeting NFPA standards shall be provided at the helistop owner's expense;

(11) the requirements and restrictions in Subsections (4), (5), and (6) and any limitations imposed on the number of flights between the hours of 10 P.M. and 7 A.M. under Subsection 13 may be waived on a temporary basis only by the Chief of Police of the Town of Windsor or his/her designee and only in conjunction with a special event such as an athletic contest, holiday celebration, parade, civic activity, or similar public activity and after reasonable advance notice has been given to the Windsor Police Department of the request for waiver, or when necessary for law enforcement purposes, medical emergencies, and natural disasters;

(12) the requirements and restrictions in Subsections (8) and (10) may be waived on a temporary basis only by the Fire Marshal of the Town of Windsor or his/her designee;

(13) in addition to establishing the hours of operation under Section 15.1.4D, the Commission may also limit the number of flights at any authorized helistop;

(14) the noise of helicopters landing or taking off from helistops shall not exceed 90 decibels, measured at the nearest residential or AG property zone line. Noise levels shall be measured with a calibrated "A" scale weighted, slow response sound level meter placed not less than five feet from any fence, wall, or other structure and not less than three feet from the ground. Test results shall be reported to the Commission; and

(15) each year the applicant shall appear at a special use public hearing for the purpose of reviewing the operation of any helistop authorized under this Section to ensure the applicant has complied with all conditions of approval and that any representations made by the applicant regarding the proposed helistop were accurate.

I

Funeral homes.

J

Sale of nursery stock and related products provided that:

(1) nursery and related products as referred to in this Section shall be shrubs, trees, plants, seeds, and landscape material such as mulch, stones, etc. This shall not allow the sale of

Commercial Nurseries and Landscapers – Nursery and landscaping operations come in many forms, from small commercial nurseries selling annual and perennial plants to wholesale suppliers; and from home-based landscapers to industrial-scale landscaping operations that bid on major construction and plowing contracts. Depending on the nature and zone of the business, one or more special use permits may be required. In the I Zone, a large landscaping contractor storing bulk materials and equipment outdoors might need special uses for both the sale of nursery stock and limited outside storage under Sections 8.6B and 8.6J, while a similar operation in the AG zone would be permitted by right, except that the garaged or open storage of commercial vehicles would require a special use under Section 10.5.8.

gardening/farming implements such as rakes, shovels, lawn mowers, or vehicles;

(2) compliance with the applicable site development requirements of Section 3;

(3) no parking shall be allowed within the required front yard;

(4) a small office may be allowed as incidental to the operation of this use; and

(5) the Commission may require that any storage of bulk material and the overnight parking of vehicles be inside a building, otherwise, these shall not occur within 100 feet from any street or property line and shall be screened from abutting properties.

K

The garaged or open storage of currently registered school buses may be allowed subject to the following requirements.

(1) The storage area shall be set back at least 200 feet from streets providing access to the site, with trees, shrubs, and/or fencing to provide sufficient screening.

(2) A landscaped buffer at least 35 feet wide consisting of trees, shrubs, and/or fencing, around the rest of the perimeter of the site shall be provided, except as provided in Section 3.1.2A.

(3) Existing streets shall be capable of accommodating the increased traffic generated by the use.

(4) Wholesaling or retailing activities shall not be permitted.

(5) The special use shall be granted only for the period of time that the owner of the school buses using the site is contracted with the Windsor Board of Education to provide school bus transportation in the Town of Windsor.

(6) Maintenance and/or repair of vehicles used to transport school children or owned by the school bus operator may be permitted, provided that no activity takes place within the buffer areas described in Subsections (1) and (2). Outside maintenance of vehicles adjacent to residential, AG, and NZ Zones shall occur only between 7 A.M. and 5 P.M. Monday through Saturday, except for unforeseen circumstances.

(7) Garaging or storage of school buses shall be limited to those buses providing school bus transportation for the Town of Windsor.

L

This section reserved for future use.

M

Limited retail sales may be allowed provided that:

(1) the retail sales shall be accessory to the primary use of the facility, retail sales area shall occupy no more than the lesser of ten percent of the total building floor area or 2,000 square feet, and retail sales area shall be limited to existing floor area;

(2) retail sale hours shall not be allowed prior to 9 A.M. or after 9 P.M., and may be further restricted by the Commission;

(3) all goods to be sold must be produced or warehoused on site or on a site under the same ownership within 400 feet;

(4) the proposed development complies with applicable requirements of these Regulations, such as for signs and parking;

(5) window signs or signs that can be seen through windows are not allowed;

(6) the property does not have any frontage on Day Hill Road, Prospect Hill Road, or Blue Hills Avenue Extension;

(7) conducting retail sales at that location will not create excessive traffic or nuisances to other properties;

(8) the first special use permit for any site shall be for a one-year period and subsequent permits will be for one to five years at the discretion of the Commission; and

(9) no approval shall be granted for any proposal on a lot within 500 feet of any residential zone. The Commission may only approve limited retail sales within 1,000 feet of a residential zone if it finds that the proposal will not have an adverse impact on that zone.

Limited Retail Sales – Retail sales in the I Zone are generally discouraged and are not allowed as a primary use. As a special use, the Commission can approve accessory retail sales such as a parts counter, outlet store, or similar limited retail function.

N

Full-Service Hotels and Conference Centers

Subject to the provisions of Section 15 and this Section, the Commission may allow full-service hotels (which include guest rooms, as well as adequate amenities and services including, but not limited to,

A Multitude of Hotel Options – In addition to full-service hotels and conference centers in the I and PUD Zones (see Section 12.5.1), there are also extended- stay hotels in the B-2, RC, and I Zones (see Sections 5.2.6K, 7.6.1, and 8.6P), as well as hotels and all-suite hotels in the B-2 Zone (see Section 5.2.6F), each with their own specific requirements.

restaurant(s), lounge(s), recreation facilities, banquet facilities, and meeting rooms) and conference centers (which are facilities providing guest rooms, meeting rooms, restaurant, and other accommodations and services) that support the needs of the surrounding I Zone development. The Commission shall determine that the proposed facility is significant in size, conveniently located to both the surrounding Industrial Zone development and other business or travel amenities, and designed to high-quality building and landscaping design standards. The minimum total required parking for any facility shall be the sum of the required parking for each use within it. On-site restaurants shall comply with Section 5.2.6D(2). The minimum standards of the Industrial Zone shall apply, except for those specified below:

Maximum building height - 75 feet
Maximum building coverage - 20% of the site
Maximum impervious coverage - 40% of the site
Minimum number of hotel guest rooms or suites - 100 units
Maximum density of hotel guest rooms or suites - 17 units per acre
Minimum size of each hotel guest room or suite - 300 square feet
Minimum size of each unit in an all-suite facility - 500 square feet

O
Self-Storage and Outside Storage Facilities

Public vs. Private Outdoor Storage – Public self-storage and outside storage facilities are intended for residents and businesses to store property, campers, and boats off-site, when space constraints or residential storage regulations of campers and boats dictate it. Private on-site outdoor storage of materials and products is permitted by special use under Section 8.6B.

(1) Self-storage facilities shall meet the following requirements.

(a) No building of the facility shall be closer than 500 feet from any street or residentially zoned area and no closer than 1,000 feet from Day Hill Road.

(b) To limit visibility from the streets, adequate landscape screening with evergreen trees (5 ft.-6 ft. in height) planted at a distance of ten feet on center may be provided for the facility. If provided, a fence shall be a maximum of eight feet in height, with no barbed wire. The fencing shall be no closer than five feet to any driveway, and if required, landscaping shall be on the outside of the fencing.

(c) The minimum width of internal drives shall be 24 feet. Drives, parking, and pavement shall be a minimum of 20 feet from any property line.

(d) The highest point of the structures shall be 15 feet for one-story and 24 feet for two-story structure. If two-story, the structures shall be constructed of decorative block and brick. All buildings shall have integral downspouts and gutters.

(e) The minimum area of the overall site that this use is located on shall be five acres.

(f) There is no excessive concentration of similar facilities in the area.

(g) At the time of application, the applicant shall submit a copy of the proposed lease to show that hazardous materials are not to be stored on the property.

(h) There shall be no storage of radioactive, explosive, flammable, toxic, perishable, or any other hazardous materials, nor occupancy by any animals, nor by any persons including owners and employees.

(i) Facilities are to be used only for storage (i.e. repairs, retail activity, etc. are not allowed).

(j) In order to protect the environment, adequate trash containers shall be provided.

(2) Outside storage of boats, campers, trailers, recreational vehicles, seasonal vehicles, or similar items may be permitted under the following requirements.

(a) No area used for storage shall be located within 1,000 feet of Day Hill Road or 400 feet of any other street.

(b) The paved surface material may be a gravel surface capable of supporting a fire truck, if it does not present environmental hazards. If the area is gravel, it will be considered paved for purposes of Section 14.1.6.

(c) An outdoor storage facility must be on the same site as a self-storage facility.

(d) Security fencing and screening shall be provided as described in Section 8.6O(1)(b).

(e) The minimum driveway width shall be 24 feet wide.

(f) The area of the site dedicated to outside storage shall not exceed one-half of the overall site.

(g) Impervious coverage within the area dedicated to outdoor storage shall not exceed 50%.

(h) The facility shall comply with Section 8.6O(1)(f), (g), (h), (i), and (j).

(i) With the exception of fuel stored in the fuel tanks of the vehicles, there shall be no storage of radioactive, explosive, flammable, toxic, perishable, or any other hazardous materials, nor occupancy by any animals or humans.

(j) There shall be no storage of commercial trucks or construction equipment (e.g., bulldozers, backhoes, cranes).

(k) The maximum height of the stored material shall be 14 feet.

P
Extended-Stay Hotels

A Multitude of Hotel Options – In addition to extended-stay hotels in the I Zone, there are also extended-stay hotels in the B-2 and RC Zones (see Sections 5.2.6K, 7.6.1), full-service hotels and conference centers in the I and PUD Zones (see Sections 8.6N and 12.1.5), as well as hotels and all-suite hotels in the B-2 Zone (see Section 5.2.6F), each with their own specific requirements.

Subject to the provisions of Section 15 and this Section, the Commission may allow extended-stay hotels that support the needs of the surrounding Industrial Zone development. The Commission shall determine that the proposed facility is significant in size, conveniently located to both the surrounding Industrial Zone development and other business and travel amenities, designed to high-quality building and landscape design standards, and located on a site served by streets with adequate traffic capacity. The minimum standards of the Industrial Zone shall apply, except for those specified below.

(1) No part of the development shall be occupied for permanent residential use.

(2) Parking areas or drives shall be no closer than 15 feet to any exterior wall.

(3) No building shall be within 40 feet of any property line.

(4) At a minimum, 75% of all exterior walls shall be of glass or brick veneer, or brick construction.

(5) For the front and rear elevation of the major axis, the exterior wall design shall comply with Section 13.2.4A(5).

(6) Exterior stairs, porches and landings shall be of steel and/or concrete construction.

(7) Approval of building elevations.

(8) Accessory facilities available to lodgers, such as for eating and recreational purposes, may be provided. The inclusion of restaurants, recreational, or other facilities open to the general

public, other than lodgers, will only be permitted if the Commission finds that adequate additional site area is available to accommodate the facilities and their generated parking needs.

(9) The maximum building height shall be 75 feet. However, for the approval of a height greater than 60 feet, the site shall be located 100 feet or more from any residential or AG Zone, and the layout of the site shall either allow fire apparatus to access all areas of all floors and the roof, or allow fire apparatus to access some point of each floor and the roof with the building built to high-rise standards.

(10) The minimum room size shall be 400 square feet.

Q

Buildings with a height between 60 and 80 feet containing seven stories or less.

While tall buildings provide opportunities to reduce building coverage and create aesthetically impressive developments, they have unique characteristics that must be evaluated on a case-by-case basis to identify and mitigate potential negative impacts on surrounding uses and the provision of town services. For these reasons, the Commission may allow the construction of a building with a height between 60 and 80 feet, provided that the Commission determines that:

(1) the building is located at least 100 feet from a residential or AG Zone;

(2) the proposed development is served by streets with adequate capacity;

(3) at least 75% of all exterior walls shall be of glass, brick, or a combination thereof; and

(4) the layout of the site shall either allow fire apparatus to access all areas of all floors and the roof or allow fire apparatus to access some point of each floor and the roof with the building built to high-rise standards.

R

Hospitals and Nursing Homes

Hospitals and nursing homes in accordance with the standards of the State Department of Health and the following requirements:

(1) hospitals and nursing homes may only be located on major arterial streets as identified in the Plan of Conservation and Development; and

(2) helistops or helipads as per Section 8.6H.

(3) provided that there is sufficient parking to accommodate the additional traffic, the Commission may permit a nursing home to extend in-patient dialysis services to non-residents on an out-patient basis as an accessory use.

S
Film Studios

(1) A film studio facility may include:

(a) retail facilities;
(b) commercial recreation facilities;
(c) restaurants per Section 5.2.6D;
(d) a trade school or college associated with the film industry;
(e) film studio residences, provided that these shall be clearly an accessory use to the facility and not for public use;
(f) an outside film stage, provided that no area used for an outside film stage shall be located within 500 feet of a street; and
(g) outside storage area, provided that an area used for outside storage shall not be visible from any street.

(2) The Commission may approve up to 30% of the total building area or 90,000 square feet, whichever is less, for retail, commercial recreation, and restaurant uses for walk-in customers, and a trade school or college associated with the film industry that may incidentally serve walk-in customers, if the Commission finds these accessory uses to be compatible with the main use and a traffic and parking study shows that the film studio facility and the accessory retail, commercial recreation, restaurant, and trade school uses can all be supported onsite.

(3) If the Commission finds that no substantial evidence exists for potential nuisances associated with restaurants providing alcohol for on-premises consumption, the Commission may eliminate the 400-foot distance requirement between the center of the main entrance of the facility and either a daycare facility, playground, or sports field.

(4) In addition to the above considerations, the Commission must find that:

(a) the proposal provides site and building development that is compatible with that of the surrounding area;

(b) it demonstrates a response to a public need; and
(c) it will enhance economic development to the Town.

T
Livery Service

Licensed Livery Service in accordance with the applicable laws and standards of the Connecticut Department of Transportation and the following requirements:

(1) no company vehicles larger than a 10-passenger van shall be visible from either Day Hill Road and/or an adjacent residential, NZ, or AG zone (if any);

(2) all vehicles parked outdoors shall be registered and roadworthy;

(3) any carwash facilities shall comply with applicable MDC and DEEP requirements;

(4) areas for servicing and/or cleaning of vehicle interiors shall be screened from either Day Hill Road and/or an adjacent residential, NZ, or AG zone (if any); and

(5) limited repairs of company vehicles may be permitted in accordance with Sections 15.2.1B(2)(b) and (c), provided that all repairs are conducted indoors.

U
Dispensary facility in accordance with Section 5.2.6R.

SECTION 9 - WAREHOUSE ZONE (W)

9.0 INTENT

The intent of this zone is to provide suitable areas for wholesale, storage, and/or distribution activities that are compatible with neighboring uses; have adequate community services, streets, utilities, etc.; and will not have a harmful effect on the surrounding neighborhood.

9.1 AREA, BULK, DENSITY, AND YARD STANDARDS

Minimum lot area - 4 acres
Minimum front yard - 50 feet
Minimum side yard - 35 feet
Minimum rear yard - 35 feet
Minimum lot width - 180 feet
Maximum building coverage – 33-1/3% of the site
Maximum building height - 4 stories or 60 feet (also see Section 9.6.2)

9.2 MISCELLANEOUS STANDARDS

Miscellaneous standards shall be in accordance with Section 8.2.

9.3 PERFORMANCE STANDARDS

9.3.1 Performance standards shall be in accordance with Section 14.1.10 of these Regulations.

9.3.2 Uses shall conform to the intent of the Warehouse Zone, Section 9.0.

9.4 PERMITTED USES

9.4.1 Wholesale and storage uses.

9.5 ACCESSORY USES

Uses in accordance with relevant accessory use provisions of Section 8.5 of these Regulations.

9.6 SPECIAL USES

The following uses may be allowed by the Commission subject to the provisions of Section 15 and as specified below.

9.6.1 As per Sections 8.6B, D, or O.

Additional Performance Standards – See Section 14.1.10 for additional townwide performance standards.

Permitted, Special, and Accessory Uses – Land uses and structures fall into three main categories: permitted, accessory, and special uses. Permitted uses (e.g. wholesale and storage uses) are allowed by-right anywhere in the Warehouse Zone. Special uses are uses that have unique characteristics that make them unsuitable for all locations (e.g. truck terminals) and the Commission has the discretion to determine whether a special use is suited to a particular property. Accessory uses are ancillary to either a permitted or special use, meaning that they support those uses but are not permitted to stand alone on a property (e.g. parking commercial vehicles).

In addition to any use-specific considerations and regulations associated with these special uses, Section 15.1.3 contains general considerations that the Commission must consider on each special use application and Section 15.1.4 contains general conditions that may be applied to mitigate any concerns of the Commission or neighbors.

Section 15.2 contains additional special uses that may be permitted in any zone.

9.6.2 Truck terminals and accessory operations such as the emergency repair and refueling of trucks including terminals that are up to 110 feet in height provided that:

A
no habitable floor area exists above 50 feet;

B
the proposal meets all applicable relevant federal, state, and town requirements;

C
the development will not detract from the value of development in surrounding areas; and

D
any part of a building higher than 60 feet shall be situated away from any residential, AG or NZ Zone boundary, a distance of at least 150 feet for each 10 feet, or fraction thereof, of additional height above 60 feet. This provision shall not require a location greater than 750 feet from any residential, AG or NZ Zone boundary.

9.6.3 Developments on lots between two and four acres in area, provided that:

A
the size of the development (including building and paved areas for parking, loading, and unloading) does not overcrowd the land;

B
all other standards of Section 9.1 are met;

C
the Commission determines that, based on the location, topography and shape of the lot, the reduced lot size would result in a more appropriate development; and

D
the reduced lot development will not negatively affect adjacent development.

9.6.4 Uses permitted in Section 8.4, subject to the provisions below:

A
the performance standards for the proposed use shall be in accordance with Section 14.1.10 of these Regulations; and

Industrial Uses – Apart from wholesale and distribution uses, industrial uses in the W Zone are not allowed as a primary use. As a special use, the Commission can approve uses permitted by right in the I Zone, such as manufacturing, research and development, and offices. However, special uses in the I Zone cannot be approved by special use in the W Zone

B
where performance standards in Section 14.1.10 vary according to the adjacent zone, the stricter standards shall apply, regardless of the actual adjacent zone(s) of the proposed site.

9.6.5 Commercial kennels and animal hospitals, subject to all applicable laws and regulations of local and state agencies, provided that:

A
the lot is located a minimum of 500 feet from any residential or NZ Zone;

B
all exercise areas for animals shall be screened from streets and adjoining properties; and

C
MDC sewers and water are available to the site.

Kennels – Commercial kennels generally have a commercial element to them, and in the case of personal dogs, there has to be more than four adult dogs used for commercial gain. Boarding, grooming, and training are clear examples of commercial activities but it has become increasingly blurry with breeding and fostering dogs.

Fostering rescued dogs is not a commercial enterprise but can become intensive. Therefore, the definition of commercial kennel technically includes the boarding of any dogs not owned by the owner of the premises. Fostering a dog or two is not likely to be noticed, but could be enforced as a kennel in response to a complaint, so being a responsible foster home and neighbor would be wise

SECTION 10 - AGRICULTURAL ZONE (AG)

10.0 INTENT

The intent of this zone is to retain suitable areas for agriculture because of its irreplaceable value for providing locally grown agricultural products and visual open space; its role in the economic diversity and cultural heritage of the community; and where appropriate, to allow low-density transitional residential uses.

10.1 AREA, BULK, DENSITY, AND YARD STANDARDS

Density of occupancy - 0.3 dwelling units per acre of developable land
Minimum lot area allocated to one family - 3 acres
Minimum lot width - 150 feet
Minimum front yard - 40 feet
Minimum front yard, flag lot - 80 feet
Minimum side yard - 15 feet
Minimum rear yard - 25 feet
Maximum building coverage - 15% of the site
Maximum building height – 2-1/2 stories or 35 feet

10.2 MISCELLANEOUS STANDARDS

10.2.1 Living area requirements and allowable lot reductions shall comply with the AA Residential Zone.

10.2.2 The applicable requirements of Section 4.2 shall apply to any residential use or structure.

10.2.3 Easements as per Sections 14.1.4 and 14.1.22.

10.3 PERMITTED USES

10.3.1 Growing field crops, flowers, fruit, nursery stock, or seeds; raising livestock and poultry, limited to no more than three pigs over six months old for any purpose; and commercial nurseries.

10.3.2 Dwellings occupied by the owner, a member of the owner's family employed on the farm, or by a permanent paid employee.

10.3.3 Veterinarian offices, not to include the incidental boarding of animals during their treatment and recovery (see also ANIMAL HOSPITAL).

Permitted, Special, and Accessory Uses – Land uses and structures fall into three main categories: permitted, accessory, and special uses. Permitted uses (e.g. growing field crops) are allowed by-right anywhere in the Agricultural Zone. Special uses are uses that have unique characteristics that make them unsuitable for all locations (e.g. commercial kennels) and the Commission has the discretion to determine whether a special use is suited to a particular property. Accessory uses are ancillary to either a permitted or special use, meaning that they support those uses but are not permitted to stand alone on a property (e.g. farm stands).

Commercial Nurseries – Commercial nurseries are a permitted use and the sale of nursery stock is a special use in the AG Zone, creating confusion. The reason for the confusion is that the permitted commercial nursery is intended for the production and wholesaling of nursery stock, not retail sales. Retail sales of nursery stock and the operation of a landscaping business that might frequent a commercial nursery for wholesale plants are permitted as special uses in Sections 10.5.8 and 10.5.12.

Accessory Building Size – The Agricultural Zone also allows single-family dwellings as well as agricultural uses. The line between these uses is often blurred, leading to confusion with respect to accessory structures. For buildings that are accessory to an agricultural use, such as a barn or greenhouse, there is no maximum floor area. However, if the building is accessory to a dwelling and not the agricultural use, such as a garage or gazebo, the Residential Zone standards apply, which has benefits as well as restrictions. The benefit is that the garage or gazebo can go as close as six feet from a property line, whereas a barn or stable has to be at least 50 feet away. On the other hand, accessory residential structures are limited to 580 square feet and 1.5 stories in height.

Special Uses – In addition to any use-specific considerations and regulations associated with the following special uses, Section 15.1.3 contains general considerations that the Commission must consider on each special use application and Section 15.1.4 contains general conditions that may be applied to mitigate any concerns of the Commission or neighbors.

Section 15.2 contains additional special uses that may be permitted in any zone.

10.4 ACCESSORY USES

The following accessory uses are allowed subject to the conditions specified below, including that for Sections 10.4.1 through 10.4.4, no building shall be located closer than 50 feet to any property line.

10.4.1 Buildings that are customarily a part of the use such as barns, greenhouses, sheds, silos, stables, chicken-houses, garages for vehicles, and farm machinery.

10.4.2 Pumping stations and water lines for irrigation purposes and private roads for access and fire protection to all parts of the cultivated land.

10.4.3 Warehouses, processing plants, refrigeration plants, and other secondary uses incidental to the primary agricultural use.

10.4.4 Housing for permanent workers and camps or living quarters for temporary workers, not exceeding the ratio of two workers per cultivated acre. Nothing shall prohibit cooperative action by a group of farm owners or an association representing farm owners from jointly providing housing for temporary (seasonal) workers, provided that the ratio of two workers per cultivated acre is maintained.

10.4.5 Farm stands of mobile or temporary construction, as per Section 14.1.12.

10.4.6 Accessory uses associated with single-family dwellings, as per the applicable provisions of Section 4.4.

10.5 SPECIAL USES

The following uses are allowed subject to the applicable provisions of Section 15 and this Section.

10.5.1 Single-Family Cluster Subdivisions

At the discretion of the Commission, a developer may be allowed to reduce lot requirements in the AG Zone, provided that the following conditions are met.

A

The Commission shall find that the plan is designed appropriately in relation to soil types, wetland areas, watercourses, topography, natural features, and scenic vistas and that there is land on the site that is desirable for open space or other public purposes.

B

All standards of Section 10.1 shall be met, except that the density of occupancy shall be 0.6 dwelling units per acre of developable land and that a minimum lot area of one-acre shall be required.

C

For a subdivision to be developed in accordance with this Section, the developer shall dedicate open space in an amount equal to the percentage by which the cumulative residential lot areas have been reduced, multiplied by the total area of the development (e.g., if the average lot size is reduced from three acres to one acre, the amount of open space would be two-thirds of the total area of the development). At the discretion of the Commission, the open space can be dedicated to the Town as provided in Section 14.1.21; to another grantee acceptable to the Commission, such as the State of Connecticut, Windsor Land Trust, a wildlife association or other nonprofit entity, whose main purpose is to convey a public benefit; or where continued farming is desirable and public access is not desirable, it can be left in private ownership and protected by a permanent conservation easement.

D

Scenic or conservation easements may be required as per Section 14.1.22.

Why Open Space Subdivisions? Open space subdivisions can create a win-win situation for the town and developers. By reducing the minimum lot area from three acres down to one acre, the length of roads and other infrastructure can be reduced by up to 66%, decreasing development costs for the developer and future maintenance costs for the town as well as reducing the environmental impact of the subdivision. The reduction of up to 66% of the three-acre minimum lot area from each lot is added to the mandatory open space set-aside of 15% of the overall property, significantly increasing the amount of open space, benefiting all residents in the subdivision and beyond. The preserved open space can even be farmed, preserving over two-thirds of an existing farm, perhaps providing a captive market for community supported agriculture (CSA).

10.5.2 Nursing Homes

Provided that there is sufficient parking to accommodate the additional traffic, the Commission may permit a nursing home to extend in-patient dialysis services to non-residents on an out-patient basis as a special use.

10.5.3 Places of Assembly and Congregation

As per Section 4.5.7 B, C, and D (see also Section 10.5.6).

10.5.4 Commercial Kennels or Animal Hospitals

Commercial kennels and/or animal hospitals located 500 feet or more from a residential or NZ Zone and subject to all applicable codes and regulations of local and state agencies.

Kennels – Commercial kennels generally have a commercial element to them, and in the case of personal dogs, there has to be more than four adult dogs used for commercial gain. Boarding, grooming, and training are clear examples of commercial activities but it has become increasingly blurry with breeding and fostering dogs.

Fostering rescued dogs is not a commercial enterprise but can become intensive. Therefore, the definition of commercial kennel technically includes the boarding of any dogs not owned by the owner of the premises. Fostering a dog or two is not likely to be noticed, but could be enforced as a kennel in response to a complaint, so being a responsible foster home and neighbor would be wise

10.5.5 Riding Clubs or Stables

Lots containing riding clubs or stables shall have a minimum lot size of ten acres.

10.5.6 Cemeteries

Cemeteries subject to the following requirements.

A
A 20-foot wide, heavily landscaped buffer shall be provided along all property lines, except for the frontage of the lot abutting a public right-of-way.

B
The lot shall have a minimum frontage of 50 feet on a public right-of-way.

Nightclubs – Nightclubs are not permitted clubs, whether limited to private members or not. As a special use, restaurants with liquor licenses can provide limited entertainment as an accessory use to the service of food,

Riding Clubs – Horseback riding clubs and stables are not included in Clubs, Social, or Fraternal Organizations, but may be approved as a special use under Section 10.5.5.

10.5.7 Clubs, Social, or Fraternal Organizations

Clubs, social, or fraternal organizations, including those utilizing hardware or paraphernalia such as guns, racing or show automobiles, snowmobiles, or motorcycles on-premises, and including those serving alcoholic beverages for on-premises consumption, subject to the following requirements.

A
The Commission shall determine that the facility:

(1) is needed in Windsor;

(2) will be in harmony with adjacent uses and not create excessive nuisances; and

(3) will not threaten the public health, safety, or welfare or diminish property values in the neighborhood.

B
Structures and outdoor activity areas shall be at least 250 feet from any property line. This requirement shall not apply where a structure or outdoor activity area is located at least 250 feet east of the Connecticut River Stream Channel Encroachment Line and more than 250 feet from the nearest residential dwelling.

C
The site shall be appropriately screened and shall have a paved driveway (asphalt or concrete) for at least the first 50 feet closest to the street unless the street providing access to the site is not paved.

D
If approval of the serving of alcoholic beverages for on-premises consumption is requested, it may be granted provided it meets the requirements outlined in Section 4.5.7A.

10.5.8 Garaged or Open Storage of Commercial Vehicles

The garaged or open storage of commercial vehicles may be allowed subject to the following requirements.

A
The storage area shall be set back at least 200 feet from streets providing access to the site.

B
A 50 foot landscaped buffer consisting of berms, fences, walls, and/or hedges shall be provided around the perimeter of the storage area. The Commission may allow the substitution of existing vegetation in lieu of the landscaped buffer, if it determines that it is of sufficient quality to provide comparable screening or can be enhanced, and measures are taken to ensure its survival.

C
Existing streets shall be capable of accommodating the increased traffic generated by the use.

D
The site shall have a paved driveway (asphalt or concrete) for at least the first 50 feet closest to the street unless the street providing access to the site is not paved.

E
No major maintenance and/or major repair work of vehicles shall be permitted.

F
Washing of vehicles shall comply with all local and state codes and regulations.

G
Wholesaling or retailing activities shall not be permitted.

10.5.9 Flag Lots

As per Section 4.5.14.

10.5.10 Transfer of Residential Density

The transfer of residential density shall be in accordance with Section 4.5.8, except as modified below.

A
Transfers of residential density to or within the AG Zone are only permitted under the following conditions:

(1) if the receiving parcel is located in the AG Zone, the resulting development shall not significantly displace active farmland or destroy prime agricultural soils and other soils of statewide

Why are they Called Flag Lots? – The term flag lot refers to the shape of a typical rear lot, which resembles the shape of a flag on a pole.

Typical Flag Lot

Transfer of Residential Density – Transfer of Residential Density (TRD) may be unique to Windsor in the entire nation. Traditionally, development rights are bought, sold, banked, and traded through a process called transfer of development rights (TDR), which while more flexible, is cumbersome to administer, and unpredictable in its results due to no predetermined location to apply purchased development rights. In contrast, TRD cuts to the chase, by directly linking the parcel donating the residential density to the parcel receiving the residential density, eliminating middle men, land banks, and the leap of faith necessary to purchase development rights without an approved location to use them, which can be difficult in the face of public opposition of higher density housing. With TRD, the Commission simultaneously knows the value of the donor parcel as farmland or open space as well as the impact of the transferred residential density on the receiving parcel.

Transfer of Residential Density (TRD) (continued) – Because farms and prime farmland are finite non-renewable resources, their conservation and preservation are critical to providing local food, a diversified econonomy, and protecting community character. To preserve the most appropriate farmland, such as areas of prime agricultural soils that are being actively farmed, the TRD regulations in the AG Zone incentivize the preservation of both active farmland and prime agricultural soils up to a total of 1.3 dwelling units per acre, which is comparable to the AA Residential Zone. The Commission can also assign the base density of 0.3 dwelling units per acre for undevelopable land if they determine that it can serve a valuable public purpose. To discourage the transfer of residential density within the AG Zone, the maximum density of a receiving parcel is capped at 0.6 dwelling units per acre, or twice the underlying density.

significance, as determined by the Connecticut Department of Agriculture (DOAG);

(2) if the receiving parcel is located in the AG Zone, the resulting development shall be served by public water and sewer service; and

(3) if the sending parcel is located in a residential zone, it shall contain significant areas of active farmland, prime agricultural soils, and/or other soils of statewide significance, as determined by the DOAG.

B

The residential density that may be transferred from a sending parcel in the AG Zone shall be calculated as follows:

(1) the base density shall be 0.3 units per developable acre;

(2) for land containing steep slopes, inland wetlands, and/or floodplain desired for public access and ownership as part of a public trail system or other public purpose, the Commission may allow the transfer of 0.3 dwelling units per acre for an area of undevelopable land determined by the Commission to be sufficient for the intended purpose and dedicated to the Town;

(3) for transfers of residential density to receiving parcels located outside of the AG Zone, the following density bonuses may be achieved:

(a) an additional 0.5 dwelling units per acre of developable active farmland;

(b) an additional 0.5 dwelling units per acre of developable prime agricultural soils and other soils of statewide significance, as determined by the DOAG;

(c) the density bonuses contained in (a) and (b) above are cumulative with the base density in (1) above for a maximum transferable density of up to 1.3 dwelling units per acre;

(d) active farmland shall have been either cleared and used for agricultural purposes and/or enrolled in the PA 490 farmland program for at least 10 years prior to any application for transfer of residential density.

C
The residential density on a receiving parcel in the AG Zone shall not exceed 0.6 dwelling units per developable acre.

10.5.11 Farm Stands of Permanent Construction (see also Section 10.5.12)

Farm stands of permanent construction shall be subject to the following conditions.

A
Stands shall only be located on farms producing one-half or more of the total agricultural products being sold at the stand at any time.

B
Unless Christmas trees and related seasonal agricultural products are being sold, stands shall only be allowed to operate from May through November.

C
Compliance with parking and other the applicable site development requirements of Section 3.

D
Upon any change of zone of the property from AG, the farm stand shall be removed within a two-year period.

10.5.12 Sale of Nursery Stock and Related Products (see also Section 10.5.11)

Sale of nursery stock and related products shall be subject to the following conditions.

A
The sale of gardening/farming implements such as rakes, shovels, lawn mowers, or vehicles is prohibited.

B
Compliance with parking and other applicable site development requirements of Section 3.

C
No parking shall be allowed within the required front yard.

D
A small office may be allowed as incidental to the operation of this use.

Commercial Nurseries and Landscapers – Nursery and landscaping operations come in many forms, from small commercial nurseries selling annual and perennial plants to wholesale suppliers; and from home-based landscapers to industrial-scale landscaping operations that bid on major construction and plowing contracts. Depending on the nature and zone of the business, one or more special use permits may be required. In the AG Zone, the commercial nursery is permitted by right, except that the garaged or open storage of commercial vehicles would require a special use under Section 10.5.8. However, in the I Zone, a large landscaping contractor storing bulk materials and equipment outdoors might need special uses for both the sale of nursery stock and limited outside storage under Sections 8.6J and 8.6B, while a similar operation

E
The Commission may require that storage of bulk material and the overnight parking of vehicles be inside a building; otherwise, these shall not occur within 100 feet of any street or property line and shall be screened from abutting properties by berms, fences, walls, and/or hedges.

10.5.13 Congregate Housing

As per Section 4.5.12.

10.5.14 Home-Based Businesses

As per Section 4.5.4.

10.5.15 Ground-Mounted Dish Antennas

As per Section.5.9.

10.5.16 Temporary Conversions to Allow Accessory Apartments

As per Section 4.5.10.

10.5.17 Bed and breakfast Establishments

As per Section 4.5.11.

SECTION 11 - PUBLIC AND QUASI-PUBLIC ZONE (NZ)

11.0 INTENT

The intent of this zone is to provide areas for public and quasi-public land uses and associated activities that are in harmony with surrounding development and conform to the Plan of Conservation and Development.

11.1 REQUIREMENTS

The minimum standards for development in this zone shall be in accordance with the AA Zone area, bulk, height, and yard requirements and these Regulations, unless specifically modified by the Commission because of adverse geographical conditions, difficult site configuration, and peculiarity of use, or to promote the health, safety, and general welfare of the community.

11.1.1 Any use of land shall comply with the applicable requirements of Section 3.

11.2 PERMITTED USES

11.2.1 Public and quasi-public uses and structures (e.g., educational, religious, governmental).

11.3 ACCESSORY USES

11.3.1 Accessory uses shall be in accordance with Section 4.4 and public and quasi-public uses.

11.4 SPECIAL USES

11.4.1 Nonpublic Uses of Public and Quasi-Public Properties

A

When changing technological, economic, social, or demographic conditions cause the abandonment of public and quasi-public uses on public and quasi-public properties, the Commission may allow the re-use of such properties for activities that are not public or quasi-public, if it determines that:

(1) the existing character of any building involved will not be substantially changed;

(2) the building(s) and/or site will be restored, renovated, rehabilitated, or improved, as necessary and appropriate;

Permitted, Special, and Accessory Uses – Land uses and structures fall into three main categories: permitted, accessory, and special uses. Permitted uses (e.g. religious institutions) are allowed by-right anywhere in the NZ Zone. Special uses are uses that have unique characteristics that make them unsuitable for all locations (e.g. non-public uses) and the Commission has the discretion to determine whether a special use is suited to a particular property. Accessory uses are ancillary to either a permitted or special use, meaning that they support those uses but are not permitted to stand alone on a property (e.g. parking lots).

In addition to any use-specific considerations and regulations associated with the following special uses, Section 15.1.3 contains general considerations that the Commission must consider on each special use application and Section 15.1.4 contains general conditions that may be applied to mitigate any concerns of the Commission or neighbors.

Section 15.2 contains additional special uses that may be permitted in any zone.

(3) the exterior and interior of any structure involved is appropriately designed for the proposed re-use; and

(4) the proposed re-use and re-development is appropriate for the site and will not have excessive harmful impacts on the surrounding area.

B

For all proposals, the Commission shall determine the applicability of any requirement not specifically found in this Section.

SECTION 12 - PLANNED URBAN DEVELOPMENT ZONE (PUD)

12.0 INTENT

The intent of this district is to establish a mixed-use zone that is urban in character; achieve optimum harmony within a PUD-zoned site and the full protection of the public health, safety, and convenience through control of the design of structures and other improvements within the site; and permit development in regulated phases to ensure that the proper and desired urban character will evolve in an orderly and positive manner.

12.1 PERMITTED USES

The following uses are permitted in a PUD Zone. Other uses may be permitted by the Commission if it finds that they are consistent with the intent of Section 12.0.

12.1.1 Integrated group of stores and non-integrated stores, subject to the requirements of the concept plan, as approved by the Commission. No factory outlet centers, off-price shopping centers, or adult-oriented establishments shall be permitted in a PUD Zone.

12.1.2 Offices subject to the area, bulk, and height requirements of Section 6.1.

12.1.3 Religious institutions.

12.1.4 Playgrounds and parks.

12.1.5 Full-service hotels of no more than four stories or 50 feet in height.

12.1.6 Banquet facility and conference center.

12.1.7 Residential: for PUDs that have previously been granted approval and construction has begun, multi-family development at a maximum density of 8 dwelling units per acre for the residential portion of the site; for any other PUD 4 dwelling units per residential developable acre. The units in other than attached multi-family residential development shall be built in accordance with provisions of Section 13.2.4 of these Regulations. Attached multi-family residential developments shall conform to relevant standards of currently built attached multi-family residential development (e.g., garages, basements, and central air conditioning). Site development shall comply with

When a PUD is not a PUD – Appraisers and lenders want properties to fall into established categories for determining value and risk. Conventional single-family homes in subdivisions are obvious, but when owners do not own the land under their buildings and/or share common elements such as private roads and open space, the distinction becomes blurry. Are they part of a condominium, a common interest community, a planned unit development or all of the above? Complicating the matter is the Planned Urban Development (PUD) Zone, which is a planned unit development in its own right and contains both condominiums and common elements.

Is part of our Planned Urban Development Zone also a planned unit development? Perhaps, but any other planned unit development is not similarly a Planned Urban Development Zone. It is more likely part of one of Windsor's many, cluster subdivisions, active-adult communities, and/or design development districts.

A Multitude of Hotel Options – In addition to full-service hotels and conference centers in the PUD Zone, they are also allowed in the I Zone (see Section 8.6N), as well as extended-stay hotels in the B-2, RC, and I Zones (see Sections 5.2.6K, 7.6.1, and 8.6P), and hotels and all-suite hotels in the B-2 Zone (see Section 5.2.6F), each with their own specific requirements.

Section 3 of these Regulations, unless specifically waived by the Commission.

12.1.8 Limited outdoor sales as per Sections 5.2.2C and 5.2.6Q.

12.2 MINIMUM REQUIREMENTS

12.2.1 Minimum Area

A
The minimum area of a PUD-zoned site shall be 60 contiguous acres.

B
An existing PUD-zoned site may be enlarged by the addition of contiguous lots of five acres or more when approved by the Commission according to the procedures and criteria in Section 12.3.

12.2.2 Minimum Development Standards

A
All development shall comply with applicable requirements of Section 3, except as modified below:

(1) where an applicant proposes a standard(s) as part of a concept plan that, when brought to the attention of the Commission, the Commission determines will result in a superior development over a standard required in Section 3, the Commission may approve the proposed standard, which shall be codified in writing as part of the concept plan approval;

(2) where the Commission determines that there is potential for conflict between uses and/or functions, additional screening consisting of berms, fences, walls, and/or hedges may be required; and

(3) all development shall be connected to public water and sanitary sewer.

Procedures - For general and more detailed PUD specific procedures, see Sections 16.1 and 16.6 respectively.

12.3 PROCEDURES

12.3.1 Application

A
A concept plan application for development in a PUD shall be made to the Commission in accordance with Section 16.6.

B

Before a Building Permit may be issued for buildings in any phase of an approved concept plan, a site plan application shall be made to the Commission in accordance with Section 16.6.

12.3.2 Phasing

In approving a concept plan, the Commission may approve a phasing plan for the orderly development of a PUD, provided that each phase is supported by all necessary public improvements, or similar common elements in a private development, and complies with all applicable regulations and ordinances designed to protect public health and safety.

12.3.3 Bonding

A

Before a Building Permit may be issued for buildings in any phase of an approved concept plan, all public improvements, or similar common elements in a private development, that are required to support any phase of an approved concept plan or applicable site plan, shall be installed or, in lieu of installation, the Town may accept a performance bond in accordance with Section 16.1.11A.

B

Before a Certificate of Occupancy may be issued for buildings in any phase of an approved concept plan, all site improvements shall be complete or, in lieu of installation, the Town may accept a performance bond in accordance with Section 16.1.11A.

SECTION 13 - DESIGN DEVELOPMENTS

13.0 INTENT

The intent of Design Developments is to permit groups of principal buildings or uses as a unified development on a single lot or across contiguous lots and to permit flexibility from conventional zoning requirements under strict control and design review to assure that the intent of these Regulations is carried out. Design Developments are established to facilitate a more harmonious relationship between the development, the site, and the surrounding area than is possible under conventional zoning regulations, while protecting the community and abutting properties. A Design Development is an optional development that may be permitted instead of development under the requirements of the underlying zone(s). An applicant may revert to development permitted in the underlying zone(s) at any time prior to actual construction and after appropriate notification in writing to the Commission.

Why Design Developments are not on the Zoning Map – Design Developments are a form of floating zone, named for their ability to hover over an underlying zone until applied by the Commission and vested by either the approval of a form-based code or starting construction within a specified time. They allow flexibility over the underlying zone and density bonuses in return for superior design and amenities over conventional development.

13.1 CENTER DESIGN DEVELOPMENTS

13.1.1 Purpose

The purpose and intent of the Center Design Developments are to:

A
encourage rehabilitation and redevelopment through flexibility of uses and design in appropriate areas of Windsor Center and Wilson Center;

B
whenever possible, provide for the preservation of meaningful historic buildings, promote appropriate architectural and site design, and provide amenities that will encourage pedestrian use and enjoyment of the centers;

C
promote improvements to vehicular circulation patterns, reduce curb cuts on main arterials, and provide safer pedestrian, bicycle and handicapped access, separate from driveways and streets when feasible;

D
promote uniform and appropriate design themes for the centers through architectural and site design review as well as strict sign controls;

E
promote residential densities that maximize the limited potential for redevelopment within walking distances of mass transit, potentially

Six Types of Design Development – There is a design development district to address any forseable need for alternative housing and mixed-use development, while addressing specific needs, such as preserving architectural and historic character in Center Design Developments; creating affordable housing in New Neighborhood Design Developments; providing mixed-density housing to buffer industrial and single-family development in Peripheral Neighborhood Design Developments; preserving or creating significant recreational amenities in Recreational Neighborhood Design Developments; promoting mixed-use, transit-oriented development in Traditional Neighborhood Design Developments; or providing for planned expansion of Poquonock with the Poquonock Village Design Development.

reducing traffic congestion and increasing the commercial and cultural vitality of Windsor Center and Wilson; and

F
promote development in accordance with the intent of these Regulations and the Plan of Conservation and Development.

13.1.2 General Requirements and Provisions

The following general requirements and provisions shall apply to Center Design Developments:

A
provisions should be made for the integration of pedestrian, bicycle, and handicapped access ways and vehicular circulation with adjacent sites;

B
the inclusion of garaged parking and facilities offered for public use such as landscaped courts, sitting areas, and pedestrian bridges over arterials or railroad lines is encouraged;

C
the development shall be compatible with the historical and architectural significance of structures on site as well as in the surrounding area, if any; and

D
the development shall provide adequate access for emergency vehicles acceptable to the Fire Marshal and principal structures shall be protected by automatic sprinkler systems.

13.1.3 Location and Site Standards

A
Location Standards

Center Design Developments may be considered only within the Center Design Development Core, Gateway, and Redevelopment Areas of Windsor Center and Wilson, as shown on the maps contained in Appendix pages A-22 and A-23.

B
Site Standards

Center Design Developments shall comply with the following site standards.

(1) Uses to be considered in Center Design Developments shall include, but not be limited to, retail (excluding adult-oriented establishments as defined in Section 2.2); personal, business, and financial services; professional and general offices; restaurants meeting the requirements of Section 5.2.6D; public and semi-public institutions; hotels and residential uses, including live-work units. The Commission shall find all proposed uses to be harmonious with the goals and objectives of the Plan of Conservation and Development; harmonious with center-type uses (i.e. not disruptive of the general retail, service and residential character and function of the Center(s) and its pedestrian orientation); and not of a quasi-industrial or highway-oriented character or overly dependent on truck or auto traffic as a primary means of conducting business.

(2) Height, Area, Yard, and Density Requirements:

Minimum lot area:	One acre
Maximum residential density:	20 dwelling units per acre, except as provided in Subsection (5) below.
Maximum building height:	Three stories or 45 feet, except as provided in Subsection (5) below.
Maximum building coverage:	30% of the site unless underground or garaged parking is provided and appropriately designed so that it is not disruptive in character and is appropriately located, in which case up to 50% of the site may be built on.
Minimum ground-level paved or landscaped area accessible only to pedestrians:	20% of the site.
Yards:	The Commission may require yards to a depth of 20 feet from any street or property line, which may be waived

totally or in part if, in the judgment of the Commission, the overall development of the area is better served by the elimination of yards.

(3) Outdoor lighting and signs shall comply with Sections 3.2 and 3.7 respectively, except that in the interest of public safety, the Commission may allow limited light trespass from pedestrian-scaled lighting fixtures into the public right-of-way; or may impose stricter lighting or signage requirements when, in its judgment, the specific proposal demands them. The location and design details (e.g., materials, illumination) of all outdoor lighting and signs shall be shown on the plans.

(4) Parking Standards

(a) Parking ratios shall comply with Section 3.3.5 and Section 13.1.3B(5)(c) where applicable;

(b) the Commission may reduce the required number of parking spaces in a mixed-use development in accordance with the Standards of Section 15.2.7;

(c) the Commission may allow parking spaces in excees of any maximum requirement, provided that they are deferred until a future need is demonstrated by the use and occupancy of the development; and

(d) the Commission may require that parking spaces in excees of minimum or maximum requirements be constructed of pervious pavement if it determines that the spaces will be used infrequently.

(5) To promote transit-oriented development in close proximity to the railroad station on sites located in Windsor Center on the east side of the Amtrak railroad line within the area designated as the Redevelopment Area of Windsor Center, as shown on the map contained in Appendix, page A-22, the Commission may increase the maximum residential density to 30 dwelling units per acre and/or increase the maximum building height to four stories or 60 feet, according to the following provisions:

(a) the base density shall be 20 dwelling units per acre, which may be increased to a maximum density of 30 dwelling units per acre through the transfer of residential density in accordance with Section 4.5.8, provided that

the Commission finds that in granting an increase in density, the benefits of the proposed development with respect to the health, safety, convenience, and general welfare of the community will likely outweigh any adverse impacts associated with the increased development density;

(b) in granting an increase in the maximum building height to four stories or 60 feet, which may be independent of an increase in the base density, the Commission must determine that the height is appropriate for the site and that the benefits of the proposed development with respect to the health, safety, convenience, and general welfare of the community will likely outweigh any adverse impacts associated with the increased building height. Where topography allows structured parking beneath and accessed from the side or rear of buildings, the Commission may allow a maximum building height of 65 feet, provided that the Fire Department is able to adequately serve the building;

(c) to promote walking in Windsor Center and the use of readily available mass transit in the area east of the Amtrak railroad line, parking shall be provided at a maximum ratio of one parking space per dwelling unit for one-bedroom and studio units, one and one-half (1.5) parking spaces for two-bedroom units, and two parking spaces for all other units; and

(d) in order to reduce hazards and improve pedestrian access as recommended in the Plan of Conservation and Development, the Commission may require an adequate bridge or tunnel to allow grade separated pedestrian crossing of the Amtrak railroad tracks if Amtrak/DOT's existing or planned facilities for pedestrian circulation, safety, and access to the western side of the railroad tracks do not provide a reasonable alternative.

C
Building Standards

(1) Minimum Living Area Requirements for Residential Units

Multi-Family Dwellings:

One-Bedroom/Studio: an average living area per unit of no less than 650 square feet, averaged across the development, provided no indivudal unit shall be less then 500 square feet.

Two-Bedroom: an average living area per unit of no less than 950 square feet, averaged across the development; and

no less than 150 square feet of additional living area for each additional bedroom above two per unit.

The average living area per unit may be reduced by 50 square feet if an average of 50 square feet or more of dead storage is provided on-site for each unit, exclusive of a garage parking space.

(2) Building facades should be varied and articulated to provide visual interest to pedestrians. This can be accomplished by incorporating offsetting planes, changes in wall texture and color, inset or protruding balconies, and other architectural elements into the design of the buildings.

13.2 NEIGHBORHOOD DESIGN DEVELOPMENTS

13.2.1 Intent

The intent of Neighborhood Design Developments is to:

A
permit a variety of housing styles and environments within planned residential communities, affording maximum opportunities for people of different economic and social characteristics to find a housing and living style suitable to their needs and desires;

B
provide for usable, suitably located recreational facilities and other public and common facilities;

C
preserve, to the greatest extent possible, the existing landscape features, amenities and natural resources of the Town and promote a distribution of structures and open areas to prevent environmental or flood damage;

D
permit greater flexibility and, consequently, more varied creative and imaginative architecture, and site design more harmoniously related to the land than would otherwise be possible under conventional land development procedures; and

E
promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.

13.2.2 General Requirements and Provisions

The following general requirements and provisions shall apply to all Neighborhood Design Developments.

A
The Commission may permit retail, commercial, and service facilities (excluding adult-oriented establishments, as defined in Section 2.2), which are clearly accessory to and primarily serve the proposed and immediately surrounding residential development. Approval shall be granted only if the Commission determines that a need exists for the proposed uses and that the buildings and site layout are well-related to roads and adjacent development. The commercial and service facilities shall not contain more than 15,000 square feet of gross floor area. Unless otherwise specified or specifically changed, the requirements of Section 5.1 shall be met.

B
Specific parking areas for recreational vehicles and boats may be required.

C
Sidewalks and trails shall comply with the Town of Windsor Engineering Standards and Specifications and, to the extent possible, shall be uninterrupted by at-grade road crossings or abrupt changes in grade (e.g., curbs and steps). The Commission may require bridges and tunnels to achieve this goal.

D
All utilities shall be buried underground in accordance with Section 14.1.15.

13.2.3 Location and Site Standards

A
Location Standards

Neighborhood Design Developments shall comply with the following location standards:

(1) the development shall have at least 100 feet of frontage on an arterial or collector street, as described in the Plan of Conservation and Development, and for secondary access in the event of an emergency, an additional 50 feet of frontage located at least 500 feet from the 100-foot frontage shall be required;

(2) all residential units shall be within a one-mile walking distance of a stop on an existing Greater Hartford Transit District-franchised bus route, of which this entire distance shall be by means of sidewalks and/or trails;

(3) the development shall be served by Metropolitan District Commission (MDC) water and sewer; and

(4) see Sections 3.2.5, 13.2.6, 13.2.7, 13.2.8, and 13.2.9 for additional New Neighborhood, Peripheral Neighborhood, Recreational Neighborhood, Traditional Neighborhood, and Poquonock Village Design Development location standards, respectively.

B
Site Standards

Neighborhood Design Developments shall comply with the following site standards.

(1) The site shall include at least 80 acres of developable land.

(2) All streets considered part of the through-circulation system, all utilities, and all facilities related to the Town firefighting system must be constructed in accordance with all Town of Windsor specifications, including the Town of Windsor Subdivision Regulations and the Town of Windsor Engineering Standards and Specifications, and any other applicable Town Code. All streets or drives considered part of the service-circulation system, all sidewalks and trails, and all parking areas shall be constructed in accordance with the Town of Windsor Subdivision Regulations and the Town of Windsor Engineering Standards and Specifications, or Section 3 of these Regulations, whichever is deemed most appropriate by the Commission.

(3) Two separate means of vehicular access shall be provided to a Neighborhood Design Development from the existing street system. The primary vehicular access shall be provided over the required 100-foot street frontage.

(4) Dedication of land shall be as per Section 14.1.21.

(5) Scenic or conservation easements shall be as per Section 14.1.22.

(6) Sidewalks shall be provided in accordance with Section 3.5.1.

(7) The applicant shall submit a written program for the maintenance of all common areas such as open space, landscaping, recreational areas and facilities, lawns, sidewalks, streets, drives, parking areas, and all utilities and facilities. The program shall include any fee structures associated with the use of common facilities, who is responsible for their maintenance (e.g., landlord, homeowners' association, or a combination thereof) and how the responsibility will be legally bound upon that party (e.g., by covenant or deed).

(8) Neighborhood Design Developments shall comply with the Town of Windsor Subdivision Regulations, where applicable.

13.2.4 Building Design Standards

A
Multi-Family Dwellings

(1) Except for any residential buildings requiring elevator service, all dwelling units shall have individual access doors and stairs directly to the outdoors.

(2) At least one of the access doors to each unit shall have overhead protection from rain and snow.

(3) Multi-family dwellings without individual basements shall have individual dead storage areas (at least 100 square feet per unit) and indoor laundry facilities, both of which shall be accessible from within the dwelling without the need to go outdoors. For assisted living facilities and nursing homes, storage shall be provided per Section 4.5.12C(15).

(4) Except for assisted living facilities and nursing homes (where applicable), all dwelling units shall have at least one balcony or patio providing relative privacy by architectural articulation or, in the case of patios, by fencing, planting, and/or paving. If fencing is used, it shall be integrated into the wall of the building to avoid a "tacked-on" effect and to provide adequate strength. Orientation to parking areas or streets shall be avoided.

(5) structures shall be designed so as to avoid visually massive and monotonous building facades. In doing so, the proposed architectural design shall address scale and height compatibility, rhythm of recurring patterns of lines, shapes, and forms, and articulation of entryways, balconies, roofs, and exterior walls of individual units. In addressing design, the proposed development shall also take into account architectural forms, materials, and textures.

(6) Exterior wall surfaces of all multi-family dwellings within eight feet of grade and adjacent to areas of high pedestrian traffic, where rapid deterioration might occur (e.g., entries, balconies, patios), shall have a veneer of brick.

(7) The site and building design of multi-family dwellings shall be approved by the Commission.

B
Two-Family Dwellings

The site and building design of two-family dwellings shall be approved by the Commission.

13.2.5 New Neighborhood Design Developments

A
Intent

In addition to the overall intent of Neighborhood Design Developments expressed in Section 13.2.1, New Neighborhood Design Developments

are specifically intended to allow for a mix of single-family, two-family, and multi-family dwellings in appropriate residential areas.

B
General Requirements and Provisions

In addition to the general requirements and provisions of Section 13.2.2, New Neighborhood Design Developments shall provide seasonal recreational facilities consisting of at least a graded and seeded area of at least three acres for informal ball play and recreation; a swimming pool; four tennis courts; where topography permits, a gently sloped area sufficient for sledding; and where waterways exist, skating ponds. Planted areas around all multi-family buildings shall be arranged so that their maintenance and enjoyment by residents for individual flower and vegetable gardens is encouraged.

C
Location and Site Standards

(1) In addition to the location standards of Section 13.2.3A, New Neighborhood Design Developments shall comply with the following location standards:

(a) the development shall be considered only in single-family residential zones; and

(b) the development shall be located within one and one-half miles of an operating fire station.

(2) In addition to the site standards of Section 13.2.3B, New Neighborhood Design Developments shall comply with the following site standards:

(a) the gross density may not exceed three families per acre of land as described in Section 4.2.1 of these regulations;

(b) the developer must show that at least 10 percent, but no more than 15 percent, of the proposed dwelling units will be constructed or managed by the Windsor Housing Authority or conform to the latest guidelines established by the Department of Housing and Urban Development Sales or Rental Schedule for lower-income families, including the elderly, or as a substitute for the construction of any number of these units, the developer, with the concurrence of the Windsor Housing Authority and the Commission, may agree to deed to the Authority an equivalent amount of developable land at

the rate of one acre per four dwelling units without altering the gross density of the site;

(c) the Commission may permit development at a gross density of four dwelling units per developable acre if it determines that it would be desirable to provide more than 15 percent, but no more than 20 percent, of the dwelling units for lower-income families, in which case, the substitution provision of Subsection (b) shall not be applicable;

(d) at least 25 percent of the overall site must be designated and preserved by deed restriction or public dedication as permanent open space or for sites for Town of Windsor municipal facilities:

(i) the Commission may require appropriate improvements to all designated open space or public dedications; and

(ii) the characteristics of the open space area shall be as per Section 4.7.2E of the Town of Windsor Subdivision Regulations.

(e) unless changed by the Commission in order to achieve a more appropriate relationship of a development to the conditions existing on a particular site and to reduce impact on community facilities, the housing type distribution for New Neighborhoods shall be approximately as follows:

33.3% single-family detached dwellings;
33.3% single-family semi-attached dwellings on the same lot or on separate lots; and
33.3% multi-family attached dwellings

at least 50 percent of the multi-family attached dwellings shall be offered for sale, as a separate unit on a lot with no side yards or as condominiums (see Appendix, pages A-10 and A-11).

(f) except as provided in Subsection (e) above, the lots for single-family detached and semi-attached dwellings shall conform to the minimum yard requirements of the R-8 Zone;

(g) no building shall be located closer than 40 feet from the right-of-way of any proposed through street;

(h) no parking area of more than ten spaces, active recreation facility, or building shall be built closer than 50 feet from any external property line; and

(i) through paths, common parking areas, or drives shall not be closer than 20 feet to any window or door of a residential unit.

D
Building Design Standards

In addition to the building design standards of Section 13.2.4, New Neighborhood Design Developments shall comply with the following building standards.

(1) Multi-Family Dwellings

(a) No exterior wall shall extend more than 50 feet on the same architectural plane. Articulation of entryways, balconies, roofs, and exterior walls of individual units by architectural forms, material, and textures is encouraged, without substantially increasing costs.

(b) Minimum dwelling unit sizes, exclusive of dead storage in a basement, shall be as follows:

efficiency: 450 square feet;
one-bedroom: 750 square feet;
two-bedroom: 950 square feet;
150 square feet of additional area for each additional bedroom.

(c) For assisted living facilities and nursing homes, minimum dwelling unit sizes shall be as follows:

efficiency: 400 square feet;
one-bedroom: 600 square feet;
two-bedroom: 900 square feet.

(d) Where the Commission finds that patios or balconies afford relative privacy by architectural articulation or, in the case of patios, by fencing, planting, and paving; the fencing is integrated into the wall structure to avoid a "tacked-on" effect and provides adequate strength; and that the patio or balcony is not oriented to a parking area or street; it may allow their area to be used in calculating dwelling-unit size, but in no event shall more than 50 square feet be allowed for an efficiency unit, 100 square

feet for a one-bedroom unit, or 150 square feet for a two- or more-bedroom unit.

(2) Two-Family Dwellings

The living area requirement of one of the two units shall be in compliance with Section 4.2.2A(2). The minimum living area of the other unit shall be 450 square feet.

(3) All Residential Dwellings

(a) The maximum height of residential buildings is limited to two and one-half stories or 35 feet, except as provided in Subsection (b) below.

(b) The Commission may allow buildings up to three stories, but no more than 45 feet in height, if it determines that the height is in keeping with the overall project design, is not detrimental to surrounding areas, and preserves valuable open space land.

13.2.6 Peripheral Neighborhood Design Developments

A
Intent

In addition to the overall intent of Neighborhood Design Developments expressed in Section 13.2.1, the intent of Peripheral Neighborhood Design Developments is to provide for a planned transitional residential buffer between single-family residential areas and industrial/warehouse areas.

B
General Requirements and Provisions

In addition to the general requirements and provisions of Section 13.2.2, Peripheral Neighborhood Design Developments shall provide seasonal recreational facilities consisting of at least a graded and seeded area of at least three acres for active recreation; tennis courts; a sledding hill (if topography permits); and ice skating areas where a pond exists within the development. Landscaped areas around all multi-family dwellings shall be arranged to allow residents to maintain individual flower and vegetable gardens.

C
Location and Site Standards

(1) In addition to the location standards of Section 13.2.3A, Peripheral Neighborhood Design Developments shall comply with the following location standards:

(a) the development shall be considered only in single-family residential zones adjacent to Industrial and Warehouse Zones; and

(b) the development shall be located within one and one-half miles of an operating fire station.

(2) In addition to the site standards of Section 13.2.3B, Peripheral Neighborhood Design Developments shall comply with the following site standards:

(a) a gross density of up to three dwelling units per acre of developable land (as described in Section 4.2.1) is permitted, which may be increased up to four dwelling units per developable acre in accordance with Section 4.5.8;

(b) at least 25 percent of the overall site must be designated and preserved by deed restriction or public dedication as permanent recreation or open space or for sites for the Town of Windsor municipal facilities:

(i) the Commission may require appropriate improvements to all designated open space or public dedications; and

(ii) undevelopable land shall not exceed that of the entire design development.

(c) unless changed by the Commission in order to achieve a more appropriate relationship of a development to the existing conditions on a site and to reduce impact on community facilities, the housing type distribution for Peripheral Neighborhood Design Developments shall be approximately as follows:

33.3% single-family dwellings;
33.3% two-family dwellings on the same lot or separate lots; and
33.3% multi-family dwellings

(d) except as provided in Subsection (e) below, single-family dwellings shall be on lots that conform to the minimum area, bulk, and yard requirements of the A Zone, except as allowed under Section 13.2.6C(1), two-family dwellings shall conform to the minimum area, bulk, and yard requirements of the R-8 Zone, and multi-family attached dwellings shall conform to the requirements of Section 4.5.3B(3)(d);

(e) no building shall be located closer than 40 feet from the right-of-way of any proposed through street;

(f) no parking area or active recreation facility shall be built within 50 feet of any external property line or 100 feet of any industrial/warehouse zoned land, with the 100-foot buffer landscaped to provide privacy from noise and visual intrusion in accordance with Section 3 of these Regulations;

(g) no two-family or multi-family dwelling shall be built within 150 feet of an external property line abutting residential land;

(h) through paths or common parking areas shall not be closer than 20 feet to any window or door of a residential unit;

(i) the Commission may modify or waive any of the requirements of Sections 13.2.6C(2) and 13.2.6D(1) (except density and overall site area requirements) in cases where, in the opinion of the Commission, strict application of the requirements of this Section will result in an overall design that is less desirable than one permitted by a modification or waiver of the requirements of this Section; and

(j) the Commission shall not grant a request for modification or waiver of the requirements of this Section unless justified by adverse geographical conditions, difficult site configuration, or modifications to site design or layout requested by the Commission.

D
Building Design Standards

In addition to the building design standards of Section 13.2.4, Peripheral Neighborhood Design Developments shall comply with the following building standards.

(1) Multi-Family Dwellings

(a) Minimum dwelling unit sizes, exclusive of dead storage in a basement shall be as follows:

efficiency: 450 square feet;
(one-bedroom: 750 square feet;
two-bedroom: 950 square feet; and
150 square feet of additional area for each additional bedroom;
where the Commission determines that patios or balconies afford relative privacy by architectural articulation or, in the case of patios, by fencing, planting, and paving; the fencing shall be integrated into the wall structure to avoid a "tacked-on" effect and shall provide adequate strength; and that the patio or balcony is not oriented to a parking area or street, it may allow their area to be used in calculating dwelling unit size, but in no event shall more than 50 square feet be allowed for an efficiency unit or 150 square feet for a two- or more-bedroom unit.

(b) All multi-family garden-type apartment buildings shall have an exterior of brick.

(2) Two-Family Dwellings

The living area requirement of one of the two units shall comply with Section 4.2.2A(2). The minimum living area of the other unit shall be 450 square feet.

(3) All Residential Dwellings

(a) The Commission may permit other types of dwellings (including single-family dwellings with one zero yard line land plans or similar plans) when the Commission finds that such dwellings promote the intent of this Section.

(b) The maximum height of buildings is limited to two and one-half stories or 35 feet, however, the Commission may allow buildings of up to three stories or 45 feet in height, when in its judgment, the proposed height is consistent with the overall project design, compatible with the surrounding area, and preserves valuable open space land. When covered parking is provided under a building, and to accommodate existing topographic conditions, the average height of the building may be up to 50 feet.

13.2.7 Recreational Neighborhood Design Developments

A
Intent

In addition to the overall intent of Neighborhood Design Developments expressed in Section 13.2.1, Recreational Neighborhood Design Developments are specifica/ly intended to permit, within a planned residential community, opportunities for people to find housing and an active recreational lifestyle suitable to their needs and desires; provide for usable, suitably located recreational facilities and other public and common facilities; and preserve, to the greatest extent possible, the existing recreational and landscape features, amenities, and natural resources of the Town and promote a distribution of structures and open areas to prevent environmental or flood damage.

B
General Requirements and Provisions

In addition to the general requirements and provisions of Section 13.2.2, recreational facilities shall be provided, which may include but are not limited to a dedicated area of at least 25 acres for recreational use; a health club; a swimming pool; tennis courts, golf course, and clubhouse and other customary accessory uses; where topography permits, a gently sloped area sufficient for sledding; and where waterways exist, skating ponds. These facilities may be open to the general public.

C
Location and Site Standards

(1) In addition to the location standards of Section 13.2.3A, Recreational Neighborhood Design Developments shall comply with the following location standards:

(a) the development shall be considered only in single-family residential zones, except that a maximum of 15% of the land proposed for development may be in the Agricultural Zone; and

(b) the development shall be located within one and one-half miles of an operating engine company and two and one-half miles of an operating aerial ladder company measured along existing streets.

(2) In addition to the site standards of Section 13.2.3B, Recreational Neighborhood Design Developments shall comply with the following site standards.

(a) A gross density of up to three dwelling units per acre of developable land (as described in Section 4.2.1) is permitted, which may be increased up to four dwelling units per developable acre in accordance with Section 4.5.8.

(b) Roads within the development may be private. All private streets, pedestrian sidewalks, and parking lots shall be built to the structural specifications of the Town of Windsor Subdivision Regulations and the Town of Windsor Engineering Standards and Specifications, except that the following modifications may be allowed:

(i) primary streets shall have a minimum road width of 28 feet;

(ii) concrete sidewalks may be required, where appropriate, but only along one side of the street;

(iii) curbing, drainage, pavement width and cul-de-sac requirements may be modified by the Commission when such modifications will result in a superior plan than that possible under the regular standards adopted by the Town; and

(iv) any existing parking lots shall be considered non-conforming and may be modified to the extent that the non-conformity is not increased.

(c) All buildings erected in a Recreational Neighborhood Design Development shall observe the following location requirements and shall be separated by at least:

(i) 20 feet from another building;

(ii) 30 feet from another building, where one of the buildings includes more than 8 dwelling units;

(iii) 25 feet from the edge of pavement of any road;

(iv) 25 feet from any property line;

(v) 40 feet from any property line adjacent to a single-family residential zone or equal to the height of the building, whichever is greater; and

(vi) existing buildings to remain, if non-conforming, shall be exempt from these location requirements.

(d) A landscape buffer strip of at least 25 feet in width shall be provided along the perimeter of the property that abuts a single-family residential zone where buildings in the proposed development are located within 200 feet of the property line abutting that single-family residential zone. However, where variations in topography or natural features, existing vegetation, landscaped recreational amenities, or compatible land uses obviate the need for a buffer, this requirement may be waived. The buffer strip requirement shall be waived to allow for existing recreational improvements and existing parking areas to remain.

(e) No building shall be located closer than 20 feet from the right-of-way of any proposed public through street. No active recreation facility such as swimming pools, tennis courts, or clubhouses shall be built closer than 50 feet from any external property line. Through paths, common parking areas, or drives shall not be closer than 20 feet to any window or door of a residential unit.

(f) In approving the mix of housing type, the Commission shall consider the following:

(i) appropriate relationship of the development to the physical conditions of the site including wetlands, topography, and geologic forms; and

(ii) the primary purpose of the development concept as an active recreational community which also serves the general public.

D
Building Design Standards

In addition to the building design standards of Section 13.2.4, Recreational Neighborhood Design Developments shall comply with the following building standards.

(1) Multi-Family Dwellings

(a) Multi-family dwellings without individual basements shall be provided with individual dead storage areas (at least 100 square feet per unit) and indoor laundry

facilities, both of which shall be accessible from within the dwelling without the need to go outdoors. Where basements, which would typically be used for dead storage, provide for other uses such as covered parking, some storage may be provided for in the basement and the balance in individual residential units. Such storage may be configured as requested by the resident and/or as required by application of the Americans with Disabilities Act (ADA). All dwelling units shall have at least one balcony or patio which shall provide relative privacy by architectural articulation or, in case of patios, by fencing, planting, or paving.

(b) Structures shall be designed so as to avoid visually massive and monotonous building facades. In doing so, the proposed architectural design shall address scale and height compatibility, rhythm of recurring patterns of lines, shapes and forms, and articulation of entryways, balconies, roofs, and exterior walls of individual units. In addressing design, the proposed development shall also take into account architectural forms, materials, and textures.

(c) The Commission shall be provided with information on the colors and materials to be used on the exterior of the buildings.

(d) Exterior wall surfaces of all multi-family dwellings within eight feet of grade and adjacent to activity areas where rapid deterioration might occur (e.g., entries, balconies, patios) shall have a veneer of durable material of suitable color and texture compatible with the architectural theme of the community.

(e) Minimum dwelling unit sizes, exclusive of dead storage in basement shall be:

one-bedroom: 800 square feet;
two-bedroom: 1000 square feet;
150 square feet of additional area for each additional bedroom; and

where the Commission finds that patios or balconies afford relative privacy by architectural articulation or, in the case of patios, by fencing, planting, or paving, the fencing is integrated into the wall structure to avoid a "tacked-on" effect and provides adequate strength; and that the patio or balcony is not oriented to a parking area

or street, it may allow their area to be used in calculating dwelling units size, but in no event shall more than 100 square feet be allowed for a one-bedroom unit or 150 square feet for a two- or more-bedroom unit.

(2) Two-Family Dwellings

Two-family dwellings shall be as per Section 13.2.4B.

(3) All Buildings

The Commission may allow buildings up to three stories, but no more than 45 feet in height, when in its judgment it would be consistent with the overall project design, compatible with surrounding areas and preserves valuable open space land. When covered parking is provided under a building and to accommodate existing topographic conditions, the average height of a building may be up to 50 feet.

13.2.8 Traditional Neighborhood Design Developments

The purpose of the Traditional Neighborhood Design Development (TNDD) is to encourage innovative mixed-use, compact development that is sensitive to the environmental characteristics of the land and facilitates the efficient use of services as an alternative to conventional, use-segregated development. A traditional neighborhood diversifies and integrates land uses within close proximity to each other and has the potential to provide for daily employment, recreational, and shopping needs. The TNDD seeks to connect people to places by combining alternative housing types with office, retail, civic, educational, recreational, medical, hotel and conference centers, and limited industrial uses into a pedestrian-friendly walkable neighborhood. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation, thereby making a TNDD a sustainable, long-term community that provides economic opportunity and environmental and social equity for its residents.

A
General Requirements and Provisions

(1) A Traditional Neighborhood is generally characterized by design elements that may include:

(a) pedestrian-oriented neighborhoods;

(b) a variety of housing types;

(c) a diverse and integrated set of uses;

(d) a network of pedestrian-friendly interconnected streets and blocks that maintains respect for the natural landscape;

(e) a coordinated multi-modal transportation system including a hierarchy of appropriately designed facilities for pedestrians, bicycles, public transit, and motor vehicles, with connectivity to surrounding uses and development;

(f) natural features and undisturbed areas that are incorporated into the open space of the neighborhood;

(g) a diversity of open spaces such as recreational parks, greens, gardens, landscaped streets, and watercourses;

(h) well-configured squares, plazas, greens, landscaped streets, greenbelts, and parks woven into the pattern of the neighborhood;

(i) civic buildings, open spaces, and other visual features that act as landmarks, symbols, and focal points for community identity;

(j) compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character, and landscaping to establish a livable, harmonious, and diverse environment;

(k) private buildings that form a consistent, distinct edge and define the border between the public street space and the private block interior;

(l) human scale architecture and landscaping that responds to the unique character, climate, and history of the region; and

(m) consistency with the Plan of Conservation and Development.

B
Location and Site Standards

A TNDD shall comply with the following location and site standards:

(1) The minimum size of a TNDD shall be 200 contiguous acres (for the purposes of this Section, acreage is contiguous even if divided by a public or private roadway).

(2) The parcel(s) of land shall not be located north and west of Rainbow Reservoir due to the proximity of the flight path from Bradley International Airport and difficulties in the remote delivery of public services and utilities.

C
Development Standards

(1) Specific development standards and their applicability shall be determined by the Commission through the approval of a form-based regulation, transect, and regulating plan, to be developed and submitted by the applicant in accordance with an approved concept plan and the requirements of Section 16.7.1D.

(2) Unless specified in this Section and/or an approved form-based regulation adopted under this Section, all TNDDs shall comply with the minimum requirements of Sections 3, 13, and 14 of these Regulations.

(3) All standards found in these Regulations, the Town of Windsor Subdivision Regulations, the Town of Windsor Engineering Standards and Specifications, and the Town of Windsor Code of Ordinances shall remain in full force and effect unless specifically superseded by an approved form-based regulation.

D
Miscellaneous Standards

(1) Dedication of land to the Town shall be in accordance with Section 14.1.21.

(2) Scenic or conservation easements may be required in accordance with Section 14.1.22.

(3) The applicant shall submit a written program for the maintenance of all common areas such as open space, landscaping, recreational areas and facilities, lawns, walkways, streets, drives, parking areas, and all utilities and facilities. The program shall indicate any proposed fee structure(s) associated with the use of common facilities and on whom the responsibility falls for the maintenance program (e.g., landlord, homeowners' association) and shall demonstrate how the responsibility will be legally bound upon that party (e.g., by covenant or deed). The Commission shall refer such documents to the Town Attorney for review and comment.

(4) Once a Form-Based Regulation has been approved by the Commission and has taken effect, it shall be incorporated by reference as part of these Regulations.

E
Application Procedure

(1) A design development concept plan application shall be submitted in accordance with Section 16.7.

(2) In addition to the general provisions of Section 16.7, a form-based regulation application shall be submitted following approval of a design development concept plan application in accordance with the provisions of Section 16.7.1D.

(3) In addition to the decision considerations of Section 16.7.3, the Commission shall find that the transect, regulating plan, and form-based regulations will result in development that meets the stated intent of the TNDD district and will achieve the following:

(a) deliver exceptional quality community designs that preserve critical environmental resources;

(b) help address Windsor's housing needs without overwhelming public facilities and services;

(c) reduce motor vehicle dependency within the proposed development and surrounding area;

(d) provide high-quality open space amenities;

(e) incorporate creative design in the layout and design of buildings, open spaces, and circulation systems;

(f) ensure compatibility with surrounding land uses and neighborhood character; and

(g) provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

13.2.9 Poquonock Village Design Development

A
Intent

The purpose of the Poquonock Village Design Development is to provide for a planned expansion of the Poquonock Center area, which will enhance and preserve, to the greatest extent possible, the existing community and landscape features, amenities, scenic vistas, and natural resources of the Town; provide for the preservation of meaningful historic buildings; promote appropriate architectural and site design; promote a distribution of structures and open areas to provide and

enhance pedestrian access to existing and proposed recreational and community facilities; and prevent environmental or flood damage.

(1) A Poquonock Village Design Development shall include the following design elements:

(a) high quality architectural and site design of all buildings and improvements;

(b) a network of pedestrian-friendly streets and interconnected walkways that maintain respect for the natural landscape and provide access to the Farmington River, where possible;

(c) a coordinated multi-modal transportation system including appropriately designed facilities for pedestrians, bicycles, access to public transit, and motor vehicles, all with connectivity to surrounding uses and development;

(d) a diversity of usable, suitably located open spaces such as passive and active recreational areas, parks, greens, gardens, landscaped streets, natural features, and undisturbed areas woven into the pattern of the neighborhood;

(e) a greater flexibility and, consequently, more creative and imaginative site design that is more harmoniously related to the land than would otherwise be possible under conventional land development procedures;

(f) a minimum of 25% of the gross site area preserved as open space; and

(g) consistency with the Plan of Conservation and Development.

(2) A Poquonock Village Design Development may optionally include the following:

(a) multi-family dwellings;

(b) a mixture of single-family and two-family dwellings; and

(c) village-scaled retail, commercial, and service facilities (excluding adult-oriented establishments as defined in Section 2.2), which are clearly accessory to and primarily serve the proposed and immediately surrounding

existing residential neighborhood. Approval shall be granted only if the Commission determines that a need exists for the proposed uses and that the buildings and site layout are appropriately related to existing roads and adjacent development. The commercial and service facilities shall not contain more than 15,000 square feet of gross floor area per application. Unless otherwise specified or specifically changed, the provisions and requirements of Section 5.2 shall apply and be met.

B
General Requirements and Provisions

A Poquonock Village Design Development shall provide active and passive seasonal recreational facilities consisting of, at a minimum, a graded and seeded area(s) totaling at least one acre for active recreation, a sledding hill (if topography permits); a "Great Lawn" containing paths, sitting areas, ornamental gardens, a playscape on an appropriate play surface, and nature trails with educational habitat identifiers through appropriate areas designed to be connected to future potential trails on adjacent land. Landscaped areas around all multi-family dwellings shall be arranged to allow residents to maintain individual flower gardens. The Commission shall determine which open space parcels are to be deeded to the Town and which shall be owned and maintained by a private homeowners association or other entity approved by the Commission.

C
Location, Site, and Miscellaneous Standards

(1) Location Standards

Poquonock Village Design Developments may be considered only within the Poquonock Village Design Development Area, as shown on the map titled "Poquonock Design Development Area" contained in Appendix, page A-39.

(2) Site Standards

(a) The Site shall contain a minimum of 40 contiguous acres in one or more parcels (for the purposes of this Section, acreage is contiguous even if divided by a public or private roadway).

(b) The site shall contain a minimum of 30 acres of developable land in one or more parcels.

(c) The site shall have at least 100 feet of frontage on an arterial or collector street as described in the Plan of

Conservation and Development, through which the site shall have its main access and, at a minimum, one additional point of access for emergency vehicles acceptable to the Fire Marshal.

(d) The adjacent streets shall have the capacity to safely convey the additional traffic developed by the proposed development as demonstrated by a traffic impact analysis submitted at the time of application for concept plan approval.

(e) The site shall be served by MDC sewer and water.

(f) All residential units shall be within a one-mile walking distance of a stop on an existing bus route, as measured along the path a pedestrian would use to access the bus stop.

(3) Miscellaneous Standards

All public streets shall be constructed in accordance with the Town of Windsor Engineering Standards and Specifications. Due to the unique nature of any proposed development under these regulations, the applicant may propose an alternate cross-section for review and approval by the Town Engineer.

All private streets shall be constructed in accordance with the Town of Windsor Engineering Standards and Specifications and any other applicable Town Code or an alternate cross-section with a narrower pavement width and related street right-of-way if deemed appropriate by the Commission after considering the input of the Town Engineer and Fire Marshal, to preserve green space, reduce paved surfaces and the resultant stormwater runoff and lessen environmental warming; however the pavement and base cross-section of such construction shall be in accordance with the Town of Windsor Engineering Standards and Specifications or Section 3 of these Regulations, whichever is deemed most appropriate by the Commission.

(a) Gross residential density shall be no more than six dwelling units per acre of developable land as described in Section 4.2.1.

(b) Single-Family Dwellings

(i) Single-family dwellings may be designed on individual lots or clustered together on larger lots or parcels.

(ii) Unless determined by the Commission that tighter clustering is desirable, yards and setbacks, building height, and coverage shall be as required in Section 4.1.6.

(iii) Minimum living area requirements shall be in accordance with Section 4.2.2A(1).

(c) Two-Family Dwellings

(i) The site and building design of two-family dwellings shall be as approved by the Commission.

(ii) Minimum living area requirements for each unit shall be in accordance with Section 4.2.2A(2).

(d) Multi-Family Dwellings

(i) Multi-family dwellings may be on the same lot under one ownership or on separate lots with interior property lines dividing the lots along party walls.

(ii) Building facades shall be varied and articulated to provide visual interest. This can be accomplished by incorporating offsetting planes, changes in wall texture and color, inset or protruding balconies, and other architectural elements into the design of the buildings.

(iii) Except for any residential buildings requiring elevator service, all dwelling units shall have individual access doors and stiars directly to the outdoors and at least one of the access doors to each unit shall have overhead protection from rain and snow.

(iv) Minimum living area requirements exclusive of dead storage in basement:

1) One-Bedroom/Studio: 800 square feet
2) Two-Bedroom: 1,000 square feet
3) More than two bedrooms: Add 150 square feet of additional area for each additional bedroom

(v) Multi-family dwellings without individual basements shall have individual dead storage areas of at least 100 square feet per unit and indoor laundry facilities, both of which shall be accessible from within the dwelling without the need to go outdoors.

(vi) Multi-family dwellings shall be located at least 30 feet from any property line adjacent to a single-family residential zone.

(vii) The Commission may allow buildings up to three stories, but no more than 45 feet in height, if it is determined that the height is in keeping with the character of the village and the overall project design, is not detrimental to surrounding areas, and preserves valuable open space land.

(viii) Multi-family dwellings of more than 2½ stories and 35 feet in height shall have increased setbacks of 2 feet for each foot of additional building height.

(e) Dwellings for lower income families may be permitted but shall not be required for approval under this Section.

(f) No more than 20% of the structures shall be multi-family structures.

(g) Section 4.4 shall apply to the Poquonock Village Design Development, except that no trailers, recreational vehicles, commercial vehicles, boats or similar items may be stored on any lot unless stored within a permanent structure that is consistent in design and materials with the character of the development.

(h) Open space shall be dedicated to the Town as per Section 14.1.21 or the Commission may accept an alternate grantee such as a homeowners' association, Windsor Land Trust, or other responsible group.

(i) Scenic or conservation easements shall be as per Section 14.1.22.

(j) Sidewalks along public and private streets shall be provided in accordance with Section 3.5.1. Sidewalks along existing arterial streets shall be continued within the existing street right-of-way to connect to an existing

sidewalk, an existing crosswalk, or a new crosswalk connecting to an existing sidewalk.

(k) The applicant shall submit a written program for the maintenance of all common areas such as open space, landscaping, recreational areas and facilities, lawns, sidewalks, streets, drives, and all utilities and facilities. The program shall include any fee structures associated with the use of common facilities, the party responsible for their maintenance (e.g., lot owner, homeowners' association, or a combination thereof), and how the responsibility will be legally bound upon that party (e.g., by covenant or deed).

(l) A Poquonock Village Design Development shall comply with the Town of Windsor Subdivision Regulations, where applicable.

D
Procedure

All Poquonock Village design development applications shall be submitted, received, and reviewed in accordance with Section 16.7.

(1) The Applicant is encouraged to discuss their proposal for a Poquonock Village design development with town staff and to utilize the pre-application scrutiny process in order to obtain direction from the Staff and the Commission prior to preparing a concept plan application.

(2) An application for an Inland Wetlands and Watercourses Commission (IWWC) permit shall not be required for any activity regulated pursuant to CGS Sections 22a-36 to 22a-45 inclusive, at the time of submission of a concept plan application, however, the Applicant shall present the preliminary concept plan to the IWWC for preliminary review and comment and present the IWWC comments to the Commission at the time of the public hearing on the concept plan.

(3) An application for Permit for an activity regulation by Chapter 3, Article III of the Windsor Code of Ordinances, the Flood Plain Management Ordinance, or a Floodplain Development Permit shall not be required at the time of submission of a concept plan application, however, the Applicant shall discuss the concept plan with the Local Floodplain Manager and present their comments to the Commission at the time of the public hearing on the concept plan.

(4) If phasing of approval of the detailed plan and the related bonding and construction is desired, the proposed phasing shall be presented at the time of concept plan application demonstrating that the completion of each phase will be in compliance with the requirements of the Town of Windsor Zoning and Subdivision Regulations.

(5) The detailed plan and construction may be approved in phases. Construction details showing the limits and termination of the phase to be constructed shall be submitted to demonstrate that, upon completion of this phase of construction, the project shall be in compliance with the requirements of the Town of Windsor Zoning and Subdivision Regulations.

(6) A complete detailed plan application, for at least one self-supporting phase, if a phasing plan was approved as part of the design development concept plan application, shall be submitted for review within one year of the approval of the concept plan.

(a) If a detailed plan is not submitted for review within one year of the approval of the concept plan and an extension is not granted as provided for in Section 16.7.6C, the concept plan approval shall become invalid.

(b) When the approved concept plan contains a phasing plan, a detailed plan for the first phase of the development shall satisfy the requirements of this subsection.

SECTION 14 - GENERAL REQUIREMENTS

14.0 APPLICABILITY

The following general requirements shall apply to the development and use of land in all zones, be considered minimum requirements in addition to any zone-specific requirements and the requirements of Section 3, and where noted, shall supersede any zone-specific requirement or other requirement of Section 3.

14.1 MISCELLANEOUS REGULATIONS

14.1.1 One Lot in Two Zones

As per Section 1.2.1E.

14.1.2 Parking and Yard Requirements for Each Use or Building

No part of a yard, open space, or off-street parking or truck loading space required in connection with any lot, building, or use shall be included as part of a yard, open space, off-street parking or truck loading space similarly required for any other lot, building, or use unless specifically allowed, as per Section 15.2.6. When more than one building or use is located on the same lot, parking shall be provided as per Section 3.3.1D.

14.1.3 Reduction of Lots

No lot existing prior to the adoption of these Regulations shall be reduced in dimension or area below the minimum requirements of the underlying zone. Except as per Section 4.2.1, lots created after the effective date of the Regulations shall meet the minimum requirements of the underlying zone.

14.1.4 Easement Included in Lot Area

The minimum area required for a lot in any district shall include the area lying within any easement or right-of-way over such lot for a pedestrian way or for the purposes of drainage, water supply, sewerage, the transmission of gas or liquid, telephone, telegraph, electric, or other utility purposes. The Commission may require that any utility or drainage easement or right-of-way be used for pedestrian walkways in connection with any subdivision or site development approval. Easements for vehicular or overhead utility rights-of-way shall not be included in the minimum required area as per Section 14.2.8.

General Requirements – This Section is the most important after Section 3 – Site Development, as it serves many purposes, providing: general requirements that apply across multiple zones; townwide performance standards; general exceptions to standards throughout the regulations; non-conforming land, structure, and use regulations; and other miscellaneous regulations.

Failure to thoroughly review this Section prior to site development planning can lead to unintended "gotcha" moments when critical requirements or even relief from some requirements are overlooked. To fully understand all pertinent regulations, Section 3 – Site Development, this Section, the relevant zoning district section, and Section 15 – Special Uses, when applicable, should be reviewed in their entirety.

Above-Ground Easements – Contrary to the title of the section and with the exception of pedestrian easements for sidewalks and trails, easements for above-ground utilities and motor vehicles *are not* included in minimum lot area or width. See Section 14.2.8 for more information.

14.1.5 Building on Unpaved and Unaccepted Streets

As per Town of Windsor Code of Ordinances, Chapter 3, Article I, Section 3-7.

14.1.6 Maximum Area Covered by Roofs and Paving

Impervious Coverage – The maximum area covered by roofs and paving, or impervious coverage, is generally limited to 50% of a site to reduce pressure on sensitive areas and allow for landscaping, heat island mitigation, groundwater recharge, and stormwater management. There are several exceptions to this rule such as: sidewalks and other pedestrian improvements are not counted as impervious; developments in Windsor Center and Wilson are either exempt or may be increased to 60%; industrial developments may be increased to 60% in return for renewable energy enhancements; and commercial and industrial developments may be increased to 66% with a transfer of impervious coverage and donation of open space to compensate for the increase.

In order not to excessively alter the groundwater table and other geological and environmental conditions, the area covered by roofs and by paving for vehicle parking, loading, or circulation in any development shall not exceed one-half of the total site area. Sidewalks, trails and other pedestrian improvements shall be excluded from this Section but shall be accounted for in any required stormwater management plan. For Center Design Developments and B-1 and B-2 developments in Windsor Center, its Fringe Areas, and the Wilson Study Area (south of Putnam Highway), as depicted in the Windsor Center Plan and Wilson Plan respectively in the Plan of Conservation and Development (see Appendix, pages A-28 and A-29), there shall be no maximum impervious coverage, except that all buffer strip and planting requirements, as described in Sections 3 and 5 of these Regulations, must be met. For Warehouse and Industrial Zone developments in Windsor Center, its Fringe Areas, and Wilson Study Area (south of Putnam Highway), as depicted in the Plan of Conservation and Development (see Appendix, pages A-28 and A-29), the Commission may allow a maximum impervious coverage of up to 60 percent if it finds at the time of site plan review, that the proposed development will not detract from the existing and potential development of the nearby area and all buffer strip and planting requirements, as described in Sections 3 and 5 of these Regulations, are met.

14.1.7 Fire Prevention Code

All construction and operation shall be subject to the applicable requirements of the Town of Windsor Fire Prevention Code, and reasonable access to all buildings shall be provided for firefighting vehicles.

14.1.8 Visibility at Intersections

Fences, Walls, and Hedges – Section 3.1.2B contains the general location and height requirements for commercial fences, walls, and hedges, while Section 4.4.15 does the same for residential fences.

To maintain a clear line of sight for motorists at intersections, no wall, fence, structure, planting, or other visual obstruction exceeding a height of two feet above the street grade (except for trees with a clearance of at least six feet below the canopy) shall be located within the triangular area formed by two lines measuring 35 feet along the curb line or pavement edge of each street (outside of the corner radius, if any) and extending to their point of intersection in the street, and the hypotenuse connecting those lines (see Appendix, page A-3).

If the Zoning Enforcement Officer determines that a property is in violation of this Section, he/she shall order the property owner to bring the property into compliance within 15 days.

14.1.9 Protection of Natural Diversity

No land located within an area designated by the Connecticut Department of Energy and Environmental Protection (DEEP) as "Listed Species and Natural Communities" in the Natural Diversity Database (NDDB) and reflected on their map entitled "State and Federal Listed Species and Significant Natural Communities" as amended, may be approved for site development or subdivision without first applying to the DEEP for an NDDB property review.

Warning – To avoid delays in the processing of applications, when necessary, the DEEP should be contacted for an NDDB review well in advance of an application to allow for a timely response.

14.1.10 Performance Standards

Except where superseded by performance standards or other standards within a particular zone, the following standards are intended to permit, to the extent possible, factual and objective measurements of potential nuisances and hazards to ensure that all uses will provide methods to protect the community in general, and adjacent uses in particular, from hazards and nuisances that may be prevented by processes of control and nuisance elimination. Regardless of the provision of Section 1.3.1B, the standards under this Section affected by state or federal regulations shall be superseded by the most recent standards promulgated by the relevant state or federal agency, whether stricter or more lenient.

Additional Performance Standards – These standards are townwide in their applicability. Many zones have zone specific performance standards that supplement or even supercede these standards, which are found near the beginning of the section for each zone.

A

Fire and Explosion Hazard

In order to protect against fire or explosion hazards, all uses shall comply with the standards and requirements of the current fire and building codes and any other relevant town, state, or federal code or requirements, whichever the Windsor Fire Marshal determines to provide the greatest protection to life and property, including the manufacture of solid materials ranging from active burning to intense burning or of flammable liquids or gases, or the storage of such materials within 50 feet of any property lines other than the street line, within 100 feet of any street line, or within 100 feet of a Residential, AG, or NZ Zone, which is prohibited.

B

Air Pollution

In order to minimize the pollution of air, all uses shall comply with the standards and requirements of the Connecticut General Statutes Chapter 22a-174-1 to 22a-174-200, inclusive, and all other applicable federal, state, or local law.

C
Water Pollution

In order to prevent water pollution, in accordance with the Connecticut General Statutes Chapter 22a-430, no activity shall initiate, create, originate, or maintain any discharge of water, substance, or material into the waters of the state without a permit for such discharge issued by the Commissioner.

D
Heat

No heat from any equipment or operation shall raise the ambient air temperature at any property line by five degrees Fahrenheit for a period exceeding three continuous minutes, except that at residential, AG and NZ Zone lines, raising the ambient air temperature is prohibited.

E
Glare

Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of 0.1 footcandles across any property line.

F
Humidity

Any activity producing steam or moist air shall be controlled so as not to produce visible condensation at ambient temperature on any property line at ground level or habitable elevation.

G
Noise

In accordance with the provisions of Section 22a-174-18 of the Connecticut General Statutes, no truck engine shall be allowed to idle for a period in excess of three minutes when such vehicle is parked in any parking lot, truck loading area apron, transient truck loading space, or other location adjoining a residential zone.

H
Vibration

No industrial operation may produce vibrations at or above human perceptibility at any property line.

I
Radiation

No industrial operation may emit radiation under any condition above the levels prescribed for an unrestricted area as defined in Title 10, Code of Federal Regulations, Part 20. No land in any district may be used for the disposal of materials that have radioactive levels that could present a danger to health or safety. No radioactive materials shall be stored or handled, except in accordance with regulations of all relevant federal, state, and town agencies.

J
Animal Matter

Except for private domestic use, no operation may involve the slaughter of animals or the rendering of animal fat.

K
Ores, Petroleum, and Coal

No use is permitted that involves the smelting of primary ores or the refining or distillation of petroleum, coal, refuse, grain, wood, or bones as the primary process or operation.

L
Outdoor Storage

No use is permitted that requires the storage of commercial or industrial materials, supplies, or products outdoors, and all outdoor material storage shall be in accordance with applicable town, state, and federal law, except as per Section 8.6B.

Outdoor Storage – While prohibited in most zones, limited outside storage is permitted by special use under certain conditions.

14.1.11 Determination of Certain Uses

A proposed use in any zone that in the opinion of the Zoning Enforcement Officer is not clearly allowed or prohibited as a permitted use or a special use in that zone, shall be referred to the Commission for a determination as to whether the use should be allowed as a permitted use, allowed as a special use, or prohibited in that zone.

When a Use Falls between the Cracks – With changes in technology and consumer preferences, new uses emerge on a regular basis and zoning is not dynamic enough to keep pace. When a use is not clearly defined, the Commission can make a determination whether the use should be allowed as a permitted or special use in the particular zone, ostensibly as a variation on an existing permitted or special use. If the Commission determines that the use is not permitted, they can consider an application to amend theses regulations to add the use as either a permitted or special use.

14.1.12 Separation of Incompatible Uses

To properly separate incompatible uses and prevent inappropriate traffic impacts, private access roads and driveways shall not cross land located within zoning districts that do not permit the use served by these access facilities.

14.1.13 (reserved for later use)

Why Regulate House Orientation? – On narrow lots, the choice of house style can have a significant impact on the character of an older neighborhood. While a Federal, Greek Revival, Victorian, or even a Cape Cod house might fit comfortably on a narrow lot, a Colonial and especially a raised ranch, with their longer dimensions facing the street will not fit while accommodating a driveway to the rear. When turned perpendicular to the street, a raised ranch can be particularly offensive, both in its appearance from the street; presenting two garage doors, often asymmetrical second floor windows, or lack therof, and no front door; and in its orientation of the large living room window into the backyard of a neighboring property, destroying the expectation of privacy in the neighbor's backyard (see next page).

Inappropriate Raised Ranch

What are Commercial Security Structures? – They can take many forms, including prominent bars over windows; metal security grates over windows, doors, or even the entire face of a business after hours; and barbed or razor wire on fences or rooftops.

14.1.14 House Orientation

A
Intent

The intent of this Section is to address house siting problems created by narrow lots in residential zones. In order to preserve property values and especially the established architectural character of older neighborhoods, special consideration must be given to house orientation on narrow lots as follows.

(1) On any interior or through lot where the lot width is 65 feet or less, the principal structure shall be oriented so that the plane of its longer wall faces the street on which the lot fronts. For through lots, the lot shall front on the street that is improved to the higher standard, as determined by the Zoning Enforcement Officer.

(2) On any corner lot where the lot width is 65 feet or less, the principal structure shall be oriented so that the plane of its longer wall faces the street with the greater number of houses with the plane of their longer walls oriented toward that street.

14.1.15 Electrical and Communication Transmission Lines

All electrical and telecommunication cables or wires shall be buried underground from the nearest source to the development that they are intended to serve, in a location approved by the Town Engineer. If the Town Engineer and the Town Planner jointly agree that an underground connection from the source to the proposed development is inordinately difficult due to adverse site conditions such as the presence of significant ledge or inland wetlands, they may waive the requirement for all or part of that underground connection.

14.1.16 Public and Private Roadway Design

Public and private roadway design criteria shall be as per Section 4.8.3 of the Town of Windsor Subdivision Regulations.

14.1.17 Commercial Security Structures

The use of commercial security structures can greatly reduce visibility into establishments and may compromise the safety of emergency services personnel and the building's occupants. When unwarranted, commercial security structures can also negatively impact surrounding property values. As a result, commercial security structures are not permitted by right within the B-1 and B-2 Zones, or commercial areas in the PUD Zone, except by special use in accordance with Section 5.2.6O(5).

14.1.18 Use of Recreational Vehicles and Boats

Any recreational vehicle or boat parked or stored in any zoning district shall not be connected to any utility or used for living, sleeping, or housekeeping purposes.

14.1.19 Compatibility of Accessory Buildings and Additions

The material and character of all accessory buildings and additions to any building shall be compatible with that of the principal building(s) on the site.

14.1.20 Renewable Energy Facilities

A
On-Site Solar Energy Facilities

(1) Intent

The intent of this Section is to encourage the use of on-site solar energy facilities to produce electricity and heat both air and water that are installed to reduce the consumption of utility-supplied electricity and gas, as well as fuel oil.

(2) General Standards

(a) No on-site solar energy facility shall be installed or modified without first obtaining a Building Permit.

(b) Solar thermal collectors and photovoltaic arrays are permitted as a rooftop installation in any zoning district, but shall not extend more than eight inches above the highest point of the roof in a residential or AG Zone.

(c) Ground-mounted solar thermal collectors and photovoltaic arrays shall not exceed a maximum height of 20 feet, shall be set back at least 20 feet from all property lines in residential zones, and shall not cause glare on an adjoining property.

(d) Whenever practical, materials, colors, textures, screening, and landscaping shall be used to blend the facility into the building and/or natural setting.

Building Compatibility – This important issue is commonly overlooked due to its being limited to a single sentence among the general standards, While somewhat subjective when it comes to small accessory structures like signs, and sheds, which are not always practical to build out of block or brick, large accessory buildings and additions to buildings should use similar materials and reflect the architectural style of the principal structure (e.g. a prefabricated metal building addition would be incompatible with a masonry building).

Solar Farms – These regulations are intended solely to offset on-site energy demand. While CT law allows grid connected photovoltaic systems for the purpose of net-metering of electricity, the amount of energy produced should not exceed the demand of the home or commercial facility. Solar farms for the sale of electricity are not permitted at this time.

Wind Potential – Windsor is not known for having the constant breezes needed to justify investment in wind energy but there may be limited opportunities on hilltops, and the leading edges of taller buildings, where large building facades create significant updrafts. There are numerous aternatives to propeller style turbines that are both less visible, and more efficient at lower wind speeds.

B
On-Site Wind Facilities

The intent of this Section is to promote the safe, effective, and efficient use of small wind energy systems up to and including 1MW rated nameplate capacity that are installed to reduce the on-site consumption of utility supplied electricity, subject to reasonable conditions that will protect the public health, safety, and welfare.

(1) General Requirements

(a) On-site wind facilities shall be accessory to the principal use of the premises.

(b) The applicant shall present evidence that the proposal meets the minimum requirements of the Federal Aviation Administration (FAA) or any other applicable town, state, or federal codes, standards, or requirements.

(c) If the Commission determines that a proposed facility will result in significant negative impacts, it shall not be approved.

(d) The owner shall notify the Commission of its intent to abandon an on-site wind facility by certified mail no less than 30 days prior to abandonment.

(i) If the owner fails to give such notice, the on-site wind facility shall be considered abandoned upon discontinuation of operations.

(ii) The owner shall remove all towers, turbines, equipment cabinets, and security fencing from the site and restore the site to its natural condition, with the exception of landscaping and grading within 90 days of abandonment.

(iii) The Commission may require a performance bond meeting the bonding requirements of Section 16.1.11A for the removal of the facility.

(iv) If the owner fails to remove an on-site wind facility in accordance with this Section, the Town of Windsor or agents acting on its behalf, shall have the authority to enter the site, remove the facility, restore the site to its natural condition,

and charge the landowner for any costs incurred, using the performance bond, if available.

(e) Where a previously approved on-site wind facility is proposed to be extended or substantially altered in a manner that in any way changes the character or intensity of the use, the proposed extension, substantial change, or alteration shall be treated as a new application under this Section.

(f) The Commission may attach a time limit to the approval of an on-site wind facility, which may be renewed if it finds that the requirements of Subsection (g) have been met and the facility has not had a significant negative impact on the quality of life in the community. Continued operation after failing to seek renewal of an expired on-site wind facility or denial of a renewal of the facility shall be a zoning violation and subject to the abandonment procedure specified above.

(g) The owner shall maintain the on-site wind facility, including but not limited to painting, maintaining structural integrity, and landscaping. In the event that the owner fails to maintain the facility, the Town of Windsor may undertake the maintenance at the expense of the owner.

(2) Specific Standards

(a) Locations for facilities in descending order of preference are as follows (see also Charts 1-2 in Section 14.1.20B(3)(a)):

(i) in non-sensitive areas, as defined in Section 2.2;

(ii) in sensitive areas, as defined in Section 2.2, with mitigation.

(b) The facility shall conform to any applicable noise provisions of the Town of Windsor Code of Ordinances and any other applicable noise laws or regulations.

(c) Where its installation would not conflict with Subsection (b) above, a warning device operating at a frequency perceived by birds and bats should be installed on the tower to reduce collisions or the facility shall not be operated between 7:00PM and 6:00AM from April 1st through September 30th.

(d) On residentially-zoned properties, a wind turbine's rated nameplate capacity shall not exceed 15 kilowatts and sound emanating from the turbine shall not exceed 55 decibels or 50 decibels at the closest habitable structure, whichever is least.

(e) Site Standards

(i) All utilities serving the facility shall be underground.

(ii) Unless base equipment is located in underground vaults or in an existing structure and no security fence is required, the base area of a facility shall be large enough to accommodate:

1) the required base equipment, access drive, and parking for all carriers anticipated; and

2) a screening and landscaping area at least 20 feet wide around the outside of the security fence perimeter or the area around the smallest rectangle that can be drawn about all base equipment if no fencing is required. This area shall be landscaped to screen the base equipment or security fence from view. The Commission may also require walls to achieve the screening function, especially where the tower is close to a building located on the site and the wall can be made to seem as an extension of the building.

(iii) Except as provided below, on-site wind facilities located in non-sensitive areas shall have a fall zone of at least 1.5 times the wind facility height from the nearest property line. An on-site wind facility may be located closer to an adjacent property line, other than a street line, provided that the on-site wind facility fall zone is at least 1.5 times the wind facility height from the nearest habitable structure and an easement and/or other non-revocable, legally binding agreement is granted by the affected property owner. On-site wind facilities located in

sensitive areas shall have at least two times the fall zone distance from any abutting sensitive area if it is determined to be not visible and at least three times the fall zone distance from any sensitive area if it is determined to be visible.

(iv) The Commission may reduce the minimum fall zone, as appropriate, based on site specific considerations.

(v) On-site wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant shall prove that shadowing or flicker does not have significant or adverse impacts on neighboring uses due to either siting or mitigation.

(vi) Base equipment structures, cabinets, and fencing of ground-mounted facilities shall not be located within any required yard.

(f) Structural Standards

(i) Unless otherwise specifically approved by the Commission, all towers proposed under this Section shall be monopoles.

(ii) Unless required by the FAA, the color of on-site wind facilities and related equipment shall be a non-contrasting blue or gray.

(iii) Unless required by the FAA, no lights shall be permitted on any facility above 14 feet of the surrounding grade.

(iv) Except for educational signs or displays providing information about the facility and the benefits of renewable energy, or safety and security signs, no other signs shall be permitted.

(v) All accessory structures for on-site wind facilities shall be subject to the area, bulk, height, and yard requirements of the underlying zone. Equipment shelters, storage facilities, and similar accessory structures shall be architecturally compatible with the principal building(s) on the site and each other. Batteries, switching gear, transformers, and similar

equipment shall be contained within the turbine nacelle whenever technically and economically feasible.

(3) Application Process

(a) The application process for on-site wind facility siting shall vary depending on height, area sensitivity, and base visibility, due to the significance of these factors in determining impact levels. The review process necessary for each on-site wind facility location shall be determined by using the two charts below (for use of charts, see † Directions). Where two (or more) sensitive areas apply, the value from the most restrictive one shall be used:

How to Interpret this Chart – If this chart looks familiar, it was borrowed from the cell tower regulations because they are similar in their visual impact. Refer to Section 2.2 for definitions of "Tower Base Height", "Sensitive Area", "Not Sensitive", "Visible" and "Not Visible".

Begin with Chart 1 by identifying the cell at the intersection of the proposed height and sensitivity area (e.g. intersection of "To Maximum Building Height in Zone" and "Other" = "2"). Use the result of Chart 1 to select the corresponding column number in Chart 2 and choose the cell that corresponds with the degree of visibility (e.g. intersection of "2" and "Visible" = "III"). Find the resulting value in the Key to determine the degree of regulation (e.g. "III" – "Special Use + site plan approval").

Chart 1 - Comparison of Wind Facility Height to Sensitivity of Area

	Not Sensitive Zones/Uses	Sensitive Areas		
		Other	Residential	Historic
To Maximum Building Height in Zone	1	2	3	4
To Base Height	2	2	3	4
Base Height to 75'	3	4	4	X
76' to 100'	3	4	4*	X
101' to 125'	4	4	X	X

Chart 2 - Comparison of Visible/Not Visible to Chart 1 Results

	1	2	3	4	X
Not Visible	I	II	III	III	X
Visible	II	III	III	X	X

Key

X	=	use is prohibited, unless appropriate mitigation is provided (see (4) of this Section)
I	=	Staff approval, as per Section 3.9
II	=	site plan approval process
III	=	special use + site plan approval process

† Directions: In Chart 1, choose the value corresponding to the appropriate column and row. Using this value on the top row of Chart 2, choose the letter corresponding to the appropriate variable on the left side column.

(b) For the purpose of determining the potential for wind energy on a site, wind monitoring and meteorological towers shall be permitted as temporary structures for one year in potentially suitable locations identified in Subsection (i) above and in accordance with Section 3.9,

provided that the Building Official and Town Planner jointly determine that the wind monitoring and meteorological tower(s) will not create nuisances, hazards, or excessively compromise the character of the area.

(c) In order to evaluate the site for on-site wind facilities, the Commission may require sections of the site and environs, balloon tests, photo simulations, and other studies in connection with any application.

(d) The Commission may retain a technical expert at the applicant's expense to review the technical aspects of the facility, including but not limited to flicker, noise, illumination, and wildlife impacts that are beyond the expertise of Town staff.

(e) The applicant shall cooperate with emergency services personnel in developing an emergency response plan.

(f) Before a Building Permit may be issued, the owner of the proposed facility shall be required to provide evidence of liability insurance in an amount and for a time reasonably sufficient to cover loss or damage to persons and structures by the failure of the facility. The coverage shall be updated as appropriate with current industry standards.

C
Geothermal Energy Facilities

(1) Intent

The intent of this Section is to promote the safe, effective use of surface and groundwater as an efficient medium for extracting and dissipating heat from heat pumps installed to reduce the on-site consumption of utility-supplied electricity and gas, as well as fuel oil, subject to reasonable conditions that will protect the public health, safety, and welfare.

(2) General Requirements

(a) No geothermal system shall be installed or modified without first obtaining a Building Permit.

(b) Geothermal systems shall be constructed and operated in a manner that minimizes any adverse safety or environmental impacts.

Ground Source Heating – Traditionally, geothermal energy relied on tapping into volcanically active areas to inject water and extract super-heated steam to turn turbines, which is expensive and not very cost-effective. A much simpler, less expensive form of geothermal energy that can be implemented almost anywhere is called ground source heat exchange or geoexchange, which uses heat pumps to extract heat energy from the relatively warm groundwater table in winter, or alternatively, extract heat from inside air and dissipate it into the relatively cooler groundwater table in summer.

Geoexchange systems have a significant advantage over conventional heat pumps because when winter temperatures fall below freezing, there is little heat to extract from the outside air to provide inside heat, while groundwater below the frost line remains constant between 50 and 55 degrees. In summer, when the weather is hot, it is equally difficult to dissipate collected heat from inside air, while the groundwater provides cool 50 to 55 degree water to both cool the building and dissipate returned heat. An added benefit of summer cooling is that extracted heat can be used to boil domestic hot water, offering free hot water when running air conditioning.

(c) Geothermal systems utilizing surface waters, wells, or trenches in an area regulated by the Floodplain Ordinance or the Inland Wetlands and Watercourses Commission (IWWC) shall not be installed without a Floodplain Permit or an Inland Wetlands and Watercourses Permit, respectively.

(d) If the subject property contains a well and/or on-site septic system, the Windsor Health Department shall be consulted for potential impacts and Public Health Code requirements.

(e) Subject to compliance with all applicable requirements State and Federal agencies.

14.1.21 Dedication of Land

Areas dedicated for any public purpose in connection with any zoning or subdivision application shall be in a location and of size and shape as specified by the Commission. This land shall be deeded to the Town by full warrantee deed free and clear of all encumbrances and shall be in an acceptable condition with any improvements as may be required by the Commission before any building permit is issued, or in lieu of this, a contract for said transfer of title acceptable to the Commission shall be furnished by the developer. On approval of the application, the Commission accepts the dedication with the provision that if the land is not legally conveyed to or accepted by the appropriate Town agency in the manner prescribed by the Commission, for whatever reason, then that land shall be considered to have been designated as open space and, prior to the issuance of any building permits, appropriate agreements, restrictions, and documents shall be provided ensuring that it will be maintained as such for 40 years.

14.1.22 Scenic or Conservation Easements

The Commission may make provisions for the securing of appropriate easements and restrictions on any area of land that it has determined would be in the public interest to retain, maintain, and conserve in its natural state.

14.1.23 Minimal Lot Width

In order to ensure adequate emergency vehicle access, no lot width may be reduced below 25 feet for one- and two-family residential lots, or below 35 feet for lots in any other use.

14.2 GENERAL EXCEPTIONS

General Exceptions – These general exceptions supercede any specific standards due to unique circumstances, such as proximity to railroads, limited-access highways, and Bradley International Airport; or a location on or near Day Hill Road, requiring higher architectural standards to maintain Day Hill Road's status as the preeminent suburban corporate business location for the region.

14.2.1 Lots on Streets Not in Compliance with the Plan of Conservation and Development

In the case of lots fronting on streets with a right-of-way width less than that required by the street designation or classification in the Plan of Conservation and Development, the required front yard may be increased by the Commission.

14.2.2 Lots Adjacent to Limited Access Highways

A limited access highway, or its entrance and exit ramps, shall not be used to meet the frontage or access requirements of adjacent lots.

14.2.3 Requirements for Day Hill Road and Northfield Drive Area Sites

Other Day Hill Road Requirements – See Sections 8.1 and 14.2.4B(2) for additional Day Hill Road requirements.

In order to conserve the value of buildings, protect property values and historic factors, and promote health and general welfare within the areas described in Section 14.2.4B(2) the following shall apply.

A

Requirements for Day Hill Road Area Sites (see Appendix, page A-30).

(1) Permitted uses: offices, research-laboratories, research/development facilities, computer centers, office flex space, manufacturing, fabricating, compounding, or treatment of articles, full-service hotels and conference centers, and retail uses only in the B-2 Zone.

(2) The exterior walls of buildings shall be of a character similar to and material the same as that of the predominant number of existing buildings in the Area. The material for the exterior walls of offices, research-laboratories, and computer centers shall be brick, cut stone, smooth skin metal panels, pre-cast concrete panels, and glass in any combination. Other materials may be used as per Section 14.2.3A(12) below. For office flex space, manufacturing, fabricating, compounding, and treatment of articles, the front and side walls shall be as above but the rear wall may be of concrete masonry units if not visible from Day Hill Road, Northfield Drive, or Orange Way.

(3) To promote the public health, safety, and well being of employees, the area of glass for offices and research-laboratories shall be a minimum of 25% of the total wall surfaces to provide natural light and a view of the exterior, except for computer centers where the minimum glass area may be reduced to 10%.

For flex space, manufacturing, fabricating, compounding, and treatment of articles, the glass area shall be 20% of the area of the front and two side walls.

(4) Maximum clear height of any floor shall be less than 20 feet.

(5) To visually break up the bulk and scale of large buildings, off-sets of no less than 5 feet for every 100 feet in horizontal dimension shall be required. The off-sets may be combined as designed by the applicant and agreed to by the Commission. The total length of required off-set(s) must be maintained.

(6) For offices, research-laboratories, research/development, and computer centers, the roof of buildings shall be flat in appearance when observed from all sides of the building. For flex space, manufacturing, fabricating, compounding, or treatment of articles, the roof of buildings shall be flat or flat in appearance on the front and two side views.

(7) Any gutter or down spouts on front and side walls shall be within roofs and walls.

(8) Ground or roof mounted mechanical equipment and dumpsters shall not be visible from Day Hill Road, Northfield Drive, or Orange Way, as applicable. The screening method shall use materials that are the same as or most compatible with material of the building (e.g., for parapets), except that for equipment and dumpsters behind the building and not visible from the two streets (above), evergreen vegetation can be used for this screening.

(9) In order to provide efficient use and generation of energy, the use of photovoltaic panels is encouraged. For every 10% of roof area or wall surface in photovoltaic panels, 1% more of the site can be covered by hard surface above 50% for a maximum of 60% impervious coverage.

(10) In order to provide for design flexibility to account for unforeseeable conditions, the Commission may reduce/increase certain minimum or maximum standards by up to 20% (e.g., if a minimum standard is 15%, it may be reduced to no less than 12%), if it determines that the site and building will fit as well or better with the surrounding development. The criteria for this evaluation shall include:

(a) the uniqueness of the site, building, and building location within the site;

(b) the uniqueness of the use and its value to the community; and

(c) the relationship and impact to adjacent developments.

The reductions/increases are applicable to Subsections (3), (4), and (5) above.

(11) The Commission may reduce the above standards for an addition to any building, constructed prior to March 21, 2006, to allow an addition that is similar in material to the existing structure, provided that the addition meets or exceeds the percentage of masonry, brick, cut stone, pre-cast concrete, and glass in the applicable sides of the original structure.

(12) The Commission may require acceleration and deceleration lanes to prevent traffic hazards and facilitate traffic flow.

(13) The Commission may allow by special use, the use of materials not mentioned in Subsection (2) above for accent details for the exterior walls if it finds that for the particular site and building in question, it will fit as well or better with the surrounding development. The criteria for the evaluation shall be the durability of the material and its potential for damage based on its location of the building, its visibility, and its impact on adjacent development. This material may be used on up to 10% of the total area of the wall involved.

(14) No vehicle pavement shall be closer than 15 feet from any portion of a building other than its drive-through lane, garage entrance, or truck loading area apron.

B

Requirements for Northfield Drive and Orange Way Area Sites (see Appendix, page A-30)

Other Northfield Drive and Orange Way Requirements – See Section 14.2.4B(2) for additional Northfield Drive and Orange Way requirements.

(1) All sections of 14.2.3A above shall be complied with, except:

(a) for the area north of Orange Way, the maximum clear height of any floor shall be 24 feet and the maximum height of any building shall be 40 feet;

(b) for the area south of Orange Way, the maximum clear height of any floor shall not be limited and the maximum height of any building shall be 45 feet;

(c) no floor or building height shall exceed the design capacity of the building's automatic fire/sprinkler protection system; and

(d) for offices and research-laboratories as identified in Section 8.4A, the maximum building height standards provided in Section 8.1 shall apply, except that if the building height exceeds 40 feet, then for every foot of additional building height, the rear setback line (at the 100 foot buffer strip from any residential zone provided in Section 14.2.3B(3) below) shall be increased by five feet in width.

(2) Yards shall be the same as for Section 14.2.4B(2) and Day Hill Road area sites, except that parking is prohibited only within 50 feet of the street line.

(3) The buffer strip from any residential zone shall be landscaped to provide for additional screening as required by the Commission and shall be 100 feet in width.

(4) This section reserved for future use.

(5) Except as stated above, uses under Section 8.6 are not allowed in areas described in Subection 14.2.4B(2).

(6) To provide for flexibility in the area north of Orange Way while preserving the intent of Section 14.2.3B, by special use, the Commission may modify the provisions of Section 14.2.3B as follows, provided that the proposed development is compatible with surrounding development:

(a) the maximum clear ceiling height of any floor shall not be limited; and

(b) the maximum height of any building shall not exceed 40 feet, except as follows:

(i) in lots that do not adjoin a residential zone, the maximum height of any building shall not exceed 45 feet; and

(ii) in lots adjoining a residential zone, the building height may exceed 40 feet but shall not exceed 45 feet, provided that for every foot of building height over 40 feet, the 100 foot buffer strip from any residential zone shall be increased by 10 feet in width.

14.2.4 Yard Exceptions

A
Side yards

(1) For B-1 Zone: as per Section 5.1.1.

(2) For B-2 Zone: as per Section 5.2.1.

(3) For P Zone: 30 feet if adjacent to residential, AG, or NZ Zones, otherwise 10 feet.

(4) For I and W Zones: 40 feet if adjacent to residential, AG, or NZ Zones.

B
Front yards, Minimum lot areas

(1) I, W, or B-2 Lots Adjacent to Residential, NZ, or AG Zones

B-2 lots adjacent to a residential zone shall have the same front yard requirement as that residential zone; for B-2 lots adjacent to AG or NZ Zones, a 40-foot front yard shall be required. No parking is permitted within the required front yard of industrial, warehouse, or business lots adjacent to residential, NZ, or AG Zones or where the zone boundary line dividing the above uses falls on or within street right-of-way lines. Development adjacent to residential, NZ, or AG Zones and shown within the Limit of Business Center and Redevelopment areas on the 1973 Plan of Development maps entitled "Wilson: A Study" and "Windsor CBD" are excepted from the requirements of this Subsection (see Appendix, pages A-6, A-22, and A-23).

(2) A minimum front yard of 100 feet shall be required for all lots fronting on Day Hill Road, from its terminus at Poquonock Avenue to its intersection with Blue Hills Avenue Extension, including the lots on the north and east corners of this intersection, and along Northfield Drive and Orange Way. No parking shall be allowed in any front yard required by this Subsection, except as per Section 14.2.3B(2). Use regulation shall be as per Section 14.2.3. The requirements of Section 14.2.3B shall apply only to buildings within 500 feet of the right-of-way on streets described in this Subsection (see Appendix, page A-30).

Compatible Infill Development and Additions – In many older neighborhoods, modern zoning standards do not always correspond with historic development patterns. One standard that they often differ from is the front yard setback, or required front yard. Many older neighborhoods have a prevalence of detatched garages to the rear of houses, negating the need for deep driveways in front of houses that necessitate deeper modern setbacks of up to 40 feet. To acknowledge this issue, which resulted in numerous variance requests, flexible front yard requirements were created to allow infill houses and additions to be built in harmony with existing houses to either side, without the need for variances.

(3) Dimensional Exceptions for Certain Residential Lots

(a) The intent of this Section is to provide a mechanism to allow for appropriate reductions of the front yard requirements for additions to existing dwellings and for the construction of new residential dwellings in areas that were substantially developed prior to the enactment of these Regulations and generally contain non-conforming front yards.

(b) In order to comply with the above-stated intent, the Town Planner and Zoning Enforcement Officer shall determine that:

(i) the new dwelling or addition to an existing dwelling is no closer to the property line than the average front yard setback of the nearest two structures on the same block face to either side of the proposed construction (up to four structures total) or 20 feet, whichever is greater;

(ii) when an addition or new dwelling is proposed adjacent to a corner lot, the average front yard setback shall be calculated from the setback of the structure on the corner lot and the nearest two structures on the same block face opposite the corner lot; and

(iii) when an addition or new dwelling is proposed on a corner lot, the average front yard setback for each side of the dwelling facing a street shall be calculated from the setback of the nearest two structures on the same block face parallel to that side.

C

Non-Residential Lots Adjacent to a Railroad Spur

In a non-residential district, no yard shall be required for that portion of a lot contiguous to a railroad spur giving railroad access to that lot.

D

Residential Buildings Adjacent to Limited Access Highways, Railroads, Industrial, or Warehouse Zones

(1) No dwellings may be constructed within 150 feet of the nearest pavement line of a limited access highway or its entrance and exit ramps.

(2) No dwellings may be constructed within 150 feet of a railroad track unless approved by the Commission in connection with developments under Sections 4.5 or 13.1.

(3) The distance between the rear wall of any dwelling and a rear residential property line abutting an Industrial or Warehouse Zone line shall be no less than 100 feet, except that the Commission may reduce the distance by up to 10 feet where adequate changes in topography, berms, and/or evergreen vegetation provide adequate screening.

Corner Lots – While not stated, in most instances, corner lots have two side yards as well as two front yards. This helps compensate for the impact of having two of the largest of the required yards, since required side yards are generally smaller than rear yards. See Section 14.1.8 for special requirements for maintaining visibility at street corners.

E
All Non-Residential Lots

The side or rear yard for a building connector shall be 0 feet.

14.2.5 Accessory Structures that Exceed Maximum Building Heights

No accessory structure described below may be erected higher than the maximum building height specified for each district, except as follows:

A
In all residential zones, accessory structures such as chimneys and flag poles are allowed if the resulting total height (including supporting structure) is not greater than 12 feet higher than the maximum allowable building height measured from ground level and the height of the structure is less than its distance from any property line. Structures more than 12 feet higher than the maximum allowable building height, but less than 100 feet total height, may be allowed by special use if the height of the structure is less than its distance from any property line (for accessory buildings, see Section 4.4.1). Ground or roof-mounted dish antennas are excluded from the provisions of this Subsection (see Sections 4.4.11, 4.5.9, 10.5.15 and applicable sections of 14.2.16 for ground or roof-mounted dish antenna regulations and for tower-mounted dish antennas, see Section 14.2.16C(3)(f)).

B
In all non-residential zones, accessory structures such as storage bins, silos, chimneys, spires, steeples, and dish antennas are allowed if the resulting total height is not greater than 20 feet above the maximum allowable building height measured from ground level and the height of the structure is less than its distance from any property line. Structures more than 20 feet higher than the maximum allowable building height, but less than 100 feet in total height, may be allowed by special use if the height of the structure is less than its distance from any property line. Ground or roof-mounted dish antennas shall not be more than 12 feet in diameter and shall be screened from street view by structures, fences, walls, or plantings (for tower-mounted dish antennas, see 14.2.16C(3)(f).

14.2.6 Corner Lots

On corner lots, front yard requirements shall be applicable to both street frontages. The width of a corner lot shall be measured parallel to the shorter front lot line (see Appendix, pages A-2 and A-3).

14.2.7 Through Lots

On through lots, front yard requirements shall be applicable to both street frontages. Through lots shall be avoided, except where frontage and access on a local street would eliminate vehicular access to a busy arterial or collector-street (see Appendix, page A-2).

14.2.8 Easements for Vehicular Rights-of-Way and Overhead Utilities

A
On lots created subsequent to the effective date of these Regulations, areas encumbered by easements for vehicular rights-of-way or overhead utilities shall not be included in the minimum lot area or lot width.

B
To provide adequate separation from potential traffic and overhead utilities, new residential dwellings shall be separated from any easement for vehicular rights-of-way or overhead utilities by a distance equal to the applicable minimum yard, unless a smaller distance is otherwise permitted by these Regulations.

14.2.9 Narrow Parts of Lot Not Counted Towards Area Requirements

On lots created by subdivision or free split, or modified subsequent to the effective date of these Regulations, the following lot area restrictions shall apply:

A
Any portion of a lot that is narrower than one-third of the minimum lot width shall not be included in the minimum lot area (see Appendix, page A-4).

B
Any portion of a lot exceeding one-third of the minimum lot width that is separated from the main body of the lot by a portion of the lot that is narrower than one-third of the minimum lot width over a distance of more than 100 feet shall not be included in the minimum lot area (see Appendix, page A-4); and

Easments Not Included – Any easement that corresponds to above-ground improvements, such as driveways, roads, or transmission lines, does not count towards minimum lot area or lot width. For the purpose of locating dwellings, the closest edge of the easement is treated like a property line and the dwelling must be seprated from the easement by the appropriate required yard (e.g. a lot in the A Zone would have to have 20,000 square feet of area and 100 feet of lot width, exclusive of any above-ground easement area and width, and the house would have to be at least 15 feet from the closest edge of an easement located to the side of the house).

Gerrymandered Lots – The term gerrymandering typically refers to creating contorted voting districts to dilute the power of large voting blocks (e.g. central cities), but the practice has been applied to parcels of land for the purpose of meeting zoning requirements, such as minimum area and frontage on a public street. To discourage this practice, which results in remote, often inaccessible and/or unusable acreage, minimum lot width standards were established to ensure that the minimum required acreage is reasonably accessible from the main body of the lot and potentially useful.

C
Except for triangular or wedge shaped lots, no portion of a lot shall be less than ten feet in width to allow for reasonable access to the enture lot (see Appendix, page A-4).

14.2.10 Projections into Yards

Except as required for intersection visibility in Section 14.1.8, open porches or vestibules may extend into any required front yard, if the extension does not exceed five feet nor cover more than 50 square feet. Other usual projections such as chimneys, eaves, window sills, cornices, and bay windows may extend not more than two feet into any required yard.

14.2.11 Varied Front Yards

Varied front yards shall be as per Section 4.2.3.

14.2.12 Farm Stands of Mobile or Temporary Construction

Farm stands that are of temporary construction or readily removable, intended for the roadside sale of products raised exclusively on the property served by the stand, may be allowed in any residential or agricultural zone. Farm stands must be approved by the Zoning Enforcement Officer, who may require a sketch plan of the proposed stand, and at the recommendation of the Legal Traffic Authority, may require the stand to be set back from the road to permit access drives and avoid parking on the road where necessary due to traffic conditions.

14.2.13 Aircraft Approach Lanes

Land beneath a Bradley International Airport aircraft approach lane, as established by the Federal Aviation Administration, shall not be developed in a manner that would create unsafe flight conditions.

14.2.14 Mobile Food Vendors

A
Intent

Mobile food vendors, under the Town of Windsor Code of Ordinances, may locate at a property with the owner's written permission and sell their wares to persons working or living there, and then move to another property. The Town Code does not address stationary locations, both within public rights-of-way as well as on state and private property. The intent of this Section is to allow mobile food vendors to temporarily locate on suitable private property, subject to the following requirements.

When Mobile Food Vendors are not so Mobile – Food vendors require a food permit from the Health Department and a hawker's/peddler's permit from the Police Department in order to either operate a food truck or cart on the streets of Windsor or to go door-to-door to businesses, construction sites, public parks, etc. When a mobile food vendor wants to set up daily on private property, a site plan and written permission from the owner is needed in addition to the aforementioned permits.

(1) The operation must remain truly mobile and shall be removed daily, in its entirety, from any approved location between sunset and sunrise.

(2) Mobile food vendors shall only be allowed in the B-1, B-2, I, and W Zones by right, and may be allowed in the AG Zone by special use if the Commission determines that the location will not have a negative impact on the enjoyment, use, or value of adjoining properties or the surrounding neighborhood.

(3) Mobile food vendors shall not be allowed within 100 feet of a permanent eating establishment without the written permission of the eating establishment, or within 100 feet of an establishment that sells alcoholic beverages for off-premises consumption.

(4) There shall be no more than one mobile food vendor per property.

(5) The location of any vending vehicle, cart, trash container, sign, etc. shall not obstruct line of sight or flow of traffic both on- and off-site and shall not obstruct the use of any required parking space, driveway, or walkway. There shall be adequate off-street parking for patrons of existing establishments and those of the mobile food vendor. All trash containers, signs, etc. related to the use shall not be located more than 15 feet from the vending vehicle.

(6) The mobile food vendor shall be limited to one temporary freestanding sign, not to exceed 16 square feet per side. Flags, pennants, pinwheels, flashing lights, or other devices, intended to attract attention to the use, but potentially distracting to motorists, shall be prohibited.

(7) The mobile food vendor shall provide written permission from the owner of the property where he/she intends to locate.

(8) For approval, the mobile food vendor shall provide an adequate plan (or a suitable substitute agreed to by staff) indicating the location of any vending vehicle, cart, sign, etc. in relation to buildings, sidewalks, parking spaces, and driveways.

(9) The mobile food vendor shall provide adequate trash containers on the property and shall be responsible for maintaining a litter-free condition on the entire site associated with this use while the applicant exercises the permit or lease.

(10) The Town Planner and Zoning Enforcement Officer, after review by town staff, may jointly approve such a location as provided for in Section 3.9. If there is disagreement on any issue between the staff and the applicant, the applicant will be referred to the Commission for site plan approval, or at the Commission's discretion depending on impact to surrounding areas and establishments, by special use.

(11) Such approval shall be for a period not to exceed three months. Upon expiration, the property may not be used by any mobile food vendors for three months.

(12) Upon vacating a property, the mobile food vendor shall remove all traces of his/her business and restore the property to its original condition. When the portion of the property being used by a mobile food vendor and his/her patrons is not paved, the property owner shall post a bond to cover the cost of restoring the property to its original condition.

(13) The application fee shall be $100, or where a site bond is required, $150.

(14) The mobile food vendors must have a valid hawkers/peddlers license and food permit in addition to the approvals specified in (10) and (11) above.

(15) This regulation shall not apply to special events sponsored by public or quasi-public nonprofit organizations.

14.2.15 Farmer's Markets of Temporary or Mobile Construction

Farmer's markets of temporary or mobile construction may be approved by relevant Town Staff under the following conditions:

A
Asimplified site plan shall be submitted to Town Staff to be reviewed and approved in accordance with Section 3.9, which shall include:

(1) the location of potential vendor's tents/tables, parking spaces, temporary signage, trash receptacles, traffic control measures, and other amenities in relation to buildings, parking, access drives, fire lanes, and other improvements (if any) on the site;

(2) the days and hours of operation of the farmer's market and other land uses on the site, if any; and

(3) the signature of the property owner on the application and/or written permission in the form of an attached letter.

B

Products sold shall be limited to Connecticut-grown/raised produce, flowers, meat, poultry, dairy, and other agricultural products, as well as food, beverage, and craft items (e.g., preserves, cider, dried flower arrangements) made from Connecticut-grown/raised products, subject to food permits, when required, and all other applicable Public Health Code requirements.

C

Town Staff shall determine that the proposed farmer's market is appropriate for the proposed location and will not negatively impact other uses on-site or on nearby properties. Any disagreements between the applicant and the Town Staff regarding the appropriateness or operation of the farmer's market shall be referred to the Commission for resolution.

D

Farmer's markets of permanent construction may be approved by the Commission as per Section 15.2.11.

Cell Tower Jurisdiction – For many years, the jurisdiction over most telecommunication towers has been vested with the Connecticut Siting Council (CSC). So why does Windsor still have tower regulations? The CSC does not have total control over municipally owned towers with antennas for town radio services (i.e. emergency services and public works). The CSC also requires commercial tower operators to consult with towns and consider their zoning regulations when siting new towers. So these regulations remain intact to serve as aspirational guidelines for how commercial towers should be sited, screened and/or camouflaged, protected, and removed when no longer needed.

14.2.16 Wireless Telecommunications Facilities

A

Intent

The intent of the provisions in this Section is to:

(1) comply with the Telecommunications Act of 1996, as amended, and provide for the establishment and expansion of wireless telecommunications services;

(2) minimize the number and height of towers and encourage the use of existing and the joint use of new towers for the placement of telecommunication antennas; and

(3) meet the needs of the Town of Windsor with respect to:

(a) public health and safety;

(b) telecommunication needs of Windsor's citizens and businesses; and

(c) protection of sensitive areas from adverse aesthetic and environmental impacts from telecommunication facilities.

B
General Requirements

(1) For the purposes of this Section, "applicant" shall refer to both the licensed carrier and the land owner.

(2) Co-location is encouraged and preferred to the construction of a new mount if the facility does not extend more than 10 feet above the antenna mount, or in the case of electric transmission tower antenna mounts, it does not extend more than 15 feet above the antenna mount. Both the applicant and owner shall commit to allow co-location. In the event that the applicant finds co-location to be impractical, the Commission may retain a technical expert to verify if co-location at the site is feasible or not. The cost for the technical expert shall be at the applicant's expense.

(3) The Commission may require the investigation of alternative sites by the applicant and evidence of a good faith effort to co-locate with other carriers. In the event that the applicant finds alternate sites to be impractical, the Commission may retain a technical expert to verify if the alternate sites are feasible or not. The cost for the technical expert shall be at the applicant's expense.

(4) Antennas and towers may be considered either principal or accessory use. An existing telecommunication facility or other use on the site shall not preclude the location of a new facility on the site if the new facility meets the intent and requirements of these Regulations.

(5) The applicant shall present evidence that the proposal meets the minimum requirements of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable town, state or federal codes, standards, or requirements.

(6) If the Commission determines that a proposed facility will result in significant negative impacts, it shall not be approved.

(7) The licensed carrier shall notify the Commission of its intent to abandon a wireless telecommunications facility by certified mail no less than 30 days prior to abandonment.

(a) If a licensed carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon discontinuation of operations.

(b) The licensed carrier shall remove all antennas, antenna mounts, equipment cabinets, and security fencing from the site and restore the site to its natural condition, with the exception of landscaping and grading within 90 days of abandonment.

(c) If a licensed carrier fails to remove a wireless telecommunications facility in accordance with this Section, the Town of Windsor, or agents acting on its behalf, shall have the authority to enter the site, remove the facility, restore the site to its natural condition, and charge the landowner in the event the Town of Windsor must remove the facility.

(8) Where a previously approved facility is proposed to be extended or substantially altered in a manner that in any way changes the character or intensity of the use, the proposed extension, substantial change, or alteration shall be treated as a new application under this Section.

(9) Approvals for wireless telecommunication facilities are limited to a 10-year time period and may be renewed. The Commission may deny a renewal only if it finds that the requirements of Subsection (10) of this Section have not been met or the facility has had a significant negative impact on the quality of life in the community. Continued operation after failing to seek renewal of an expired wireless telecommunication facility or denial of a renewal of the facility shall be a zoning violation and subject to the abandonment procedure specified above.

(10) Applicant(s) shall maintain the wireless telecommunications facility, including but not limited to painting, maintaining structural integrity, and landscaping. In the event that the applicant(s) fails to maintain the facility, the Town of Windsor may undertake the maintenance at the expense of the applicant and/or landowner.

(11) Within 90 days of a wireless telecommunications facility becoming operational, the applicant(s) shall submit actual field measurements of radio frequency (RF) radiation and shall copy the Commission on all further correspondence with the FCC regarding RF radiation.

Should either actual field measurements significantly exceed levels projected at the time of application or the Commission requires future co-location at a new wireless telecommunication tower, to the degree possible, the maximum future projected RF radiation levels shall be submitted to the Commission.

(12) If a facility is constructed on Town property, the Town shall be held harmless from any responsibility for structural failures, nuisances or other negative impacts of the facility.

(13) In order to promote economic development, the Commission may consider the adequacy of service in commercial and industrial areas when evaluating any application.

(14) Application for any wireless telecommunication facility shall be made only by a licensed carrier. The applicant(s) shall provide written notice to the Commission within 90 days of any changes in applicant or ownership of a wireless telecommunications facility.

(15) Except as provided for tower-mounted dish antennas in Section 14.2.16C(3)(f) below, ground or roof-mounted dish antennas are exempt from this Section (for residential ground or roof-mounted dish antennas, see Sections 4.4.11 and 4.5.9, and for other than residential ground or roof-mounted dish antennas, see Section 14.2.5B).

C
Specific Standards

(1) Location Standards

(a) Facility clustering: if the Commission finds that a site, structure, or building is well-suited to the location of a facility, it may require the clustering of antenna mounts in or on that site, structure, or building provided that all facilities meet the requirements of this regulation.

(b) Locations for facilities in descending order of preference are as follows (see also Charts 1-3 in Section 14.2.16D):

(i) on existing or approved towers;

(ii) within existing structures (e.g., steeple, spires);

(iii) on existing structures (e.g., buildings, water towers, and utility poles);

(iv) in non-sensitive areas; and

(v) in sensitive areas with mitigation.

(c) The applicant shall show the Commission the applicant's plan or model for the coverage of all areas in the Town

of Windsor and the locations of all existing and proposed towers that would provide that coverage.

(d) The applicant shall show all facilities within Windsor and within one mile of the Windsor Town line.

(2) Site Standards

(a) All utilities serving the facility shall be underground.

(b) Unless tower base equipment is located in underground vaults or in an existing structure and no security fence is required, the base area of a facility shall be large enough to accommodate:

(i) the required tower base equipment, access drive and parking for all carriers anticipated;

(ii) a screening and landscaping area at least 20 feet wide around the outside of the security fence perimeter or the area around the smallest rectangle that can encompass all tower base equipment if no fencing is required. This area shall be landscaped to screen the tower base equipment or security fence from view. The Commission may also require walls to achieve the screening function especially where the tower is close to a building located on the site and the wall can be made to seem as an extension of the building.

(c) Except as provided below, a tower proposed as a ground-mounted facility shall have at least the fall zone distance from any abutting property. A tower proposed as a ground-mounted facility shall have at least two times the fall zone distance from any abutting sensitive area if it is determined to be not visible and at least three times the fall zone from any sensitive area if it is determined to be as visible.

(d) Tower base equipment structures, cabinets, and fencing of ground-mounted facilities shall not be located within any required yard.

(e) In order to evaluate the site for use as a wireless telecommunications facility, the Commission may require sections of the site and environs, balloon tests,

photo simulations, and other studies in connection with any application.

(3) Structural Standards

(a) Unless otherwise specifically approved by the Commission, all towers proposed under this Section shall be monopoles.

(b) Unless required by the FAA or otherwise specifically approved by the Commission, the color of towers and other visible facility equipment shall be a non-contrasting blue or gray.

(c) Unless required by the FAA, no lights shall be permitted on any facility above 14 feet of the surrounding grade.

(d) No signs other than those for safety or security directly involving the operation of the facility shall be permitted.

(e) To minimize tower proliferation, towers shall be designed structurally to adequately carry the weight, load/stress, and height to permit at least three additional co-locators including a municipal antenna, unless specifically waived by the Commission. To achieve this, the tower may be designed for incremental height expansion.

(f) The maximum size of a tower-mounted dish antenna shall be 3 feet in diameter. The maximum size of a panel antenna shall be 2 feet by 6 feet (for ground or roof-mounted dish antennas, see Sections 4.4.11, 4.5.9, and 14.2.5B).

(g) Except as provided below, roof-mounted facilities shall not extend more than 10 feet above the maximum height of the building and shall be located away from the roof perimeter to minimize visibility from the ground.

(h) Roof mounted antennas on existing buildings may extend higher than 10 feet to no more than base height on buildings in industrial or commercial areas if:

(i) no tower base equipment, cabinets, fences, or screens are visible from streets or surrounding properties;

(ii) the Commission finds that the proposal does not significantly and negatively impact the area;

(iii) the Commission finds that the top of the roof is not visible from a significant number of locations; and;

(iv) the proposed structure is not within a sensitive area.

(v) Antennas mounted on the facades of buildings shall be designed and located to be compatible with the color, materials, and overall appearance of the existing building to the greatest extent possible.

D
Application Process

(1) The application process for telecommunication facility siting shall vary depending on height, area sensitivity, base visibility, and co-location provisions, because of the significance of these factors in determining impact levels. The review process necessary for each wireless telecommunication facility location shall be determined by using the three charts on the following page (for use of charts, see † Directions). Where two or more sensitive areas apply, the value from the most restrictive one shall be used:

Chart 1 - Comparison of Tower/Antenna Height to Sensitivity of Area

	Not Sensitive	Sensitive Areas		
	Zones/Uses	Other	Residential	Historic
To Max Building Height in Zone	1	2	3	4
To Base Height	2	2	3	4
Base Height to 75'	3	4	4	x
76' to 100'	3	4	4*	x
101' to 125'	4	4	x	x
126' to 150'	4	x	x	x
151' to 175'	4	x	x	x

Chart 2 - Comparison of Visible/Not Visible to Chart 1 Results

	1	2	3	4	x
Not Visible	A	B	C	D	x
Visible	B	C	D	x	x

Chart 3 - Comparison of Co-Location to Chart 2 Results

	A	B	C	D	x
Antenna is Co-Located	I	I	II	II	IV
New Tower Provides for Co-Location	I	II	III	IV	x
New Tower Provides no Co-Location	II	III	IV	IV	x

Key

1-4, 4*	=	1 = least restrictive to 4 = most restrictive, 4* = requires 3 Ac. lot min.
A-D	=	A = least restrictive to D = most restrictive
x	=	use is prohibited, unless appropriate mitigation is provided (see (4) of this Section)
I	=	use permitted by right, notify Building and Planning Departments
II	=	Staff approval under Section 3.9 of these Regulations
III	=	site plan approval process
IV	=	special use + site plan approval process

† Directions: In Chart 1, choose the value corresponding to the appropriate column and row. Using this value on the top row of Chart 2, choose the letter corresponding to the appropriate variable on the left side column. Using this letter on the top row of Chart 3, choose the value corresponding to the appropriate variable on the left side column. Using this resultant, go to the Key to determine the review process.

(2) For a wireless telecommunication facility requiring a special use application, the notification area shall be within 250 feet from any property line of the proposed site.

(3) In addition to Section 15.1.3 considerations, in evaluating a wireless telecommunication facility requiring a special use application, the Commission shall also consider the potential for co-location, alternative site locations, feasible alternative technologies, and cooperation by the applicant regarding the use of the wireless telecommunication facility for Town emergency communication services, except that consideration of renewals shall be evaluated by Section 14.2.16B(9) only.

(4) Where a tower is prohibited, the Commission may reconsider such prohibition by special use. Such reconsideration shall be subject to all applicable requirements in Section 14.2.16 in addition to the following:

(a) a significant stand of evergreen trees whose characteristics, including height, density, and area of coverage, would allow the facility to blend in with the surrounding trees;

(b) the wireless telecommunication facility is constructed to look like an evergreen tree and will have characteristics that allow it to blend in with the surrounding trees;

(c) a conservation easement shall be placed on the area containing the stand of trees, which shall be preserved and maintained by the applicant in a manner reasonably assuring their long term survival; and

(d) the impact by the facility on the sensitive area is minimal and is outweighed by the need for the service the wireless telecommunication facility provides.

(5) The use of a temporary or mobile wireless telecommunication facility, sometimes known as Cell on Wheels (COW), based on such factors as its size, the size of the site, its placement on the site, potential safety impacts, and the degree that the temporary or mobile wireless telecommunication facility does not compromise the character of the surrounding area and generally meets the intent of this regulation, may be approved as follows:

(a) jointly by the Building Official and Town Planner allowed under Section 3.9 for an initial period of up to three months if they find that the temporary or mobile wireless telecommunication facility has not created nuisances,

hazards, or excessively compromised the character of the area;

(b) the Commission may, by site plan, grant approval for up to an additional three months beyond any approval period granted jointly by the Building Official and Town Planner, if it confirms the findings in (a) above;

(c) the Commission may, by special use, grant approval for up to an additional three months beyond any approval period granted by the Commission through site plan approval in (b) above, if the applicant can show a need to extend such time of temporary facility operation; and

(d) for each of the applications above, the fees shall be calculated as in Section E below.

E
Fees

The application fees shall be calculated as follows:

(1) for telecommunication facilities permitted by right, there is no application fee; and

(2) for all other telecommunication facilities not otherwise permitted by right or renewals under Section 14.2.16B(10), the application fee is the same as for a site plan application or Section 3.9 Technical and Minor Changes to a site plan application.

14.2.17 Protection of Pedestrian Entry Doors

In order to protect the health and safety of employees and the general public, pedestrian entry doors for any building additions greater than 10,000 square feet that include pedestrian entry area(s) or new buildings greater than 10,000 square feet must have an adequately sized protected roof area (minimum 80 square feet if it is within the building's foundation and surrounded by at least 2 walls or 100 square feet if it is outside the building's foundation) that is part of and compatible with the main structure in material and design. Fabric roof structure areas are prohibited. The Commission may reduce the area requirement for overhead cover by no more than 25% or allow the substitution of automatic doors if justified by conditions such as the size of the building, and/or leasable area served by the pedestrian entry door and/or the orientation of the building relative to prevailing winds. Any roof required under this section shall be exempt from the building to pavement setback requirements of Section 3.1.2C(2).

Why Protect Pedestrian Entry Doors? – Protected entrances provide an opportunity for employees and/or patrons to open umbrellas, find their vehicles, and gather themselves before venturing into inclement weather. Since smoking has been banned indoors, they can also provide a sheltered location for smokers.

Airport Interchange District – The Airport Interchange District (AID) is an overlay district, meaning that it overlays any underlying conventional zone (e.g. B-2 Zone) and imposes additional standards. The standards of both the AID and the underlying district must be met, except where the AID supercedes.

14.2.18 Airport Interchange District

The intent of this Section is to provide flexibility in design for lots with high visibility and access to the commercial corridors served by the major intersections of the Bradley Airport Connector (Route 20) with Poquonock Avenue (Route 75) and Kennedy/Old County Road. The Commission recognizes that the convenient accessibility of these interchanges to Bradley International Airport and the existing network of restaurants and related services make lots in this District highly desirable for hotels, corporate headquarters, and other related uses. Proposals under this Section shall be considered as a special use.

For purposes of this Section, the Airport Interchange District shall be defined as Business and Industrial Zones within 1,000 feet of the intersections of Route 20 with Route 75 and Kennedy/Old County Road.

A

In order to encourage high-quality, appropriate development in this District, the proposed facility must be found by the Commission to be significant in size, conveniently located to the surrounding development and other amenity facilities, of a high quality in terms of building and landscape design standards, and in accordance with Section 15.1.3.

B

The minimum standards of the underlying zone shall apply, except as modified below.

C

The minimum standards for hotels shall be as specified in Section 5.2.6F, except for those specified below:

(1) maximum building height shall be 35 feet, except for properties abutting Route 20, which shall have a height limitation of four stories or 45 feet;

(2) minimum room size shall be 312 square feet;

(3) maximum density shall be 1,502 square feet per unit; and

(4) hotels proposed for this district may, but are not required to, provide full-service restaurants, but shall provide other amenities such as indoor pools, fitness centers, and meeting rooms.

14.2.19 Alternative Energy Considerations

A
For Facilities within the Industrial Zone

(1) In order to provide efficient use and generation of energy, the use of geothermal systems is encouraged. For every 10% of heating requirement (as determined by the total building heating load) 1% more of the site area can be covered by hard surface above 50% (as per Section 14.1.6) for a maximum of 60% impervious coverage. This shall be done as per Section 14.1.20C.

(2) In order to provide efficient use and generation of energy, the use of photovoltaic panels is encouraged. Credit will be given for photovoltaic panels placed on either the roof or walls (facing within 30º of south). The impervious coverage of the site (as per Section 14.1.6) may be increased based on the total area of the qualifying panels divided by the roof area. For every 10% of the calculated roof area, 1% more of the site can be covered by hard surface above 50% (as per Section 14.1.6) for a maximum of 60% impervious coverage. This shall be done as per Section 14.1.20A.

(3) If a combination of alternative energy systems are used for the building, the maximum impervious coverage shall not exceed 60%.

14.3 NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USES OF STRUCTURES AND PREMISES

(1) Intent

Where lots, structures, and uses of land and structures lawfully existed before the effective date of adoption or amendment of these Regulations, but are prohibited, regulated, or restricted under the terms of these Regulations, it is the intent of these Regulations to permit these non-conformities to continue until they are removed, but not to encourage their survival.

14.3.2 Non-Conforming Lots

Except as per Section 8-26a(b) of the Connecticut General Statutes, in all single-family zones, any lot approved by the Commission and shown on a subdivision plan on file in the Windsor Town Clerk's Office or separately described in the latest deed of record prior to the effective date of these Regulations that does not meet the minimum lot area and/or lot width requirements of these Regulations may be used for any use permitted in

Non-conformities – When appraising or financing a non-conforming property, there is often confusion as to what exactly is non-conforming: the lot, the building. or the use of the lot and/or building? For example, when a lot is non-conforming in minimum lot area and/or width, town staff are often asked if the principle structure can be replaced in the future if damaged or destroyed by unforseen circumstances. The answer is, "Of course; the lot is non-conforming, not the structure." Similarly, when a structure containing a non-conforming use is destroyed, it can be rebuilt without restriction because the use and not the structure was non-conforming. In short, non-conforming lots, structures, and uses are three distinct conditions that are mutually exclusive from an enforcement standpoint, although a lot could contain all three.

the underlying zone, if there is compliance with all other provisions of these Regulations and the Town of Windsor Subdivision Regulations.

This exception shall not apply to any substandard lot where sufficient adjoining land that was under the same ownership as of September 14, 1987, can be combined to reduce the lot area and/or lot width non-compliance.

14.3.3 Non-Conforming Uses of Land

Where the lawful use of land existed at the effective date of adoption or amendment of these Regulations that is no longer permissible under the current provisions of these Regulations, such use may be continued as long as it remains otherwise lawful, subject to the following provisions.

A
No non-conforming use shall be enlarged to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these Regulations.

B
Any non-conforming use of land may be changed to another non-conforming use provided that, following a public hearing, the Commission determines that the proposed use is equally or more appropriate in the district than the existing non-conforming use. In permitting such change, the Commission may require appropriate conditions to protect the public in accordance with these Regulations.

C
No non-conforming use shall be moved in whole or in part to any other portion of the lot occupied by the use at the effective date of adoption or amendment of these Regulations.

D
Any non-conforming use of land that is superseded by a permitted use shall not be resumed.

E
If a non-conforming use of land is abandoned by virtue of an overt act by the property owner (such as the removal of structures, signs, or other appurtenances associated with the non-conforming use; a change to a conforming use; or by written notification to the Town), any subsequent use of that land shall conform to the requirements specified by these Regulations for the underlying zoning district.

Abandonment – When non-conforming lots, structures, or uses cease to exist, they can be considered abandoned, meaning that they lose their "grandfathered" status and cannot be replaced or resume. There are different standards for abandonment between non-conforming lots, structures, and uses.

Non-conforming lots are not generally prone to abandonment, except when an owner aquires adjacent land that can be combined to reduce or eliminate a non-conformity.

Non-conforming structures that are torn down by their owners are automatically abandoned, but those that are accidentally destroyed can be rebuilt within a fixed period of time before being considered abandoned.

Abandonment of non-conforming uses is more difficult to determine, since the use may not always be visible outside of a structure. The courts have determined that ceasing to operate for a specified period of time does not constitute abandonment. Abandonment requires an overt act on the part of the owner/tenant, such as replacing the non-conforming use with a permitted use; removing all appurtenances of the use (i.e. gas pumps, tanks, canopy, and lights at a non-conforming gas station); or submitting a letter declaring the use abandoned for tax purposes.

14.3.4 Non-Conforming Use of Structures

If a lawful use of a structure existed at the effective date of adoption or amendment of these Regulations that would not be allowed in the district under the current provisions of these Regulations, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions.

A

No existing structure devoted to a use not permitted by these Regulations in the underlying zone shall be enlarged, moved, or structurally altered in a manner that increases the nonconformity, except in changing the use of the structure to a use permitted in the underlying zone.

B

Any non-conforming use of a structure may be changed to another non-conforming use provided that following a public hearing, the Commission determines that the proposed use is equally or more appropriate in the district than the existing non-conforming use. In permitting such change, the Commission may require appropriate conditions to protect the public in accordance with these Regulations.

C

Any non-conforming use of a structure that is superseded by a permitted use shall not be resumed.

D

When a non-conforming use of a structure is abandoned by virtue of an overt act by the property owner such as the removal of structures, signs, or other appurtenances associated with the non-conforming use; a change to a conforming use; or by written notification to the Town, the structure or structure and premises shall not be used, except in compliance with the requirements of the underlying zone.

Non-conforming Signs – Non-conforming signs create unusual difficulties in maintaining their legal non-conforming or "grandfathered" status. The sign regulations require that any sign related to a use must be removed when the use ceases to operate. If the sign is non-conforming, its removal could be considered an overt act to abandon the non-conforming sign. A special provision was added to the sign regulations to allow a non-conforming sign to be removed (when practical) and documented with the Zoning Enforcement Officer, so that an equally or less non-conforming sign can be installed when a new use occupies the premises.

Many businesses take their non-conforming signs with them for reuse or nostalgic purposes, and unless their size is documented by sign permit or notice to the ZEO at the time it is taken down, their grandfathered status may expire due to lack of proof of their non-conformity. Staff will attempt to work with the owner/tenant to establish the size of the non-conforming sign through evidence of their outline on a wall, signposts, photographs, etc.

14.3.5 Non-Conforming Structures

Where a lawful structure existed at the effective date of adoption or amendment of these Regulations that could not be built under the current provisions of these Regulations by reason of restrictions on area, coverage, height, yards or other characteristics of the structure or its location on the lot, such non-conforming structure may remain as long as it remains otherwise lawful, subject to the following provisions.

A

No non-conforming structure may be enlarged or altered in a way that increases its non-conformity.

B

Should a non-conforming structure be damaged or destroyed, it may be repaired or replaced to the extent that does not increase the nonconformity. If a Building Permit for its repair or replacement is not applied for within six months of being damaged or destroyed, it shall not be reconstructed, except in conformance with the provisions of these Regulations.

C

Any structure moved for any reason or for any distance shall conform to the requirements of the underlying zone of its new location.

14.3.6 Non-Conforming Commercial Farming in Residential Zones

All new buildings used for housing livestock or poultry shall be located 150 feet or more from any street line or lot line. Poultry shall be limited to 100 birds and the raising of pigs is prohibited.

14.3.7 Repairs and Maintenance

Ordinary repairs or remodeling may be done to any structure, or structure and premises devoted in whole or in part to a non-conforming use, provided that such work does not increase the nonconformity.

Nothing in these Regulations shall prevent the ordered repair of any building or part thereof declared unsafe by any official charged with protecting public health and safety.

Repairs vs. Demolotion – Before undertaking significant structural repairs to a non-conforming building, check with the Building Official/Zoning Enforcement Officer to determine whether such repairs would extinguish the non-conforming status of the building. For example, tearing down a structure to rebuild it in its non-conforming location is prohibited, but removing and rebuilding a small portion due to a collapsing foundation would not.

SECTION 15 - SPECIAL USES

15.0 INTENT

The development and execution of a comprehensive zoning regulation is based on the division of the Town into districts where the use of the land and structures and the bulk and location of structures in relation to the land within are substantially uniform. There are certain uses and features that, due to their unique characteristics, cannot be distinctly classified or regulated in a district(s) without consideration of the impact of such uses and features on neighboring uses and the surrounding area, compared with the public need for them at their intended locations. Such uses and features are classified as special uses and are regulated as follows.

15.1 GENERAL PROVISIONS

15.1.1 Public Hearing

Where provided for in these Regulations, the Commission may, in appropriate cases, grant special uses after a public hearing in accordance with Section 16.3.

15.1.2 Extensions, Alterations, or Changes

Where an existing use that is allowed only as a special use is proposed to be extended or substantially altered in a manner that in any way changes the character or intensity of the use, such proposed extension, substantial change, or alteration shall be treated as a special use under this Section. Any special use that is changed to another special use shall require a new application and a public hearing.

15.1.3 Considerations

Special uses shall be granted only where the Commission finds that the proposed use, extension, substantial alteration or change of an existing use is in accord with the public convenience, health, safety, and welfare after taking into account, where appropriate:

A
the nature of the proposed site, including its size and shape and the proposed size, shape, character, and arrangement of proposed structures and landscaping;

B
the resulting congestion, vehicular, and pedestrian circulation and adequacy of the street system and other public facilities;

Extensions, Alterations, or Changes to a special use – Determining whether an extension, alteration, or change to a special use is substantial is not always an objective decision and the courts have given significant latitude to the growth of non-conforming uses, which is applicable here. The courts have clearly made a distinction between expansion and intensification; determining that increases in both floor area and time of use are expansions of a (non-conforming) use, but adding parking spaces, seating, or more efficient equipment without adding floor area are merely intensification as long as they do not add new non-conforming activities.

For example, a non-conforming outdoor snack bar can add more patio seating, but cannot enclose a seasonal patio to create year-round space or extend hours of operation in darkness or inclement weather. Similarly adding a limited entertainment area to a restaurant that had none is adding to the functionality of the use, not simply intensifying the service of food. Where the issue becomes murky is when the aforementioned snack bar or an airport valet service add parking, when the intensity of their use is not dependent on floor area.

Considerations and Conditions – While the subsections of Sections 4 through 13 dealing with individual special uses can vary from a simple listing (e.g., funeral home) to highly detailed regulations intended to mitigate known impacts of more intensive special uses (e.g., a fast-food restaurant or quarry); regardless of the presence or lack of conditions or guidance on the suitability of a special use for a particular site, the considerations and conditions presented here are applicable to all special uses. In determining the suitability of a special use for a particular site, the Commission has the discretion to not only approve or deny a special use based on these and other more specific considerations, but to apply conditions to mitigate any potential negative impacts of the use.

C
the nature of the surrounding area and the extent that the proposed use or feature will be in harmony with it;

D
the public need of the proposed use or uses on the proposed site at the time of application;

E
the Plan of Conservation and Development and other expressions of the purpose and intent of these Regulations;

F
the environmental, ecological, soil, and drainage characteristics of the site and the surrounding area; and

G
when evaluating a reapproval of a special use, the history of compliance with any previous conditions or safeguards and demonstrated performance during the term of the previous approval with respect to the considerations of A through F above.

15.1.4 Conditions

In granting any special use, the Commission may attach additional or more stringent standards than are required for permitted uses in order to protect the public health, safety, and welfare and the surrounding area and may include, but are not limited to, the following.

A
Required yards, parking, landscaping, screening, green area ratio, etc., greater than the minimum required by these Regulations.

B
Required signs, height, and size of buildings, etc., smaller than the maximum allowed by these Regulations or other applicable codes or regulations.

C
Modification of the exterior features or appearance of any building or structure where necessary to be in harmony with the surrounding area and not detract from property values.

D
Limitation of size, number of occupants, methods, or time of operation or extent of facilities.

E
Regulation of number, design, and location of vehicular access drives; walkways; access ways for the handicapped and bicyclists, including at-curb or building ramps; or other circulation features.

F
Time limits for the existence of the special use, or its periodic review and reapproval.

G
Reports and recommendations from soil scientists; hydrologists; engineers; and appropriate town, state, or federal agencies as required by the Commission.

H
Improvements to existing facilities that might be overburdened by the proposed development or endanger the public health, safety, or welfare.

Time Limits – For most special uses with a potential to negatively impact surrounding properties, the Commission has a practice of placing an initial one-year time limit on the use as a condition of approval, which is not to say that the use will permanently expire after one year. The intent is to gauge the impact of the use over the course of its first year and make any necessary adjustments, including extending or eliminating any time limit upon renewal. When significant investment is involved, the Commission has approved longer initial time limits to limit financing issues.

15.1.5 Special Use and Minimum Requirements

Unless otherwise specified in these Regulations, a special use shall conform to the minimum area, yard, building, and impervious coverage, and other applicable requirements of the underlying zone. The special use shall conform to the minimum requirements of Section 3 unless additional, more stringent requirements are imposed by the Commission as per Section 15.1.4. For special uses that utilize existing floor area (built prior to February 2, 1993) on currently developed B-1 and B-2 sites in Windsor Center, its Fringe Areas, and the Wilson Study Area (south of the Putnam Highway), as depicted in the Plan of Conservation and Development (see Appendix, pages A-28 and A-29), the Commission may waive any minimum or maximum requirement, with the exception of parking, if it determines that such a waiver does not adversely affect public health, safety, welfare, or nearby property values (for parking reductions see Section 15.2.7).

15.1.6 Enforcement and Ownership

A
Any condition attached to the granting of a special use shall remain with the property regardless of ownership, as long as the special use is in operation.

B
Upon applying for or being granted a special use, the applicant agrees to the inspection of the premises by relevant Commissioners, the Town Planner, Zoning Enforcement Officer, or their designees to determine the initial suitability of the premises with respect to the considerations of

Who Owns a Special Use? – Special use permits are said to "run with the land", meaning that the use is granted to a property and not the owner of that property. The Commission must consider that while the applicant or owner may be conscientious and trustworthy, he/she may not always be the tenant or owner of the property and conditions may be necessary to ensure that the use remains appropriate and compatible regardless of ownership.

Why do Special Uses Expire if not Acted Upon in 18 Months? – Depending on the nature of a special use, it can have significant impacts on surrounding properties. The owners of surrounding properties have an opportunity to participate in a public hearing to express their concerns and ask for mitigation of potential impacts if necessary.

With the passage of time, ownership of the surrounding land can change and new owners might not be aware of the potential for significant changes to their neighbor's property, creating a situation that they may not have bargained for in buying their home or business. The time limit ensures that any extension will keep knowledge of the special use fresh in the public consciousness, or in the event of a later renewal of the permit, the new owners would at least have a voice in the new proceedings.

Expiration Warning! – You *must* operate or at least commence work on a special use within 18 months of approval or it will automatically expire.

Section 15.1.3 and compliance with any subsequent conditions that may be attached to the special use approval by the Commission.

15.1.7 Expiration of the Special Use

A Building Permit or, where a Building Permit is not necessary, a Certificate of Occupancy must be taken or issued within 18 months of the date of approval of the special use or the approval shall expire, unless specifically extended by the Commission.

15.1.8 Noncompliance with Conditions

Failure to comply with any imposed condition shall constitute a violation of these Regulations. If a condition is not complied with within three months after a notice of non-compliance by the Zoning Enforcement Officer, the special use may be revoked by the Commission after a public hearing. No Certificate of Occupancy shall be issued if any of the conditions are not complied with.

15.1.9 Determination of Certain Special Uses

Determination of certain special uses shall be as per Section 14.1.11.

15.1.10 Procedures

The procedures for the filing and processing of special use applications shall be as per Section 16.3.

15.1.11 More Than One Special Use on the Same Premises

Where two or more special uses are applied for on the same premises, the minimum lot area shall be the sum of the minimum lot area requirements for each use as specified in these Regulations.

15.1.12 Additional Material Submitted

Any data, plans, drawings, letters, or statements voluntarily submitted by the applicant or his/her duly authorized agent in support of an application, and not required by this and other applicable sections of these Regulations, shall be made a part of the record and the improvements and/or facilities shown or described, unless specifically excepted, shall be considered as requirements and conditions of the approval if granted.

15.2 SPECIAL USES PERMITTED IN ANY ZONE

Any special use shall comply with all applicable requirements of this Section and with any other requirements specifically imposed in connection with the specific special use.

Additional Special Uses – In addition to these special uses allowed in any zone, each zone has its own special uses, reviewed according to the general considerations of Section 15.1.3 and regulated by the general conditions of Section 15.1.4, in addition to any zone or use specific considerations and conditions.

15.2.1 Fuel Filling Stations

Because of the large volume of traffic generated by a fuel filling station and its potential effect on the development and use of surrounding areas, the Commission must find that the fuel filling station is warranted by existing and potential development of surrounding areas.

A

A fuel filling station shall comply with the following minimum requirements:

(1) minimum lot area - 1.5 acres;

(2) minimum lot width - 175 feet;

(3) locate within 300 feet of a ramp of a limited access highway;

(4) the orientation of service bay doors shall be to the rear of the building;

(5) berms, plantings, walls, and fences shall be appropriately designed and located to screen all unsightly areas;

(6) minimization of the parking or standing of vehicles in areas visible from the street;

(7) except for the primary activity of selling fuel, all other allowed activities shall be contained within a building; and

(8) the disposal of all waste water and liquids used on the site shall be governed by applicable federal, state and local regulations and permitting requirements.

B

Goods and Services Provided

(1) Fuel, oil, air, and water shall be provided.

(2) The following goods and services may also be provided:

(a) sales of food, drinks, and convenience goods typical of a convenience store, but not including a fast-food

restaurant and/or drive-in window, which may be separately permitted by special use under Sections 5.2.6D and 5.1.6A respectively;

(b) repair or replacement of batteries; belts; brakes; bulbs; exhaust, emission control and ignition system parts; fluids and lubricants; fuses; pumps and hoses; tires (excluding retreading); wheel bearings; windshield wipers, wires, and similar minor repairs;

(c) minor adjustments or repairs to carburetors, fuel injectors, motors or transmissions not involving the removal of the carburetor, crankcase, fuel injector, head, transmission, or valve cover;

(d) used car sales, subject to the provisions of Subsection C below;

(e) self-service carwashes, subject to the provisions of Subsection D below.

(3) Prohibited services at a fuel filling station shall include major mechanical and body work, painting, welding, storage of unclaimed or unregistered motor vehicles, or other work involving noise, glare, fumes, smoke, or other conditions uncharacteristic of a fuel filling station.

C
Used Car Sales

Used Cars – Used cars are tightly regulated and limited to grandfathered facilities with existing dealer or repairer licenses from the CT Department of Motor Vehicles, excluding limited repair licenses.

In addition to used car sales at existing fuel filling stations, they are also allowed by special use at new car dealerships and licensed general repair facilities in the Industiral Zone under Sections 8.6C and 8.6F respectively.

For existing fuel filling stations that currently operate with a Dealer's or Repairer's License (not to include a Limited Repairer's License), as defined in Section 14-51 of the Connecticut General Statutes, the Commission may allow the sale of no more than six used cars provided that:

(1) no body work or painting takes place on the premises;

(2) the outside storage of approved vehicles other than those displayed for sale shall be screened from abutting properties by appropriate ornamental fencing, landscaping, or a combination of both;

(3) the Commission shall establish a time limit on this use, not to exceed two years;

(4) in its discretion, the Commission may allow other uses on the premises that it determines to be accessory to the principal use, including but not limited to towing operations or automobile

detailing, subject to limits on the number and size of tow trucks, the size and location of the storage area for tow trucks and towed vehicles, as well as other work areas, hours of operation, and other conditions necessary to address potential adverse impacts on the surrounding area; and

(5) the location of motor vehicle storage, display, repair, and other work areas shall be reflected on the site plan and approved by the Commission.

D
Self-Service Carwashes

Automated self-service carwashes shall only be allowed in conjunction with a fuel filling station subject to the following requirements:

Self-Serve Carwashes – Self-serve carwashes with automated tunnels are only permitted in association with an existing gas station. Self-serve car wash bays, where cars are manually washed by the owner are not permitted.

(1) no use other than a fuel filling station, an associated convenience store, and a self-service carwash, which may include a vacuum cleaner, shall be permitted;

(2) all washing operations shall be confined within one existing bay or within one new bay that shall be compatible in material and design to the main structure, whether attached or detached;

(3) the vacuum cleaner shall have an adequate trash container nearby;

(4) an unobstructed vehicle queuing lane of at least 100 feet in length shall be provided within the site for the carwash bay in order to minimize traffic hazards, which shall not cause conflict with traffic patterns within the site or the adjacent street; and

(5) necessary screening, as determined by the Commission, shall be provided.

15.2.2 Housing Developments Sponsored by the Windsor Housing Authority

Housing developments sponsored by the Windsor Housing Authority may be allowed by special use in compliance with density and other requirements of the Housing Authority and appropriate state and federal agencies.

15.2.3 Horticultural Nurseries

Horticultural nurseries may be allowed by special use, provided that there is no storage or structure within 50 feet of any property line.

Shared Parking – The shared use of parking is allowed by special use to minimize excessive pavement when unused parking is readily available nearby due to offset peak demand between weekday uses and those that operate on weeknights and weekends.

15.2.4 Structures or Facilities of Town, State, Federal or Regional Governmental Bodies

15.2.5 Golf Courses

A
No structure used for recreation or entertainment shall be within 100 feet of any adjoining property line other than a street line or within 50 feet of any street line. Structures used for repair or storage may not be located within 50 feet of property or street lines.

B
No land used for active recreation shall be located within 100 feet of any property line.

C
No land used for fairways or greens shall be located closer than 100 feet to any adjoining property line.

D
Vehicular access drives or parking areas shall not be within 50 feet of any adjoining property line, except for street lines, unless the Commission finds that a shorter distance will not create excessive disturbance to the adjoining property.

E
The minimum lot area shall be ten acres.

F
Restaurants may be allowed as per Section 5.2.6D.

15.2.6 Shared Required Parking

Theaters, religious institutions, fraternal or social organizations, and other places of assembly whose structures are obviously designed and intended for functions carrying on the majority of their activities during the evening hours or on weekends may provide up to 50 percent of their required parking spaces through the use of adjoining parking areas already provided for businesses carrying on the major portion of their business during daytime hours or on weekdays, if suitable permissive agreements are reached and approval is obtained from the Commission. Such approval shall be automatically terminated upon termination of the operation of such use.

15.2.7 Reduced Parking Requirements

A

In order to minimize paved surfaces and eliminate the need to construct unnecessary parking spaces, the Commission may reduce the cumulative minimum parking requirements within a mixed-use development if the applicant conducts a parking study (based on empirical field data or similar data gathered by surveys by the American Planning Association, Institute of Transportation Engineers, or similar organizations) that demonstrates to the satisfaction of the Commission that one or more of the following conditions exist to warrant the reduction:

(1) differences in the timing of peak parking demands among existing and/or proposed uses result in a net-peak parking demand that is significantly lower than the cumulative minimum parking requirements;

(2) synergistic relationships among uses create captive markets, resulting in multiple purpose walking trips within the development; and/or

(3) the development is likely to generate bus, bicycle, or pedestrian trips and accommodations exist or are proposed to support these alternative modes of transportation.

B

If any use of the property changes at any time, this approval shall become invalid unless re-approved for the new use.

15.2.8 Transfer of Non-Residential Coverage

A

In order to preserve land with historic, ecologic, aesthetic, agricultural, or recreational value or potential, the Commission may allow impervious coverage permitted by these Regulations on a parcel (the "sending parcel") within any non-residential zone to be transferred and added to the authorized impervious coverage of another parcel (the "receiving parcel") within any non-residential zone. The Commission must find that the transfer will better promote the health, safety, convenience, and general welfare of the community in a manner that will likely outweigh the adverse impacts of increased development density on the receiving parcel.

(1) Among the factors that the Commission shall consider in its findings are:

(a) the location of the sending parcel and public access to it, if it is used for recreational or cultural purposes;

Reduced Parking – Similar to shared parking, reduced parking takes advantage of differences in peak parking demand, except that the difference is between mixed-uses on the same property. For example, a doctor's office on the ground floor of a building generally requires weekday parking between 8:00 am and 5:00 pm while residents of four upstairs apartments tend to be at work, while the office is empty nights and weekends when the residents are likely at home.

Rather than build enough parking to meet the total demand for both uses to use the parking lot simultaneously, shared parking determines the number of parking spaces required by both uses for each hour of a 24-hour day and each day of the week. The highest hourly number during the week is considered the net-peak parking demand, which in this example is likely to be driven by the office use during a weekday morning with residual overlapping residential parking demand, but still lower than the cumulative required minimum number of parking spaces, or peak demand.

Transfers of Non-Residential Coverage (part 1) – Transfer of non-residential impervious coverage may be unique to Windsor in the entire nation. Traditionally, development rights are bought, sold, banked, and traded through a process called transfer of development rights (TDR), which while more flexible, is cumbersome to administer, and unpredictable in its results due to no predetermined location to apply purchased development rights. In contrast, transfers of non-residential coverage cut to the chase by directly linking the parcel donating the impervious coverage to the parcel(s) receiving the impervious coverage, eliminating middle men, land banks, and the leap of faith necessary to purchase development rights without an approved location to use them, which can be difficult in the face of public opposition to intensification of commercial or industrial uses. With transfers of non-residential coverage, the Commission simultaneously knows the value of the donor parcel as farmland or open space as well as the impact of the transferred impervious coverage on the receiving parcel.

This process is not suitable for every parcel. The donor parcel has to have legitimate value as either public open space or active farmland, and the receiving parcel has to be capable of receiving the added coverage without insurmountable consequences. For example, an isolated, largely undevelopable parcel would not be a suitable donor parcel unless it was adjacent to existing open space or a residential area, where its industrial development would not be ideal and/or it might serve as an open space buffer.

(b) the existing value or potential value of the sending parcel for historic preservation, as a nature preserve, as an aesthetic asset, as open space, as a recreational amenity, or as agricultural land; and

(c) whether the transfer of impervious coverage is preferable to conventional development of the parcels involved.

(2) The amount of impervious coverage that may be transferred shall not exceed the amount of developable land contained within the sending parcel or 50 percent of the sending parcel, whichever is least. The resulting amount shall be added to the authorized impervious coverage on the receiving parcel, allowing a maximum impervious coverage of no more than 67 percent on the receiving parcel. Portions of impervious coverage that cannot fit on the receiving parcel may remain with the sending parcel.

(3) The applicant may elect not to apply for site plan approval at the time of application for this special use, but shall submit a concept plan to demonstrate the feasibility of the transfer and to identify the receiving parcel. If a site plan is not submitted at the time of application for this special use, the Commission shall apply the considerations in Section 15.1.3 and may apply other standards of Section 15.1.4 when it reviews the site plan submitted.

(4) The sending parcel shall be dedicated to the Town as provided in Section 14.1.21 or to another grantee acceptable to the Commission, such as the State of Connecticut, a land trust, wildlife association, or other nonprofit entity, whose main purpose is to convey a public benefit.

(5) At the time of site plan approval, the Commission may grant waivers of the requirements of Section 3 of these Regulations when strict application of those requirements would prohibit full use of the impervious coverage transferred. However, the Commission may not grant waivers of Section 3 requirements for parking spaces, buffers, yards, pavement setbacks, and landscaped end islands in order to promote safety within parking areas and better protect the value of abutting property. The Commission may condition the waivers on the type of use the applicant shows in its site plan and may require a new application under Section 15.1.2 before a substantially different use may be made of the parcel.

(6) Approval of the transfer shall not be effective until the applicant has conveyed the sending parcel in accordance with the approval

and has filed a certificate on the Windsor Land Records that contains legal descriptions of the parcels involved, identifies the sending and receiving parcels, and states the amount of impervious coverage transferred. Filing of the certificate shall prevent this special use from expiring as it shall stand in lieu of the Section 15.1.7 requirements for a Building Permit or Certificate of Occupancy.

(7) The Commission may reverse the transfer of impervious coverage upon a joint petition of the owners of the sending parcel and the receiving parcel. To provide notice of the reversal, the owners shall file a certificate on the Windsor Land Records similar to that required in Subsection (6) above.

(8) Where the sending or receiving parcel lie in several zones or the applicant has designated several parcels as sending parcels or receiving parcels, the requirements of this Section may be read in the plural. Coverage shall have the same meaning in this Section as it does in Section 14.1.6, that is, the maximum area covered by roofs and paving.

15.2.9 Adaptive Re-Use of Underutilized Buildings of Historic or Architectural Significance

A

The adaptive re-use of underutilized buildings of historic or architectural significance is allowed under the following provisions:

(1) the building is of architectural and/or historic significance, is listed on the National Register of Historic Places, and is unsuitable and unused for the original purpose that it is zoned for;

(2) the existing character of any building involved will not be substantially changed;

(3) the building(s) and/or site will be rehabilitated in accordance with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;

(4) the proposed uses and development shall be located in an area where traffic volumes of adjacent streets make the property more adaptable to commercial uses, the surrounding area is commercial in nature, and the uses will not have excessive harmful impact on the immediate surrounding area;

(5) the proposed use shall be limited to the following:

Transfers of Non-Residential Coverage (part 2) – Conversely, an industrial parcel adjacent to a residential area may not be the ideal location to transfer and increase impervious coverage from 50% to 67%, as it will increase the intensity of a conflicting land use and is likely to increase traffic as well as push development closer to the residential area.

Transfers of non-residential coverage cannot be used to increase either residential coverage or density in any agricultural or residential zones, as well as design development districts, which already have built-in density bonuses. Transfers of residential density are permitted by special use in and between the agricultural and residential zones, as specified in Sections 4.5.8 and 10.5.10.

(a) uses in accordance with the regulations governing the underlying zone;

(b) a tea room with seating capacity not to exceed 15 persons; and

(c) a retail antique and/or art gallery and workshop selling original art, framed posters and prints, antiques, estate furnishings, collectibles, hand-painted furniture, and similar decorative items;

(6) signage shall be approved by the Commission;

(7) the Commission may limit the days and hours of operation based on the characteristics of the use, the site, and the surrounding area; and

(8) the special use shall be valid for a five-year period and may be renewed following a new public hearing.

Carnivals – Temporary or portable commercial amusements is a formal way of describing a carnival, though it may go by other names or be associated with other events such as celebrations, festivals, etc. As carnivals require a special use on private property, carnival organizers need to allow at least two-months lead time to apply for and secure the special use permit.

15.2.10 Temporary or Portable Commercial Amusements on Private Property

A
No land used for temporary or portable commercial amusements shall be located within 100 feet of any property line and no vehicular access drives or parking areas shall be located within 50 feet of any adjoining property line, except for street lines unless the Commission determines that a shorter distance will not create excessive disturbance to the adjoining property. The limits of areas used for temporary or portable commercial amusements, including access drives and parking, are to be shown on a plan.

B
If the proposed amusements abut a residential zone, the Commission may increase the required setback.

C
The applicant shall obtain approval from the Town Manager under the Town of Windsor Code of Ordinances.

15.2.11 Farmer's Markets of Permanent Construction

A
Farmer's markets shall be sponsored by the Town of Windsor or a non-profit agricultural organization.

B

To prevent unforeseen long-term problems or nuisances such as traffic hazards, the approval shall be valid for a one-year period, which may be extended by the Commission upon renewal, based upon performance during the previous approval period.

15.2.12 Accessory Structures that Exceed Maximum Building Heights

Accessory structures that exceed maximum building heights shall be as per Section 14.2.5.

15.2.13 Top Soil, Gravel, Sand, Clay, or Stone Removal

A

Top soil, gravel, sand, clay, or stone may be removed in conjunction with an approved site development or subdivision in accordance with Section 3.6.2F. Removals of up to 250 cubic yards from any one parcel during any one 12-month period need not obtain approval from the Commission. Removal operations of more than 250 cubic yards, not related to an approved site development or subdivision, may be allowed as a special use by the Commission as provided below.

(1) Maps, plans, and sections shall be prepared by relevant professional(s) licensed to practice in the State of Connecticut and shall include the following information.

(a) The boundaries of the property where the removal is proposed, the area to be excavated and, where applicable, foliage lines of all existing wooded areas.

(b) Existing contours in the area to be excavated and proposed contours after completion of the removal operation. Existing contours shall be prepared from an actual field survey, based on Connecticut State Plane Coordinate System (NGVD 29 and NAVD 88) or MDC datum.

(c) Existing and proposed drainage of the area and drainage easements or flowage rights.

(d) Longitudinal and transverse cross-sections of the site showing existing and proposed ground levels at intervals no greater than 50 feet.

(e) Staging of the operation and other measures to minimize erosion, siltation, and flooding.

Excavation and Filling – The removal of or filling with earth materials in excess of 250 cubic yards requires a special permit unless it is associated with an approved site plan or subdivision.

While intended to regulate quarries while avoiding regulating residential cellar holes and in-ground swimming pools, these requirements also address major terraforming projects such as leveling property or creating farm ponds that require numerous truckloads of material entering or leaving the site. Balanced cutting and filling within a site does not require a special use unless 250 cubic yards or more of material enters or leaves the site. For comparison, a typical in-ground swimming pool requires 140 cubic yards of fill to be removed, while 250 cubic yards is equivalent to 23 tri-axle dump truck loads.

Regardless of the project, topsoil should not be stripped and taken away, leaving barren subsoil, and when the removal or importation of significant amounts of material is planned within a site plan or subdivision, the application should reflect the location, depth, and quantity of materials being removed or filled so that staff can evaluate the effects on the water table and nearby wells, as well as dumptruck traffic on adjacent streets and neighborhoods.

(2) The Commission may require submission of additional information on soil conditions, locations and depth of rock ledge, groundwater conditions, and other such information as is required to make a reasonable review of the application. It may also seek recommendations from any relevant town department and state (Department of Energy and Environmental Protection) or federal (Soil Conservation Service) agency.

(3) A special use shall be granted for a period not to exceed one year, in compliance with the following conditions:

(a) no screening, sifting, washing, crushing, or other processing shall be conducted on the premises;

(b) no building shall be erected on the premises, except as temporary shelter for machinery and for a field office, which shall be removed on or before the time that the special use expires;

(c) there shall be no excavation within 50 feet of any street line or property line, except for access unless specifically approved by the Commission after finding that it would not harm adjoining property values;

(d) proper drainage shall be provided to prevent the collection and stagnation of water and to prevent siltation, erosion, or flooding on the site involved and on adjacent properties;

(e) no sharp declivities, pits, depressions, or soil erosion problems shall be created and no slopes or banks shall exceed 4h:1v for grassed slopes to facilitate mowing, while slopes planted with ground cover and shrubs shall not exceed 2h:1v, except as approved by the Town Engineer to meet other community or environmental objectives;

(f) top soil removed shall be stockpiled on the premises and shall be spread uniformly over the excavated area and exposed rock surfaces resulting from the excavation to a minimum depth of four inches in accordance with the approved contour plan;

(g) in the case of top soil removal, approval may be granted only if satisfactory evidence is provided that an adequate quantity of top soil can be retained to ensure a cover of at least four inches for the entire site;

(h) when the removal operation has been completed, the excavated area shall be seeded with a perennial rye grass or similar ground cover and reforested with suitable trees as needed;

(i) during the time of the operation, barricades or fences for the protection of the public shall be erected;

(j) truck access to the site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties and such access on the premises shall have a dustless or hard-paved surface for a distance of at least 50 feet to ensure no dust nuisance to adjacent properties and streets;

(k) the removal shall not impair the future use of the subject and adjacent properties in accordance with these Regulations and shall not impair good development and safe use of the property, nor depress property values;

(l) excessive nuisance from noise, dust, etc., shall not result from the removal operation; and

(m) the applicant shall file with the Commission a performance bond, in form and with surety acceptable to the Commission, of such amount as the Commission shall deem sufficient to ensure the faithful performance of the work to be performed under the conditions of approval and no excavation or removal operation shall begin until the bond is accepted by the Commission.

(4) The Commission may waive the requirements prohibiting excavation within 50 feet of a lot line, provided a joint application is filed by adjoining property owners and approved by the Commission.

(5) Prior to the expiration of the special use, the Commission may renew it for a period not to exceed one year if a relevant professional certifies that the excavation already completed conforms to the approved plans.

(6) As an additional condition for granting of a special use, the Commission may require the applicant to submit periodic reports, prepared by a relevant professional, on the progress of the excavation or removal, including contours and cross-sections. If at any time the Commission finds that the excavation or removal is not being conducted or cannot be conducted in accordance with the plans as approved, the Commission shall

order the applicant to cease operations and shall revoke the special use.

15.2.14 Filling

A

Any land may be filled in conjunction with an approved site development or subdivision. Filling of up to 250 cubic yards on any one parcel during any one 12-month period need not obtain approval from the Commission.

B

Fill operations of more than 250 cubic yards, not related to an approved site development or subdivision, may be allowed as a special use by the Commission as provided below.

(1) The applicant shall comply with all requirements in Section 15.2.13A(1) and with all the relevant requirements in the rest of Section 15.2.13 where the term "removal" and/or "excavation" can be logically interchanged with "filling" (excluding Section 15.2.13A(3)(g)).

(2) All materials used as fill shall be non-combustible and non-organic. Broken blocks, bricks, concrete, rocks, and similar debris is allowable as fill when mixed with enough gravel or finer material to fill voids or air pockets. Periodically, as required by the Commission, all filled areas shall be covered to a depth of at least two inches with a material the size of gravel or smaller.

(3) The Town of Windsor's sanitary landfill area is excluded from the requirements of Section 15.2.14B(1) and (2).

15.2.15 Structures for Temporary Occupancy Due to Natural Disaster or Other Catastrophic Loss

A

For those areas officially declared as disaster areas by federal, state, or local agencies, the Building Official may approve the use of structures for temporary occupancy within the entire area, including necessary accessory structures and uses, subject to the following conditions:

(1) the Building Official must find the original structures to be unusable or uninhabitable as a result of the disaster;

(2) approval for such structures shall be for up to 18 months and may be renewed by the Commission;

(3) in order to allow for proper connection to utilities, and to prevent fire and safety hazards, the general location of temporary structures on lots shall be approved by the Building Official and Fire Marshal; and

(4) temporary structures shall be removed within two weeks of their respective permanent structures receiving a Certificate of Use and Occupancy.

B

For individual structures that are damaged or destroyed by fire, flooding or other isolated catastrophic events, the Building Official may approve the use of structures for temporary occupancy on the property, including necessary accessory structures and uses, subject to the following conditions:

(1) the Building Official must find the original structure to be unusable or uninhabitable as a result of the catastrophe;

(2) approval for such structures shall be for up to twelve months and may be renewed by the Commission; and

(3) in order to allow for proper connection to utilities, to prevent fire and safety hazards, and to minimize any impacts on surrounding properties, the location of a temporary structure on a lot shall be approved by the Building Official, Fire Marshal, and Town Planner, and shall meet all required yard requirements to the extent practical; and

(4) temporary structures shall be removed within two weeks of their respective permanent structures receiving a Certificate of Use and Occupancy.

15.2.16 Group Day Care Homes and Child/Adult Day Care Centers

The Commission may approve the above day care uses if it finds that the proposed facilities will not create any nuisances for nearby properties and that they are in compliance with State and Town standards and requirements. However, day care facilities satisfying all of the following characteristics shall be considered an accessory use and not a special use:

A

no part of the facility, including the outdoor play area, is within 100 feet of any residential zone or residential use; and

B

the facility is for use only by employees of the establishment.

Day Care Terminology – Family day care homes, group day care homes, and day care centers are defined by the number of clients served. Family day care homes can serve up to six clients including resident of the home; group day care homes can serve seven to 12 clients, exclusive of residents of the home; and a day care center is any day care facility exceeding 12 clients and/or not located in a residential dwelling.

Family day care homes are allowed by-right, while group day care homes and day care centers require a special use. One exception is corporate day care centers designed to meet employee day care needs onsite, provided that they are not located within 100 feet of a residential zone or use.

Group day care homes *do not* include group homes providing 24-hour care.

SECTION 16 - PROCEDURES

16.0 INTENT

The intent of this Section is to provide applicants, Commissioners, and staff a clear understanding of the procedures required for the most common zoning applications in order to avoid misunderstandings and unnecessary defects or delays in the application process.

16.1 GENERAL PROCEDURES

16.1.1 Application Submittal Requirements

A
Applications to the Town Planning and Zoning Commission (Commission) shall be submitted to the Planning Department. Applications or appeals to the Zoning Board of Appeals (Board) shall be submitted to the Building Department.

B
When an application involves activity regulated by Chapter 3, Article III of the Windsor Code of Ordinances, the Flood Plain Management Ordinance, a floodplain development permit application shall be submitted prior to any application to the Board or Commission.

C
When an application involves activity regulated by the Inland Wetlands and Watercourses Commission (IWWC), an application to the IWWC shall be submitted prior to or concurrent with any application to the Board or Commission.

D
Applications shall be submitted on forms obtained from the Planning or Building Departments for the respective type of application being submitted.

E
Applications shall be accompanied by the appropriate fee(s), except that the Commission and the Town shall be exempt from application fees.

F
Applications shall be submitted with any supporting plans, materials, and other information required by these Regulations.

G
Applications shall be signed by the applicant and the owner of the property, where applicable.

Procedures – Part Citizen's Guide, part Applicant's Guide, this chapter goes to great lengths to explain the planning and zoning process from both perspectives. Once again, this is not intended as legal advice and a well-versed land use attorney should be consulted when in doubt. We hope you find this chapter helpful.

Order of Applications – State statutes require that floodplain permit applications precede inland wetlands permit applications, and that both must precede subdivision or site plan applications, although all three can be submitted simultaneously. The purpose of this order is to allow time for each agency to render a decision and report to the subsequent agency.

If a floodplain permit is denied by the Floodplain Manager, the applicant can appeal to the Inland Wetlands and Watersourses Comission (IWWC) prior to considering any accompanying inland wetlands permit application. The statutes also require the Planning and Zoning Commission to receive and consider a report of the IWWC prior to taking any action on an application involving wetlands. When a wetland or floodplain impact is discovered after submitting a subdivision or site plan application, these applications must be withdrawn and resubmitted concurrently or subsequent to the necessary floodplain and inland wetlands appplications, even if there is sufficient time to make timely decisions and reports, because the incorrect order of applications would be a technical defect in the applications if one or more decisions are appealed.

H

Any person or entity making an application to the Board or Commission shall disclose all property owners, whether they be an individual, principal officer(s) of a corporation or limited liability corporation, general partner(s) of a partnership or limited liability partnership, or equitable owner(s) or beneficiary(ies) of property held in trust, which may be attached to the application, if necessary.

I

When a Floodplain Development Permit is required to permit a proposed development, the Commission shall not approve any applications for development (e.g., site plan, special use) without the application first receiving a Floodplain Development Permit necessary to permit the proposed development activity.

J

When a regulation amendment and/or a zone boundary change is required to permit a proposed development, the Commission shall not accept any applications for development (e.g., site plan, special use) without first acting favorably on the regulation amendment application(s) and/or zone change zpplication necessary to permit the proposed development activity.

16.1.2 Professional Responsibilities for Plans and Design

A

Engineer

A Professional Engineer, licensed in the State of Connecticut, shall perform all drainage design, except that in order to prevent unnecessary hardship in connection with small alterations or expansions, the Town Engineer may determine that professional drainage design is not required.

B

Surveyor

A licensed Land Surveyor shall survey all sites, except that in order to prevent unnecessary hardship in connection with small expansions or alterations, the Town Engineer and the Zoning Enforcement Officer may, if mutually agreeable, determine that a site does not require surveying.

C

Architect

Unless specifically waived by the Commission, relevant design professionals shall seal all site plans and Design Development detailed plans involving new buildings of more than one story or any new building

of more than 2,000 square feet as established in the State Statutes, as amended.

D
Landscape Architect

Unless specifically waived by the Commission, a landscape architect shall design the landscaping for all site plans involving new construction in excess of 100,000 square feet of floor area and all Design Development detailed plans. The landscape architect shall monitor the installation and certify in writing that the landscaping is completed in accordance with the approved plans prior to the issuance of a Certificate of Occupancy, unless a performance bond for its completion is submitted in accordance with Section 16.1.11.

16.1.3 Receipt of Applications

A
The date of receipt of an application to the Board or Commission shall be the day of the next regularly scheduled meeting of the Board or Commission immediately following the day of submission of the application to the Building or Planning Department, or 35 days after the day of submission, whichever is sooner.

(1) Upon receipt, the Board or Commission shall schedule a public hearing, if applicable, within the prescribed time periods described in Section 16.1.9.

(2) The Board or Commission may schedule a public hearing, where applicable, for the same night that the application is scheduled to be received, provided that the application is submitted:

(a) to the Building Department at least 21 days prior to the date of the next regularly scheduled Board meeting to allow for publication of a public hearing notice;

(b) to the Planning Department at least 18 days prior to the next Commission meeting to allow for publication of a public hearing notice; or

(c) to the Planning Department at least 31 days prior to the next Commission meeting when an application requires a referral to the Capitol Region Council of Governments under Sections 8-3b, 8-26b, and 8-23(g)(4) of the Connecticut General Statutes (CGS) and/or to an adjoining municipality under CGS Section 8-7d(f).

Submitted vs. Received – There is often confusion between the date of submission and date of receipt. The date of submission is the day that an application is first submitted to the Planning Department office or the Commission during a public meeting. The date of receipt is the day of the next regularly scheduled meeting of the Commission after the date of submission. When the Commission does not meet in August, which is their practice, an application is automatically received 35 days after the day of submission to the Planning Deaprtment.

Why the distinction between submission and receipt? The official day of receipt is used to establish time limits for the Commission to process applications (i.e. the Commission must open public hearing within 65-days of receipt).

Can an Incomplete Application be Submitted and Received? – Yes, an incomplete application can be submitted and even officially received by the Board or Commission, although applicants should strive to make their applications as complete as possible. Except for very simple applications and renewals, it is rare that an application is approved exactly as it is submitted to the Building or Planning Department. There is often incomplete information due to lack of understanding, difficulty in finding all pertinent regulations, etc. that result in significant additions and changes to an application prior to Board or Commission review. If required information continues to be lacking and the Board or Commission has run out of statutory time and any extensions thereof, they may deny an application for being incomplete and/or lacking information necessary for them to complete their review.

16.1.4 Incomplete Applications

A
Each application shall be reviewed by the Building or Planning Department to determine whether the respective application is substantially complete.

B
An application shall not be considered complete until all of the information required by these Regulations, the Board or Commission, has been received by the Board or Commission at a regular or special meeting.

C
An incomplete application may be received by the Board or Commission and denied for lack of information or required fee.

D
Town staff shall not review or otherwise expend resources on an application without receipt of the required fee.

16.1.5 Sequence of Public Hearings

Where a proposed development or activity requires multiple applications, the Commission may conduct any required public hearings simultaneously or in the order that they deem appropriate, except as per Section 16.1.1J.

16.1.6 Consultations

On any application, the Board or Commission may:

A
seek the advice and opinion of other Town officials, boards, or commissions to assist it in evaluating applications; retain an architect, landscape architect, professional engineer, or other consultant to review, comment, and guide its deliberations on any application; and/or

B
require that the applicant, to the extent authorized by the Town of Windsor Code of Ordinances:

(1) deposit funds with the Board or Commission to cover the costs of any consulting review fees; or

(2) reimburse the Board or Commission for the cost of such consulting review.

16.1.7 Public Notice

A
Notice by Newspaper

(1) When a public hearing is required by these Regulations or scheduled by the Board or Commission, the Building Department or Planning Department shall publish a legal notice of the public hearing in a newspaper having a substantial circulation in Windsor.

(2) The legal notice shall be published at least twice at intervals of not less than two days, the first not more than 15 days, nor less than ten days, and the last not less than two days before the date of the public hearing.

(3) Sections 16.1.7B(2) and 16.1.7C(2) notwithstanding, applications for zoning map amendments initiated by the Commission shall comply with this Section.

(4) No public hearing shall be conducted on any application or appeal unless the required legal notice has been published in accordance with this Section.

B
Notice by Mail

(1) Any appeal of an order or decision of the Zoning Enforcement Officer or applications to the Board or Commission for design development concept plan or detailed plan approval, panned urban development site plan approval, special use approval, variances, or zoning map amendments shall comply with the following:

(a) applicants shall be responsible for notifying the owners of property within 100 feet of the subject property of any scheduled public hearing by mailing a copy of the legal notice and any other required information (provided by the Building or Planning Department respectively), not less than ten days prior to the scheduled public hearing;

(b) the Planning Department, when appropriate, shall provide a cover letter, legal notice and Citizen's Guide to the applicant to be copied and mailed to the owners of property within 100 feet of the subject property;

(c) the Building Department, when appropriate, shall provide a cover letter and legal notice to the applicant to

Warning! – When providing notice by mail, as a courtesy, the Planning Department will provide applicants with a list of abutting property owners within 100 feet of the affected property, which is generated by the Town's geographic information system (GIS) using the latest Tax Assessor's records. Because the GIS is not infallible, it is prudent for applicants to confirm the abutters on the supplied list, so as not to have a technical defect with their application due to improper notice.

Certificates of Mailing – When mailing notice to abutting property owners, proof of mailing is required in the form of a certificate(s) of mailing, which can be either a list of abutters stamped by the post office or individual stamped certificates from the blue tags that can be attached to each envelope. Certified mail (green tags) and their return receipts are an *unnecessary expense*, as they are proof of receipt as well as mailing and can lead to confusion when abbutters claim that they were not properly notified because they were either not available to sign or refused to sign the receipt, which is irrelevant since proof of receipt is not required, only proof that it was mailed.

be copied and mailed to the owners of property within 100 feet of the subject property;

(d) the applicant shall obtain proof of mailing in the form of U.S. Postal Service Certificates of Mailing. Notices sent by Certified Mail - Return Receipt Requested are neither required nor advisable; and

(e) prior to the scheduled public hearing, the applicant shall submit:

(i) the Certificate(s) of Mailing,

(ii) a list of the property owners to whom the notices were sent, and

(iii) a copy of the letter legal notice and any enclosures sent to the property owners.

(2) Applications for zoning map amendment initiated by the Commission shall not be required to comply with this Section, except that owners of property directly affected by the proposed Zoning Map Amendment shall be notified.

(3) No public hearing shall be conducted on any application or appeal unless the required notice has been mailed in accordance with this Section.

C
Notice by Sign

(1) With the exception of zoning regulation amendment applications, for all applications or appeals to the Board or Commission requiring public hearings, the applicant or appellant shall be responsible for posting a sign (provided by the Building Department or Planning Department) on the subject property to notify the public-at-large of any scheduled public hearing. The posting of the sign shall comply with the following:

(a) the sign shall be placed on the property that is the subject of the public hearing (NOTE: do not place the sign within the public right-of-way between the curb or edge of pavement and the front property line);

(b) the sign shall be posted for at least ten consecutive days prior to the public hearing and removed within five days after the public hearing;

Warning! – When providing notice by sign, care should be taken when placing and monitoring the public hearing sign provided by the Planning Department. The signs *must* be placed on the property that is the subject of the public hearing *and* visible from the street. Placing a sign at the curb may seem like the best way to ensure that the public can see it, but the road right-of-way often includes ten or more feet behind the curb, leaving the sign in the right-of-way, not on the property, which is a technical defect in the advertisement of the public hearing. For large properties, or properties with frontage on more than one street, additional signs can be provided.

Maintenance of the sign is also critical for avoiding an advertising defect. Protection of the cardboard sign from the weather will ensure that it remains legible during the required posting period. On occasion, signs are accidentally destroyed by weather, and sometimes even deliberately destroyed or stolen to create a technical defect. While these occurrences cannot always be avoided, diligence in replacing a damaged or missing sign as soon as possible will demonstrate a good faith effort to keep the public informed in the event of an appeal.

(c) the sign shall be visible and legible from the nearest street;

(d) when exposed to the weather, the sign shall be mounted on a flat surface and protected from water damage to ensure its legibility.

(2) Applications for zoning map amendment initiated by the Commission shall not be required to comply with this Section.

(3) No public hearing shall be conducted on any application or appeal unless the required sign has been posted in accordance with this Section.

16.1.8 Applications, Notifications, and Referrals to other Agencies

A
Applications for a floodplain development permit

(1) When an application involves activity regulated by Chapter 3, Article III of the Windsor Code of Ordinances, the Flood Plain Management Ordinance, the Board or Commission shall not act on the application until it has received a report from the Town Engineer acting under his/her duty as the designated Local Administrator.

(2) The Board or Commission shall consider any report from the Town Engineer in making its decision.

B
Applications to the Inland Wetlands and Watercourses Commission

(1) When an application involves activity regulated by the Inland Wetlands and Watercourses Commission (IWWC), the Board or Commission shall not act on the application until it has received a report from the IWWC.

(2) The Board or Commission shall consider any report from the IWWC in making its decision.

C
Notification of Abutting Municipalities

(1) In accordance with CGS Section 8-7d(f), the Board or Commission shall notify the clerk of an adjoining municipality of any application concerning an application or appeal that:

Order of Applications – State statutes require that floodplain permit applications precede inland wetlands permit applications, and that both must precede subdivision or site plan applications, although all three can be submitted simultaneously. The purpose of this order is to allow time for each agency to render a decision and report to the subsequent agency.

If a floodplain permit is denied by the Floodplain Manager, the applicant can appeal to the Inland Wetlands and Watersourses Comission (IWWC) prior to considering any accompanying inland wetlands permit application. The statutes also require the Planning and Zoning Commission to receive and consider a report of the IWWC prior to taking any action on an application involving wetlands. When a wetland or floodplain impact is discovered after submitting a subdivision or site plan application, these applications must be withdrawn and resubmitted concurrently or subsequent to the necessary floodplain permit and inland wetlands permit, even if there is sufficient time to make timely decisions and reports, because the incorrect order of applications would be considered technical defects in the applications if one or more decisions are subsequently appealed.

(a) any portion of the property that is the subject of the application or appeal is within 500 feet of the boundary of the adjoining municipality,

(b) a significant portion of the traffic to a completed project would use streets within the adjoining municipality to enter or exit the site; and/or

(c) a significant portion of the sewer or stormwater drainage from a completed project would flow through and significantly impact the stormwater drainage or sewer system within the adjoining municipality.

(2) Such notice shall be made by the Building or Planning Department by Certified Mail - Return Receipt Requested and shall be mailed within seven days of the day of the submission of the application or appeal to the Building or Planning Department.

(3) No public hearing shall be conducted on any application or appeal unless the adjoining municipality has received the notice required under this Section.

(4) The adjoining municipality or its agent(s) may provide a report or appear before the Board or Commission at any public hearing on an application or appeal.

(5) The Board or Commission shall consider any report from the adjoining municipality in making its decision.

D
Referrals to the Capitol Region Council of Governments

The Commission shall refer an application to the Capitol Region Council of Governments (CRCOG) for review and comment when any portion of the land affected by a zoning regulation or boundary change affecting the use of a district is located within 500 feet of the boundary of another municipality.

(1) The referral shall be made either by Certified Mail - Return Receipt Requested or by email to CRCOG not later than 30 days before the public hearing.

(2) CRCOG may submit its report on the referral to the Commission at or before the public hearing.

(3) The Commission shall read any report on the referral from CRCOG into the record of the public hearing and consider it in making its decision.

(4) Failure by CRCOG to respond within 30 days shall be considered a favorable report.

16.1.9 Time Periods for Acting on Applications and Appeals

A
When approval of a site plan application is the only approval required, a decision shall be made within 65 days after receipt of the application in accordance with Section 16.1.3.

B
Except as provided below, the Board or Commission shall process applications or appeals requiring a public hearing within the following time periods:

(1) public hearings shall commence within 65 days after receipt of the application or appeal in accordance with Section 16.1.3;

(2) public hearings shall be closed within 35 days after the public hearing commences; and

(3) all decisions shall be made within 65 days after the close of the public hearing.

(4) The provisions of this Section shall not apply to applications initiated by the Commission.

C
An applicant or their agent may consent to one or more extensions of any time period specified in Subsections A or B above, provided that the total time period, including any extensions, does not exceed twice the original time period specified.

D
If an application involves an activity regulated by the Inland Wetlands and Watercourses Commission (IWWC), and the time period for a decision by the Board or Commission would lapse prior to the thirty-fifth day after a decision by the IWWC, the time period for a decision by the Board or Commission shall be extended to 35 days after the decision of the IWWC.

E
When action on a site plan application is contingent upon another application requiring a public hearing, the time period for acting on the site plan application shall coincide with the time period for acting on the application requiring a public hearing and may be extended in accordance with Subsection C above.

Extensions of Time – When the time for opening or closing a hearing, or making a decision is running out, there is often confusion as to who is granting whom an extension. The time limits on processing an application were put in place by the legislature to protect applicants from Commissions that might unnecessarily delay their applications. For this reason, it is the Commission that must ask for an extension of time from the applicant to process an application. The applicant is free to grant or deny an extension, but if the request is denied and is found to have been for good cause, such as to gather critical information for the Commission to make an informed decision, the applicant runs the risk of being denied for lack of sufficient information, which could be upheld in court.

F
An applicant or their agent may withdraw an application at any time prior to action by the Commission.

16.1.10 Action Documentation

A
When acting on an application or appeal, the Board or Commission shall state on the record the reasons for its decision.

B
The Building Department or Planning Department shall mail notice of the decision to the applicant or appellant by Certified Mail within 15 days of their decision.

C
The Building Department or Planning Department shall publish notice of the decision in a newspaper having a substantial circulation in Windsor within 15 days of the decision.

D
If notice is not published within the 15-day period after a decision, the applicant or appellant may provide for the publication of the notice within ten days thereafter.

E
Unless specified by the Board or Commission at the time of a decision, the effective date of any decision shall be 15 days after the publication of the legal notice, or in the case of an appeal, the day after the decision by the Board or Commission is sustained by the courts.

16.1.11 Bonding Requirements

Bonding for site plans, design development detailed plans, and other instances where a bond may be required by these Regulations shall conform to the following procedures.

A
Performance Bonds

(1) Prior to issuing a Building Permit for a residential development approved by site plan, design development detailed plan, and/or special use approval, the developer shall have completed all public improvements and/or similar common elements (e.g., roads, sidewalks, storm drainage facilities), or may complete those improvements that are minimally necessary to support the development and protect the public health, safety, and welfare (e.g., base course of pavement, storm drainage facilities, fire

Bonding – Performance bonding is often a contentious issue because it is either not planned for, or it is left until the last minute. No certificates of occupancy are issued until all exterior improvements are either completed or bonded to ensure their completion. There are no distinctions made between large corporations or local busineses with an established record: everyone has to post a performance bond if they do not complete all of the exterior improvements.

If the deadline for receiving a certificate of occupancy is approaching, site contractors and engineers should be in consultation on which items are likely to be incomplete at the deadline and a punch list with labor and material cost estimates and/or invoices for incomplete work should be submitted to the Town Engineer for review well in advance of the deadline.

Allow extra time for securing surety bonds as there is often disagreement with surety companies over the Town's required bonding form if they have not done business with the Town in the past.

There is an application fee for establishing and releasing bonds, including partial releases, to cover administrative costs, so plan accordingly.

hydrants) and post a performance bond for the balance of the improvements.

(2) Prior to issuing a Certificate of Occupancy, the developer shall have completed all improvements shown on the approved site plan, design development detailed plan, or portion thereof when a project is to be developed in phases or on individual lots.

(3) When requested by the applicant, the Building Official may issue a Temporary Certificate of Occupancy for a building, structure, or premises where site work is not fully completed due to seasonal weather conditions, provided that those improvements that are minimally necessary to support the development and protect the public health, safety, and welfare (e.g., base course of pavement, storm drainage facilities, fire hydrants) are completed.

(4) No Temporary Certificate of Occupancy shall be issued unless a performance bond for the balance of any incomplete improvements shown on the approved site plan has been submitted to and approved by the Town Planner.

(5) The required bond amount shall be established by the Town Engineer, based on an estimate prepared by a licensed Professional Engineer containing the type, estimated quantities, and costs of materials needed to complete the required improvements. The amount of the bond shall be sufficient to cover the cost of any proposed or required site improvements, including but not limited to:

(a) street grading, roadway paving, and street plantings;

(b) installation of curbs, gutters, storm drainage facilities, landscaping, sidewalks, lighting monuments, bridges, and culverts;

(c) erosion and sedimentation control measures; and

(d) all other such improvements that the Commission determines to be necessary to promote public health and safety and to safeguard the Town in regard to the future maintenance of the required improvements.

(6) Prior to issuing a Certificate of Occupancy for a telecommunications tower, wind generation tower, accessory apartment kitchen, or any other facility required by these regulations to post a performance bond for their removal upon abandonment or expiration, the applicant shall provide a performance bond in an amount established by the Building Official to be sufficient for that purpose.

Warning: Deviations from Approved Site Plans – It is not uncommon for unforseen circumstances to require modifications to an approved site plan, such as the discovery of ledge, or the unavailability of a particular species of tree, and the town staff has authority under Section 3.9 to address these changes with a site plan modification. Town staff can even give verbal approval of a comparable substitution of species, such as Japanese Cedars for Red Cedars if warranted, but when a certificate of occupancy (CO) is requested and a site inspection reveals unauthorized changes, such as relocated and/or substituted trees; relocated handicap parking spaces; or mechanical equipment that is not screened; there can be either delays in issuing the CO and/or increased bonding to restore, replace, or relocate site plan deviations.

Maintenance Bonds – The term "maintenance bond" is a misnomer that implies that the bonds are to be used to maintain improvments in perpetuity, when in reality, maintenance bonds are held more like a warranty to protect the interests of homeowners and/or the Town from faulty workmanship during the first year after they are accepted by the Town or homeowners' association. Maintenance bonds are not required in every instance where a performance bond is required; only when there are public improvements such as sidewalks or private improvements, that for all intents and purposes are equivalent to public improvements, such as private roads and related infrastructure.

Acceptable Bonds – Certified checks and surety bonds from companies authorized to do business in Connecticut are the preferable forms of bond. Personal checks, passbooks, and letters of credit are not acceptable. Surety bonds cannot have an unequivocal expiration date, which is a point of contention with many surety companies. Language to the effect that the bond shall not terminate without the written consent of the Town upon either the completion of the work or submission of a new bond acceptable to the Town is usually sufficient.

B
Maintenance Bonds

Upon the completion of all public improvements and/or similar common elements associated with a site plan or design development detailed plan to the satisfaction of Town staff, a maintenance bond shall be submitted to and approved by the Town Planner. Unless otherwise specified, the bond shall be held for a period of one year after all site improvements have been completed to guarantee the survival of plantings and to ensure the proper operation and maintenance of erosion and flood control facilities or any other relevant improvements. The amount of the bond shall be five percent of all bondable improvements.

C
Acceptable Forms of Bonds

All bonds shall be accompanied by a completed bond application and shall be in one or more of the following forms:

(1) cash or certified check deposited with the Town; and/or

(2) a performance surety bond naming the Town as sole beneficiary, provided that the terms and conditions of the surety bond shall be acceptable in form and substance to the Town.

D
Release of Bonds

(1) At the written request of the applicant upon completion of required improvements totaling 50 percent or more of the cost of the bonded improvements, the Town Planner may release at least 50 percent, but not more than 95 percent, of a performance bond upon submittal of documentation and verification by Town staff that an equivalent portion of the required improvements have been completed in accordance with approved plans.

(2) At the written request of the applicant, the Town Planner may release all or the balance of a performance bond, provided that the Town Engineer and/or Zoning Enforcement Officer has certified that all required improvements and conditions of the Commission's approval have been satisfactorily completed.

(3) After one year from the acceptance of a maintenance bond, the Town Planner may release the bond, provided that the Town Engineer and/or Zoning Enforcement Officer has certified that none of the required improvements have failed, or in the event of their failure, have been repaired to their satisfaction.

16.2 SITE PLAN APPLICATION PROCEDURES

16.2.1 Application Requirements

A

A site plan application shall be submitted:

(1) for any activity requiring site plan approval;

(2) in the Agricultural or Residential Zones for any construction, development, expansion, or major alteration of a multi-family use, non-residential use, or non-agricultural use; or

(3) if development is proposed on a property where a previously approved and recorded site plan does not exist.

B

A site plan application shall be accompanied by the site plan Checklist and six sets of 24" by 36" plans, signed and sealed by appropriate professionals, for review by Town Staff.

C

At least seven days prior to the Commission meeting, the applicant shall submit nine sets of 11" by 17" plans for distribution to the Commission.

D

If a site plan application involves an activity regulated by Chapter 3, Article III of the Windsor Code of Ordinances, the Flood Plain Management Ordinance, the applicant shall submit an application for a floodplain development permit to the Town Engineer acting in his/her capacity as the Local Floodplain Management Administrator not later than the day such application is filed with the Commission.

E

If a site plan application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission (IWWC) not later than the day such application is filed with the Commission.

16.2.2 Proceedings

A

The date of receipt for the site plan application shall be determined in accordance with Section 16.1.3.

Site Plans – Site plans are the principle zoning tool used to illustrate compliance with parking, lighting, setbacks, landscaping, coverage and other requirements. Because a site plan review is a simple administrative function, the Commission has very little discretion in their review if an application meets the letter of these regulations. Because of this limited discretion, public hearings are not required since public input cannot influence the Commission to require improvements beyond those specified in these regulations.

B
An incomplete site plan application may be denied in accordance with Section 16.1.4.

C
Notification to adjoining municipalities may be required in accordance with the requirements of Section 16.1.7.

D
Whenever a site plan application is required in conjunction with a special use application:

(1) the time period for acting on the site plan application shall coincide with the time period for acting on the special use; and

(2) a decision on the application shall be rendered within 65 days after the close of the public hearing on the special use application, except that the applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed 65 days.

E
Whenever approval of a site plan is the only approval required, a decision on the application shall be rendered within 65 days after the date of receipt of such site plan application, except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed 65 days.

F
Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, and the time for a decision by the Commission would lapse prior to the 35th day after a decision by IWWC, the time period for a decision shall be extended to 35 days after the decision of the IWWC.

G
Approval of a site plan shall be presumed unless a decision to deny or modify and approve is rendered within the applicable time period specified above.

Presumed Approval – Automatic approval of a site plan 65 days after official receipt shall not be presumed when there are documented outstanding issues that have not been addressed by the applicant's design professionals and reflected on the pending site plans.

H
The applicant may withdraw an application at any time prior to action by the Commission.

16.2.3 Decision Considerations

A

On a site plan application involving an activity regulated by Chapter 3, Article III of the Windsor Code of Ordinances, the Flood Plain Management Ordinance, the Commission shall wait to render its decision until the Town Engineer acting under his/her duty as the designated Local Floodplain Management Administrator has submitted a report with his/her final decision, and shall give due consideration to that report when makings its decision.

B

On a site plan application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, the Commission shall wait to render its decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision, and shall give due consideration to that report when making its decision.

C

When a site plan application involves notice to adjoining municipalities under Section 16.1.7, the Commission shall consider any report or testimony received.

D

In addition to any other conditions specified in these Regulations that the Commission may attach to a site plan, the Commission may approve a site plan subject to Town Staff review and approval to protect the public health, safety, and welfare, and ensure compliance with these Regulations. Approval subject to Town Staff review and approval shall be limited to technical and minor changes as described in Section 3.9 that have a reasonable assurance of being approved by Staff. The Commission shall state the nature of each change, or cite a specific list of changes in a staff report or other correspondence in the conditions of the motion to approve.

16.2.4 Action Documentation

A

In acting on a site plan application, the Commission shall state its reason(s) for the decision upon the record.

B

The Commission shall send a copy of any decision to the applicant by Certified Mail, within 15 days after the decision is rendered.

Staff Review and Approval - When the Commission approves a site plan application subject to staff review and approval, they cannot create double jeopardy for an applicant by leaving subjective matters to staff that could result in a denial, effectively trapping the applicant between two decisions. By deferring items to staff for an objective determination of compliance with these regulations, the Commission is not trying to be punative, but instead is trying to expedite the application rather than making the applicant wait until a subsequent meeting for the application to be thoroughly completed, reviewed, and approved.

Reasons for Decisions – While the statutes require that the Commission state its reasons for its decisions, the courts have not considered the lack of stated reasons as a defect in applications warranting overturning decisions. To the contrary, it has proven benficial to commissions on occasions when in the absence of stated reasons, the courts have searched the entire record and found reasons to justify decisions, which may or may not have been the stated reason(s) if one or more were offered. However, it is still good practice to state reasons for the purpose of focusing the decision making process.

C
The Commission shall publish notice of any decision on a site plan application in a newspaper having a substantial circulation in Windsor, within 15 days after the decision is rendered.

D
If the notice is not published within the 15-day period after a decision, the applicant may publish the notice within ten days thereafter.

E
On any site plan application that the Commission fails to act on within the time limits established in Section 16.2.2D, the Commission shall send a letter of approval to the applicant within 15 days of the expiration of the approval period, stating the date on which the five-year completion period expires.

16.2.5 Following Approval

A
Following approval of a site plan application, four sets of prints of the approved plan(s) shall be submitted to the Planning Department:

(1) bearing the raised seal of the appropriate professionals who prepared the drawing(s);

(2) bearing a copy of the Floodplain Development Permit, if applicable; and

(3) bearing a copy of the decision letter of the Commission and Inland Wetlands and Watercourses Commission, if applicable.

B
Following signature by the Chairperson of the Commission, the approved and signed site plan shall establish the criteria for issuance of a Certificate of Occupancy, as described in Section 16.8.1B.

16.2.6 Expiration and Completion

A
Unless otherwise specified in Connecticut General Statutes, Section 8-3 all work in connection with a site plan shall be completed within five years after the approval of the plan and failure to complete all work within five years shall result in automatic expiration of the approval. An approved site plan for a project consisting of 400 or more dwelling units shall be valid for ten years from the date of approval.

Expiration and Completion – Site plans are generally valid for five years from the date of approval unless extended by the Commission for up to an additional five years. Several legislative acts have extended the five-year expiration date from six to nine years depending on the date of approval, but these acts have sunset clauses designed to expire, presumably after the economy recovers.

When a site plan is modified, as opposed to extended, the original expiration date is not extended to match the five-year expiration for the proposed modifications. The modifications alone are given a new five-year time limit to be completed and the original site plan must be completed by the original deadline, unless extended.

A site plan that is not completed by the statutory deadline or extended by the Commission is null and void. Typically, a project under construction will not be allowed to expire within the maximum ten-year time frame. Most expired developments never break ground, leaving nobody harmed by an incomplete development, but occasionally, a long-term project does run out of time and can be reapproved instead of extended, granting five more years to complete the project.

B
The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the site plan, provided the total extension(s) does not exceed ten years from the original date of approval.

C
The Commission may condition an extension on a determination of the adequacy of the bond or other surety.

D
Revisions to an approved site plan shall be completed in accordance with Subsection A, except that such revisions shall:

(1) not be interpreted as a reapproval of the original site plan,

(2) have an independent expiration date, and

(3) not alter the expiration date(s) for any previous approval.

Warning – Site plans are not aspirational, illustrative, or suggestive in nature. They are a legal document to be followed in every detail. Deviations from an approved plan can lead to costly changes and/or delays if not approved by town staff.

16.3 SPECIAL USE APPLICATION PROCEDURES

16.3.1 Application Requirements

A
In addition to any requirements outlined below, special use applications shall be submitted and received in accordance with Sections 16.1.1 through 16.1.4.

B
A special use application shall be accompanied by a site plan application unless expressly waived by the Town Planner or the Commission.

In waiving the requirement of an accompanying site plan application, the Town Planner or Commission may require a simplified special use plan, with sufficient information for the Commission to evaluate the impacts of the special use on the affected property and surrounding area.

C
The Commission shall not be required to hear any application for the same special use or substantially the same special use more than once in a period of six months after a decision by the Commission or by a court on an earlier application unless it finds, based on facts presented in writing, that a material change in the situation, other than a change of ownership or interest in a property, justifies a new public hearing.

Special Uses – There are three types of uses in zoning: permitted uses that are allowed by right in a zone (e.g., a house in a residential zone); special uses that are allowed on a case-by-case basis (e.g., a restaurant in a business zone); and accessory uses that are only allowed in the presence of a permitted or special use and are not permitted on their own (e.g., a parking lot on a an office site). Special uses give the Commission limited discretion to determine whether a location is appropriate for a particular use and that the characteristics of the use will not be detrimental to surrounding development. The Commission can apply conditions to special uses to mitigate any potential negative impacts. Unlike site plans, special uses require a public hearing, which may be held concurrently with a site plan review.

16.3.2 Procedures

A
A public hearing shall be held for all special use applications.

B
Public notice of the public hearing shall be provided accordance with Section 16.1.7.

C
Required applications to the Inland Wetlands and Watercourses Commission, applications for a Floodplain Development Permit, notifications to adjoining municipalities, and referrals to the Capitol Region Council of Governments shall be made in accordance with Section 16.1.8.

D
The Commission shall process the special use application within the time periods specified in Section 16.1.9.

E
In addition to any other conditions specified in these Regulations that the Commission may attach to a special use permit, the Commission may approve a special use permit subject to Town Staff review and approval to protect the public health, safety, and welfare, and ensure compliance with these Regulations. Approval subject to Town Staff review and approval shall be limited to technical and minor changes as described in Section 3.9 that have a reasonable assurance of being approved by Staff. The Commission shall state the nature of each change in the conditions of the motion to approve.

F
In addition to any requirements outlined below, the Commission shall document its action in accordance with Section 16.1.10.

(1) If approved, a special use certificate shall be prepared by the Planning Department, certified by the Chairperson or Secretary of the Commission, and mailed to the applicant by Certified Mail.

(2) A special use approved by the Commission shall only become effective after filing the special use certificate in the Land Records in the Town Clerk's Office and all applicable conditions of the special use approval have been met. In all cases requiring approval by special use, no Building Permit shall be issued by the Building Official except after the special use has been approved by the Commission, the special use certificate has been filed in the Land Records in the Town Clerk's Office, and all applicable conditions of the special use approval have been met.

Order of Applications– See the sidebar on page 16-7.

Who Owns a Special Use? – Special uses, and all land use permits for that matter, belong to no individual, joint owner, or corporation to which a permit is issued. Land use permits are said to "run with the land" meaning that the permit transfers with the title or lease to the property. For this reason, the Commission must exercise caution in issuing a special use permit, as the applicant or owner at the time of approval may be an upstanding citizen or corporation that will stand behind any claims made to the Commission during a public hearing, but if the property is sold, there is no guarantee that a subsequent owner will uphold the same standards. For this reason, even the most well-intentioned applicants may have their special use permits subjected to numerous conditions designed to ensure that the use will remain compatible no matter who is in control.

Effective Date – Two steps must take place before a special use permit becomes effective: the approval must be legally advertised by planning staff and survive the appeal period or subsequent appeal; and a special use certificate prepared by planning staff must be filed by the applicant on the land records

16.4 TEXT AMENDMENT APPLICATION PROCEDURES

16.4.1 Application Requirements

A
In addition to any requirements outlined below, applications for text amendment to the Zoning/Subdivision Regulations shall be submitted and received in accordance with Sections 16.1.1 through 16.1.4.

B
applications shall provide the precise wording of the existing and proposed text and any other supporting information.

C
An application for text amendment to the Zoning/Subdivision Regulations shall only be submitted by:

(1) an owner or agent of real property in Windsor;

(2) a resident or person having an interest in land in Windsor, or their agent; or

(3) the Commission acting on its own initiative.

D
The Commission shall not be required to hear any application relating to the same changes, or substantially the same changes, more than once in a period of twelve months unless it finds, based on facts presented in writing, that a material change in the situation justifies a new public hearing.

16.4.2 Procedures

A
A public hearing shall be held for all applications for text amendment to the Zoning/Subdivision Regulations.

B
Public notice of the public hearing shall be provided in accordance with Sections 16.1.7, except that the Planning Department shall file a copy of the application, together with any supporting materials, in the Town Clerk's Office at least ten days prior to any public hearing.

C
A referral to the Capitol Region Council of Governments shall be made in accordance with Section 16.1.8.

Text Amendments – When reviewing amendments to these Regulations, the Commission is acting legislatively as opposed to administratively (e.g., when reviewing site plans). In other words, they are making law, not administering it. As such, they are given the broadest discretion by the courts to determine what is appropriate for Windsor and text amendments are rarely overturned for substantive reasons, though they can be overturned for technical defects in the application process. Text amendment applications can be submitted by anyone at any time, regardless of individual or corporate property ownership. The Commission and/or Planning Department are the most frequent applicants; implementing the Plan of Conservation and Development; addressing cultural and technological changes, as well as issues arisng out of frequent violations, variances, and unintended consequences, and closing frequently exploited loopholes

Spot Zoning – There is no spot zoning (a zone change benefitting an individual or small area in a manner that is inconsistent with the zoning map) with respect to text amendments, but care must be taken to ensure that a regulation proposed by an individual to meet their needs does not have unintended consequences as it will be applicable townwide in the targeted zone.

D
The Commission shall process the application within the time periods specified in Section 16.1.9.

E
In making its decision, the Commission shall take into consideration the Plan of Conservation and Development.

F
The Commission shall document its action in accordance with Section 16.1.10, except that if approved, a copy of the approved text shall be filed in the Town Clerk's Office.

Zone Boundary Changes – When the Commission amends the zoning map, it may seem counterintuitive, but they are acting legislatively by changing the policies applicable to the rezoned area. As such, they are given the broadest discretion by the courts to determine what is appropriate for Windsor and zoning map amendments are rarely overturned for substantive reasons, though they can be overturned for technical application defects. Unlike text amendments that can be submitted by anyone, zoning map amendments can only be done either with the permission of the property owners or unilaterally by the Commission.

Spot Zoning – In amending the zoning map, the Commission must be careful to avoid spot zoning, which is a zoning map amendment benefitting an individual property or small area *and* is inconsistent with the comprehensive plan (zoning map). In order for spot zoning to occur, both criteria must be met, which can be difficult to determine in the latter case as any amendment of the comprehensive plan is, by its nature, inconsistent with the current plan. Caution dictates that the Commission should not create a small island of zoning that is inconsistent with surrounding zones, and whenever possible, should strive to make an amendment contiguous to the same zone.

16.5 ZONE BOUNDARY CHANGE APPLICATION PROCEDURES

16.5.1 Application Requirements

A
In addition to any requirements outlined below, zone boundary change applications shall be submitted and received in accordance with Sections 16.1.1 through 16.1.4.

B
The application shall include six copies of a map, accurately drawn to scale, including:

(1) existing and proposed zoning for the area affected by the zone boundary change;

(2) existing zoning for properties abutting the area affected by the zone boundary change; and

(3) a key map at a scale of one inch equals 2,000 feet.

C
A zone boundary change application may only be submitted by:

(1) the owner(s) of the property to be rezoned and shall be signed by the affected property owner(s), or

(2) the Commission acting on its own initiative.

D
The Commission shall not be required to hear any application relating to the same changes, or substantially the same changes, more than once in a period of twelve months unless it finds, based on facts presented in

writing, that a material change in the situation, other than a change of ownership or interest in a property, justifies a new public hearing.

16.5.2 Procedures

A
A public hearing shall be held for all zone boundary change applications.

B
Public notice of the public hearing shall be provided accordance with Section 16.1.7, except that:

(1) the Planning Department shall file a copy of the application, together with any supporting materials, in the Town Clerk's Office at least ten days prior to any public hearing; and

(2) when the Commission proposes a zone boundary change on its own initiative, the Planning Department shall notify the affected property owners by Certified Mail prior to the public hearing.

C
If required, a referral to the Capitol Region Council of Governments shall be made in accordance with Section 16.1.8.

D
The Commission shall process the application within the time periods specified in Section 16.1.9.

E
In making its decision, the Commission shall take into consideration the Plan of Conservation and Development.

F
The Commission shall document its action in accordance with Section 16.1.10, except that if approved, a copy of the approved map shall be filed in the Town Clerk's Office.

16.5.3 Decision Considerations

A
The Commission shall act on any application for zone boundary change.

B
On an application for zone boundary change involving notice to adjoining municipalities or notice to CRCOG under Section 16.1.9, the Commission shall consider any report or testimony received.

Abutting a Zoning Map Amendment – Zoning map amendments are unique in that property owners within or adjacent to the area to be rezoned have a stronger voice in the application process. The owners of 20% or more of the area directly affected by a proposed map amendment and the owners of 20% of the area within 500 feet of the map amendment each have the ability to file a petition in protest at or before a public hearing, requiring a two-thirds majority, which is actually a four-fifths majority for a five-member commission. Such a petition should have a clear statement of opposition on the top of each page, and contain the printed name and address of each property owner.

Warning! – When filing a petition against a zone boundary change, caution should be taken to ensure that all joint owners sign the petition and that the thresholds of either the owners of 20% of the affected property or the owners of 20% of the property within 500 feet of the affected property are met.

Do not confuse 20% of the owners within the affected area with the owners of 20% of the land within the affected area, nor 20% of the owners within 500 feet of the affected area with the owners of 20% of the land within 500 feet of the affected area. The owners of 20% or more of all land both within the affected area and within 500 feet of the affected area would not qualify unless they own at least 20% of the land in one of those two areas.

C

Before approving an application for zone boundary change, the Commission shall determine that the proposed zone boundary change:

(1) is in accordance with the Plan of Conservation and Development;

(2) is suitable for the intended location;

(3) will aid in protecting the public health, safety, welfare, or property values; and

(4) will aid in attaining the purposes of these Regulations.

D

Zone boundaries shall only be established, changed or repealed by a majority vote of the members of the Commission seated during the public hearing, unless a protest against a proposed zone boundary change is filed at or before the public hearing, signed by the owners of 20 percent or more of the area of the lots affected by such proposed change or by the owners of 20 percent of area of lots within five-hundred feet in all directions of the property affected by the proposed zone boundary change, in which case the zone boundary change shall not be adopted, except by a vote of two-thirds of all members of the Commission seated during the public hearing.

16.5.4 Action Documentation

The Commission shall document its action in accordance with Section 16.1.10, except that all changes to the Zoning Map shall be officially recorded electronically on the "Town of Windsor Official Zoning Map" and a paper copy filed in the Town Clerk's Office.

16.6 PLANNED URBAN DEVELOPMENT APPLICATION PROCEDURES

16.6.1 Application Requirements

A

The term "concept plan," as used in this Section, shall mean a plan approved by the Commission for development of an entire PUD site or any portion of a PUD site that:

(1) establishes the character of and overall design of that site or any portion thereof;

(2) establishes the uses and amount of square footage for each use made on that site, or any portion thereof; and

(3) establishes the general locations of buildings, streets, drives, parking areas and other significant improvements on the site, or any portion thereof.

B
In addition to any requirements outlined below, concept plan applications shall be submitted and received in accordance with Sections 16.1.1 through 16.1.4.

C
An application for development in a PUD shall be made to the Commission and shall include plans, maps, perspective drawings and other relevant documents that clearly show that the concept plan for the entire site satisfies the requirements and intent of this Section.

D
The Commission may require additional plans, maps and other relevant information in addition to that submitted with the application.

E
The Commission shall approve, modify and approve, or disapprove all applications for a concept plan in a PUD Zone, including all phases thereof. Town staff may approve minor technical changes that are consistent with an approved concept plan in accordance with Section 3.9. Changes that the Town Planner determines to be significant in nature or inconsistent with an approved concept plan shall be reviewed by the Commission using the same procedures and criteria required for an initial application. The Town Planner shall report all minor technical changes to the Commission.

F
Prior to receiving a Building Permit for construction of improvements shown in an approved concept plan or any phase thereof, a site plan shall be submitted and approved in accordance with Sections 3, 11 and 16.2.

16.6.2 Procedures

A
A public hearing shall be held for all concept plan applications.

B
Public notice of the public hearing shall be provided accordance with Section 16.1.7.

C
Required applications to the Inland Wetlands and Watercourses Commission, applications for a Floodplain Development Permit, notifications to adjoining municipalities, and referrals to the Capitol

When a PUD is not a PUD – Appraisers and lenders want properties to fall into established categories for determining value and risk. Single-family homes in conventional subdivisions are obvious, but when owners do not own the land under their buildings and/or share common elements such as private roads and open space, the distinction becomes murky. Are they part of a condominium, a common interest community, a planned unit development or all of the above? Complicating the matter is Windsor's Planned Urban Development (PUD) Zone, which is a planned *unit* development in its own right and contains both condominiums and common elements. Is part of our only Planned Urban Development Zone a planned unit development? Perhaps, but any other planned unit development is not similarly a Planned Urban Development Zone. It is more likely part of one of Windsor's many design development districts, cluster subdivisions, and/or active-adult communities.

What Sets the PUD Zone Apart – The PUD Zone was once unique in Windsor, allowing the flexibility to design a mixed-use community with its own set of standards, established graphically through a concept plan. In practice, the sole PUD zone in existence did not live up to its mixed-use intent, instead becoming two adjacent yet intensely developed commercial and residential areas that function independently. The many variations of the design development district have supplanted the PUD Zone as the tool of choice for mixed-use and alternatives to single-family development. One distinct difference between the PUD Zone and design development districts is that once the concept plan is approved, only site plan approval is necessary to approve the final design, which can be amended by town staff, whereas design developments require a detailed plan that can only be approved after a public hearing.

Region Council of Governments shall be made in accordance with Section 16.1.8.

D

The Commission shall process the concept plan application within the time periods specified in Section 16.1.9.

E

In addition to any requirements outlined below, the Commission shall document its action in accordance with Section 16.1.10.

Following approval of a concept plan application, four sets of prints of the approved plan(s) shall be submitted to the Planning Department:

(1) bearing the raised seal of the appropriate professionals who prepared the drawing(s);

(2) bearing a copy of the Floodplain Development Permit, if applicable; and

(3) bearing a copy of the decision letter of the Commission and Inland Wetlands and Watercourses Commission, if applicable.

F

Following signature by the Chairperson of the Commission, the approved and signed concept plan shall guide the design of any subsequent site plan application as required below.

(1) Following approval or revision of a concept plan, the applicant or their successor shall obtain site plan approval in accordance with Sections 3 and 11 of these Regulations for improvements in each phase of development.

(2) Building Permit shall be issued for construction in a phase until the Commission issues site plan approval for that phase.

G

Unless deferred by the Commission to the Town Planner as a condition of the site plan approval, the exterior design and materials of all commercial and multi-family buildings and all signs shall be approved by the Commission.

16.7 DESIGN DEVELOPMENT APPLICATION PROCEDURES

16.7.1 Application Requirements

A

In addition to any requirements outlined below, design development applications shall be submitted and received in accordance with Sections 16.1.1 through 16.1.4.

B

Concept Plan Application

(1) A design development concept plan application shall be accompanied by six sets of 24" by 36" plans, including but not limited to maps, sketch plans and other relevant data to adequately describe and illustrate the proposed development and its appropriateness for the proposed location; to demonstrate its effects and impacts on the surrounding area and development, streets, schools and other municipal facilities, public utilities and transportation, drainage systems, soil and other natural resources; and to show compliance with the intent of the Plan of Conservation and Development and these Regulations, signed and sealed by appropriate professionals, for review by Town Staff. The requirements of the concept plan are:

(a) a vicinity map, at a scale no smaller than one-inch equals 1,000 feet, showing zone(s) of the lot and the surrounding area;

(b) a map at a scale no smaller than one-inch equals 200 feet, showing property lines, names of adjacent owners, existing and proposed contours at two-foot intervals, Special Flood Hazard Areas, designated inland wetlands and watercourses, any heavily forested or steeply-sloped portions of the site, existing public utility lines and public facilities (e.g., schools, firehouses), existing street widths, street placement and classification, mass transit systems and stops, and sketch layouts of proposed buildings and their proposed uses, streets, parking areas, open spaces, greenbelts, etc., as well as any proposed improvements to existing facilities that might be overburdened by the proposed development and endanger the public health, safety, or welfare;

(c) given the potential for design developments to generate significant impacts on the provision of public services, the Commission may require the applicant to provide sufficient funds to conduct a third-party fiscal impact

A Zone Change by any Other Name - Design development concept plan applications are actually zoning map amendments, subject to all of the same rules and legislative discretion, including the abililty to file an opposing petition, as outlined in the sidebar on page 16-22.

Unlike a conventional zone change, a design development zone change does not become permanent unless a detailed plan is also approved and a building permit for a designated structure is issued.

A zoning map amendment to a design development district has a distinct advantage over a conventional zone change because the Commission knows exactly what the outcome of their decision will be. The property owner becomes bound to the concept plan and cannot deviate from it without the Commission approving modifications to the overall concept.

With conventional zone changes, the Commission has to take a leap of faith that the applicant will do what they promised with the newly zoned land, and even if they do, their successors may not. If they rezone from residential to commercial to allow a bank, they have to be prepared for a liquor store or convenience store as well.

Design Development Districts – Design development districts are what are known as floating zones: named for their ability to float over underlying zones and descend upon the underlying zone after the review and approval of both concept and detailed plans. The concept plan is a visual representation of the development layout and supporting materials on the density, architecture, traffic, and other information required for the Commission to determine that the development is appropriate. The detailed plan is similar to a site plan in most respects except that it requires a public hearing and grants the Commission limited discretion to determine whether the detailed plan is in conformance with the concept plan, which may vary slightly in its details.

analysis of the proposed development to assess its impact on the community relative to the underlying zone(s);

(d) given the potential for design developments to generate significant impacts on traffic, the Commission may require a traffic impact analysis to assess the development's impact; and

(e) for Traditional Neighborhood Design Developments, the applicant shall submit a form-based regulation application (see Section 16.7.1D) and shall not require a detailed plan application under Subsection C below.

(2) The application may include a phasing plan for the incremental and orderly development of the project, which may be used to limit the scope of subsequent subdivision and/or site plan submissions and/or their bonding to manageable, self-supporting phase.

(3) At least seven days prior to the Commission meeting, the applicant shall submit nine sets of 11" by 17" plans for distribution to the Commission.

(4) An informal meeting with the Inland Wetlands and Watercourses Commission (IWWC) is suggested at this time, but is not mandatory.

C
Detailed Plan Application

(1) A design development detailed plan application shall be accompanied by six sets of 24" by 36" plans, with detailed drawings, including but not limited to site and landscaping plans, site sections, elevations and sections of buildings, models and renderings. The requirements of the detailed plan are as follows.

(a) There shall be an approved concept plan.

(b) The detailed plan shall be substantially in compliance with the approved concept plan. If the Commission finds that the detailed plan varies substantially from the approved concept plan, the detailed plan shall be denied. The applicant shall have one year from the date of a denial to reapply for a detailed plan approval after either bringing the detailed plan into compliance with the approved concept plan or securing approval of a modified concept plan that reflects the desired changes.

(c) A complete detailed plan application, for at least one self-supporting phase if a phasing plan was approved as part of the design development concept plan application, shall be submitted for review within one year of the approval of the concept plan.

(i) If a detailed plan is not submitted for review within one year of the approval of the concept plan and if an extension is not granted as provided for in Section 16.7.6C, the concept plan approval shall become invalid.

(ii) When the approved concept plan contains a phasing plan, a detailed plan for the first phase of the development shall satisfy the requirements of this subsection.

(d) Drawings shall be stamped by relevant design professionals licensed in the State of Connecticut (i.e. Land Surveyor, Engineer, Landscape Architect and Architect). The drawings shall show in detailed all data relevant to the design of the site and buildings including site and building working drawings, elevations, sections, models, etc. Unless otherwise specified, the standards established for Site Developments in Section 3 shall be considered minimum standards.

(e) The land proposed for a Design Development may be owned by one or more persons or corporations but shall be presented as a single, contiguous lot at the time the detailed plan application is filed (for the purpose of this Section, acreage is contiguous even if divided by a public or private roadway). The application shall be jointly filed by all owners and, if approved, shall be jointly binding on all owners and their successors.

(f) Prior to final approval, all documents (e.g., agreements, deeds, bonds) shall be submitted in forms acceptable to the Town Attorney.

(g) Phasing of the development shall be established to clearly specify the sequence of construction of buildings and areas to ensure that amenities, recreation facilities, public facilities and utilities are installed according to a specific development schedule and to ensure against excessive excavation and potential damage from erosion.

Phasing – Phases are used for a number of purposes, but the principle reason is to break a large project into smaller, manageable phases that can be bonded separately without requiring the entire project to be bonded for up to ten years, which can be a significant cost. Each phase must be able to stand alone and functuion safely, should the developer not complete the remaining phases, ensuring that homeowners are protected. The Commission can also use phasing to achieve desired goals, such as ensuring that certain improvements, such as through streets, are completed early in the development process.

(h) The detailed plan shall conform to applicable standards of Sections 13.1 and 13.2 respectively, as well as other applicable sections of these Regulations.

(2) At least seven days prior to the Commission meeting, the applicant shall submit nine sets of 11" by 17" plans for distribution to the Commission.

Order of Approval – See the sidebar on page 16-7

(3) If a design development detailed plan application involves an activity regulated by Chapter 3, Article III of the Windsor Code of Ordinances, the Flood Plain Management Ordinance, the Board or Commission shall not act on the application until it has received a report from the Town Engineer acting under his/her duty as the designated Local Floodplain Management Administrator.

(4) If a design development detailed plan application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission (IWWC) not later than the day such application is filed with the Commission.

(5) If a design development detailed plan application involves the subdivision or resubdivision of land, a subdivision or resubdivision application shall be submitted separately.

(6) For Traditional Neighborhood Design Developments (TNDD), the design development detailed plan application shall not apply. See Section D below for TNDD requirements.

D
Form-Based Regulation Application

(1) A form-based regulation application shall be accompanied by fifteen copies of the draft form-based regulation and six sets of the transect and 24" by 36" regulating plan(s). The requirements of the form-based regulation application are as follows.

(a) There shall be an approved concept plan.

(b) The form-based regulation and regulating plan shall be substantially in compliance with the approved concept plan. If the Commission finds that a form-based regulation or regulating plan vary substantially from the approved concept plan, the application shall be denied. The applicant shall have one year from the date of a denial to reapply for a form-based regulation application approval after either bringing the form-based regulation

into compliance with the approved concept plan or securing approval of a modified concept plan that reflects the desired changes.

(c) A form-based regulation application shall be submitted for review within one year of the approval of a concept plan, unless an extension is granted as provided for in Section 16.7.6D, or else the concept plan approval shall become invalid.

(d) The form-based regulation application, at a minimum, shall include the following elements:

(i) a graphic development transect, potentially ranging from a rural open space district to a mixed-use village core district, calibrated to fit the character of the property, the neighborhood, and the town, which may also include sub-districts and special districts to provide more flexibility and accommodate special community needs;

(ii) a regulating plan delineating the geographic application of street types, transect zones, and their accompanying form-based regulations;

(iii) a form-based regulation including the following elements:

1) public space standards, including massing and construction of blocks, parks, plazas, and other public or private green spaces;
2) street standards and specifications;
3) building form standards;
4) building type standards;
5) architectural and building material standards;
6) green building/neighborhood standards;
7) landscaping standards;
8) parking, loading, and service standards;
9) signage standards;
10) outdoor lighting standards;
11) use standards;
12) administration standards; and
13) a glossary of terms specific to the form-based regulation.

The Regulating Plan – Form-based Traditional Neighborhood Design Developments have their own sub-zones called transects that describe the general character and density within them (as opposed to general use), ranging from open space to a mixed-use village center transect. These transects are applied to a regulating plan that is similar in many respects to the official zoning map for the remainder of town, except that there are also added details such as special vistas, setbacks, and street types designed to implement key elements of the overall concept plan.

(e) All standards found in these Regulations, the Town of Windsor Subdivision Regulations, the Town of Windsor Engineering Standards and Specifications, and The Town of Windsor Code of Ordinances shall remain in full force and effect unless specifically superseded by an approved form-based regulation.

(f) The land proposed for a Design Development District may be owned by one or more persons or corporations but shall be presented as a single, contiguous lot at the time the form-based regulation application is filed (for the purposes of this Section, acreage is contiguous even if divided by a public or private roadway). The application shall be jointly filed by all owners and, if approved, shall be jointly binding on all owners and their successors.

(g) The form-based regulation application shall conform to applicable standards of Section 13, and unless specifically superseded by standards contained within the form-based regulations, all other applicable provisions of these Regulations, the Town of Windsor Subdivision Regulations, the Town of Windsor Engineering Standards and Specifications, and the Town of Windsor Code of Ordinances.

(2) At least seven days prior to the Commission meeting, the applicant shall submit nine sets of all revised documents and 11" by 17" plans for distribution to the Commission.

(3) Following form-based regulation approval, a complete subdvision or site plan application for at least one self-supporting phase if a phasing plan was approved as part of the design development concept plan application, shall be submitted for review within one year of the approval of the Form-Based Regulation.

(a) If a subdivision or site plan is not submitted for review within one year of the approval of the Form-Based Regulation and if an extension is not granted as provided for in Section 16.7.6D, the concept plan approval shall become invalid.

(b) When the approved concept plan contains a phasing plan, a subdivision or site plan for the first phase of the development shall satisfy the requirements of this Subsection.

16.7.2 Procedures

A
Applications

In considering a concept plan application, a detailed plan application, or a form-based regulation application, the Commission shall:

(1) hold a public hearing for each application in accordance with the procedure for zone changes, or in the case of a form-based regulation application, in accordance with the procedure for text amendments, as per Section 8-7d of the Connecticut General Statutes;

(2) provide public notice of the public hearing in accordance with Section 16.1.7;

(3) determine that required applications to the Inland Wetlands and Watercourses Commission, applications for a Floodplain Development Permit, notifications to adjoining municipalities, and referrals to the Capitol Region Council of Governments have been made in accordance with Section 16.1.8;

(4) the Commission shall process the design development applications within the time periods specified in Section 16.1.9;

(5) consider reports and recommendations from relevant town, state, and federal agencies including, but not limited to, relevant town departments, the Town Engineer acting under his/her duty as the designated Local Floodplain Management Administrator, the Inland Wetlands and Watercourses Commission, the Conservation Commission, the Connecticut Departments of Energy and Environmental Protection and Transportation, and the U.S. Soil Conservation Service; and

(6) in addition to any requirements outlined below, the Commission shall document its action in accordance with Section 16.1.10;

B
Application Modifications

(1) A public hearing shall be required when the Town Planner determines that modifications to an approved concept plan, detailed plan, or form-based regulation fall into one or more of the following categories:

(a) substantial changes to the alignment of arterial or collector streets and/or their off-site connection points;

(b) substantial changes in the composition of the various uses, such that the proportion of any element such as retail or residential increases or decreases by 10% or more;

(c) substantial changes to approved architecture, building types, or construction materials;

(d) substantial changes to the transportation system;

(e) substantial changes to an approved phasing plan that have the potential to negatively impact the provision of public services;

(f) changes to a form-based regulation; or

(g) any other substantial changes to the character or intensity of an approved application that the Town Planner, Zoning Enforcement Officer, or Town Engineer cannot otherwise interpret or approve.

(2) When unforeseen field conditions require technical or other minor modifications (e.g., material changes or pipe locations) that are in accordance with these Regulations or an approved form-based regulation, an application, fee, and amended plan shall be submitted to the Planning Department, who will forward the plans to the relevant Town department for consideration and approval. Plans indicating technical and minor revisions shall be filed in the Commission files and the Town Planner shall report all approvals to the Commission at its next meeting.

C
Administration of Form-Based Regulations

(1) Upon approval of a form-based regulation application, the Planning Department and other relevant Town departments shall administer the review and approval of all site development activity, with the exception of special use permits and (re)subdivision approvals, in accordance with the relevant provisions of these Regulations, the approved form-based regulation, and its regulating plan.

(2) Deviations from an approved form-based regulation may be approved by two methods: administrative warrants granted jointly by the Town Planner and Zoning Enforcement Officer in consultation with other relevant Town departments and variances granted by the Zoning Board of Appeals.

Delegation of Authority. – A unique aspect of form-based zoning is that administrative and quasi-judicial powers are delegated to town staff, whose discretion is extremely limited by the highly detailed requirements of the form-based code.

Warrants – Warrants are unique to form-based zoning regulations. They are similar to a variance but are very minor in nature, limited in their use, and can be jointly approved by the Town Planner and Zoning Enforcement officer.

(a) Upon a request for relief from a provision of an approved form-based regulation, the Town Planner and Zoning Enforcement Officer, at their discretion, shall determine whether an administrative warrant or a variance is required.

(b) The Town Planner and Zoning Enforcement Officer may jointly issue an administrative warrant when the applicant has demonstrated and the Town Planner and Zoning Enforcement Officer, in consultation with relevant Town Staff, find that:

(i) special conditions exist that are peculiar to the land or structure involved but not elsewhere in the design development district or transect zone, which preclude the property from meeting the requirements of the form-based regulation;

(ii) the peculiar and unusual physical character of the property is not the result of the applicant's actions;

(iii) the request is in harmony with the stated intent of Section 13.2.8A and the approved concept plan;

(iv) the request, if granted, will not negatively impact public health, safety, or welfare;

(v) the request constitutes a minor change that does not significantly alter the character or intensity of the proposed development;

(vi) a literal interpretation of the form-based regulations would deprive the applicant of rights enjoyed by other property owners in the same district or zone; and

(vii) granting the warrant will not bestow any special privilege on the applicant that is denied to other property owners in the design development district or transect zone.

(c) When a warrant is granted, the Town Planner shall place a note on the record plan identifying the reason(s) why regulatory relief was granted.

(d) When the Town Planner and Zoning Enforcement Officer determine that a request for relief from a form-based regulation requires a variance, the applicant may apply for a variance in accordance with Section 16.9.4, except as provided in subsection (f) below. Such determination by the Zoning Enforcement Officer shall not be considered by the Zoning Board of Appeals as an Appeal of Order.

(e) Warrants and variances shall be considered unique and shall not set precedent for similar requests for regulatory relief.

(f) Warrants and variances shall not be granted for:

(i) uses not permitted within a transect zone;

(ii) the maximum dimensions of traffic lanes;

(iii) the required provision of rear alleys/lanes, if any;

(iv) residential densities;

(v) permission to build accessory dwelling units;

(vi) parking location requirements; and

(vii) changes to an approved concept plan.

(3) No Building Permit shall be issued for a single-family home within a Traditional Neighborhood Design Development without certification by the Planning Department that it meets all applicable requirements of the approved form-based regulation.

16.7.3 Decision Considerations

A
The Commission shall act on any design development application.

B
On a design development application involving notice to adjoining municipalities or notice to CRCOG under Section 16.1.8, the Commission shall consider any report or testimony received prior to or during a required public hearing.

C
In order to approve any Design Development application, the Commission shall make the following determinations:

(1) that the proposal is in harmony with the objectives, spirit, and intent of the Plan of Conservation and Development and these Regulations;

(2) that the proposal will not harm development in the surrounding area, nor excessively impact existing streets, schools and other municipal facilities, public utilities, drainage systems, soil and other natural resources;

(3) that the proposed development is superior to that possible under the conventional standards and requirements of the underlying zone(s);

(4) that the proposed development makes appropriate provisions for the preservation of floodplains, wetlands, streams and stream banks, hillsides, significant stands of trees, endangered and threatened species and their habitat, and other natural resource areas; and

(5) that the proposed development meets the stated intent of the particular Design Development District.

16.7.4 Action Documentation

A
In acting on a design development application, the Commission shall state its reason(s) for the decision upon the record.

B
The Commission shall send a copy of any decision to the applicant by Certified Mail within 15 days after the decision is rendered.

C
The Commission shall publish notice of any decision on a design development application in a newspaper having a substantial circulation in Windsor within 15 days after the decision is rendered.

D
If the notice is not published within the 15-day period after a decision, the applicant may publish the notice within ten days thereafter.

E
On any design development application that the Commission fails to act on within the time limits established in Section 16.1.9, the Commission shall send a letter of approval to the applicant within 15 days of the expiration of the approval period, stating the date on which the five-year completion period expires.

16.7.5 Following Approval

A
Prior to the issuance of any Building Permits, all public improvements or similar common elements in private portions of a development (e.g., streets, sidewalks, storm drainage facilities, street lights) shall be completed or the developer may complete those improvements that are necessary to support the development and protect the public health, safety, and welfare of prospective property owners (e.g., the base course of pavement, storm drainage facilities, fire hydrants) and post a performance bond for the balance of the improvements in accordance with Section 16.1.11. When a development is phased into a number of self-supporting phases, only those public improvements or similar common elements necessary to support a particular phase shall be completed or bonded, as required above.

B
Prior to the start of excavation or construction, a performance bond shall be posted to ensure compliance with a certified Soil Erosion and Sediment Control Plan developed according to the minimum standards outlined in "Connecticut Guidelines for Soil Erosion and Sediment Control," as amended, to prevent excessive erosion and sedimentation and to guarantee grading and seeding of rough-graded, unsightly areas if construction ceases for an extended period of time.

C
Regardless of the requirements and provisions of Section 16.7.5A, no Building Permit shall be issued until sewer and water system plans have been approved by the Metropolitan District Commission (MDC) and all other requirements of the MDC have been met.

16.7.6 Expiration and Completion

A
The Commission shall choose a major building, buildings, or phase that Building Permits shall be applied for within one year of the approval of the detailed plan. If a Building Permit application has not been submitted by the applicant for the required building(s) and an extension has not been granted by the Commission as provided for in Subsection D below, the concept plan and detailed plan approvals shall become invalid.

B
The Commission shall choose a major building, buildings, or phase that a Subdvision or site plan shall be applied for within one year of the approval of a form-based regulation. If a subdivision or site plan application has not been submitted by the applicant for the required building(s) or phase and an extension has not been granted by the Commission as provided

for in Subsection D below, the concept plan and Form-Based Regulation approvals shall become invalid.

C
If the approved development is not completed within five years of detailed plan or form-based regulation approval and if an extension has not been granted in accordance with Subsection D below, the concept plan, detailed plan, and/or subdivision/site plan in the case of a Form-Based Regulation approval(s) shall become invalid, and construction shall cease until the Commission reviews and re-approves the project to ensure compliance with current standards. Should a subdvision or site plan approval become invalid, the related form-based regulation shall remain in full force and effect for any existing development.

D
The Commission may extend the time period requirements of Sections 16.7.1C1(c) and 16.7.1D(3) and 16.7.6A and 16.7.6B for up to one year and the time period requirement of Subsection C in increments of up to five years, not to exceed ten additional years in the case of a detailed plan approval or fifteen additional years in the case of a form-based regulation approval.

16.7.7 Fee Schedule

A
The fee for minor modifications to an approved design development concept plan or detailed plan shall be $150.

B
The fee for major modifications to an approved design development concept plan or detailed plan shall be a $150 base fee plus $100 per new or re-designated lot or dwelling unit and $25 per 1,000 sq. ft. of new or re-designated non-residential floor area.

C
An amendment to a form-based regulation shall be treated as a Text Amendment to the Zoning Regulations and shall follow the same fee schedule outlined in the Town of Windsor Price Guide.

16.8 STAFF PROCEDURES

16.8.1 Building Permit and/or Certificate of Occupancy

Before the construction or alteration of any building, structure, or any part of either, or the use of any land, the owner or lessee thereof or the agent of such owner or lessee, or the architect or builder employed by such owner or lessee in connection with the proposed construction or alteration shall submit to the Building Official such plans, structural

detailed drawings and specifications of the proposed work as the Building Official may require. Such plans, drawings and specifications shall be filed along with an appropriate application for a Building Permit which, in turn, shall also constitute an application for a Certificate of Occupancy.

A
Building Permits

(1) Nothing in this Section shall require any change in the plans, construction, size or designated use of a building for which plans and application(s) were on file with the Building Official no more than six months prior to the effective date of these Regulations or any amendment thereto and the construction of which shall be diligently prosecuted within six months of the effective date of these Regulations. The entire building or alteration shall be completed according to such plans as filed within one year from the effective date of these Regulations.

(2) Nothing in this Section shall require any change in the plans, construction, size or designated use of a building for which a Building Permit has been issued prior to the effective date of these Regulations or any amendment thereto, or the construction of which shall have been commenced prior to same. Said building shall be completed within one year from the effective date of these Regulations.

B
Certificates of Use and Occupancy

(1) No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose until a Certificate of Occupancy has been issued by the Building Official stating that the premises or building complies with all the provisions of these Regulations. A Certificate of Occupancy shall not be issued for any development not in compliance with these Regulations. Such Certificate is also required for any change, extension or alteration in a use. After notification from the permittee that the premises are ready for occupancy or use, the Building Official shall have ten days within which to approve or disapprove the permittee's previously filed application for a Certificate of Occupancy.

(2) All work shall be performed in compliance with approved plans. Unauthorized changes to approved plans may cause the approved plans to be invalidated. If the Building Official or ZEO finds that extensive unauthorized changes have occurred, he/she may invalidate the approved plans and proceed in accordance with Section 8-12 of the Connecticut General Statutes. No

Certificate of Occupancy shall be issued in cases where plans are invalidated.

(3) A record of all Certificates of Use and Occupancy shall be kept on file and available to the public in the Building Department.

(4) The Building Official may issue a temporary Certificate of Occupancy in accordance with Section 16.1.11A(2).

16.8.2 Certification of Building Location and Grading

A

Upon completion of the foundations of all buildings, a certified plan shall be submitted to the Building Official indicating the following:

(1) the location of the foundation as constructed;

(2) spot grades at the corners of the structure and the lot, as well as finished floor elevations and of at-grade openings;

(3) certification that the rough grading is in substantial conformance with the approved plan;

(4) certification that adjoining snow-shelf and driveways are at the grades indicated on approved plans so that sidewalks, where required, can be properly installed;

(5) certification that required yard drains are in place; and

(6) the location of any required sidewalk to be installed and indication that the developer has rights to access the lot to install sidewalks.

B

If any of the above requirements are not in conformance with the approved plan, the applicant shall undertake whatever measures are necessary to bring them into conformance. Any change in the grading or elevations that might affect drainage shall be approved by the Town Engineer. The above plan shall be stamped by a Registered Land Surveyor. In order to prevent unnecessary hardship in connection with small alterations and expansions, the Town Engineer and the Zoning Enforcement Officer may jointly determine that compliance with any or all provisions of Subsection A above is not required.

C

The above provisions in Subsections A(3), A(4) and A(5) may be deferred by the Town Engineer due to unusual weather or site conditions. However, these improvements must be accomplished by a specified time not to exceed the following July 1st or no new Building Permits shall be

issued for that site plan, design development detailed plan, or subdivision.

16.8.3 Enforcement

A
Enforcement Authority

(1) These Regulations shall be enforced by the Zoning Enforcement Officer (ZEO), who is authorized by the Commission to cause any building, structure, or premises to be inspected and to order in writing the remedying of any violation of any provision of these Regulations.

(2) The ZEO shall be appointed by the Town Manager and shall have all the powers, duties, and responsibilities assigned to the position by these Regulations.

(3) The Town Manager may designate one or more Assistant Zoning Enforcement Officers to aid in the enforcement of these Regulations.

(4) The ZEO may file information with the prosecuting authority upon violation of any of these Regulations.

B
Inspections

During normal working hours, the Zoning Enforcement Officer shall have authority to inspect any premises, including buildings and structures, and the use of the premises and any work on buildings or structures being erected or altered, whether or not such work is being done under authority of a Building Permit.

C
Violations

If the Zoning Enforcement Officer finds a violation of these Regulations, he/she shall notify the owner in writing of the violation and order the correction of the violation within 30 days from service of such notice and order. See Section 16.9.3 regarding appealing an order of the ZEO.

16.9 ZONING BOARD OF APPEALS

16.9.1 Powers and Duties

The Zoning Board of Appeals (Board) shall have the following powers and duties:

A
to hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the ZEO; and

B
to determine and vary the application of these Regulations, 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 these Regulations would result in exceptional difficulty or unusual hardship and only when such determination or variance shall:

(1) be in harmony with the general purpose and intent of these Regulations;

(2) give due consideration for conserving the public health, safety, convenience, welfare and property values; and

(3) result in substantial justice being done and the public safety and welfare secured.

Appeal vs Variance – The Zoning Board of Appeals (ZBA) has two principle functions: to vary the regulations when strict adherence creates a unique hardship, and hearing appeals from orders of the Zoning Enforcement Officer (ZEO). While these may sound like very different functions, the line between appeals and variances can sometimes be blurred. When the ZEO finds a violation and the property owner disagrees with the ZEO's finding, they may appeal the ZEO's decision to the ZBA. If the violation can be remedied with a variance (e.g., a garage built without a building permit is too close to the property line), the property owner can attempt to legalize the non-conformity rather than challenge the order to remove the illegal garage.

16.9.2 Jurisdiction

No order, requirement, or decision made by the Commission shall be subject to a review by the Board.

16.9.3 Appeals of Orders

A
Authority

In accordance with CGS Section 8-7, an appeal may be taken to the Board by any aggrieved party where it is alleged that there is an error in any order, requirement, or decision made by the ZEO.

Limits on Appeals - Decisions of the Town Planning and Zoning Commission (TPZC) cannot be appealed to the ZBA and must be appealed to Superior Court,

B
Application Requirements

(1) Any such appeal shall be taken by filing an appeal with the Building Department using the form provided by the Board and specifying the grounds for the appeal.

(2) An appeal shall be taken within 15 days of receipt of any order, requirement, or decision by the ZEO of which the appellant is aggrieved.

(3) The Board shall have no jurisdiction to hear an appeal filed beyond the 15 days.

Application Fees - There are no application fees to appeal an order of the ZEO since the property owners do not initiate the enforcement action and there is a presumption of innocence until after a public hearing.

(4) The Building Department shall forward the appeal to the Board, together with all the supporting materials upon which the action appealed from was taken.

C
Effect of Appeal

(1) An appeal of an order, requirement, or decision made by the ZEO that prohibits further construction or expansion of a use in violation of the Zoning Regulations shall not stay any such order, requirement, or decision, unless specifically allowed by the Board.

(2) An appeal from any order, requirement or decision made by the ZEO shall stop all enforcement proceedings with regard to such order, requirement or decision, unless the Commission or the ZEO notifies the Board that by reason of facts stated in the notice, a stay would pose a danger to life and/or property, in which case, the Board shall seek an injunction from the appropriate court of record.

D
Proceedings

(1) The date of receipt of the appeal shall be determined in accordance with Section 16.1.3.

(2) The Board shall hold a public hearing on the appeal.

(3) Public notice of the public hearing shall be provided accordance with Section 16.1.7.

(4) Notification to adjoining municipalities may be required in accordance with the requirements of Section 16.1.8.

(5) The Board shall process the appeal within the time periods specified in Section 16.1.9.

(6) The applicant may withdraw the application at any time prior to action by the Board.

(7) At the public hearing, any party may appear in person or may be represented by an agent, except that no member of the Board or Commission shall appear for or represent any person, firm, corporation or other entity in any matter pending before the Board, whether or not he/she is a member of the Board; and no member of the Board shall participate in the public hearing or

decision upon any matter in which he/she is directly or indirectly interested in a personal or financial sense.

E
Decision Considerations

(1) The Board shall have all the powers of the ZEO from whom the appeal has been taken but only in accordance with the provisions of this Section.

(2) The application of a regulation affirming a requirement under the Connecticut General Statutes shall not be subject to an appeal.

(3) The Board may reverse, affirm in whole or in part, or modify any order, requirement, or decision of the ZEO from which an appeal has been taken.

(4) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, or decision of the ZEO.

F
Action Documentation

(1) The Board shall state the reason(s) for its decision upon the record.

(2) Notice of the decision of the Board shall be mailed to the appellant by Certified Mail within 15 days after a decision.

(3) Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in Windsor within 15 days after the decision.

(4) If notice is not published within the 15-day period above, the appellant may provide for the publication of the notice within ten days thereafter.

16.9.4 Variances

A
Authority

In accordance with CGS Section 8-6, the Board shall have the power and duty to determine and vary the application of these Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not generally affecting the district in which it is

Legal Hardship – When granting a variance, the Zoning Board of Appeals (ZBA) must find that the property suffers from a legal hardship. The Connecticut General Statutes define a legal hardship as conditions especially affecting such parcel but not generally affecting the district in which it is located, where a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship. In simple terms, a legal hardship is a physical condition of the property that through no fault of the owner, prevents the use of the property in a manner similar to its neighbors.

For example, if there is a steep ravine 45 feet from the street, building a house at the required 40-foot building line would require the house to be built on tall piers on a potentially unstable slope. By varying the 40-foot front yard to 20-feet, the majority of the house can be built in front of the top of slope, or while too steep for a walkout basement, could have an exposed lower level.

Self-inflicted hardships, such as wanting a three-car garage in a zone that typically accommodates only one-car garages, or creating an unbuildable building lot, are not legal hardships. Needing money to pay the mortgage is not a legal hardship for granting variances to enable splitting a property to create a new substandard building lot for sale.

located, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

B
Application Requirements

(1) A variance application shall be accompanied by ten copies of sufficiently detailed plans or other materials for review by the Board and Town staff.

(2) Unless waived by the Board, when a variance is dimensional in nature and/or an accurate survey is integral to understanding the application, the applicant shall provide a survey meeting the Class A-2 accuracy standards of the Code of Practice for Standards of Accuracy of Surveys and Maps, by the Connecticut Association of Land Surveyors, Inc.

(3) An application to the Board shall be accompanied by a fee as provided in the Town of Windsor Price Guide.

(4) The Board shall not be required to hear any application for the same variance or substantially the same variance more than once in a period of six months after a decision by the Board or by a court on an earlier application unless it finds, based on facts presented in writing, that a material change in the situation justifies a new public hearing. A change of ownership or interest in a property shall not be considered a material change in the situation for the purpose of this Section.

(5) If a variance application involves an activity regulated by Chapter 3, Article III of the Windsor Code of Ordinances, the Flood Plain Management Ordinance, the applicant shall submit an application for a Floodplain Management Permit to the Town Engineer acting in his/her capacity as the Local Floodplain Management Administrator not later than the day such application is filed with the Board.

(6) If a variance application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Board.

Exhausting Legal Remedies – The legal principle of exhausting all legal remedies means that you must follow a prescribed progression of legal steps to remedy a situation, which in the case of a variance is addressing a legal hardship. If these regulations grant the Town Planning and Zoning Commission (TPZC) limited discretion to modify a standard in accordance with prescribed criteria, you cannot skip the TPZC and go directly to the ZBA. If the TPZC refuses to modify the standard, their decision cannot be appealed to the ZBA and must be appealed to Superior Court.

For example, the TPZC can increase the height of light poles in an industrial zone from 24' to 40' if the lights are behind a building and screened from any residential area. You cannot seek a variance for 36' light poles behind a building since the TPZC has the authority to grant the increased height up to 40'. The ZBA could vary the height of light poles in front of the building, since the TPZC does not have the ability to modify their height above 24'.

Similarly, you cannot skip the ZBA and seek a variance or appeal an order of the Zoning Enforcement Officer (ZEO) to Superior Court.

Use Variances are Prohibited – The ZBA cannot grant a variance to allow a use that is permitted in another zone to apply to a zone where it is not permitted. Similarly, the ZBA cannot grant a variance for a use that is allowed by special use, which must be approved by the Town Planning and Zoning Commission.

C
Nature of Variance

(1) Any variance granted by the Board shall permanently run with the land and not the person(s) who applied for and received the variance.

(2) A variance shall not be extinguished solely because of the transfer of title to the property or the voiding of any condition attached to the variance that would affect the transfer of the property.

D
Proceedings

(1) The date of receipt for the variance application shall be determined in accordance with Section 16.1.3.

(2) The Board shall hold a public hearing on the variance application.

(3) Public notice of the public hearing shall be provided accordance with Section 16.1.7.

(4) Notification to adjoining municipalities may be required in accordance with the requirements of Section 16.1.8.

(5) The Board shall process the appeal within the time periods specified in Section 16.1.9.

(6) The applicant may withdraw the application at any time prior to action by the Board.

(7) At the public hearing, any party may appear in person or may be represented by an agent, except that no member of the Board or Commission shall appear for or represent any person, firm, corporation or other entity in any matter pending before the Board, whether or not he/she is a member of the Board; and no member of the Board shall participate in the public hearing or decision upon any matter in which he/she is directly or indirectly interested in a personal or financial sense.

E
Decision Considerations

(1) The Board shall have all the powers of the ZEO from whom the appeal has been taken but only in accordance with the provisions of this Section.

Who Owns a Variance? – Variance are said to "run with the land", meaning that they are not granted to an applicant or owner but to the parcel, and the variance transfers with the title.

Variances are Limited in Scope – When granting a variance, the Zoning Board of Appeals (ZBA) is acting on the information presented to them at the public hearing in plot plans, site plans, building plans, and other materials provided to illustrate the nature of the variance(s) being requested. The variance is limited to exactly what is presented to the ZBA. For example, when a variance allows a 24' x 24' one-story garage to be built four feet from a property line instead of ten feet, that is not license to add a second story or to extend the rear of the garage 12 feet while maintaining the four foot setback, either of which would increase the impact on the neighbor.

(2) The application of a regulation affirming a requirement under the Connecticut General Statutes shall not be subject to an appeal.

(3) The Board may reverse, affirm in whole or in part, or modify any order, requirement, or decision of the ZEO from which an appeal has been taken.

(4) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, or decision of the ZEO.

F
Action Documentation

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Filing Your Variance – In order for a variance to be in force, a certificate provided by the Building Department must be filed in the land records in the Town Clerk's Office. The variance is then attached to your property and is transferred to subsequent owners.

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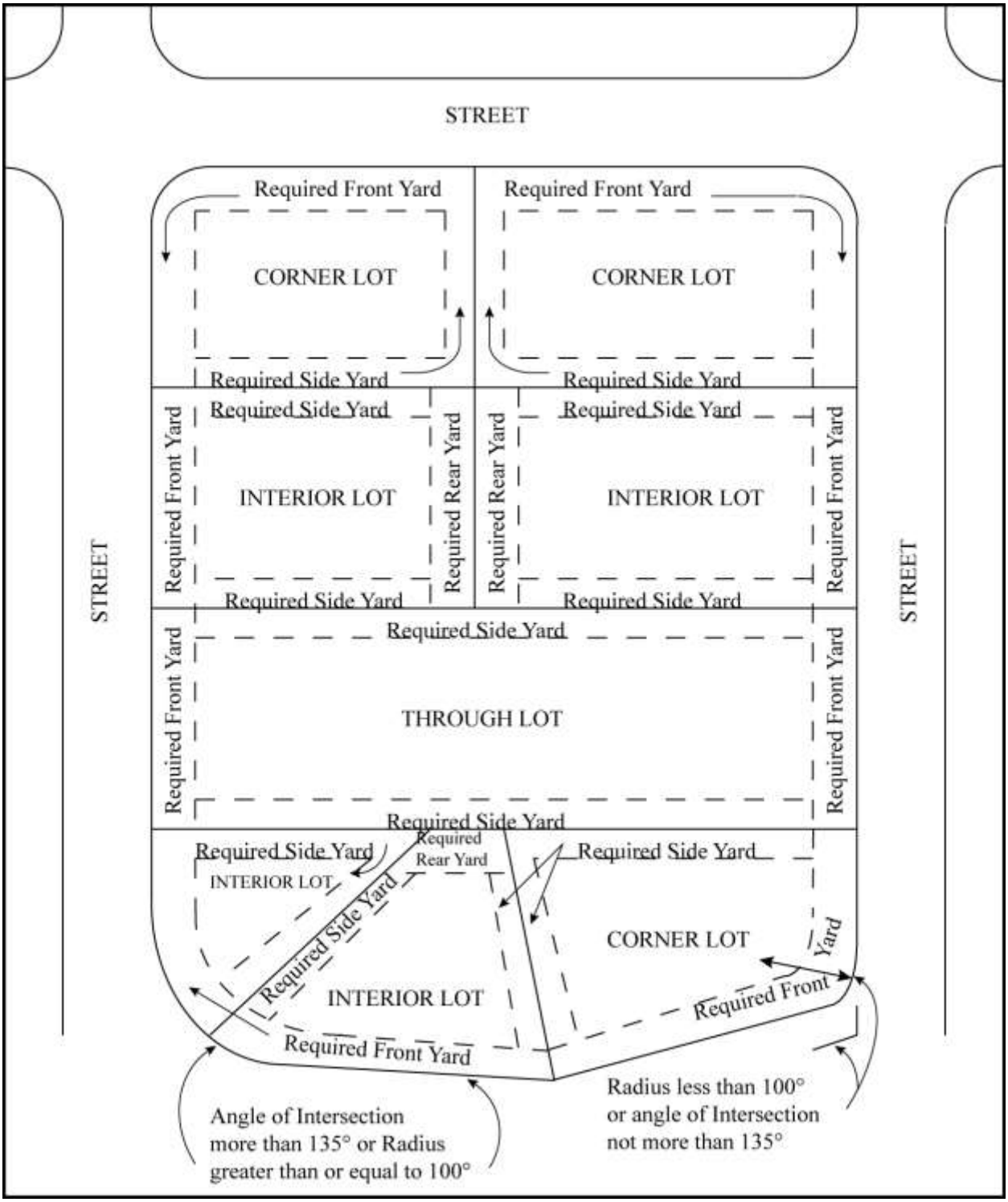
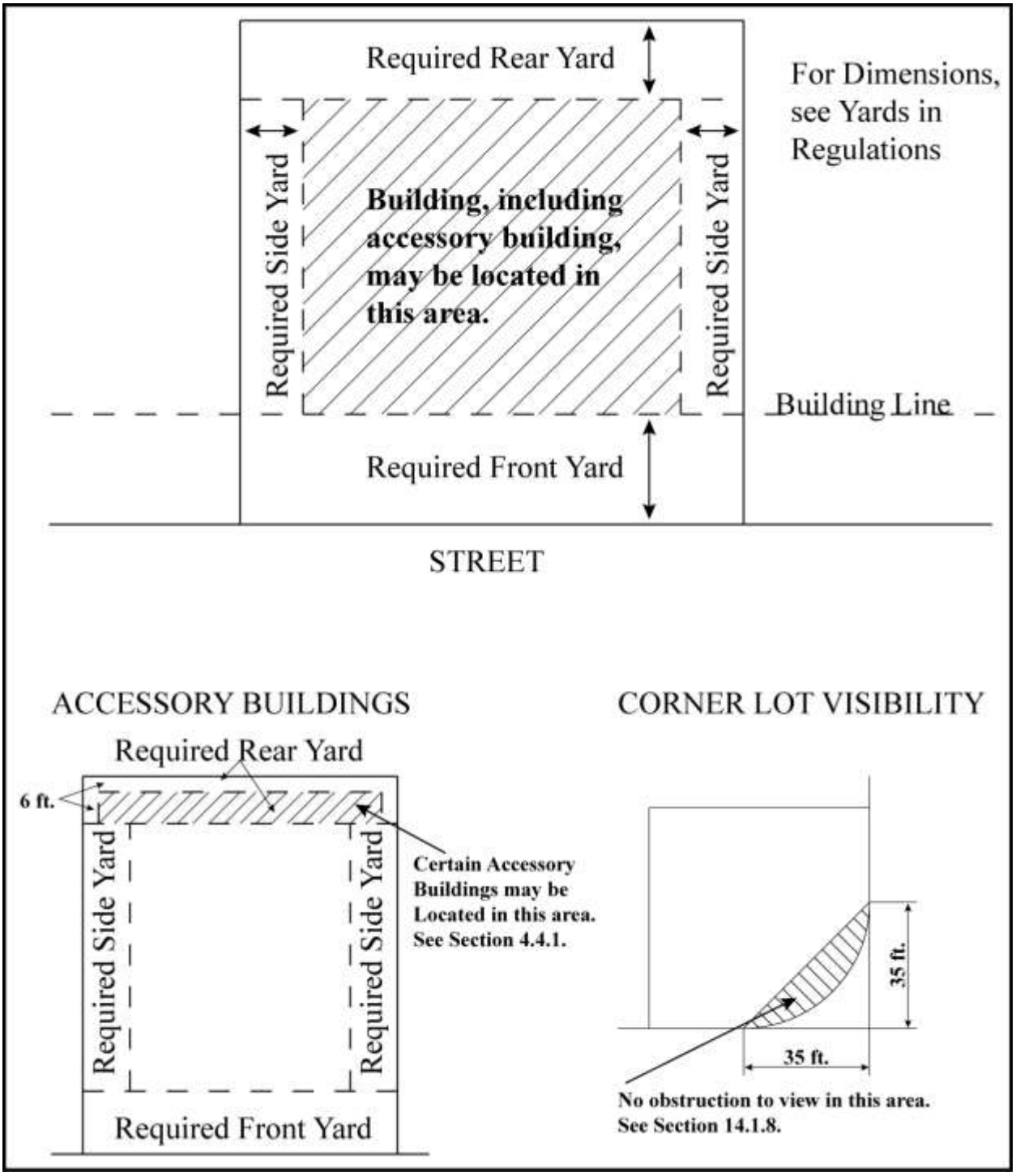
(Examples Only – Not Part of Zoning Regulations

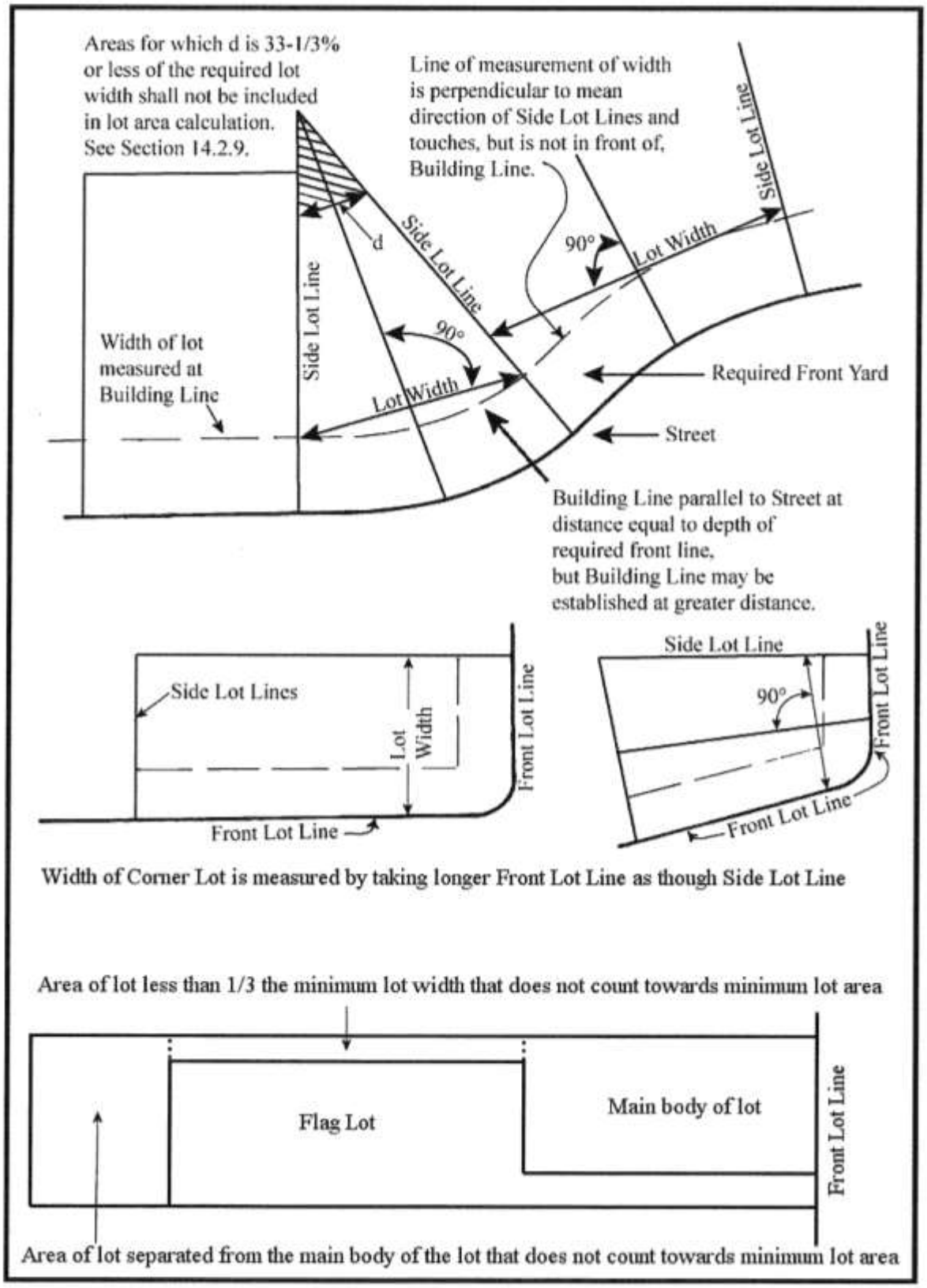
Typical Lot Types



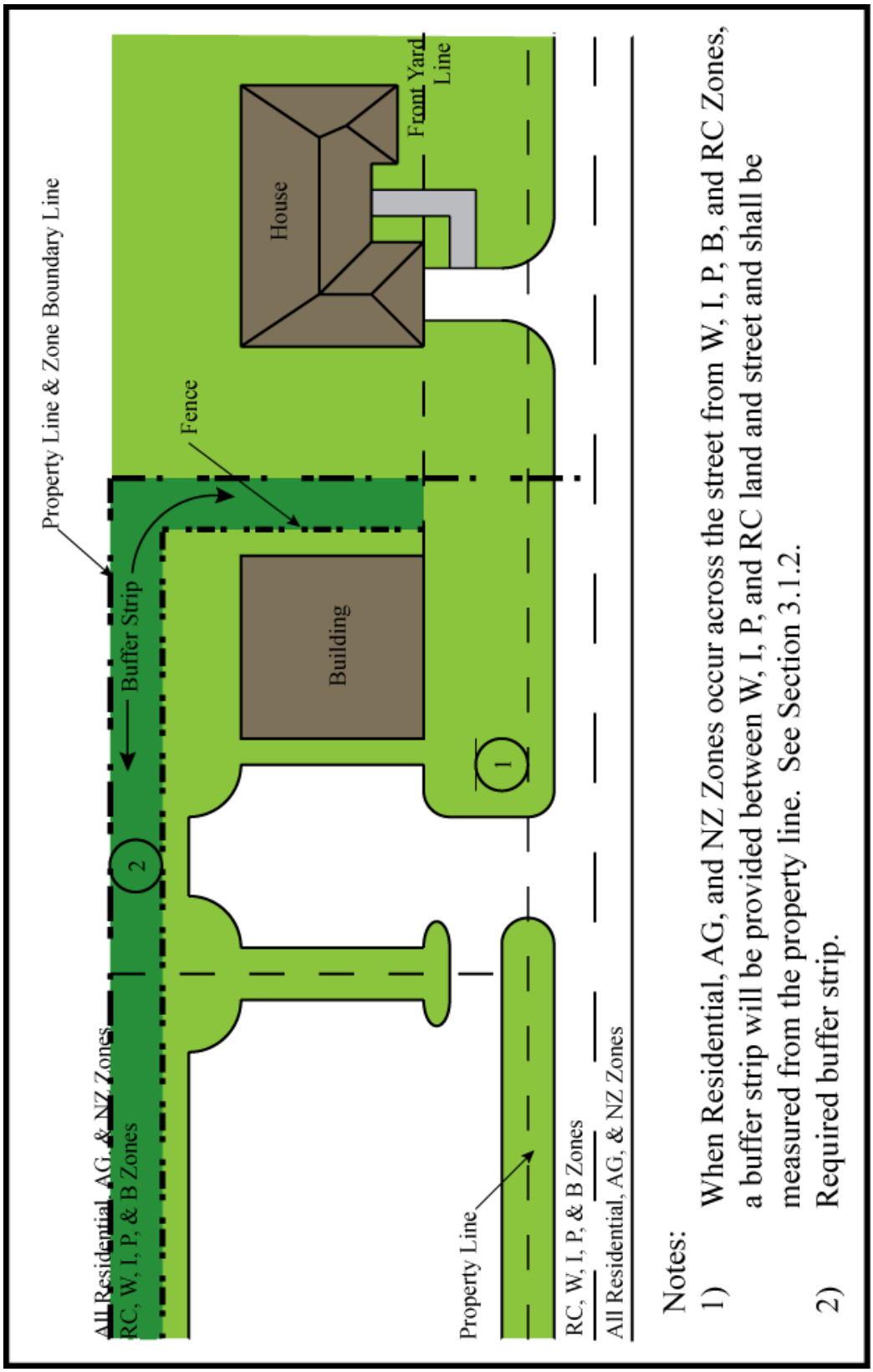
Typical Lot


Required Rear Yard
For Dimensions, see Yards in Regulations
Required Side Yard
Building, including accessory building, may be located in this area.
Required Side Yard
Building Line
Required Front Yard
STREET
ACCESSORY BUILDINGS
Required Rear Yard
6 ft.
Required Side Yard
Required Side Yard
Certain Accessory Buildings may be Located in this area. See Section 4.4.1.
Required Front Yard
CORNER LOT VISIBILITY
35 ft.
35 ft.
No obstruction to view in this area. See Section 14.1.8.

Measurement of Lot Width



Buffer Strip

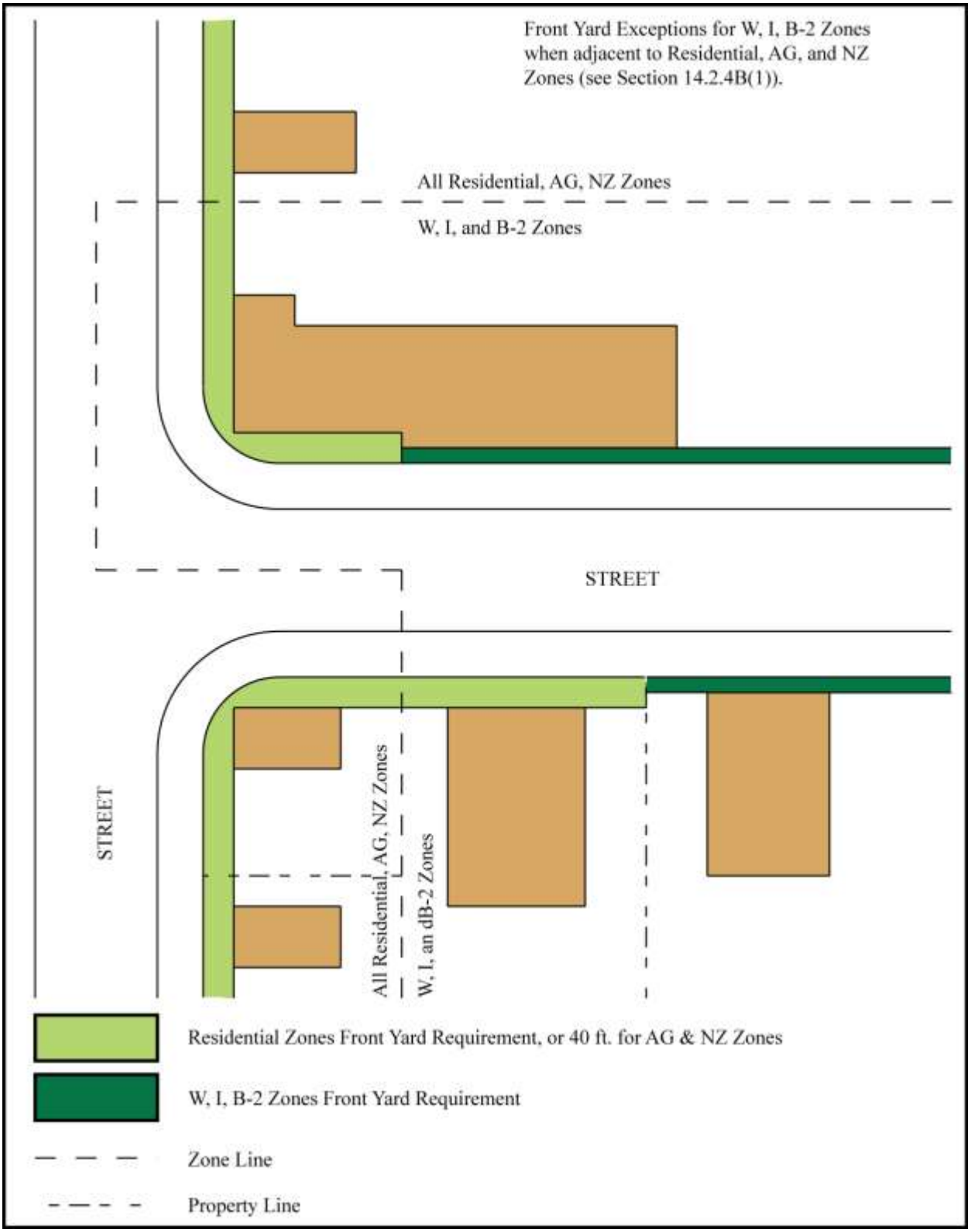


Notes:

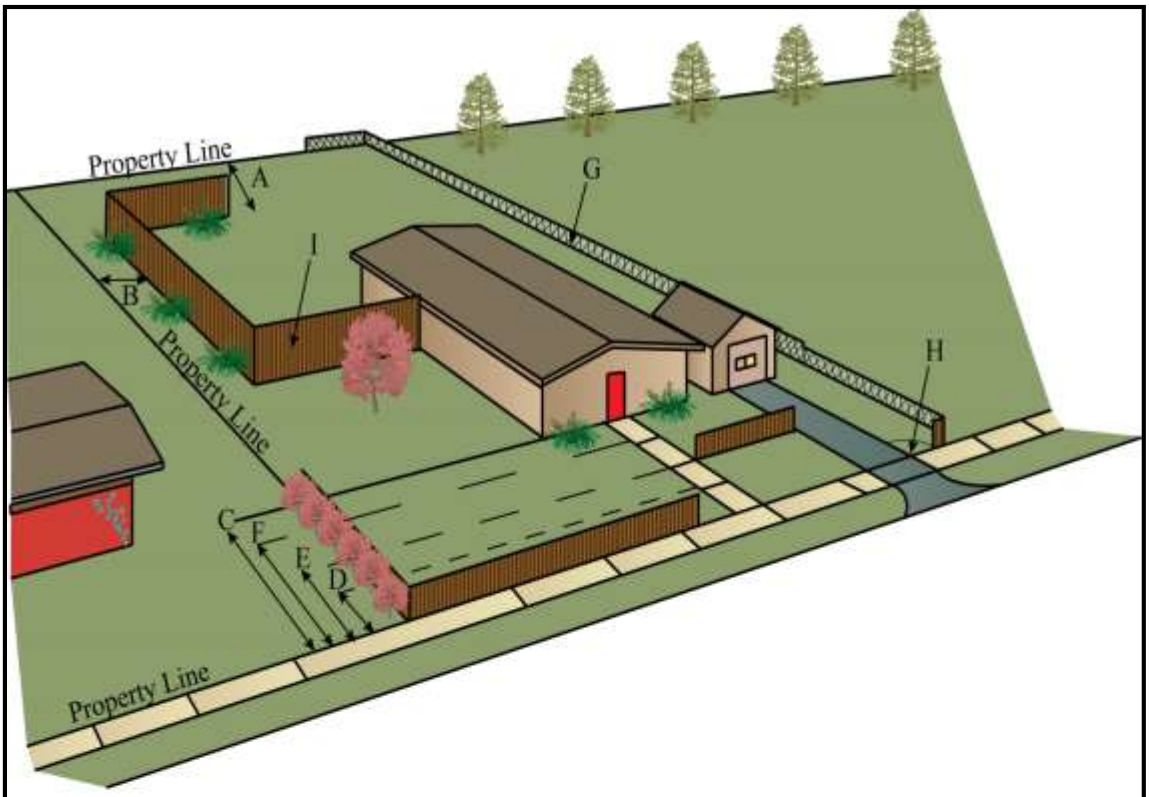
1) When Residential, AG, and NZ Zones occur across the street from W, I, P, B, and RC Zones, a buffer strip will be provided between W, I, P, and RC land and street and shall be measured from the property line. See Section 3.1.2.

2) Required buffer strip.

Front Yard Exceptions



Fences, Walls, and Hedges in Residential Areas

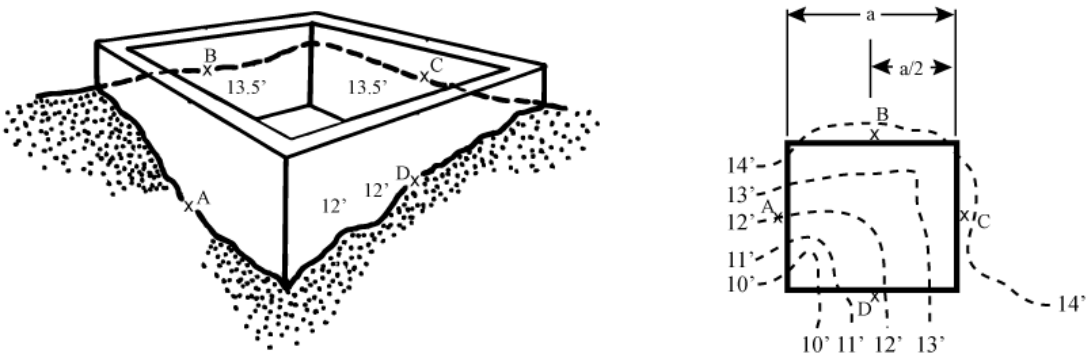


A. Required Rear Yard
B. Required Side Yard
C. Required Front Yard
D. No fence, wall, or hedge in excess of four feet in height may be located within five feet of any property line within the required front yard.
E. Fences may be up to five feet in height wihtin the required front yard if they are set back at least five feet from the property line.
F. Fences may be up to six feet in height within the required front yard if they are set back at least ten feet from the property line.
G. No fence, wall, or hedge exceeding six feet in height may be located within any required side or rear yard.
H. No fence, wall, or hedge that obscures the vision of motorists or pedestrians shall be located within a ten-foot radius of the intersection of any driveway edge and a street property line.
I. NON-RESIDENTIAL fences that do not obscure the vision of motorists or pedestrians may be built to a height of eight feet. Other types of fences, walls, or hedges shall be no greater than six feet in height.

Note: You may not want to erect a fence directly adjacent to a sidewalk in order to provide an area for snow storage.

Note: The Town of Windsor does not regulate which side of the fence faces the street or a neighboring property

Grade

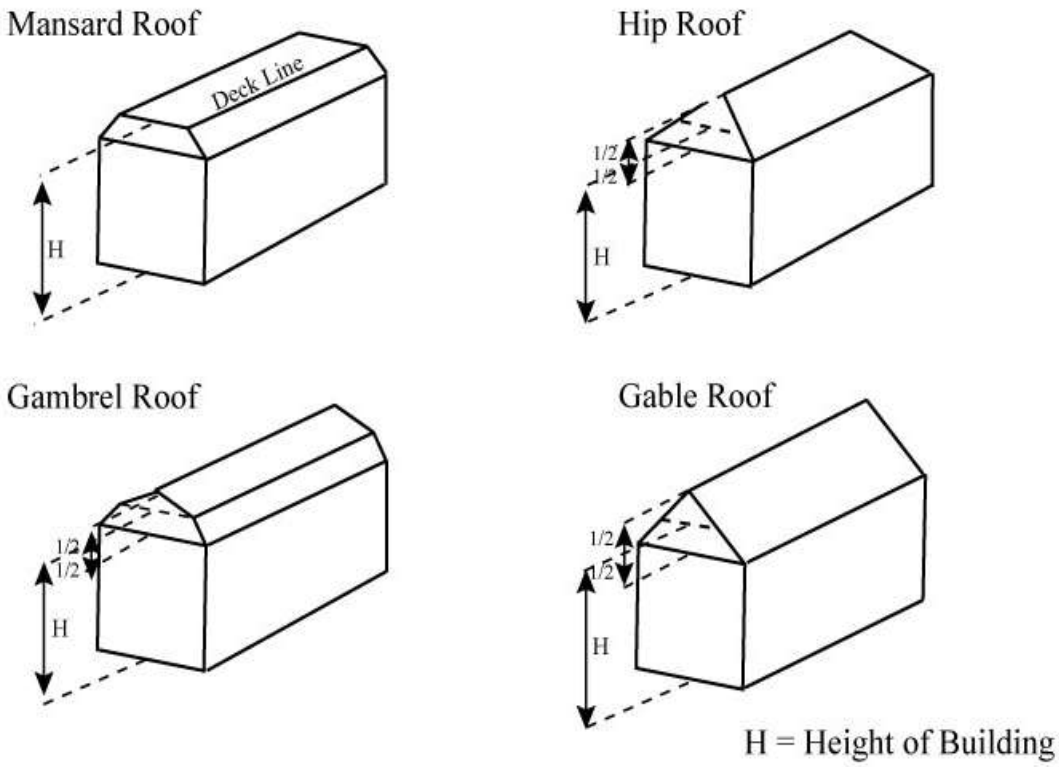


Grade in this Example = 12.75 ft.

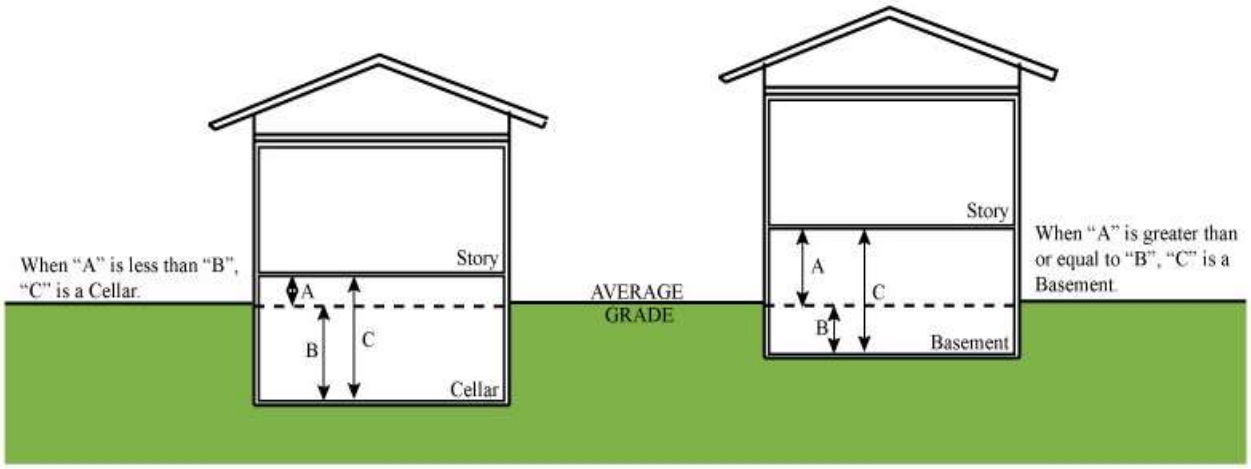
Grade: Average of elevations of finished surface of the ground at points A, B, C, and D (mid point of the walls).

Building Height

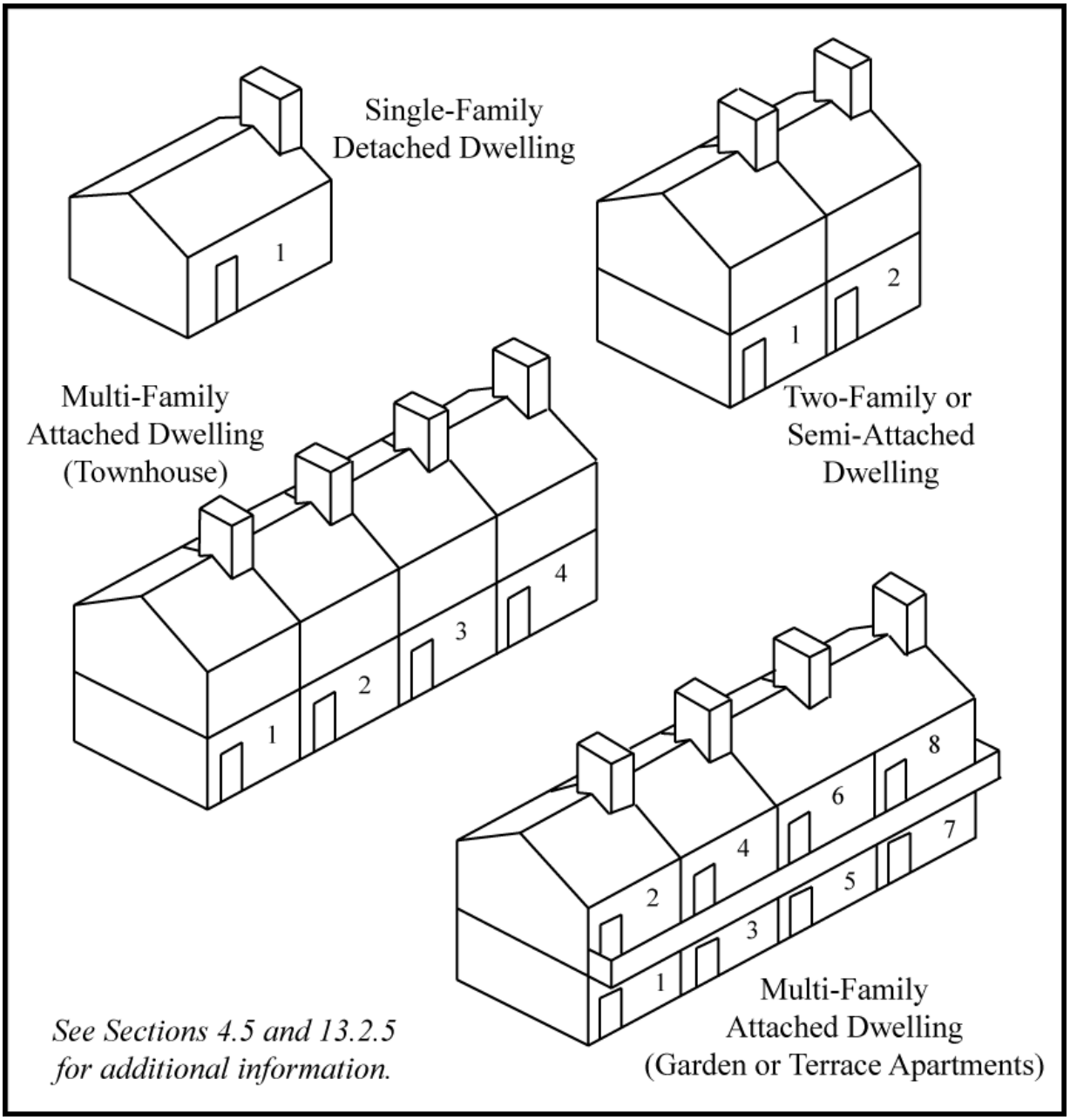
Building Height: The vertical distance measured from grade to the highest point of flat roofs; to the deck line of mansard roofs; and to the average height betweeen eaves and ridge for gable, hip, and gambrel roofs.



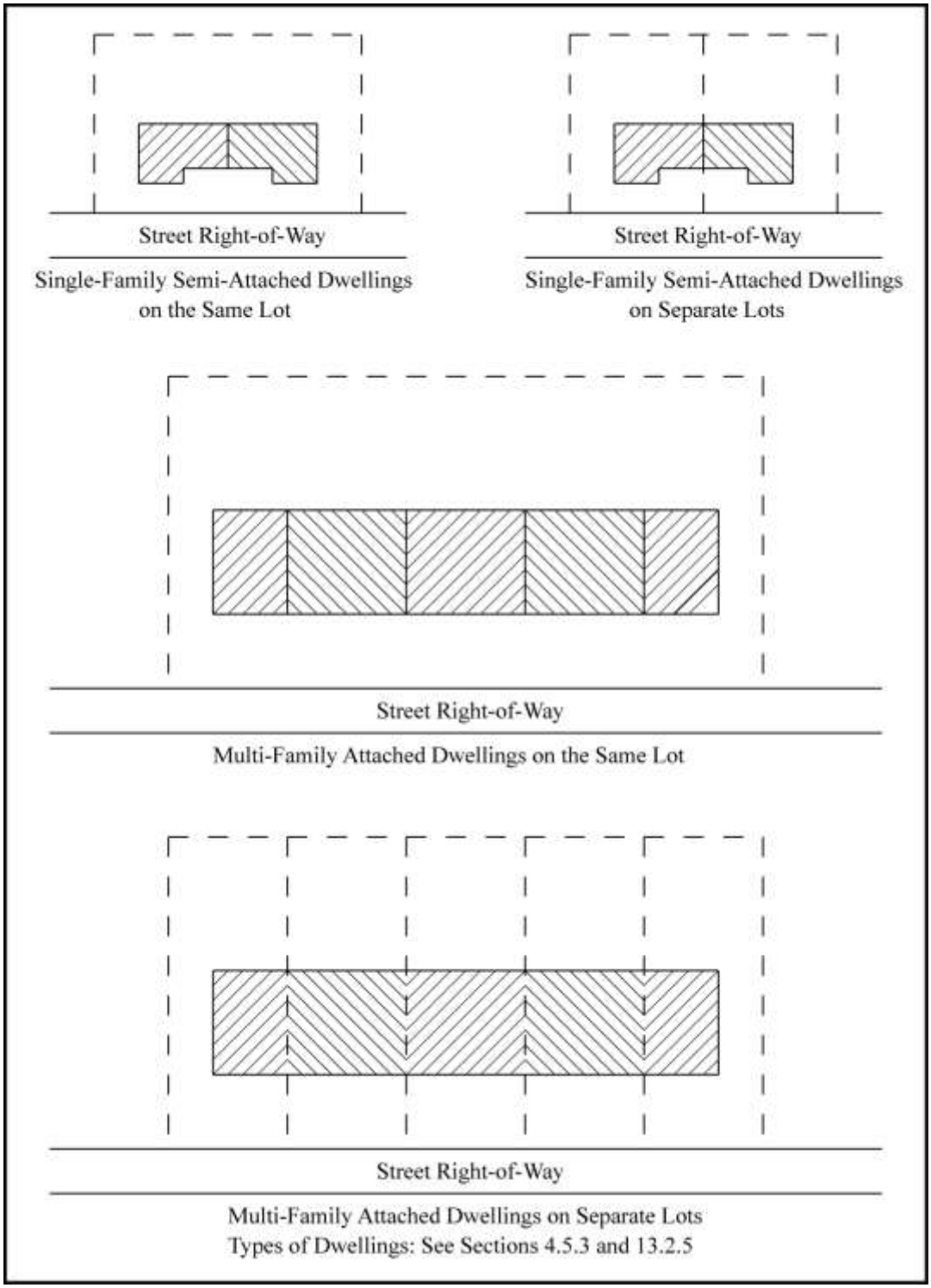
Basement & Story



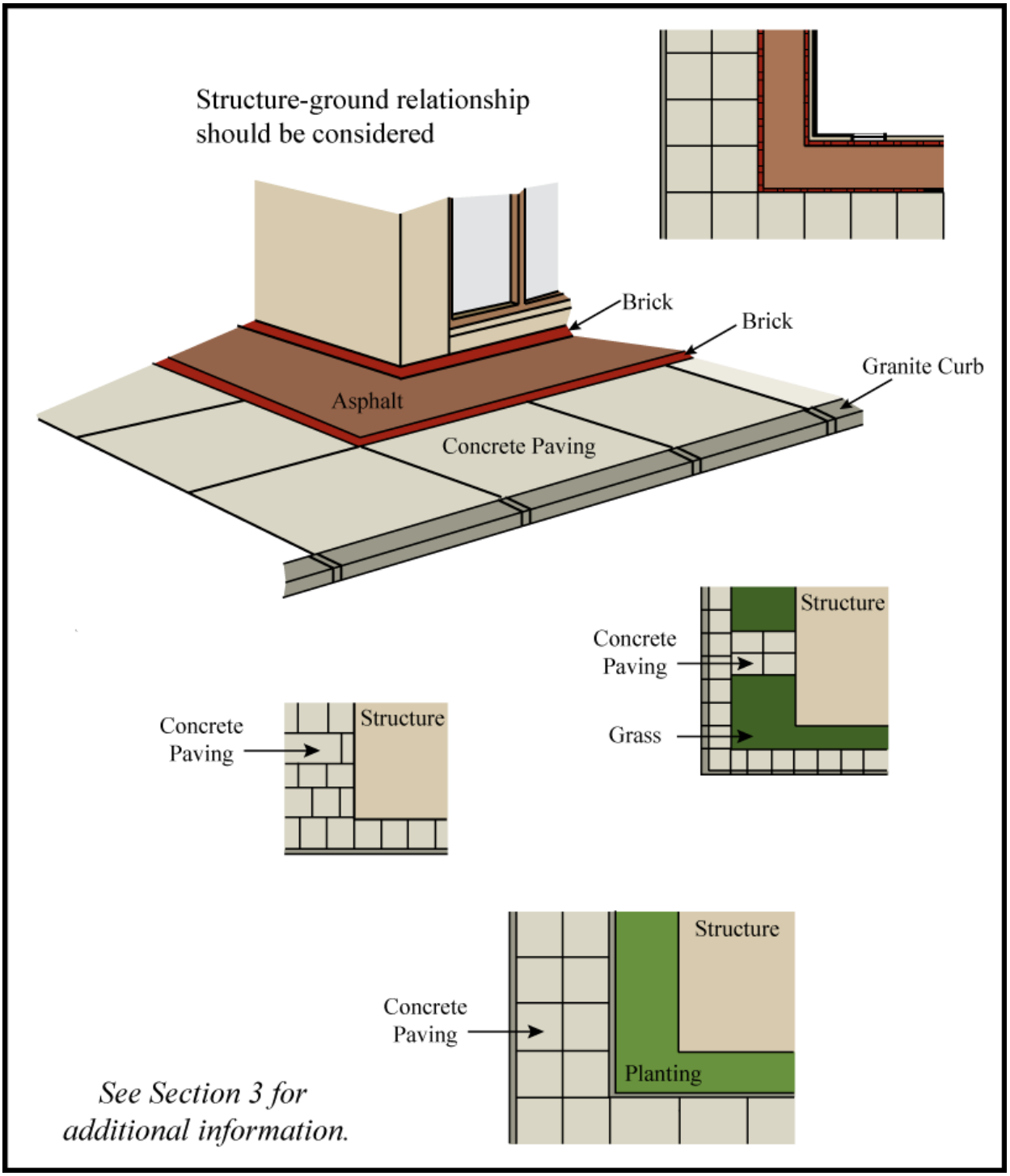
Types of Dwellings



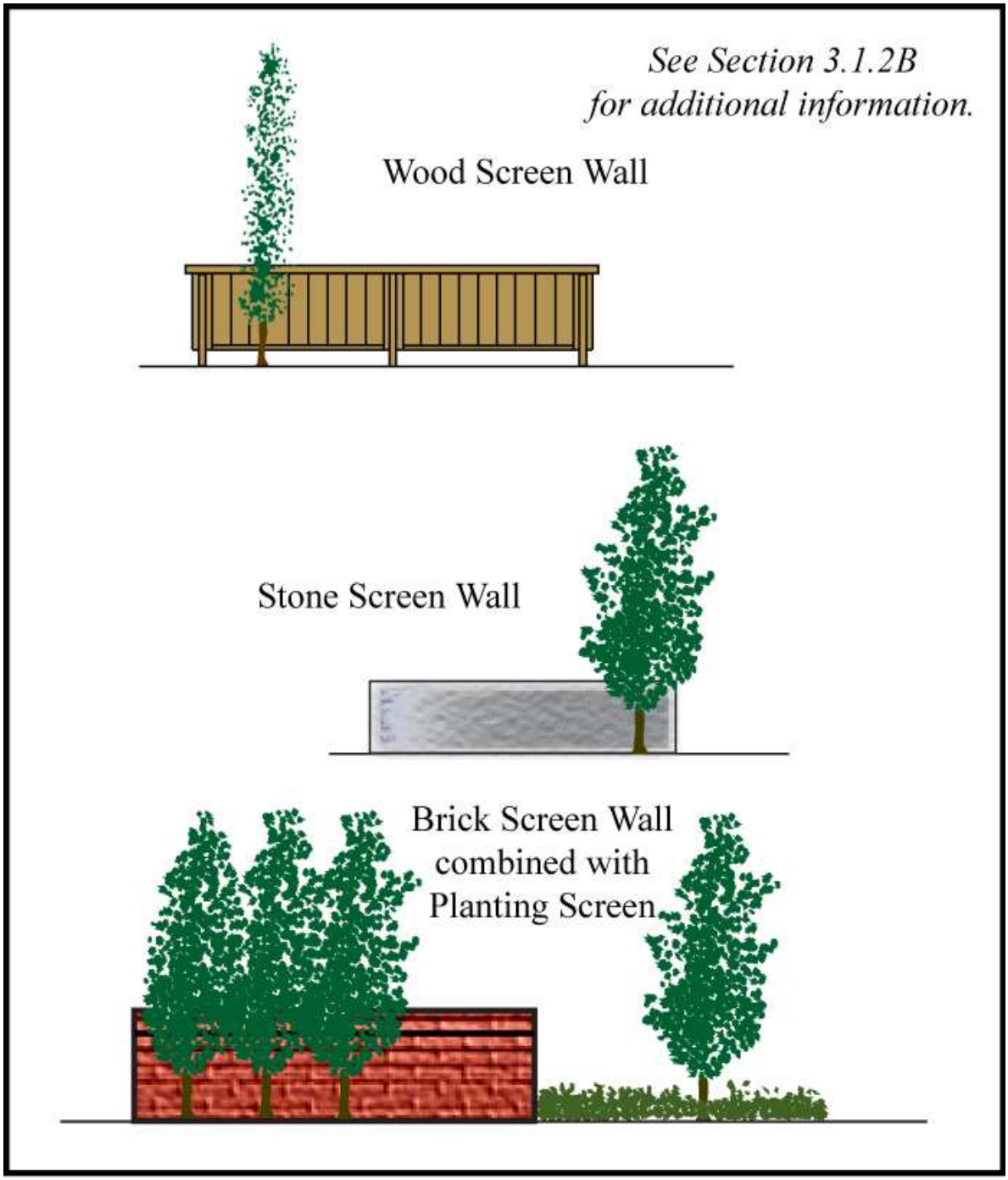
Attached Dwellings on Lots



Site Design Details – Structure/Ground Relationship

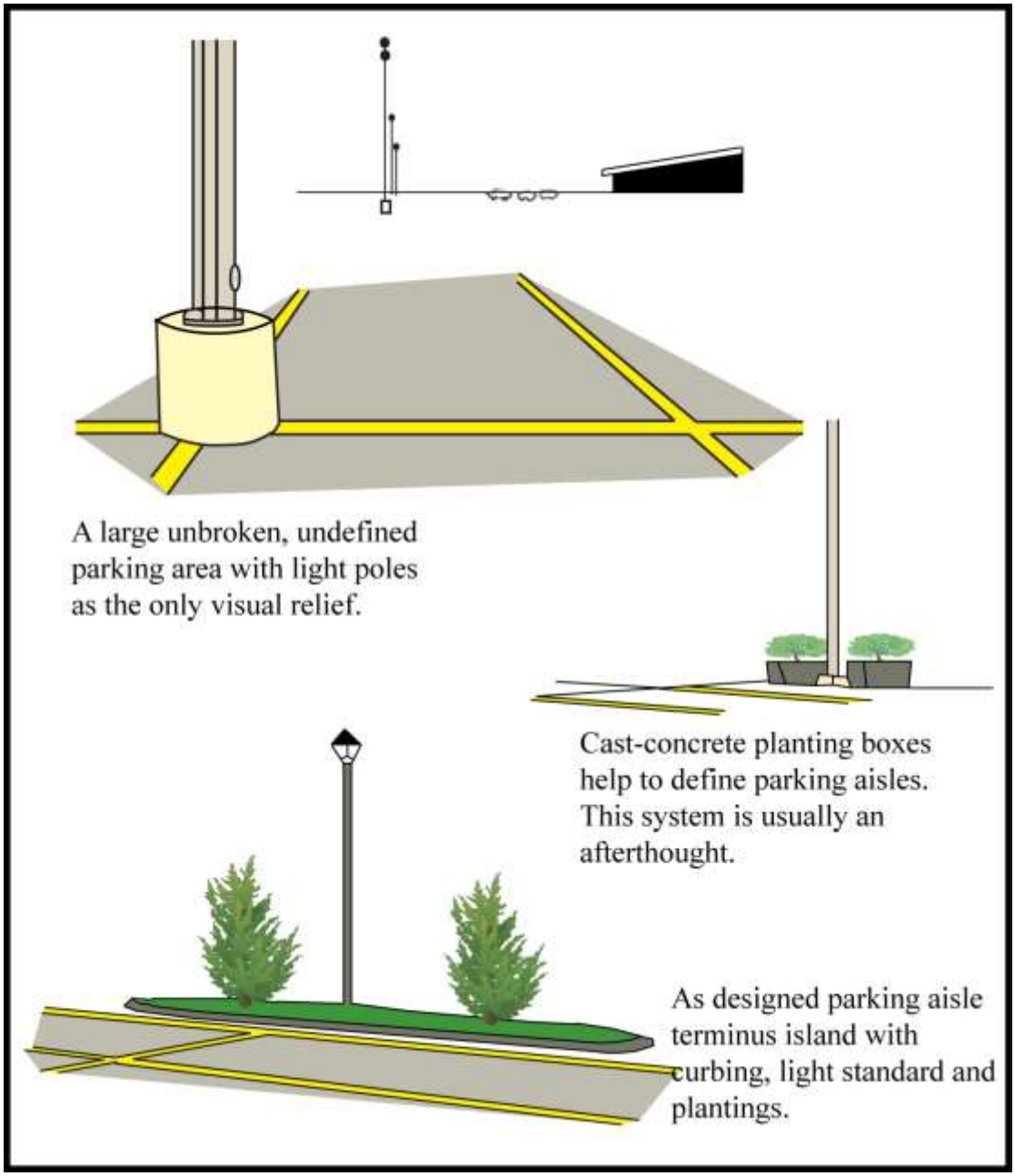


Site Design Details – Screen Walls

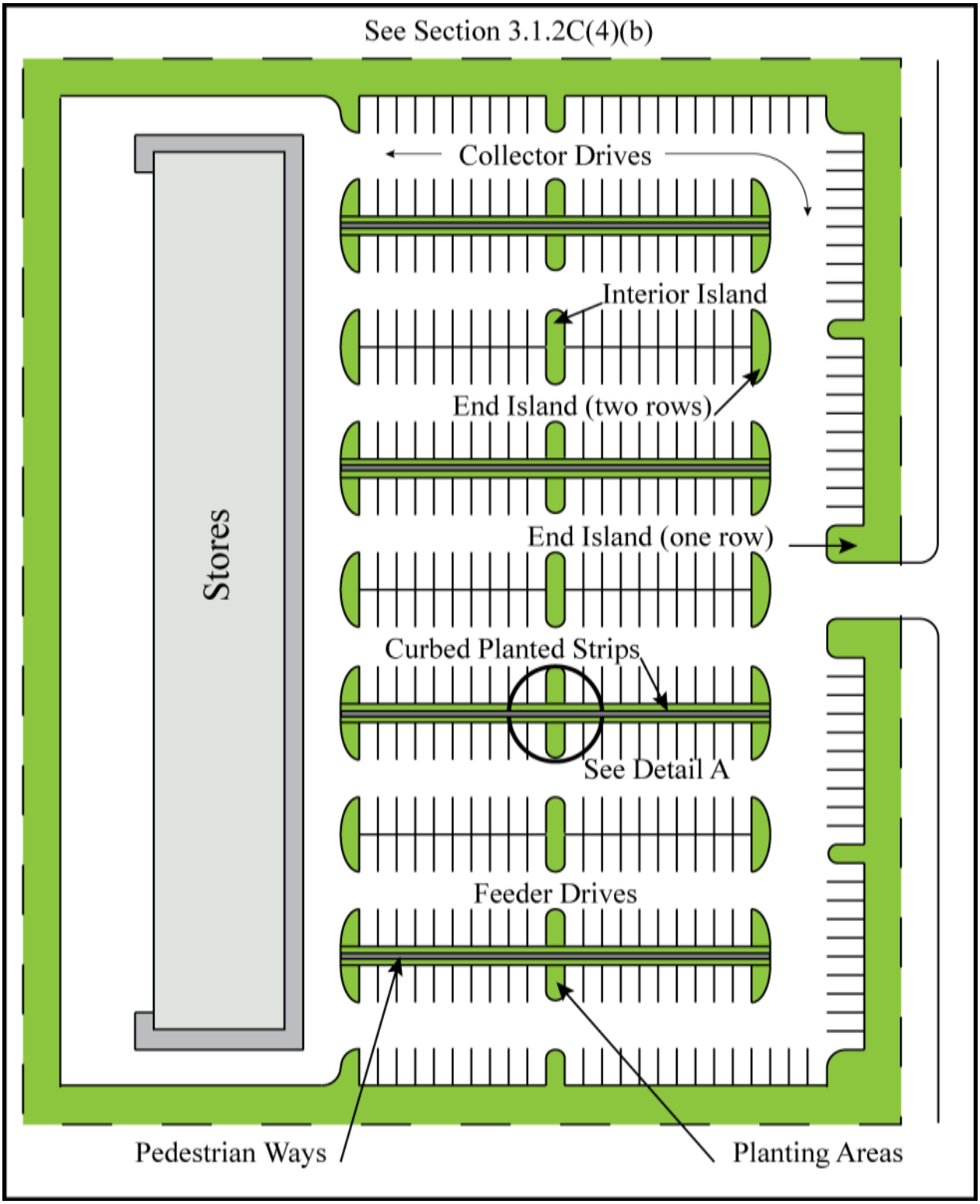


Site Design Detailed – Parking Areas

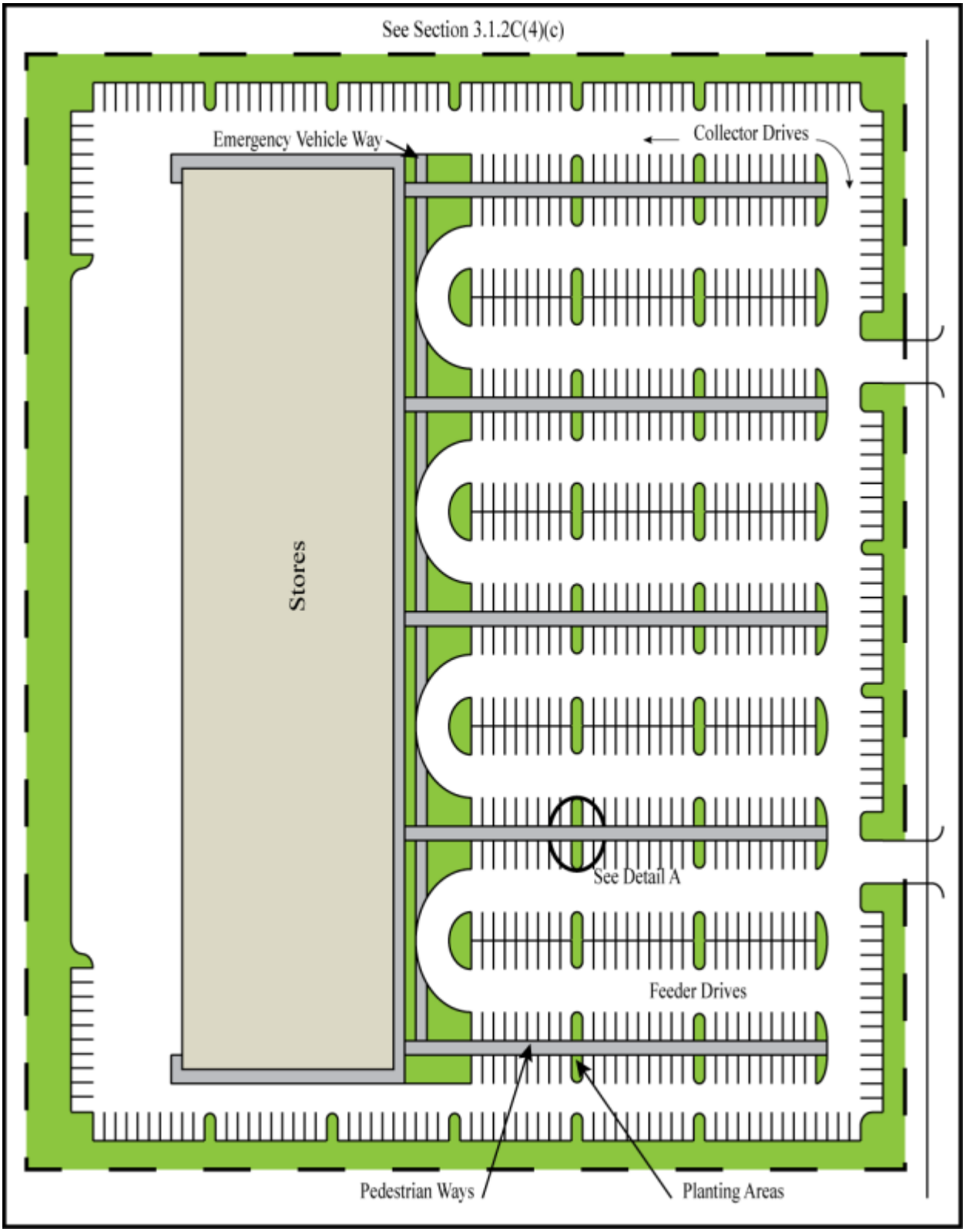
See Section 3 *for additional information.*



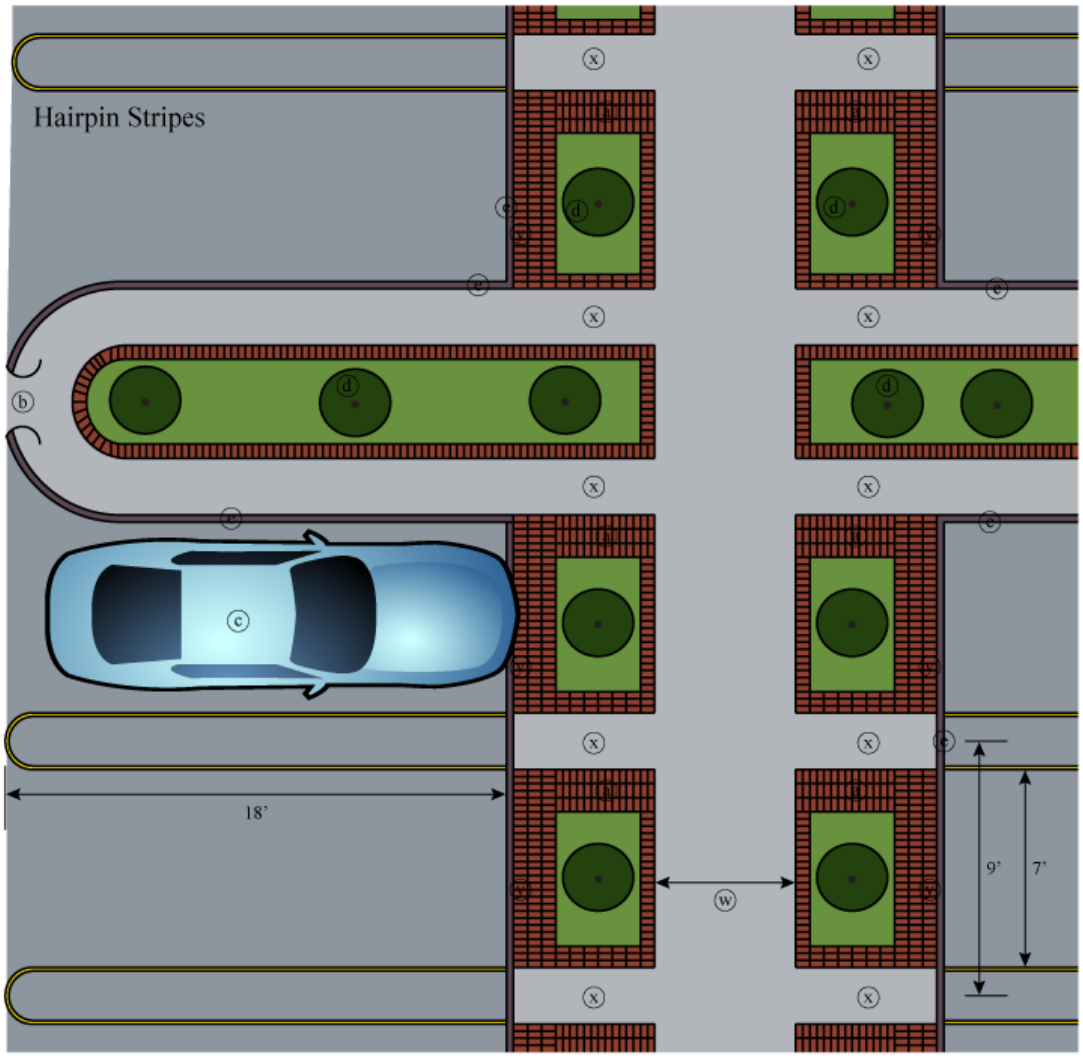
Parking Lot of 100 Spaces or More



Parking Lot of 500 Spaces or More



Parking Lot Detail



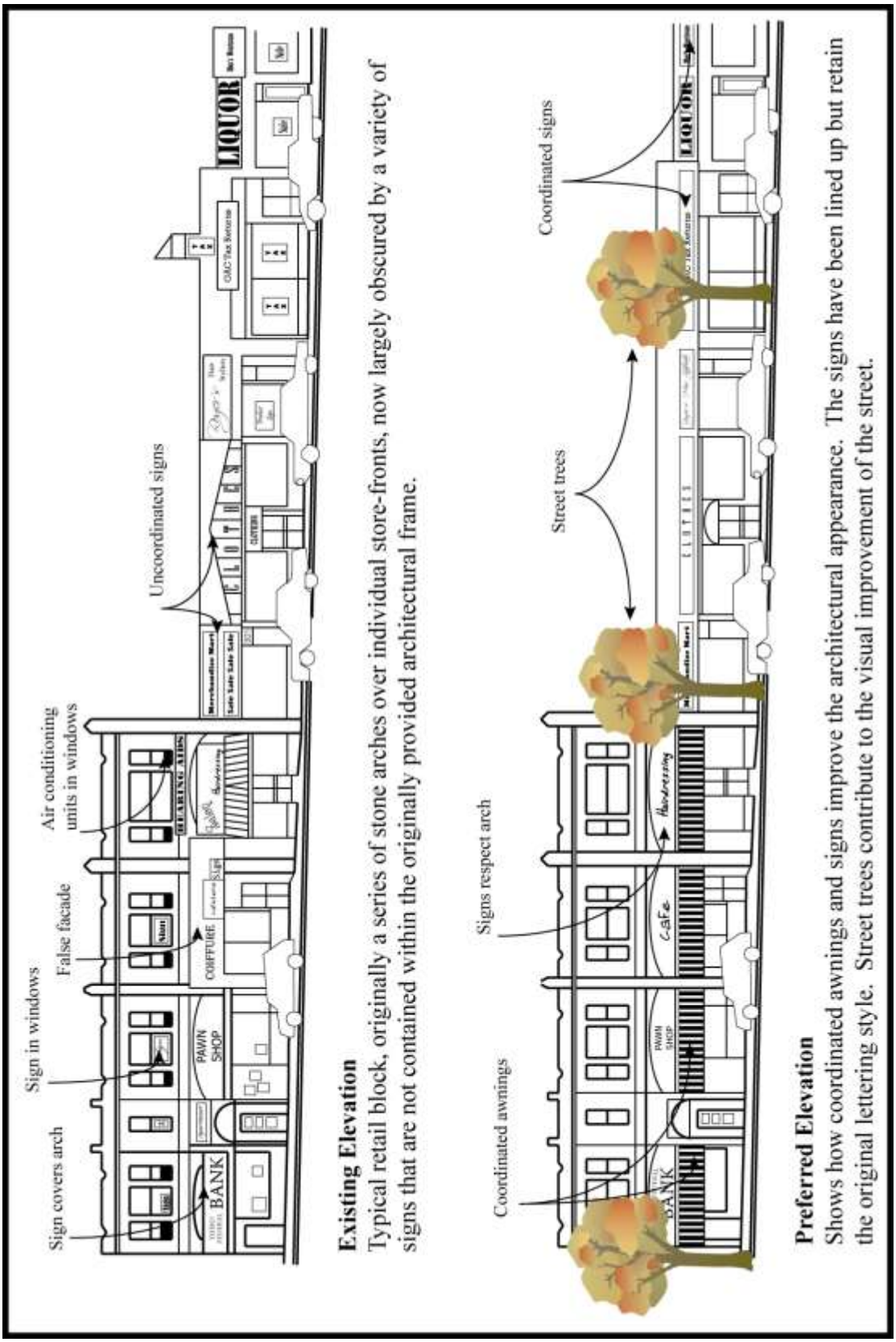
Legend:
(a) Shopping Cart Drop-Off Area
(b) Curb Ramp
(c) Automobile
(d) Trees or Bushes
(e) Curb
Decorative Paving
Grass or Mulch

Notes:
1) Decorative paving (excluding areas under car overhang) and lateral walkways (x) leading to main walk (w) shall be considered as net planting area.

2) Main walkway (w) and 2 ft. car overhang (y) not to be calculated as net planting area.

[alt]+[←] to return to previous view

Store-Front Elevations



Existing Elevation
Typical retail block, originally a series of stone arches over individual store-fronts, now largely obscured by a variety of signs that are not contained within the originally provided architectural frame.

Preferred Elevation
Shows how coordinated awnings and signs improve the architectural appearance. The signs have been lined up but retain the original lettering style. Street trees contribute to the visual improvement of the street.

Sign Design Guidelines

THIS

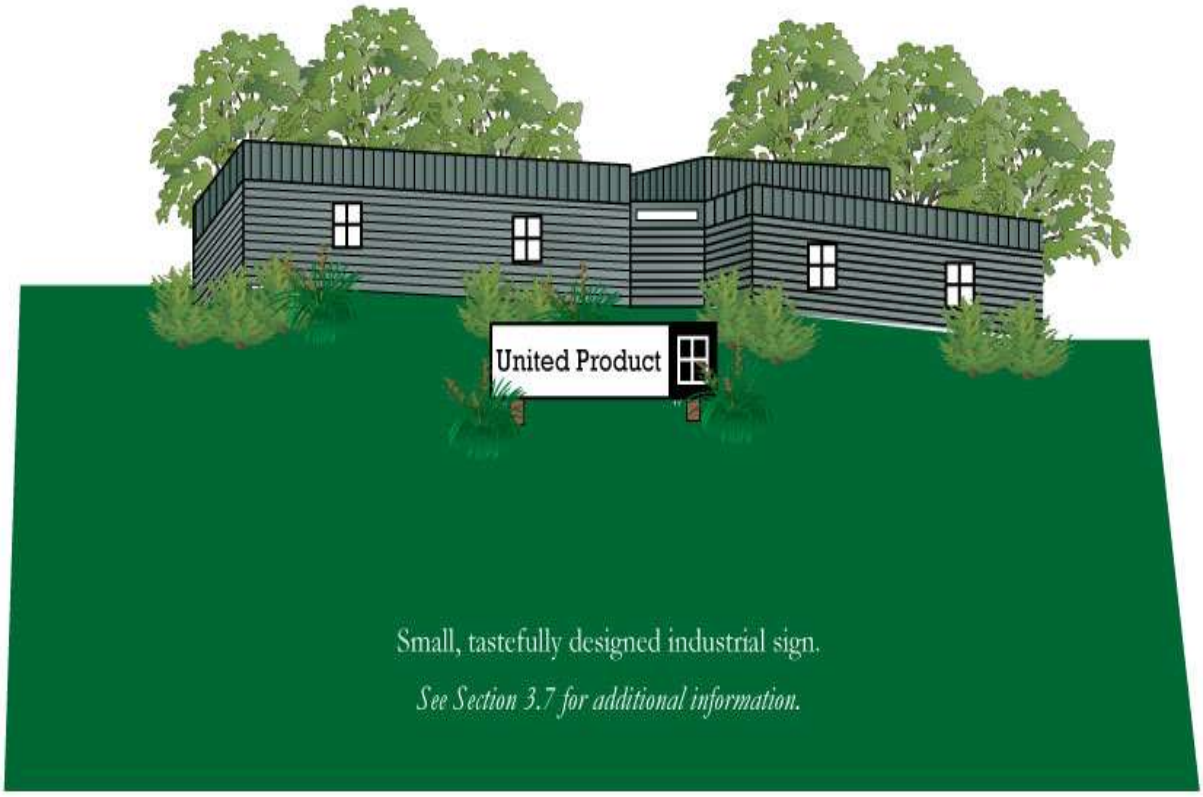
NOT THIS

The sign should serve to define or enhance architectural elements of the building, not obscure or obliterate them.

THIS

NOT THIS

The sign should identify the name of the business, not advertise brand names.

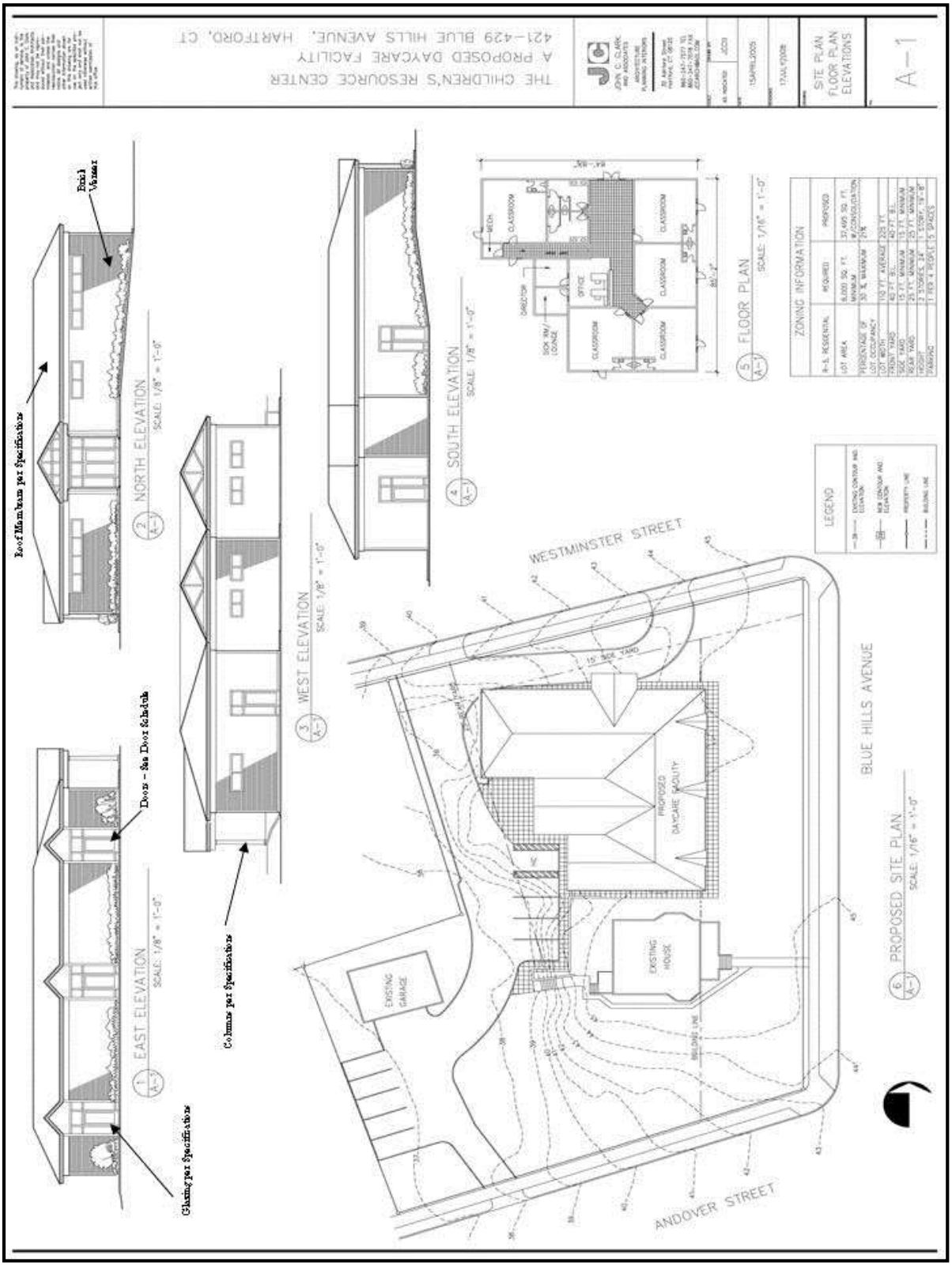


Small, tastefully designed industrial sign.

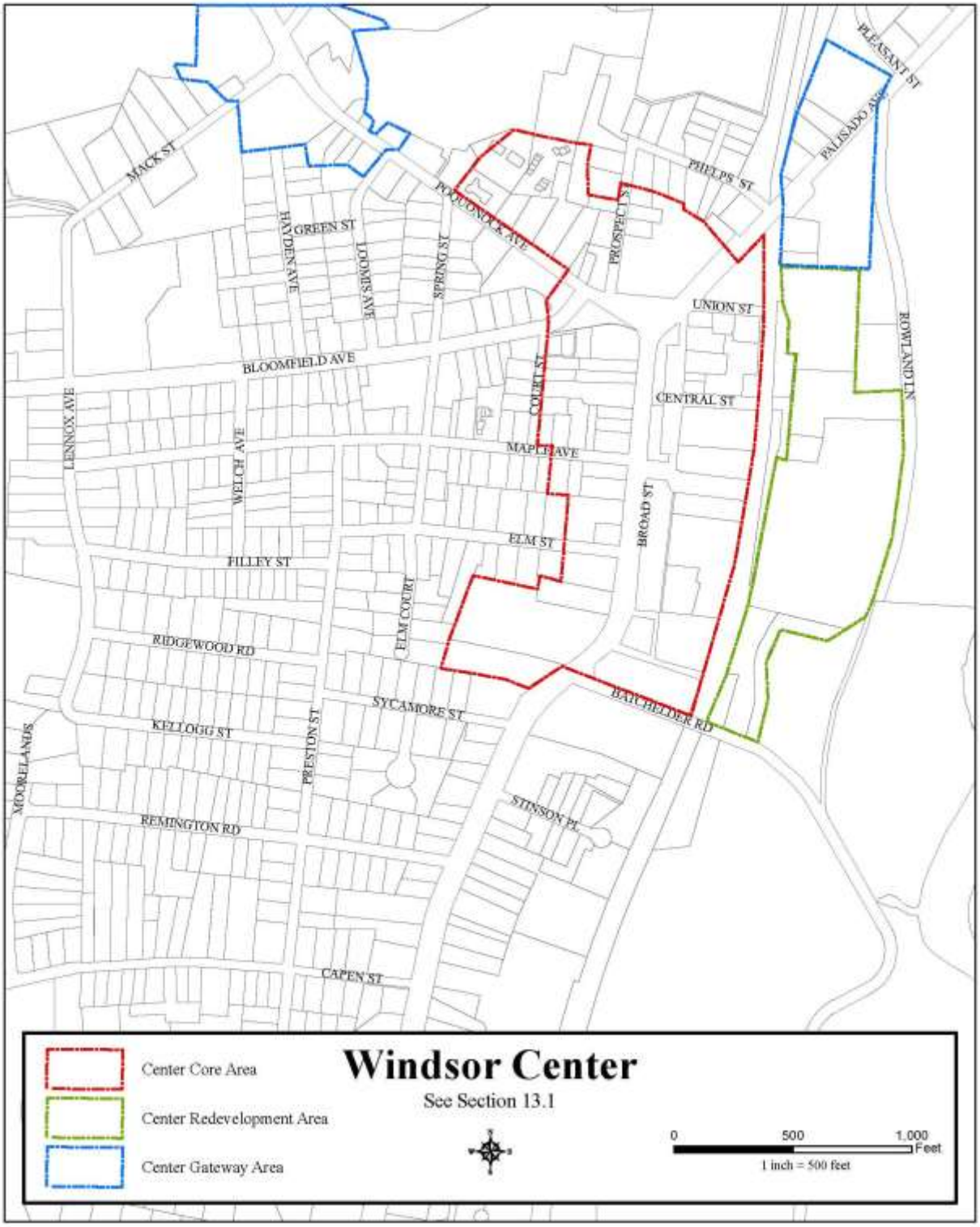
See Section 3.7 for additional information.

Typical Site Plan

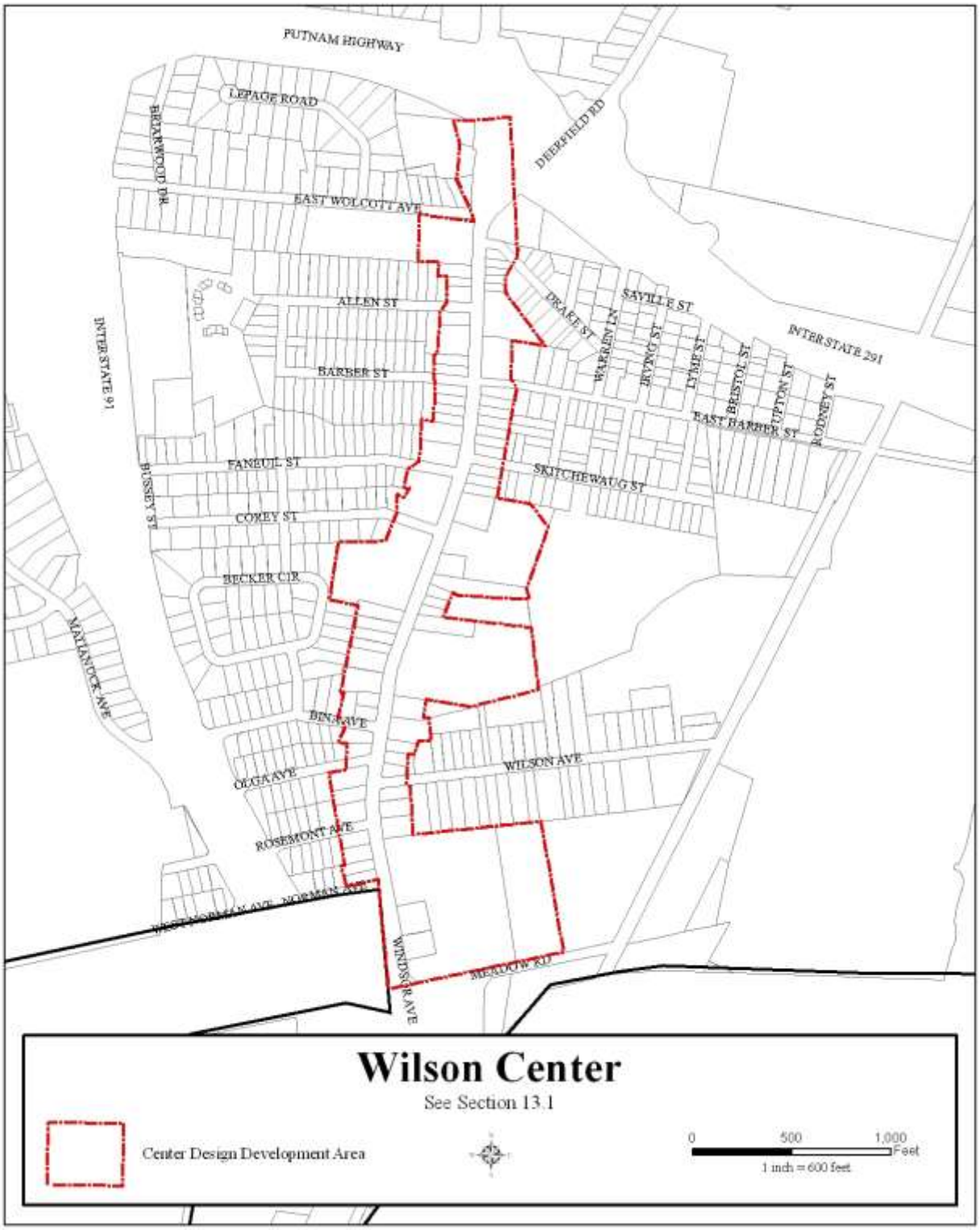
Typical Elevation



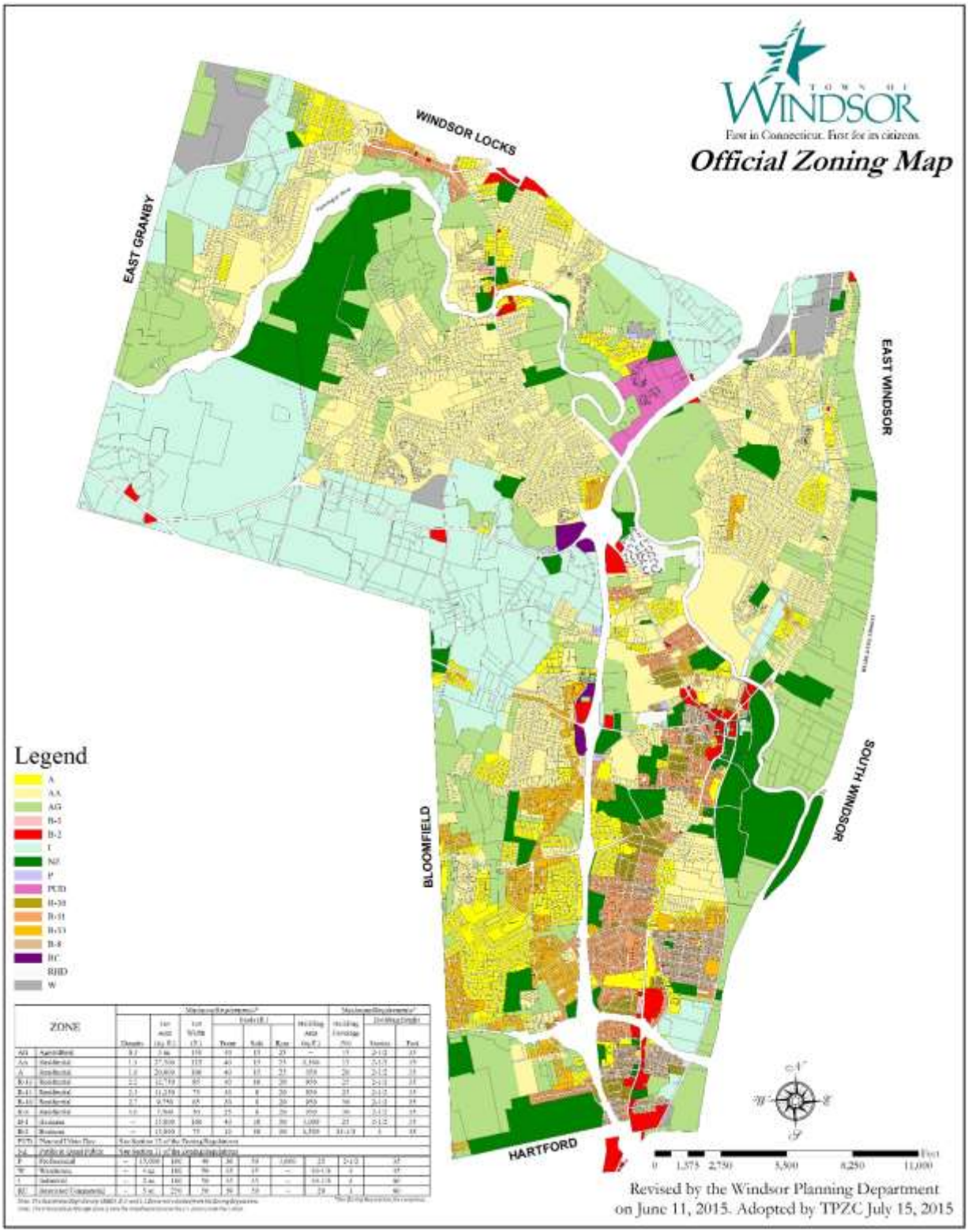
Windsor CenterDesign Development Area



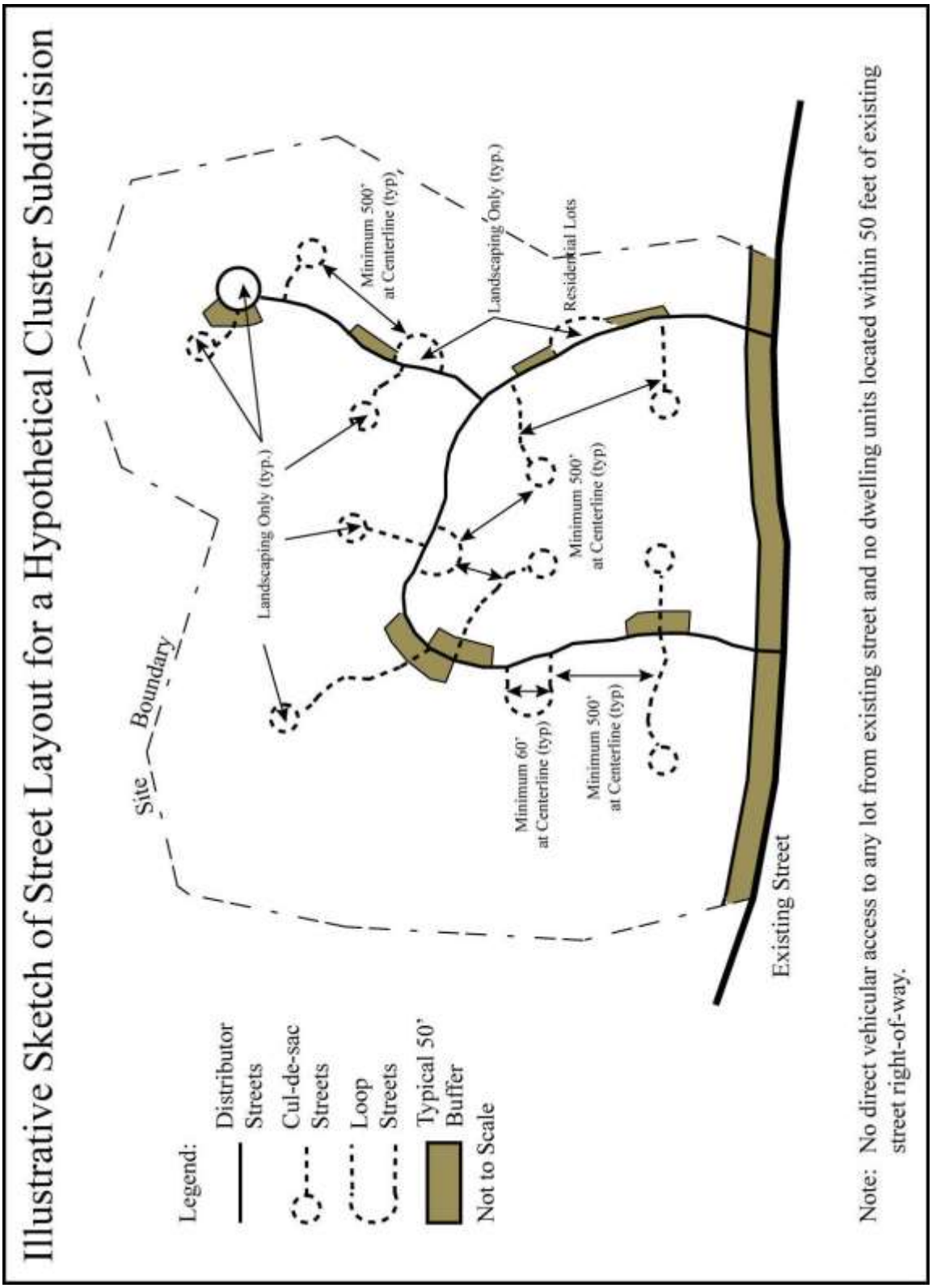
Wilson Center Design Development Area



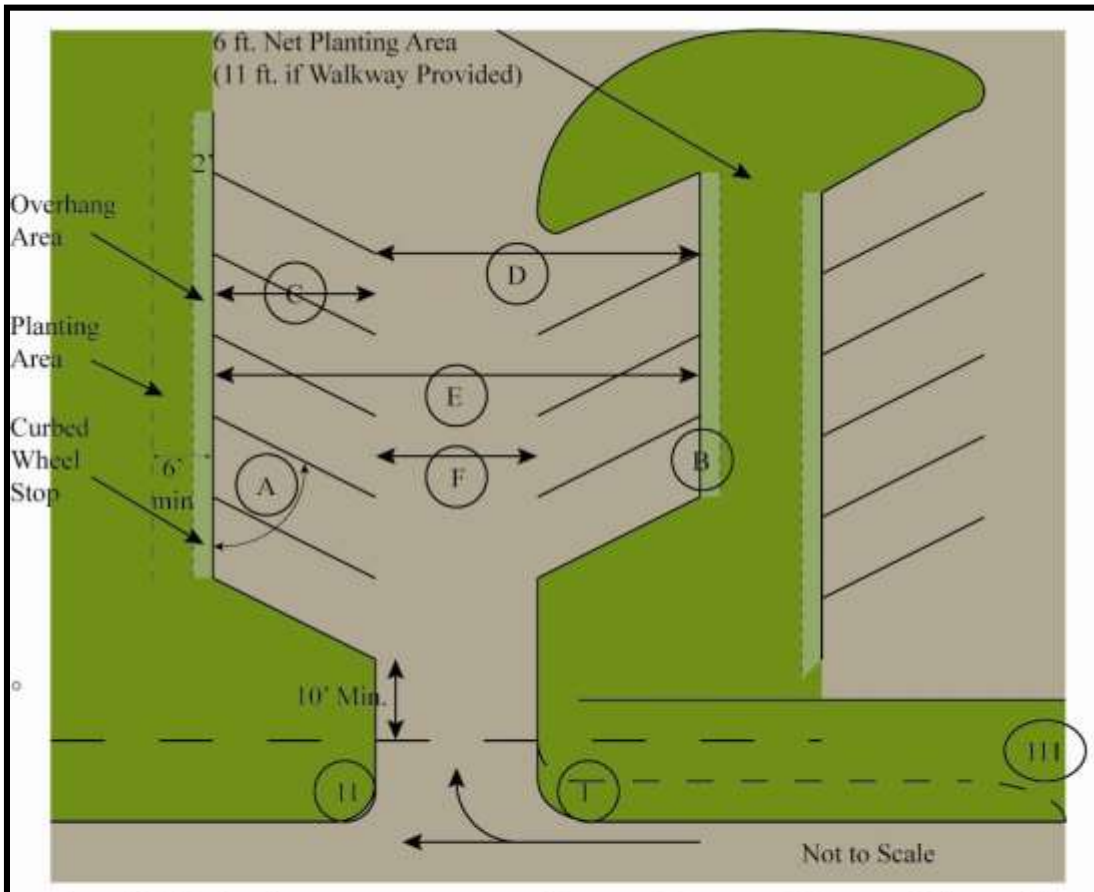
Zoning Map


TOWN OF
WINDSOR
First in Connecticut. First for its citizens.
Official Zoning Map
WINDSOR LOCKS
EAST GRANBY
EAST WINDSOR
SOUTH WINDSOR
BLOOMFIELD
HARTFORD
Legend
A
AA
AG
B-1
B-2
I
NP
P
PCD
R-30
R-15
R-13
B-8
BC
RBD
W
ZONE
0 1,375 2,750 5,500 8,250 11,000
Revised by the Windsor Planning Department
on June 11, 2015. Adopted by TPZC July 15, 2015

Sketch of Street Layout for a Hypothetical Cluster Subdivision



Parking Spaces



A.	Parking Angle	0°	45°	60°	75°	90°
B.	Curb Length per Car	23'	12'9"	10'5"	9'3"	9'
C.	Stall Depth	9'	18'	19'	20'	18'
D.	Width for 1 Row + Driveway	21'	31'	37'	41'	42'
E.	Width for 2 Rows + Driveway	32'	49'	56'	61'	60'
F.	Feeder Drive	14'	13'	18'	21'	24'

Notes:

1. 90° parking is encouraged; parallel parking (0°) should be avoided unless absolutely necessary. Extra width on end stalls or back up area required. Additional 6' width is necessary for collector drives.

2. The width of the feeder drive indicated for 90° parking is for two-way circulation; the widths for 0°, 45°, and 60° parking are for one-way circulation.

3. Parking lot drives at other than 90° must be open at both ends sine it is required that cars must not back over street lines or sidewalks.

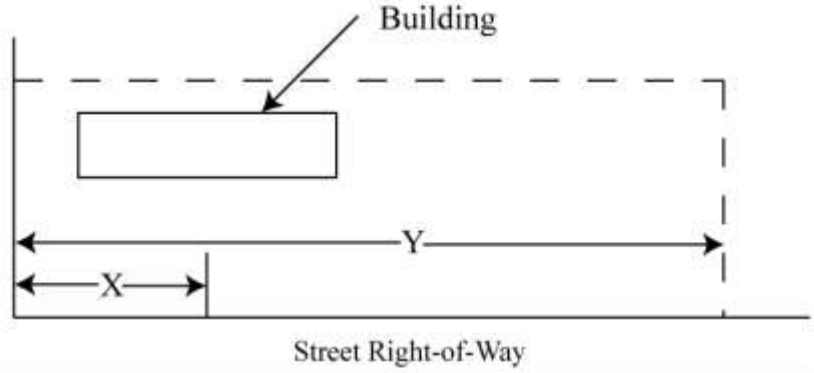
4. The curb cut radius closest to the on-coming traffic (1) should be greater than the one further (11), or a deceleration lane should be provided (111) to facilitate traffic flow and prevent excessive slowdowns on the street.

Example of Sign Flexibility Formula

See Section 3.7.5B(5) for additional information.

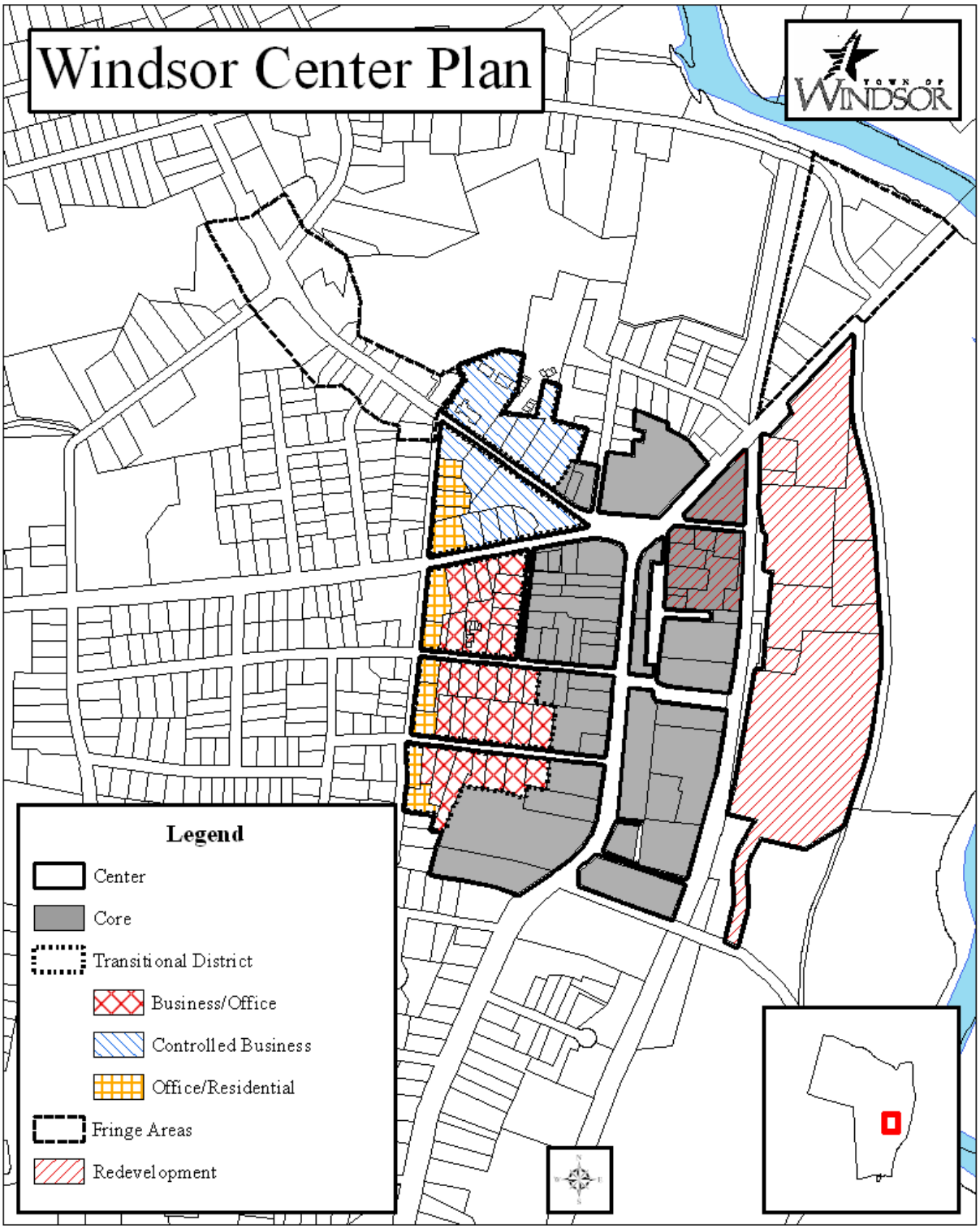
Locating a freestanding sign on a building lot the actual width of which is greater than the required lot width serves to increase the number of square feet of allowable sign area:

X = 180 feet
Y = 240 feet
C = 16 sq. ft.

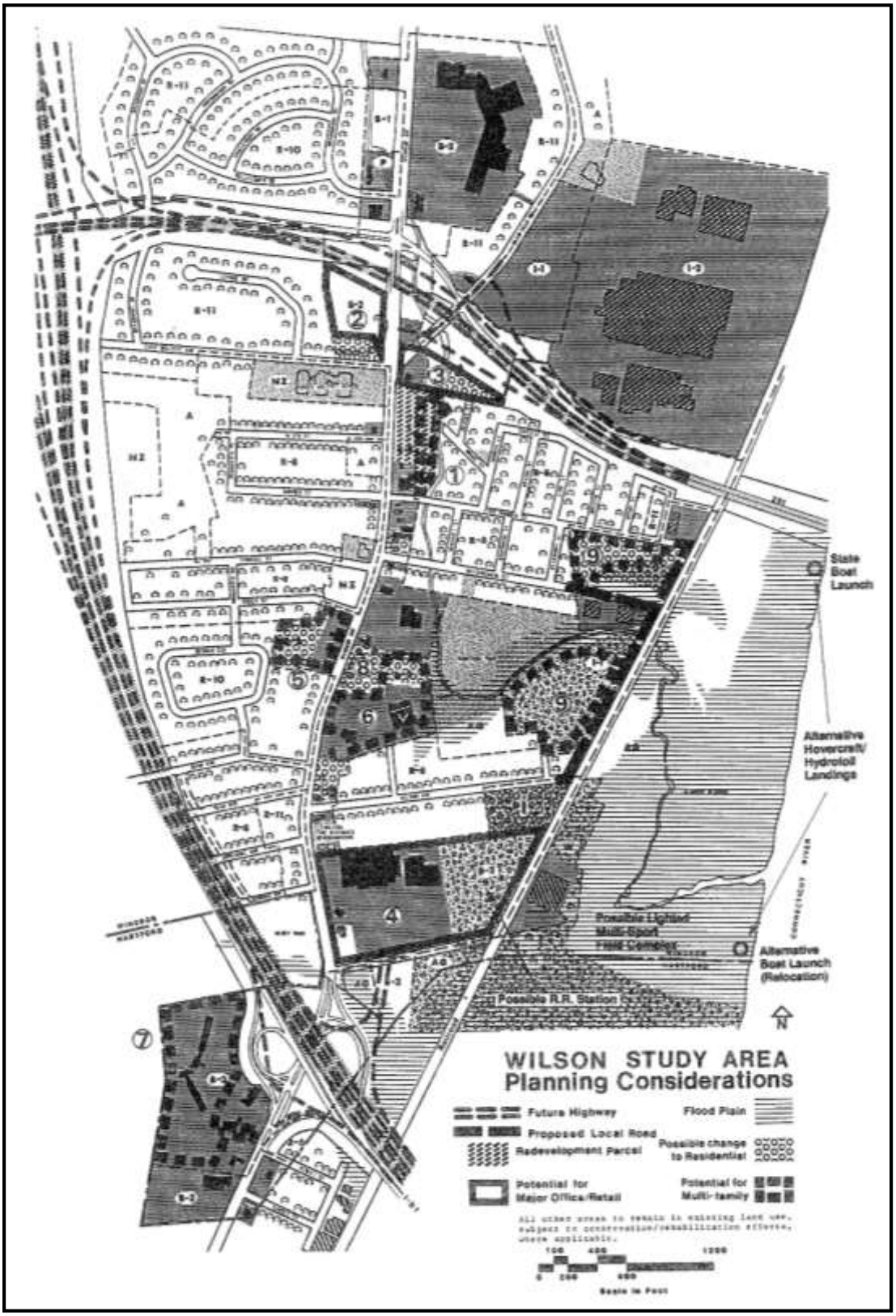


D = (240/180 – 1) x 16
D = (1-1/3 – 1) x 16
D= 1/3 x 16
D = 5.3 square feet additional allowable sign area

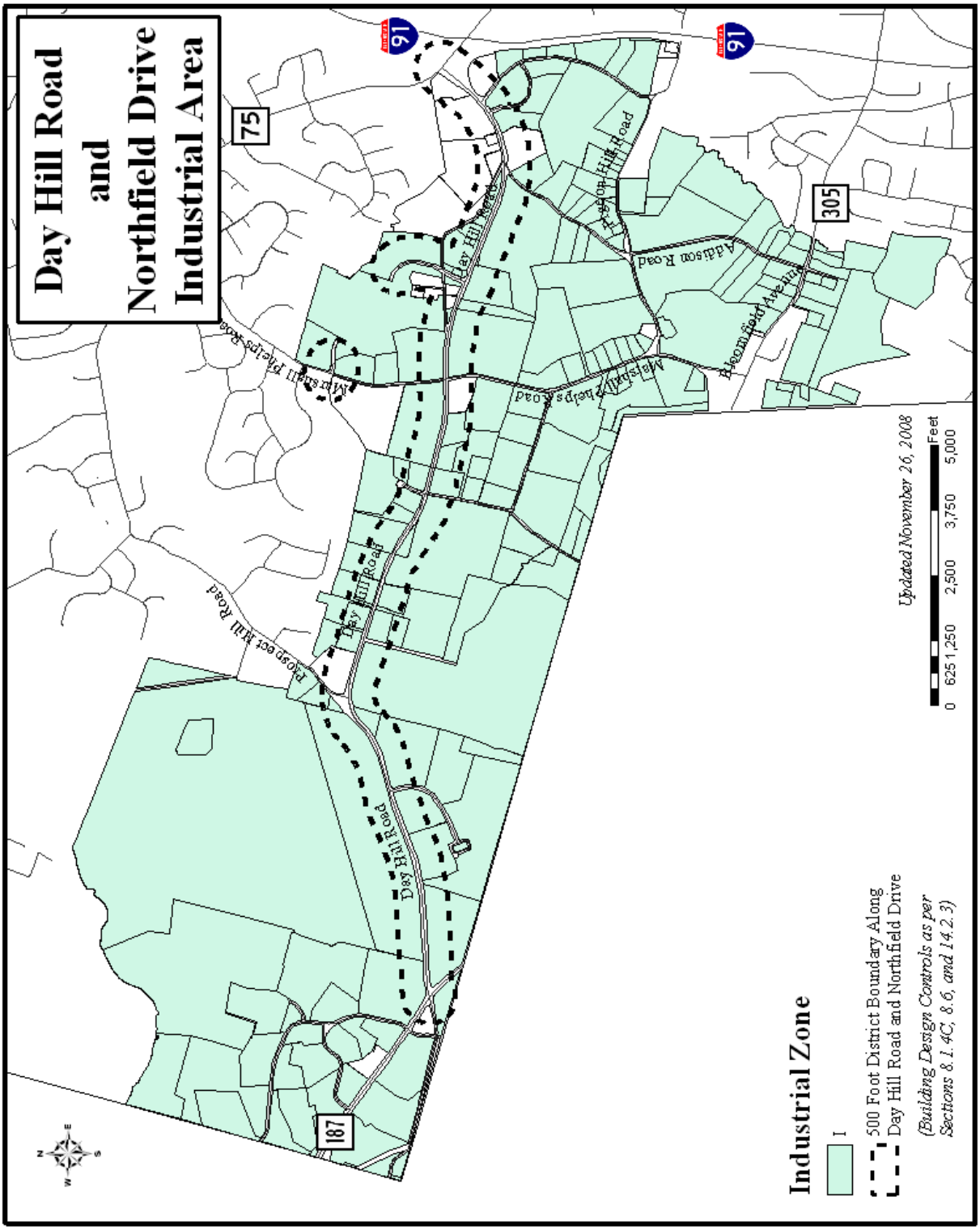
Windsor Center Plan



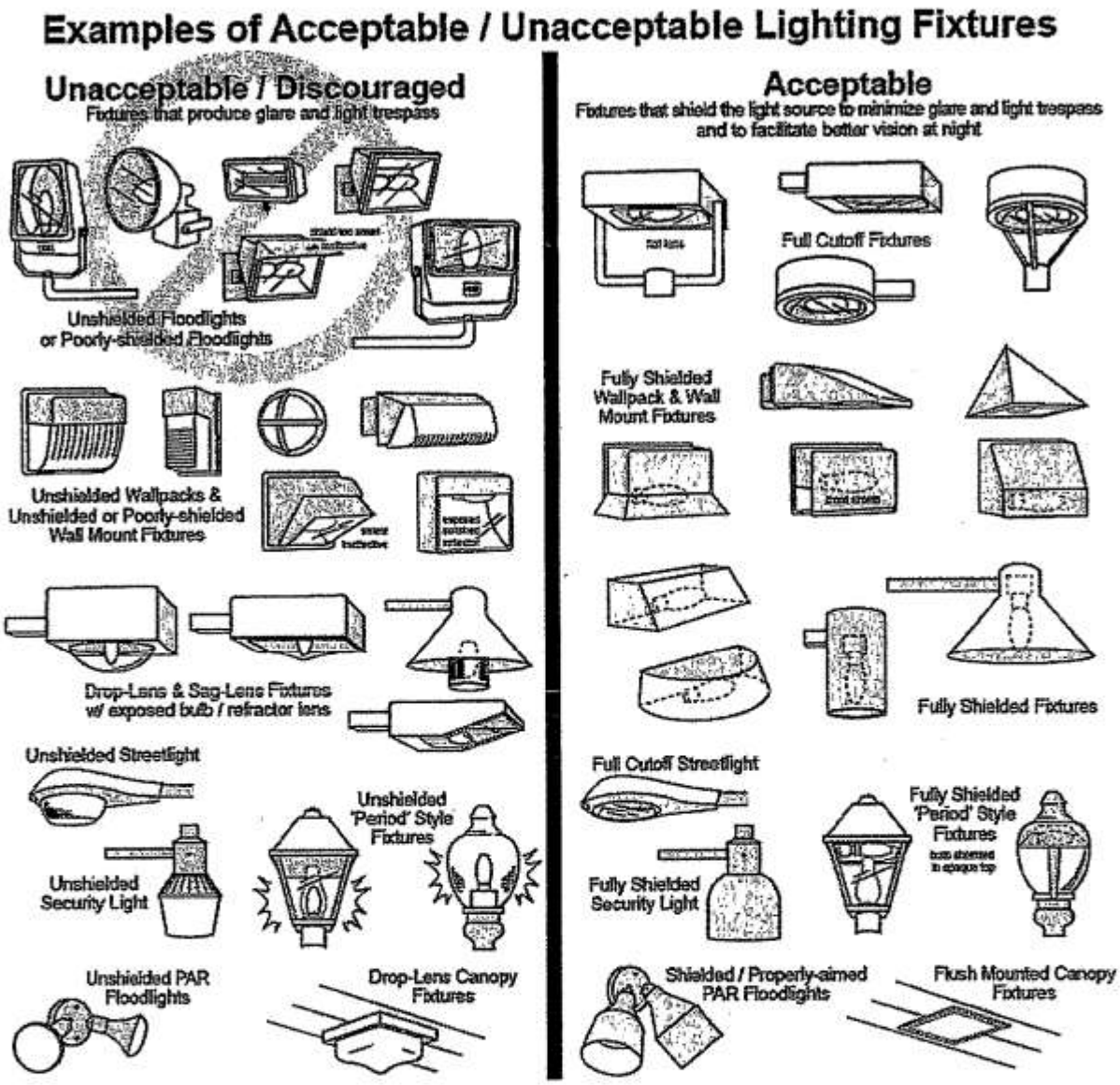
Wilson Study Area



Day Hill Road & Northfield Drive Industrial Area



Examples of Acceptable & Unacceptable Lighting Fixtures



Zoning Use Table

USES	ZONING DISTRICT CODES														
	A	AA	R-8	R-10	R-11	R-13	B-1	B-2	P	RC	I	W	AG	NZ	PUD
Single-family dwellings	P	P	P	P	P	P							P		P
Single-family, two-family, and multi-family dwellings	SU	SU	SU	SU	SU	SU									P
Temporary conversions to allow accessory apartments	SU	SU	SU	SU	SU	SU							SU		
Open space subdivisions	SU	SU	SU	SU	SU	SU									
Cluster subdivisions	SU	SU	SU	SU	SU	SU							SU		
Active adult subdivisions													SU		
Flag lots	SU	SU	SU	SU	SU	SU							SU		
Dwellings occupied by the owner, a member of the owner's family employed on the farm, or by a permanent paid employee													P		
Housing for permanent workers and camps or living quarters for temporary workers													A		
Film studio residence											SU				
Home-based businesses (per Section 4.4.6)	A	A	A	A	A	A							SU	A	
Major home-based businesses (per Section 4.5.4)	SU	SU	SU	SU	SU	SU							SU		
Professional office in a dwelling	SU	SU	SU	SU	SU	SU									
Conversion of existing buildings	SU	SU	SU	SU	SU	SU		SU							

A – accessory use
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SP – site plan required
SU – special use, which may require a site plan

Zoning Use Table

USES	ZONING DISTRICT CODES														
	A	AA	R-8	R-10	R-11	R-13	B-1	B-2	P	RC	I	W	AG	NZ	PUD
Accessory buildings	A	A	A	A	A	A								A	
Accessory farm buildings													A		
Swimming pools & hot tubs	A	A	A	A	A	A								A	
Tennis courts	A	A	A	A	A	A								A	
Raising of small livestock	A	A	A	A	A	A								A	
Renting of rooms	A	A	A	A	A	A								A	
Garage or tag sales	A	A	A	A	A	A								A	
Bed & breakfast establishments	SU	SU	SU	SU	SU	SU							SU		
Housing and health facilities for elderly and handicapped residents	SU	SU	SU	SU	SU	SU									
Housing for older persons	SU	SU	SU	SU	SU	SU									
Increasing accessory building size	SU	SU	SU	SU	SU	SU									
Public and quasi-public uses and structures														SP	
Nonpublic uses of public and quasi-public properties														SU	
Places of assembly and congregation	SU	SU	SU	SU	SU	SU							SU		
Religious institutions															SP
Clubs, social, or fraternal organizations													SU		
Professional office, not in a dwelling (per Section 4.5.5)	SU	SU	SU	SU	SU	SU	SP	SP	SP	SP	SP	SU			SP
Corporate office										SP	SP	SU			SP

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Zoning Use Table

USES	ZONING DISTRICT CODES														
	A	AA	R-8	R-10	R-11	R-13	B-1	B-2	P	RC	I	W	AG	NZ	PUD
General office							SP	SP	SU	SU	SP	SU			SP
Research laboratories										SP	SP	SU			
Computer data center											SP	SU			
Bank							SP	SP							
Personal service establishment							SP	SP	SU						
Business services										SP					
Retail store							SP	SP							
Dispensary								SU			SU				
Limited retail sales											SU				
Outdoor film stages															
Pumping stations, water lines, and private roads													A		
Manufacturing, fabricating, compounding, assembling, packaging, storage or treatment of articles, or their wholesaling and distribution											SP	SU			
Wholesale and storage uses												SP			
Studios									SU						
Bakeries with baking on premises							SU	SU							
Restaurants								SU							
Hotels and all-suite hotels								SU							
Full-service hotels & conference centers										SU	SU				

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Zoning Use Table

USES	ZONING DISTRICT CODES														
	A	AA	R-8	R-10	R-11	R-13	B-1	B-2	P	RC	I	W	AG	NZ	PUD
Full-service hotels of no more than 4 stories or 50 feet in height															SP
Banquet facility and conference center															SP
Extended-stay hotels								SU		SU	SU				
Bed and breakfasts													SU		
Hospitals											SU				
Nursing homes											SU		SU		
Congregate housing													SU		
Veterinarian offices													SP		
Commercial kennels and animal hospitals											SU	SU	SU		
Dry cleaners with dry cleaning on premises							SU	SU							
Indoor repair of household appliances, garden equipment, small automotive parts, etc.							SU	SU							
Printing, publishing, and reproduction services								SU							
Establishments with drive-through windows							SU	SU							
Car rental and taxi services								SU							
Commercial recreational and cultural buildings & facilities								SU			SU				

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Zoning Use Table

USES	ZONING DISTRICT CODES														
	A	AA	R-8	R-10	R-11	R-13	B-1	B-2	P	RC	I	W	AG	NZ	PUD
Non-residential uses relating to existing community facilities	SU	SU	SU	SU	SU	SU									
Funeral homes								SU			SU				
Cemeteries													SU		
Limited outdoor retail sales								SU							SP
Sale of nursery stock and related products											SU		SU		
Funeral homes											SU				
Large developments in Windsor and Wilson centers								SU							
Automobile dealerships															
Sales agency of new automobiles or commercial and recreational vehicles											SU				
Limited repair and service of motor vehicles or conversion of previously approved limited repair facilities to a general repair facility											SU				
Oil distribution											SU	SU			
Pawn shops, tattooing, and/or body-piercing establishments								SU							
Adult-oriented establishments								SU							

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Zoning Use Table

USES	ZONING DISTRICT CODES														
	A	AA	R-8	R-10	R-11	R-13	B-1	B-2	P	RC	I	W	AG	NZ	PUD
Off-street parking of motor vehicles	A	A	A	A	A	A								A	
Recreational vehicles and boats	A	A	A	A	A	A								A	
Outdoor overnight parking of commercial vehicles	A	A	A	A	A	A	A	A			A	A		A	
Garaged or open storage of commercial vehicles													SU		
Garaged or open storage of currently registered school buses											SU				
Reduced warehouse parking											SU				
Boat docks	A	A	A	A	A	A								A	
Driveways	A	A	A	A	A	A								A	
Private-use helistop											SU				
Off-street parking & loading							A	A	A	A					
Limited outdoor storage of materials or products											SU	SU			
Self-storage and outside storage facilities											SU	SU			
Dish antennas	A	A	A	A	A	A								A	
Ground-mounted dish antennas	SU	SU	SU	SU	SU	SU							SU		
Farm stands of mobile or temporary construction	A	A	A	A	A	A							A	A	
Farm stands of permanent construction													SU		

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Zoning Use Table

USES	ZONING DISTRICT CODES														
	A	AA	R-8	R-10	R-11	R-13	B-1	B-2	P	RC	I	W	AG	NZ	PUD
Mechanical amusement devices								A			A				
Transfer of residential density	SU	SU	SU	SU	SU	SU							SU		
Playgrounds and parks															P
Growing field crops, flowers, fruit, nursery stock, or seeds													P		
Raising livestock													P		
Ground-mounted dish antennas													SU		
Commercial nurseries													A		
Buildings with a height between 60 and 80 feet											SU				
Any activity incidental to the operation of the principal use							A	A							
Manufacturing or processing operations accessory to the primary use										A					
Integrated group of stores															SP
Truck terminals and accessory operations												SU			
Buildings with a height between 60 and 80 feet											SU				

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APPENDIX

Zoning Use Table

USES	ZONING DISTRICT CODES														
	A	AA	R-8	R-10	R-11	R-13	B-1	B-2	P	RC	I	W	AG	NZ	PUD
Any activity incidental to the operation of the principal use							A	A							
Manufacturing or processing operations accessory to the primary use										A					

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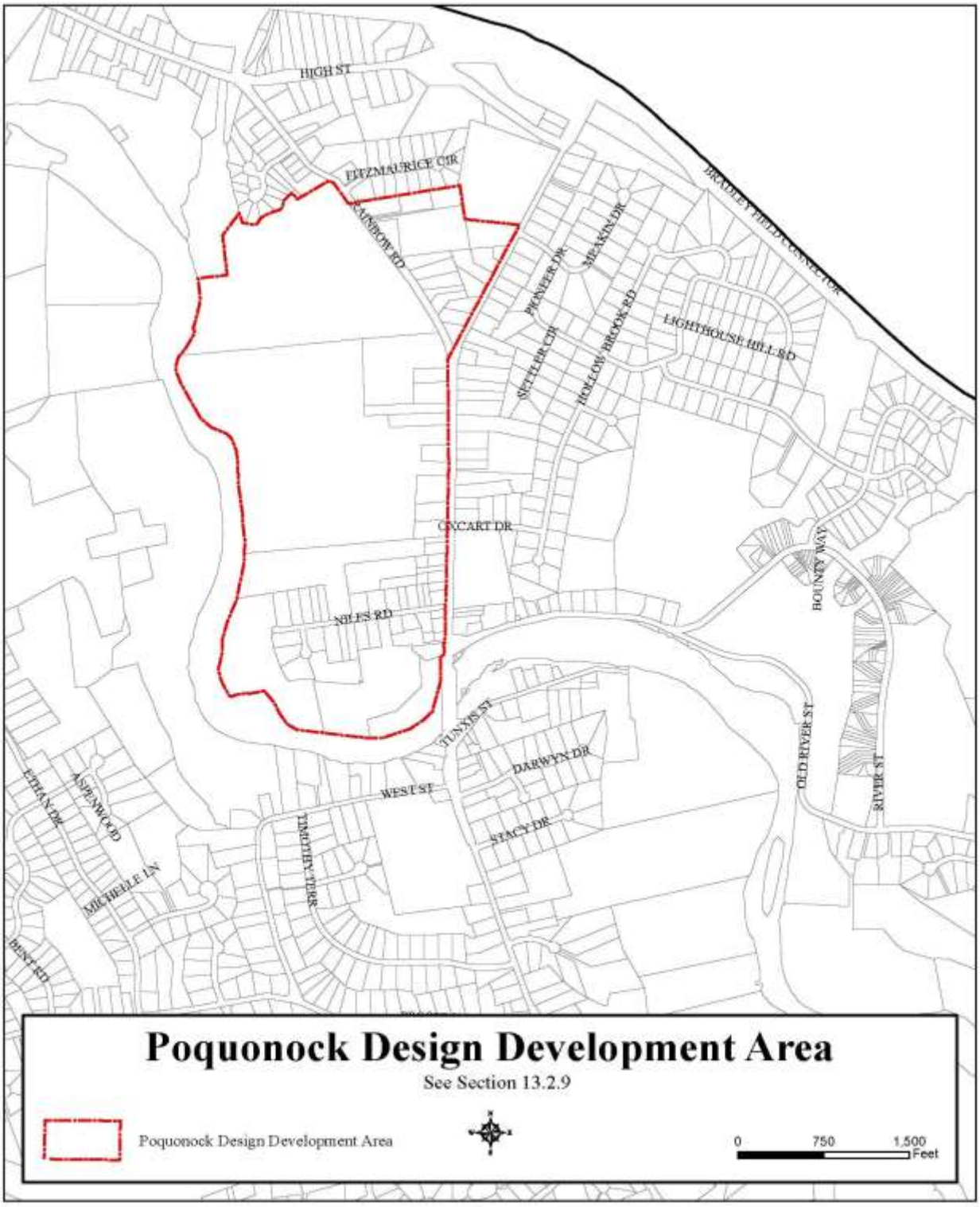
HIGH ST
FITZMAURICE CIR
RAINBOW RD
BRADLEY FIELD CONNECTOR
PIONEER DR
SPEAKIN DR
SETTLER CIR
HOLLOW BROOK RD
LIGHTHOUSE HILL RD
CINCART DR
NELLS RD
BOUNTY WAY
TUNNIS ST
DARWYN DR
WEST ST
OLD RIVER ST
RIVER ST
STACY DR
ETHAN DR
ASPENWOOD
MICHELLE LN
TIMOTHY TERR
BENT RD
Poquonock Design Development Area
See Section 13.2.9
Poquonock Design Development Area
0
750
1,500
Feet

Index