

ELLINGTON ZONING REGULATIONS

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**SEC. 7.11, TRAILERS & SEC. 10.2, DEFINITIONS
AMENDED 1-25-10, EFFECTIVE 2-15-10**

**SEC. 3.3.3, DENSITY, HEIGHT, YARD AND LIVING AREA REQUIREMENTS
(FOOTNOTE 5)
AMENDED 4-26-10, EFFECTIVE 5-15-10**

**SEC. 7.5.2, EXPIRATION OF PERMIT
AMENDED 5-24-10, EFFECTIVE 6-15-10**

**SEC. 3.5, WORKFORCE CLUSTER HOUSING ZONE
ADDED 6-14-10, EFFECTIVE 7-1-10**

**SEC. 3.2.1, LOT AREA, WIDTH & YARD REQUIREMENTS
(FOOTNOTE 4)
ADDED 8-23-10, EFFECTIVE 9-7-10**

**SECTIONS 3.1, 4.1, 6.3, 7.14 & 10.2
“FARM FRIENDLY REGULATIONS”
AMENDED/ADDED 11-22-10, EFFECTIVE 12-15-10**

ARTICLE 1 INTRODUCTION

Section 1.1 Purpose

In accordance with Title 8, Chapter 124 of the General Statutes, as AMENDED, and other applicable General or Special Acts of the General Assembly, it is the purpose of these Zoning Regulations for the Town of Ellington, Connecticut, to:

1. Encourage the most appropriate use of land.
2. Conserve and stabilize the value of property.
3. Promote health, safety and general welfare.
4. Provide adequate open spaces for light and air.
5. Secure safety from fire, panic, flood and other disasters.
6. Lessen congestion in the streets.
7. Prevent undue concentration of population.
8. Facilitate adequate provisions for community utilities and facilities, such as transportation, water, sewerage, schools, parks and other public requirements.

Section 1.2 Implementation

To carry out the purposes of these zoning regulations, the Commission may:

1. Designate, regulate and restrict the location and use of buildings, structures and land for agriculture, residence, commerce, trade, industry and other purposes.
2. Regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered.
3. Regulate and determine size and location of yards and other open spaces.
4. Regulate and limit the density of population.
5. Divide the Town of Ellington into such zoning districts as seems best suited for said purposes.
6. Provide for the enforcement of these regulations.

Section 1.3 Zoning Districts

1.3.1 Zoning Districts Enumerated

For the purposes of these regulations, the Town of Ellington is hereby divided into the following zones:

Residence Districts

Residential Zone AA	AA
Residential Zone A	A
Rural Agricultural Residence Zone	RA
Lake Residence Zone	LR
Multi-Family Residence Zone	MF
Age-Restricted Cluster Housing Zone	ARCHZ

Business Districts

Commercial Zone	C
Planned Commercial Zone	PC

Industrial Districts

Industrial Zone	I
Industrial Park Zone	IP

Flood Plain

Flood Plain District	FP
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1.3.2 Zoning Map and Boundaries

- A. The boundaries of these zones are established as shown on the Zoning Map, Ellington, Connecticut, effective on August 2, 1968, as it may be AMENDED from time to time, and filed in the office of the Town Clerk of Ellington, Connecticut, which map is part of these regulations, whether or not bound with them.
 1. For purposes of these regulations and unless otherwise indicated on the Zoning Map by fixed lines or dimensions, the boundaries are either street lines, street lines extended, property lines, waterways or lines drawn parallel to the center line of the street and dimensioned as to depth.
 2. Where boundaries are streets, street or railroad rights of way or waterways, the boundary of the zone is the center line of the right of way or waterway.
- B. The boundaries of the Flood Plain District are shown on the Ellington Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Map as the same exist or may be AMENDED from time to time by the Federal Emergency Management Agency.

ARTICLE 2 GENERAL REGULATIONS

Section 2.1 General Requirements

2.1.1 Zoning Compliance

- A. Every building or structure hereafter erected, reconstructed, structurally altered, enlarged or moved, and every building, structure, premises or land used, rearranged, designed or intended for any use shall be so built or used only as is permitted in the zone in which such building, structure, land or use is located.
- B. No conveyance of land shall be made that reduces the remaining land of grantor below the minimum area, frontage and yard requirements of the zone in which said land is located.
- C. All structures and uses of land shall comply with the Area and Yard Requirements; Off-Street Parking and Loading Requirements; and the regulations governing signs.
- D. All uses not specifically permitted are prohibited.

2.1.2 Lots of Record

Where a lot of record at the time of passage of these regulations or any amendments thereto falls into two or more zones, the more restrictive zoning district shall apply, unless the parcel can be potentially subdivided into two or more parcels in full compliance with these regulations in such a manner so as to create separate parcels of land which fall into separate zoning districts.

2.1.3 Private Property Driveways

To provide adequate access for Ellington's emergency vehicles, all driveways in excess of 100 feet shall meet the following minimum criteria:

- 1. Six inches of bank run gravel and 2 inches of processed gravel on a firm road bed not less than 15 feet wide.
- 2. A 14% maximum grade and a minimum turning radius of 40 feet.
- 3. Turn around provisions shall be made at the end of each private driveway.

2.1.4 Increase in Area and Yard Requirements

The Commission may require, in areas not served by public sewer system, that a lot or lots be increased in area to provide adequate and safe seepage of the sewage effluent within the lot without objectionable odors or pollution of adjoining property and storm water channels. The decision of the Commission shall be based on investigation by the Health Officer and a sanitary engineer who is a Registered Professional Engineer in the State of Connecticut. The investigation shall determine whether adequate sewage disposal for occupant building or buildings can be achieved on a lot of the size required for the zone due to inadequate porosity of the soil, poor drainage conditions, or danger of contamination of ground water supply.

2.1.5 Front Yards on Corner Lots

Requirements for front yards shall be enforced on both streets.

2.1.6 Visibility at Corners

On a corner lot in any zone no planting, wall, fence, structure or obstruction to vision more than two feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines each of which points is 25 feet distant from the point of intersection.

The Commission may require greater corner visibility where gradient, angle or intersecting streets, existing planting, grading or other pertinent conditions warrant variation for the safety and welfare of the public.

2.1.7 Construction in Required Yards

Notwithstanding other provisions of these regulations, fences, walls, hedges and shrub plantings are permitted in any required yard or along the edge of any yard provided that no fence, wall or shrub planting along the street sides of corner lots, or from the building setback line to the street line shall be over 2½ feet in height. A fence or wall which is constructed in such a manner as to provide less than fifty (50) percent obstruction of vision through the fence along the entire distance and height of the fence may be erected in the front yard setback area up to four (4) feet in height. *Amended: 30 September 1996*

2.1.8 Through Lots and Corner Lots

On a through and corner lots, front yard setback requirements apply to all street frontages. *Amended: 15 June 2008*

2.1.9 Measurement of Required Yards on Irregular Lots

Where the front line is an arc and the sidelines converge toward the front lot line, typically considered a “pie-lot”, the required frontage may be measured along the front yard setback line for that particular zone and any increased setback requirement in accordance with Highway Clearance Setbacks. *Amended: 15 June 2008*

2.1.10 Highway Clearance Setback

A. In order to protect the property owner from possible future highway widening, all required front yard depths for all zones shall be computed as the distance specified in the appropriate tables (Residential Lot Area, Width & Yard Requirements Table 3.2.1, Multi-Family Density, Height, Yard & Living Area Requirements Table 3.3.3, ARCHZ Density, Height, Yard & Living Area Requirements Table 3.4.5, or Commercial and Industrial Lot Area, Width & Yard Requirements Table 4.2.) plus a distance for the specific streets as follows:

1. Arterial Streets include: Connecticut Routes 30, 32, 74, 83, 140 and 286. Along these streets increase front yard setback by 25 feet.
2. Collector Streets include: Abbott Road, Broad Brook Road, Middle Road, Frog Hollow Road, Pinney Road, Windsorville Road, Job's Hill Road, Hoffman Road, Tolland Turnpike, Ellington Avenue, Pinnacle Road, Muddy Brook Road, Hopkins Road, and Butcher Road. Along these streets increase front yard setback by 20 feet.
3. Along Egypt Road, Buff Cap Road, Shenipsit Street, Burbank Road and Mountain Street increase front yard setback by 15 feet.
4. All other streets are Local Streets and require a front yard setback as indicated in the appropriate tables (Residential Lot Area, Width & Yard Requirements Table 3.2.1, Multi-Family Density, Height, Yard & Living Area Requirements Table 3.3.3, ARCHZ Density, Height, Yard & Living Area Requirements Table 3.4.5, or Commercial and Industrial Lot Area, Width & Yard Requirements Table 4.2.), unless otherwise specified in these regulations.

B. Notwithstanding any provisions of these regulations to the contrary, these provisions shall not require a setback from any road or roadway greater than 100 feet measured from the property/highway line.

2.1.11 Elevation of Foundation

- A. Wherever possible, foundations should be designed so that the top, measured at the center of the building, is 2 feet or more above the center of the road. The Zoning Enforcement Officer shall refuse to issue permits unless this is done.
- B. Where the slope of the land is away from the road and this makes compliance with sub-paragraph (1) impractical, a permit may be issued at a lower elevation provided the owner includes upon his application a drainage plan, existing or to be constructed by the owner at his expense and as part of the required construction under the permit, which will insure that surface water from the road and adjacent lots will be carried away from the proposed building and into suitable areas.

2.1.12 Unregistered Vehicles Requirements

- A. The keeping of two or more ungaraged unregistered motor vehicles in any zone shall require a Special Permit.
- B. In considering the Special Permit application, the Planning and Zoning Commission shall be guided by the location of vehicles (permitted in rear yard only), number of vehicles, screening from public view and purpose of keeping vehicles.

2.1.13 Accessory Uses

Land use and accessory building customarily incidental to primary uses, but not including business or any building or use not located on the same lot with the building to which it is accessory, are permitted.

2.1.14 Separability

Each of the provisions of this section shall be separate and independent of the other. The invalidity of any provision shall not invalidate any other section or provision thereof.

2.1.15 Conflicting Regulations

When any provision of these regulations imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other regulation, ordinance, statute or law, the provisions of these regulations shall apply and govern. In the case of any conflict or inconsistency between sections of these regulations themselves, the more stringent section shall apply and govern. *Amended: 22 December 2006*

Section 2.2 Non-Conforming Uses of Land & Structures

2.2.1 Continuance of Non-Conforming Structures or Uses

Any lawful building or the lawful use of any buildings or premises or any part thereof existing at the time of the effective date of these regulations or any amendments thereto, or where a zoning permit is outstanding on the effective date of these regulations authorizing specific construction or use, which does not conform to these regulations, shall be considered nonconforming and as such may be continued, subject to the provisions of this Section.

2.2.2 Replacement of Non-Conforming Buildings or Structures

Any existing nonconforming building may be restored if damaged by fire, flood, storm, accident or Act of God, provided such restoration is undertaken within one year of time of damage and actively pursued. No nonconforming structure or nonconforming portion of a structure shall be enlarged to a greater size than at the time of destruction.

2.2.3 Change of Non-Conforming Use

A nonconforming use may be changed to another nonconforming use substantially the same in character, or to any use permitted in these regulations in any zone in which it is located.

2.2.4 Abandonment of Non-Conforming Use

Any existing nonconforming use shall cease if such nonconforming use is discontinued with the intent of abandonment for a period of one year by reason of the fault and neglect of the owner of the premises. Where said property is part of a decedent's estate, the preceding one year time limit may be extended for good cause shown for a time equal to the elapsed time from death of the decedent to distribution of the estate assets, but in no case shall the total time of non-use exceed two years.

2.2.5 Non-Conforming Lot of Record

The erection of a dwelling shall be permitted on a nonconforming lot of record in the office of the Assessors or the Town Clerk prior to the effective date of these regulations provided that the owner of any such lot did not own adjoining land on the effective date of these regulations, or has not acquired any adjoining land since the effective date of these regulations to enable such owner to conform with these regulations, or to conform therewith to a greater degree. All nonconforming lots shall conform to the yard requirements of the zone in which the lot is located.

2.2.6 Completion of Existing Buildings

Nothing herein contained shall require any change in the location, construction or designated use of a building for which a permit has been granted, construction of which has been started at the time of the effective date of these regulations.

ARTICLE 3 RESIDENTIAL ZONES

Section 3.1 Permitted Uses

The following table establishes those uses allowed in the residential zoning districts.

Table 3.1 Permitted Uses					
P - Permitted Use	SP - Special Permit				
USE	AA	A	RA	LR	MF
Accessory Apartment ⁽¹⁾	SP	SP	SP		
Agriculture ⁽²⁾ <i>[Amended 12-15-2010]</i>	P ⁽³⁾	P	P	P	
Agriculture - Farm Stand, seasonal ⁽²⁾ <i>[Amended 12-15-2010]</i>	P ⁽³⁾	P	P	P	
Agriculture - Farm Store ⁽²⁾ <i>[Added 11-22-2010, Effective 12-15-2010]</i>	SP ⁽³⁾	SP	SP	SP	
Agriculture - Horse Boarding / Riding Arena ⁽²⁾ <i>[Amended 12-15-2010]</i>	SP ⁽³⁾	SP	SP	SP	
Agriculture - Related & Non Related Uses ⁽²⁾ <i>[Added 11-22-2010, Effective 12-15-2010]</i>	SP ⁽³⁾	SP	SP	SP	
Airplane landing fields and landing strips			SP		
Bed-and-breakfast operations ⁽⁴⁾	SP	SP	SP		
Cemeteries	SP	SP	SP		
Churches and similar places of worship, parish houses, convents, monasteries	P	P	P	P	P
Commercial camp, club and clubhouse, including accessory building, structures and uses			SP		
Communication tower, commercial ⁽⁵⁾	SP	SP	SP		
Community buildings and other public buildings		P	P	P	
Community fairs under local sponsorship	SP	SP	SP		
Cultural, Educational Center <i>[Added: 4-15-08]</i>	SP	SP	SP	SP	SP
Dormitories for farm help <i>[Amended 12-15-2010]</i>			SP		
Dwelling, Single Family detached on 1 lot	P	P	P	P ⁽⁸⁾	P
Dwelling, Two Family on a lot of record		P	P		
Dwelling, Multi-Family Development					SP

Table 3.1 Permitted Uses					
P - Permitted Use		SP - Special Permit			
USE	AA	A	RA	LR	MF
Dwelling, Conversion ⁽⁷⁾		SP	SP		
Golf course (9-hole, 18-hole, par-3), public or private, including clubhouse, swimming pool, tennis courts and other sports	SP	SP	SP		
Garages for 3 cars or less per family unit	P	P	P	P	P
Garages for more than 3 cars per family unit	SP	SP	SP		
Home Occupations ⁽⁸⁾	P	P	P	P	P
Horses ⁽²⁾ <i>[Amended 12-15-2010]</i>	P	P	P	P	
Hospitals, sanitariums; convalescent and nursing homes provided site plan is approved by the Commission		SP	SP		
Professional offices of physicians, dentists, engineers, architects and members of other recognized professions		P	P	P	
Public parks, playgrounds and recreation areas	P	P	P	P	P
Park, playground, beach, athletic field or expansion				SP	
Schools and colleges, public and private, including dormitories on campus and accessory buildings	P	P	P	P	P
Tourist Home				SP	

Table 3.1 Permitted Uses					
P - Permitted Use		SP - Special Permit			
USE	AA	A	RA	LR	MF
⁽¹⁾ Subject to the restrictions and conditions of Section 7.1 ⁽²⁾ Subject to the restrictions and conditions of Section 7.14 <i>[Added 11-22-2010, Effective 12-15-2010]</i> ⁽³⁾ Minimum 10 acres ⁽⁴⁾ Subject to the restrictions and conditions of Section 7.2 ⁽⁵⁾ Subject to the restrictions and conditions of Section 7.3 ⁽⁶⁾ One 1-family year-round dwelling on minimum 40,000 square foot lot without public sewer and public water, or a minimum of 25,000 square foot lot with public sewer and public water. ⁽⁷⁾ Any dwelling which has been in existence since 1950 may be converted to contain more dwelling units than are permitted in the zone in which the dwelling is located and in conformity with the following: Each dwelling shall have a lot area of not less than 30,000 square feet plus an additional 5,000 square feet for each family in the building; Fire escapes and outside stairways shall be located on the rear of the building where practical and shall not be located on any building wall facing a street; After conversion of the dwelling it shall retain substantially its original appearance as a one-family dwelling. ⁽⁸⁾ Subject to the restrictions and conditions of Section 7.7					

Section 3.2 Lot Area and Bulk Requirements

3.2.1 Lot Area, Width & Yard Requirements

Table 3.2.1 Lot Area, Width & Yard Requirements					
	Lot Area (Sq Ft) ⁽¹⁾	Minimum Width ⁽¹⁾	Front Yard ⁽⁴⁾	Side Yard ⁽²⁾⁽⁴⁾	Rear Yard ⁽²⁾
AA - Residence Single-Family	40,000	150	35	15	10
A - Residence Single- Family	40,000	150 ⁽³⁾	35	10	10
A - Residence Two-Family	60,000	150	35	10	10
RA Rural Agricultural Residential Single-Family	40,000	150	35	10	10
RA Rural Agricultural Residential Two-Family	60,000	150	35	10	10
LR Lake Residence	40,000	150 ⁽³⁾	35	10	10
⁽¹⁾ May be increased because of poor soil conditions, terrain limitations, etc. ⁽²⁾ Accessory buildings shall conform to building line requirements for front, side and rear yards applicable to main building. ⁽³⁾ When connected to public sewers, the minimum frontage shall be 125 feet. ⁽⁴⁾ Where an existing building legally exists within the front or side yard setbacks either by way of variance or as an existing nonconforming building, any addition or accessory structure to the rear of the principal building that will not encroach within the front or side yard setback requirement any closer to the property line than the existing principal building may be permitted by way of a zoning permit. (Added 8-23-10, Effective 9-7-10)					

3.2.2 Bulk Requirements

Table 3.2.2 Bulk Requirements				
	Floor Single Level ⁽¹⁾	Area Multi Level	Building Height ^(See definitions)	Lot Coverage ^(See definitions) (Added 7-15-07)
AA Residence Single-Family	1,400	1,500	38	25%
A Residence Single-Family	1,000 ⁽²⁾	1,200	38	25%
A Residence Two-Family	1,000 ⁽³⁾		38	25%
RA Rural Agricultural Residential Single-Family	1,000 ⁽²⁾	1,200	38	25%
RA Rural Agricultural Residential Two-Family	1,000 ⁽³⁾		38	25%
LR Lake Residence	1,000 ⁽²⁾	1,200	38	25%
⁽¹⁾All structural designs subject to zoning board approval. Dwellings without basements or cellars, add 200 square feet to minimum floor area. (All styles of single-family houses shall have a minimum of 1,000 square feet of finished area to qualify for a C.O.) ⁽²⁾Designed and built as a two-bedroom dwelling unit, containing not more than four rooms, bathroom area, etc. ⁽³⁾The building design may contain one 550 square foot dwelling unit provided the aggregate contains 2,000 square feet. Each design to have the appearance of a single-family dwelling and subject to zoning board approval.				

Section 3.3 Multi-Family Zone Purposes & Standards

3.3.1 District Purposes and Standards

- A. No MF zone shall be established unless the Commission finds that the location of such proposed zone is consistent with the purposes contained in Article I, Section 1.1 of these regulations.
- B. All applications for special permit in Multi-Family developments shall require a public hearing. The Commission may approve, approve with modification, or disapprove such application. In acting upon applications, the Commission shall be guided by the standards and purposes contained within these regulations.
- C. No special permit shall be issued for Multi-Family development within the MF zone unless the Commission finds that the development plan as proposed or as proposed with modification meets all of the standards of these regulations.

3.3.2 Site Requirements

- A. Parcels proposed for multi-family development within the MF zone shall contain a minimum of 5 acres. A lot located in the MF zone containing less than 5 acres which was established prior to the adoption of these multi-family regulations on October 10, 1987, by deed and recorded in the Office of the Town Clerk may be granted a special permit provided all other standards and requirements of these regulations can be met.
- B. Land contained within the Flood Plain District may not be applied towards the minimum parcel size or towards maximum building density computation.
- C. Any parcel of land proposed for multi-family development within the Hockanum River Sewer Service District shall connect all units to the public sewer system. Any proposed project outside of the Hockanum River Sewer Service District shall design a community septic system in compliance with the technical standards of the Connecticut Department of Environmental Protection as contained in the document "Conn. DEP, Water Compliance Unit, Seepage and Pollutant Renovation Analysis for Land Treatment, Sewage Disposal Systems" as AMENDED, regardless of the volume of wastewater to be generated from the project.
- D. The proposed development will contain provisions for pedestrian walkways within the development and sidewalks along all public streets meeting the construction standards of the Town of Ellington.

3.3.3 Density, Height, Yard and Living Area Requirements

A. Density, Height, Yard and Living Area Requirements shall be as follows:

Table 3.3.3 Density, Height, Yard and Living Area Requirements	
Maximum Units per Acre ⁽¹⁾	4
Maximum Units per Building	10 <i>(Amended 8-15-07)</i>
Maximum Building Height ^(See definitions)	38 feet
Maximum Number of Stories	2.5
Maximum Building Coverage	20%
Minimum Frontage	200 feet
Minimum Front Yard Setback ⁽⁵⁾	125 feet <i>(Amended 5/15/10 to add footnote 5)</i>
Minimum Side and Rear Yard ^{(2) (5)}	50 feet <i>(Amended 5/15/10 to add footnote 5)</i>
Minimum Building Separation	20 feet for all buildings containing 2 or more dwelling units, 20 feet for all buildings containing not more than 1 dwelling unit
Minimum Floor Area ⁽³⁾	700 square feet of floor area for a one bedroom unit <i>(Amended 8-15-07)</i> ; 1,000 square feet of floor area for a two bedroom unit; Add 150 square feet of floor area for each additional bedroom
Minimum Landscaped Front Yard ⁽⁴⁾	50 feet
Minimum Landscaped Buffer Strip Side and Rear Yard ⁽⁴⁾	25 feet
⁽¹⁾ May be increased to five units per acre if all units have at least a one car garage which is a minimum of 12' x 20' (garage units) in accordance with the following formula: One additional garage unit may be allowed for every 4 garage units constructed or proposed. ⁽²⁾ Yards shall be doubled to 100 feet where abutting any residential zone (excluding the MF zone) and may be required by the Commission to be doubled when adjoining an existing residence. All front, side and rear yards shall be planted, or preserved in a natural state, in a mixture of evergreen and deciduous trees and shrubs and shall be maintained so as to protect adjacent properties and present a reasonably opaque, natural barrier to a minimum height of ten feet. If, in the opinion of the Commission, adherence to the minimum yard requirements may in a particular case cause a lack of privacy or in any other ways adversely affect the usage of nearby property, they may require the applicant to accept higher minimum standards. ⁽³⁾ For the purpose of these regulations all rooms exclusive of a living room, kitchen, hall or foyer, alcove, pantry, laundry, bathroom, closet or storage space shall be interpreted as being bedrooms; dining rooms, libraries, dens, studies, studios, lofts and other similar spaces as interpreted by the Commission shall be deemed to be bedrooms. ⁽⁴⁾ A landscaped buffer strip of 25 feet in width shall be required within all side and rear yards and 50 feet in width within all front yards as specified in Section 6.1 except such buffer strip requirement may be waived if topographical conditions are such as to provide a natural buffer or if the Commission deems such buffer strip unnecessary. ⁽⁵⁾ Minimum front, side and rear yard setbacks for single family detached units shall be 35 feet.	

3.3.4 Site Development/Design Requirements

- A. **Parking.** Parking areas for more than three cars shall be appropriately screened and landscaped. Parking shall not be permitted within 100 feet of the front property line or within 25 feet of any side or rear property line, or within 50 feet of a Rural Agricultural, Residence A, AA, or Lake Residence zone boundary or existing residence.
- B. **Outdoor lighting** shall be shielded and directed so that the light source or light from any internally lit signs or fixtures shall not be seen at or beyond the property line or adjacent properties.
- C. **Livability and Open Space.** An amount of land equal to .6 times the gross land area of the parcel, except land within the Flood Plain District, must be devoted to the provision of livability space which is that space appropriately improved and located on the parcel as outdoor living space for residents and for aesthetic appeal. Such space includes lawns and other landscaped areas, walkways and the areas accessible from them, terraces and sitting areas, outdoor recreation areas, and unimproved natural areas.
- D. **Passive Solar Design Considerations.** Applicants shall demonstrate to the Commission that they have in their plan of development passive solar energy techniques which would maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season. The plan shall also show how heat gain is minimized and what provisions for natural ventilation are proposed during the cooling season. The site design shall include but not be limited to:
 - 1. building orientation;
 - 2. street and lot layout;
 - 3. vegetation;
 - 4. topographical features (natural and man-made);
 - 5. protection of solar access.
- E. No part of a building, the floor level of which is below grade, may be used for dwelling purposes.
- F. **Storage.** At least 1,400 cubic feet, with a minimum horizontal area of 200 square feet, with a minimum height of 7 feet, of enclosed weatherproof, lockable storage space will be provided for each dwelling unit. Such storage space shall be in addition to that originally contained within a unit such as cabinets, pantries, and clothes closets. Such space will not be counted in computing the minimum net floor area for the dwelling unit. Such space may be located in an area separated from the dwelling unit, but must be located within or immediately adjacent to the building in which the dwelling unit is contained. There shall be no outside sheds or storage bins allowed.

3.3.5 Specific Site Plan Requirements

In addition to the Site Plan requirements of Section 8.2.2, the Multi-Family Development Plan shall include the following

- 1. For all projects in excess of 20 units, a detailed landscaping plan prepared by a Registered Landscape Architect.
- 2. Computation of permitted and actual density and unit mix.
- 3. A map indicating the computation and location of livability and open spaces as required by Section 3.3.4.C.
- 4. Number plan for unit identification.

3.3.6 Signage

[Added 15 November 2007] Each project shall be allowed entry signs where each access drive connects to a public street. Access drives to public streets shall be limited and shall be located in compliance with applicable sight line, grading, and other standards of the Subdivision and Zoning Regulations. Project entry signs and related features shall not interfere with necessary sight lines, in order to accommodate safe stopping distances, given posted speed limits.

1. A project will be allowed two (2) entry signs only.
2. If the project has a center island at an entrance with a public street, it will be allowed only one (1) double sided sign to be placed in that island.
3. No monopole-mounted signs shall be permitted. Entry signs shall not exceed four (4) feet high by ten (10) feet wide, exclusive of the approved sign base. The sign base shall be made of natural stone, masonry, or like approved materials. Entry signs shall not exceed six (6) feet in height from the adjacent grade inclusive of the base. At a minimum, a ten (10) foot area around the entire base shall be landscaped with ornamental plantings. Entry signs shall not be illuminated internally but instead by means of exterior “wash” lighting via ground-mounted lights concealed from view.
4. Where appropriate, applicants may be permitted to incorporate project entry signage into decorative natural stone or masonry walls to be located at main entry drives.
5. Maintenance of such signs and associated landscaping shall be the responsibility of the developer, unless and until, the responsibility is reassigned to a homeowner’s association or similar management entity.

Section 3.4 Age-Restricted Cluster Housing Zone [Added 10-12-2004]

3.4.1 Application of Provisions

The Age-Restricted Cluster Housing Zone (ARCHZ) is a floating zone for uses permitted in Subsection 3.4.3 of this section, to be designated on the Zoning Map after approval by the Commission of a conceptual site plan and a concurrent petition for a zone change to ARCHZ. After approval of a conceptual site plan and zone change, a special permit and final site plan must be approved prior to development of the site. Potential applicants for ARCHZ project approval are strongly encouraged to meet with Town staff for guidance prior to making a formal application.

3.4.2 Purpose

1. To increase the types of available housing, with emphasis on market rate, privately developed, common interest communities for empty nesters and seniors.
2. To provide landowners with a land use option on suitably located land with necessary utilities, access, and other important attributes.
3. To create high-quality developments capable of sustaining long-term value.
4. To promote project designs that enhance and protect open spaces, natural resources, natural features and other elements of the Town's rural character.
5. To achieve the goals and objectives of the Town's Plan of Conservation and Development.

3.4.3 Permitted Uses

- A. Property zoned ARCHZ shall only be used for single-family, attached or detached residential housing units and may include related accessory uses for the exclusive use of project residents and their guests. Permitted accessory uses shall be those customarily associated with common interest residential communities and shall clearly be subordinate and incidental to the principal residential uses; however, this limitation is not intended to expressly disallow other accessory uses if said uses are deemed appropriate, in the Commission's sole judgment, such that said uses will add to the long-term value of the community, provide special health, lifestyle or therapeutic benefits to the resident population, or otherwise help achieve the core objectives of the ARCHZ.
- B. Each housing unit may be occupied by:
 1. At least one individual who is age 55 years or older.
 2. A spouse or other occupant who must be age 18 or older.
 3. An occupant pursuant to Subsection B.2 above who has survived the individual in Subsection B.1 above and who has an ownership interest in the dwelling.
 4. Any occupant pursuant to Subsection B.2 above who has an ownership interest in the dwelling and where the individual in Subsection B.1 above has entered into a long-term continuing care facility.
- C. One child 18 years or older may reside with his or her parent(s).
- D. The purchase of a dwelling unit for investment purposes by an entity or an individual not intending to occupy the dwelling is prohibited, except that a nonresident family member may purchase up to one unit for a family member who will reside in the dwelling unit and otherwise comply with the requirements of this section.

- E. The management shall verify annually to the Zoning Enforcement Officer that the active adult community development is in compliance with the occupancy requirements of this section.
- F. Dwelling units designated as active adult housing units shall have deed restrictions which shall be filed in the land records of the Town of Ellington limiting occupancy as required above.
- G. In accordance with Connecticut General Statutes § 8-12, the Town of Ellington, acting through its duly appointed officials, may enter onto the premises for the purpose of verifying compliance with federal, state and local laws, rules and regulations, including the approvals issued in connection with the development. As a condition of approval, each applicant, owner or residents' association shall provide legal documents which shall hold harmless and indemnify the Town of Ellington and its duly appointed officials from any claims or liability arising from the correction of violations cited. The form of such documents shall be acceptable to the Commission's counsel and the Commission. The provisions of this subsection shall survive the issuance of certificate of occupancy or certificate of zoning compliance.
- H. In the event such verification inspections determine that corrective action is necessary to bring the development into compliance with any laws, rules and regulations, the official of the Town of Ellington performing the inspection shall, in writing, cite the violations and require corrective action within a reasonable period of time. Failure to perform the required corrective action shall be considered a violation of the Zoning Regulations and be subject to such fines and penalties as prescribed by statute or regulation.

3.4.4 Site Requirements

Land meeting the following minimum criteria may be permitted at the Commission's sole discretion to be zoned ARCHZ. Such designation may be made at the request of an applicant or upon the Commission's own initiative. Land may not be zoned ARCHZ unless the zoning request includes all of the submittal requirements listed in Subsection D herein and the submittals have been determined by the Commission to be acceptable.

1. Minimum 10 acres of contiguous land.
2. A minimum of 75 feet along and direct access to a public collector or arterial street.
3. Public sewer service, including at least conceptual approval for such service by the Ellington PAC.
4. Public potable water supply.

3.4.5 Density, Height, Yard & Living Area Requirements

Density, Height, Yard and Living Area Requirements shall be as follows:

Table 3.4.4 - Density, Height, Yard & Living Area Requirements	
Minimum Project Area	10 acres
Maximum Units per Acre ⁽¹⁾	4 ⁽²⁾
Maximum Units per Building	
Maximum Building Height	32 feet ⁽³⁾
Maximum Building Coverage	20%
Maximum Impervious Coverage	50%
Minimum Frontage	200 feet
Minimum Front Yard Setback ⁽⁴⁾	35 feet
Minimum Side and Rear Yard ⁽⁴⁾	35 feet
Minimum Setback from Interior Drive	25 feet
Minimum Setback from Surface Parking Area	10 feet
Minimum Building Separation	20 feet
⁽¹⁾ For purposes of calculating net density, areas defined as inland wetlands, water bodies, watercourses, one-hundred-year floodplain, and areas over thirty-percent slope shall not be included.	
⁽²⁾ May be increased to five units per acre in exchange for a cash open space payment	
⁽³⁾ Allowable building heights may vary by unit type, unit placement, the location and nature of abutting uses, site topography and land cover, views into and of the site from adjacent areas, and other unique attributes of a given site and project. For purposes of measurement, height shall be calculated from average grade 15 feet from the foundation wall to the highest portion of the roof, excepting miscellaneous architectural features such as chimneys, cupolas, and like elements not exceeding 5% of the roof area.	
⁽⁴⁾ The Commission may require this minimum to be increased in specific locations based upon the unique attributes of the project parcel, current and anticipated trip volume on the adjacent street, type and scale of proposed buildings and uses, desire to protect existing site features, or for other similar reasons.	

- A. **Multiple Parcels.** The project may consist of multiple legal parcels of record as long as the sufficient binding covenants are placed on the land records to ensure the continued single operation, management and ownership of the project in accordance with all approval requirements.
- B. **Net Density.** Permitted maximum allowable net density (maximum total allowable residential units within the project) shall not exceed four units per developable acre of project area. For purposes of calculating net density, areas defined as inland wetlands, water bodies, watercourses, one-hundred-year floodplain, and areas over thirty-percent slope shall not be included.

C. Increased Project Density

1. In order to promote additional preservation of open space and active farmlands within the Town of Ellington, the allowable net project density may be increased to five units per developable acre of project area in exchange for a cash open space payment equal to \$5,000 per additional permitted housing unit. Said payment shall be paid in full prior to the issuance of the first zoning permit for a residential unit within the project. Any such funds provided to the Town of Ellington shall be deposited in the Town's open space fund account for the exclusive purpose of purchasing open space, development rights, or conservation easements or other means of funding the preservation of land within Town.
2. The decision to increase allowable project density in accordance with this provision shall be at the applicant's option; however, the increase shall not be permitted, in the Commission's judgment, to violate or create conflicts with the intent, standards and objectives of the ARCHZ.

D. **Lot and Impervious Coverage.** In order to promote the preservation of open areas around and throughout the project, no more than 20% of the net developable project acreage shall be covered by building footprints and no more than 50% of the net developable project acreage shall be covered by all impervious surfaces.

E. **Building separation.** All portions of project buildings shall be at least 20 feet apart, measured on a single horizontal plane. Unless otherwise required, the areas between residential units shall be landscaped, graded and otherwise designed to provide privacy for homeowners without sacrificing the ability to maintain the units or provide security, safety or for other purposes. Where appropriate, walls, fences, hedges or other elements may be provided or required to assure that each living unit has some exterior limited common area for the exclusive use and benefit of the unit owners.

F. Building and Use Setbacks

1. **To abutting parcels and streets.** All accessory and principal buildings and uses shall be located at least 35 feet from any abutting property or public street. The Commission may require this minimum to be increased in specific locations based upon the unique attributes of the project parcel, current and anticipated trip volume on the adjacent street, type and scale of proposed buildings and uses, desire to protect existing site features, or for other similar reasons.
2. **To interior drives and parking.** All accessory and principal buildings shall be located at least 25 feet from the pavement of any interior drive and at least 10 feet from any surface parking area. The Commission may allow porches, building entryways and other minor elements to extend no more than eight feet into the required street setback. The concept shall be to use building scale and placement to create and maintain a pedestrian-scale street environment. The area between drives, parking areas and buildings shall be graded, landscaped and otherwise improved in accordance with the landscape and streetscape requirements noted herein. Concrete sidewalks of at least four feet in width shall be provided along one side of all streets.

3.4.6 Design Requirements

A. **Architecture and Hardscape.** The term "architecture" shall refer to the design of all buildings. The term "hardscape" shall include, but not necessarily be limited to, project signage, walkways, benches, fences, retaining and other walls, decorative elements and similar project features.

1. **General Requirements.** The applicant shall provide sufficient detail to demonstrate to the Commission's satisfaction that all project architecture and hardscape elements will meet the highest standards in terms of materials, finishes, durability and overall quality. The intent of these requirements is not to limit creativity by defining detailed prescriptive standards but to assure that the development will sustain its value over time, incorporate consistent design themes, take advantage of unique site attributes, and respect site constraints, all in an effort to accomplish the overall goals and objectives of the ARCHZ.
2. **Living Unit Types.** Subject to compliance with other standards and objectives of the ARCHZ, there shall be no limitation on the type of residential units permitted. However, applicants shall be guided by the following general provisions. With the Commission's approval, a project may consist of one or more unit types, although in order to accomplish ARCHZ objectives, the Commission may limit the amount or number of any particular type of unit. Unit types may include any of the following:
 - a. Single-family detached units (single and multiple stories);
 - b. Duplex attached single-family units (single and multiple stories);
 - c. Triplex and "quad" attached single-family units (single and multiple stories); and
 - d. Structures containing over four living units (single and multiple stories).

Applicants are also encouraged to design units to be readily adaptable to meet ADA requirements, especially as to door widths, thresholds and other features necessary to accommodate wheelchair access.

B. **Building Arrangement.** Optimal building arrangement will vary by unit type, project size, abutting uses and lands, and the unique opportunities and constraints presented by a given project parcel and setting.

1. While there is no specific limit on the project size, larger project designs shall take into consideration the need to break up unit clusters and phases into components that support the basic pedestrian-scale orientation of the ARCHZ concept.
2. Units will also be designed and arranged in proper relationship to interior streets. Units shall not dominate the interior streetscape in light of the fact the interior streetscape shall function as an integral pedestrian amenity within the development. Therefore, care should be taken to design buildings in scale and proportion to the interior streets.

C. Building Footprints

1. Building footprints, especially for larger, multiple-unit formats, shall be varied by avoiding long expanses of single-plane walls. Applicants are encouraged to use architectural features as integral design elements to satisfy the intent of this objective.
2. In issuing zoning permits for units, the Zoning Enforcement Officer shall be permitted to approve minor deviations in building footprint locations in order to allow flexibility in unit types, address unique and unanticipated site conditions, and for like purposes. In general, units shall not deviate more than 20 feet from the location approved on the detailed site plan and shall comply with all applicable bulk requirements of the ARCHZ regulation.

D. **Building Walls.** Building elevations and related elements shall be well proportioned, with doors, windows and other features placed and scaled in appropriate rhythm. Applicants are encouraged to use natural materials, including masonry stone, wood clapboard, natural brick or other like materials. Main colors should avoid bright palettes, although selective use of bold accent colors may be encouraged for trim or other decorative elements. Period colors appropriate to a particular historic period are also encouraged, where appropriate. All units within a project should not be the same color, but proposed colors should be well distributed through the project and be compatible overall.

E. **Roof Design**

1. Roof design shall be an important element of all proposed architecture. Roofs shall be pitched, and applicants are encouraged to include dormers, cupolas, multiple gables and varied gable orientation, and other treatments or decorative elements in order to create interest, break up extended rooflines, and avoid monotonous, single-plane roofs.
2. Views of and to roofs from within the project and from adjacent lands shall be considered. HVAC, antennas and other like miscellaneous structures shall not be located on roofs. Roof surfacing shall be high-quality architectural shingles or similar equivalent materials.

F. **Community Facilities.** If to be provided, all community facilities shall reflect the same level of quality and consistency in design as other approved project elements.

3.4.7 Site Development/Design Requirements

The intent of the ARCHZ is to provide sufficient flexibility in design standards in order to achieve important public objectives. Therefore, in the event a provision of the ARCHZ requirements conflicts with other provisions of the Zoning Regulations, the ARCHZ requirements shall prevail. In the event a requirement of the Zoning Regulations is not addressed in the ARCHZ regulations, that requirement shall be in addition to the ARCHZ requirements. The Commission shall have the sole authority to evaluate and render a determination on any such matters.

A. **Green Space.** Green space shall be an integral and fundamental component of the project purpose and design. One of the main objectives of the ARCHZ is to achieve community character goals by maintaining rural character, preserving green space, and protecting natural resources. Therefore, the location, intent, design, quality, extent, and long-term treatment of green spaces within the project are essential considerations in evaluating the project's acceptability.

1. A minimum of 20% of the project shall be dedicated to green space and protected as such in perpetuity through conservation easements, fee simple or any combination of interests deeded to the Town of Ellington or other approved party. The specific terms and conditions of the required conservation easement or deeds shall be determined on a case-by-case basis for each project, including consideration of any advisory recommendations received from the Conservation Commission.
2. No more than 50% of the required green space may consist of inland wetlands, watercourses, water bodies and one-hundred-year floodplain

3. The intent and acceptability of the green space design will necessarily vary project to project, depending upon the unique constraints and opportunities presented by a given project location. However, in general, the final approved green space design will need to satisfy one or more of the following design criteria, in the Commission's sole judgment:
 - a. Protects unique natural features, habitat or natural resources;
 - b. Complements other adjacent or proximal natural areas;
 - c. Provides immediate or future opportunities for passive recreation;
 - d. Provides public access to natural areas on and/or adjacent to the project;
 - e. Protects unique historic and/or archaeological features;
 - f. Provides natural screening/buffers from adjacent streets;
 - g. Provides integral project features to enhance project design/value;
 - h. Protects important views and vistas to and/or from the property; or
 - i. Protects landscape elements important to community character, such as stone walls, mature trees, rock outcrops, and other like features.
4. In order to assure the project green space will accomplish the goals and objectives stated herein, the Commission may apply conditions to approval of an ARCHZ project, including but not necessarily limited to:
 - a. Conservation easements in favor of the Town of Ellington;
 - b. Land to be deeded in fee simple to the Town of Ellington;
 - c. Easements or deeded land in favor of a land trust;
 - d. Deed restrictions or other covenants;
 - e. Reclamation, planting or improvement to proposed green space areas;
 - f. Management of approved green space;
 - g. Installation of trail systems for public access.; and
 - h. Timing, phasing or schedule for green space disposition and/or improvements.

B. Landscape and Buffers. Project landscaping shall be an integral component of the overall design. The proposed landscape plan shall be designed by a licensed landscape architect. Projects shall be extensively landscaped with a variety of shade trees, evergreens, flowering trees, shrubs, perennials and lawn areas. Where appropriate, landscape plans shall include planted berms, stone retaining walls, or other elements intended to achieve certain functional or aesthetic objectives.

1. **Existing Landscape.** Where the existing landscape provides opportunities to selectively preserve individual specimen trees or stands of trees, applicants are encouraged to do so. This concept not only includes land cover but topography as well. Where possible the project should be designed to take advantage of existing land topography or to mitigate for the lack of natural contours.
2. **Project Entry.** Each project shall include a well-designed entry feature, including but not limited to a project identification sign (monument sign), landscape materials and flowerbeds, decorative stone walls, low-intensity lighting, and other elements. The project entry shall be consistent with the overall project design theme. Project entry features shall be provided at all main access drives to public streets.

3. **Foundation Plantings.** Foundations plantings consisting generally of decorative flowering shrubs, perennials, ornamental grasses and like materials, located within landscaped beds surfaced with natural wood chips, shredded bark or other approved natural material, shall be provided for all residential units and community buildings.
4. **Streetscape (Exterior).** The approved design of the project's exterior streetscape will vary according to the unique attributes of the project parcel, the setting, current and anticipated abutting uses, nature and extent of existing suitable plant material, site topography, and other factors. In general, the exterior streetscape treatment shall be an integral and important element of the overall project design. Design themes shall respect and, where appropriate, attempt to enhance the existing character of the streetscape, ranging from the preservation or enhancement of existing wooded areas to selective removal of existing wooded areas, planting of new trees and shrubs within cleared areas, and adding public sidewalks, lighting, benches, decorative fences, stone walls or other amenities.
5. **Streetscape (Interior)**
 - a. In order to promote a healthy and active living environment, enhance opportunities for social interaction and sustain project value, the interior streetscape shall be an important design element throughout the project. All interior streets shall be privately owned and maintained as a condition of ARCHZ approval. In exchange, maximum design flexibility will be allowed, subject only to reasonable engineering standards for horizontal and vertical geometry, stormwater treatment, public safety and other typical considerations. Interior private project drives are not required to comply with the applicable subdivision regulation standards for public streets.
 - b. All interior streets shall be provided with deciduous street trees, located no more than 50 feet on center and a minimum of eight feet high and 2 1/2 inches in caliper at planting. Where possible, existing trees shall also be retained and incorporated into the project design. Interior streets shall also be provided with a graded and grassed snow shelf along the edge of pavement or curb line a minimum of six feet wide.
6. **Abutting Properties.** Depending upon the existing and/or anticipated abutting uses, the Commission may require planted buffers to abutting property, including, where appropriate, the retention of existing mature natural vegetation or any combination of retention and new planting. If appropriate, in the Commission's sole discretion, decorative fences, screen walls or other methods may be selectively allowed, if they help achieve ARCHZ objectives.
7. **Screening.** Where appropriate, landscape shall also be used to screen refuse collection areas, utility cabinets, recreational trails and other miscellaneous items. Use of generic screening shall be avoided, and screening designs shall reflect the same quality and variety provided in other areas of the project.

C. Lighting

1. **Ownership/Maintenance.** Unless otherwise approved by the Commission for good cause and in its sole discretion, all project lighting shall be owned and maintained by the common interest community.
2. **Low Intensity.** Project lighting for streets, parking areas, community facilities and other uses shall be the minimum necessary to provide safe and sufficient all-season lighting. In general, footcandle levels shall not exceed those for rural areas, as prescribed by standards adopted by the International Dark Sky Association (IDSA). The Commission may require details of proposed lighting sufficient to assure compliance with these requirements.
3. **Decorative.** In that all lighting will be private, applicants are encouraged to provide decorative lighting designs, as opposed to standard street and other lighting typically used in public street and commercial applications.
4. **Full Cutoff or Shoe Box Fixture.** Full cutoff or shoe box fixtures are encouraged in order to reduce glare and to direct lighting to the subject area.
5. **Height.** The maximum height of freestanding pole-mounted lights shall be 12 feet, unless greater heights are approved by the Commission upon a demonstration of good cause, and subject to a three-fourths modification per Subsection 3.4.11 of this section.
6. **Building Mounted.** Building-mounted lighting shall be limited to the minimum necessary and shall meet all applicable standards noted herein. No exposed floodlights shall be permitted. Decorative uplighting for aesthetic purposes may be permitted but should be limited to important focal points or features, such as project entry signage, project landscaping and similar accents.

D. **Parking and Access Drives.** Detailed plans will be provided in plan view, cross section and profile for all interior streets and in plan view and cross-sectional views for all proposed surface parking areas. Depending upon the scale and complexity of the project, a hierarchy of interior street designs may be required; however, in general the concept for interior streets shall be to limit the extent of paved width, provide features that slow ("calm") traffic, provide a strong emphasis on pedestrian activity and amenities, use landscaped medians and curvilinear horizontal geometry and otherwise avoid conventional approaches that emphasize the efficient movement of large volumes of vehicles over all other design considerations.

1. Unless otherwise specifically approved by the Commission, the paved width of interior access drives shall not exceed 24 feet. In order to permit these widths, sufficient surface parking shall be provided off street for all uses, in separate parking areas, unit garages, or in some combination of both. The Commission may limit on-street parking, based upon the recommendation of the Fire Marshal or other public safety personnel.
2. Projects shall be accessed via a main interior project drive or drives, and unit access shall not be taken directly to an existing public street. In cases where more than 30 units have direct access to a single collector within the project, the paved width of that collector may be increased to a maximum of 28 feet. In addition, the Fire Marshal may require additional secured access points from abutting public streets into the project for the exclusive purposes of providing vehicular access for emergency vehicles.

- E. **Community Facilities.** Each project may provide some form of community facility for the purposes of community association meetings, recreation, or for similar purposes. If proposed, the facility shall be designed and located as an amenity within the project and shall be constructed and issued a certificate of occupancy before issuance of a certificate of occupancy for the units equaling 1/2 of the total approved project units.
- F. **Signage.** *(Amended 15 November 2007)* Each project shall be allowed entry signs where each access drive connects to a public street. Access drives to public streets shall be limited and shall be located in compliance with applicable sight line, grading and other standards of the Subdivision Regulations. Project entry signs and related features shall not interfere with necessary sight lines, in order to accommodate safe stopping distances, given posted speed limits.
1. A project will be allowed two (2) entry signs only.
 2. If the project has a center island at an entrance with a public street, it will be allowed only one (1) double sided sign to be placed in that island.
 3. No monopole-mounted signs shall be permitted. Entry signs shall not exceed four (4) feet high by ten (10) feet wide, exclusive of the approved sign base. The sign base shall be made of natural stone, masonry, or like approved materials. Entry signs shall not exceed six (6) feet in height from the adjacent grade inclusive of the base. At a minimum, a ten (10) foot area around the entire base shall be landscaped with ornamental plantings. Entry signs shall not be illuminated internally but instead by means of exterior “wash” lighting via ground-mounted lights concealed from view.
 4. Where appropriate, applicants may be permitted to incorporate project entry signage into decorative natural stone or masonry walls to be located at main entry drives.
 5. Maintenance of such signs and associated landscaping shall be the responsibility of the developer, unless and until, the responsibility is reassigned to a homeowner’s association or similar management entity.
- G. **Stormwater.** Stormwater treatment and management shall reflect the current best management practices promulgated by the State Department of Environmental Protection. Each project shall be required to meet the draft Phase II NPDES stormwater requirements. In general and where approved by the Town Engineer, the use of curbless roads, swales, infiltration, and other like methods shall be preferred. Stormwater detention ponds shall not be designed solely to collect and hold water but shall be an integral design component of the project, graded, landscaped and located so as to provide an amenity wherever possible, or to meet other objectives of the ARCHZ regulation.
1. Applicants shall provide sufficient details of all stormwater-related systems, plans, data and mapping with each application. Without limitation, the Commission, at the request of the Town Engineer, may require all details and information deemed necessary to determine the sufficiency of the proposed system.
 2. All such systems shall be privately owned and maintained, and such requirement shall be included in the project declaration.
- H. **Refuse.** Refuse collection shall be under private contract between the association and a licensed hauler. Refuse collection areas shall be located on the site plan, including any common areas for that purpose. All refuse containers shall be completely screened and located so as to provide sufficient access, as well as not to have negative effects on project units or uses located on adjacent lands.
- I. **Utilities**

1. All utilities shall be located underground and sufficient easements or other rights shall be provided to applicable public utility companies as a condition of project approval. Where deemed necessary by the WPCA, interior sewer lines may be required to be publicly owned and maintained.
2. Interior hydrants shall be provided in locations, amounts and design according to the Fire Marshal, including any conditions relating to the ownership and ongoing maintenance of said hydrants.

J. **Property Maintenance.** It shall be a condition of approval that all projects shall be maintained in accordance with the approved plans, and such maintenance obligation shall be noted in the approved declaration. This shall include a provision allowing the Zoning and Wetland Officer to access the site at all reasonable hours for the purposes of inspecting and noting any defects or failure to maintain the property as required.

3.4.8 Specific Requirements for Zone Change and Conceptual Site Plan Approval

In addition to the requirements of Section 8.1, an application for a Zone Change and Conceptual Site Plan approval shall include the following materials:

1. Existing conditions plan for the subject property showing any buildings, structures, above- or below-ground utility locations, easements, site topography at two-foot intervals, inland wetlands and watercourses, floodplains, and land cover.
2. Conceptual site plan drawn to a scale of no less than one inch equals 100 feet showing the following:
 - a. Proposed roads;
 - b. Building locations;
 - c. Parking locations;
 - d. Common areas;
 - e. Landscaped areas;
 - f. Community facilities;
 - g. Utilities; and
 - h. Any additional information that the Commission may deem pertinent in order to evaluate the rezoning request.
3. In addition to the above, applicants shall provide general architectural renderings for all unit types. If approved, the conceptual plan, including approved architectural concepts, shall establish the general basis for evaluating the final site plan and special permit, in order to confirm that the proposed detailed site plans and special permit are consistent with the basis for the rezoning approval.
4. Use and compliance statement describing the proposed development and how the proposal complies with all ARCHZ objectives and applicable adopted plan of conservation and development recommendations.
5. Green space and ecological report, describing in general the rationale for the proposed green space concept in terms of ARCHZ goals, objectives, standards and requirements and the proposed design, location, functions, ownership and maintenance of the proposed green space areas.

3.4.9 Specific Requirements for Site Plan and Special Permit Approval

A final site plan application to be filed simultaneously with an application for a special permit to construct active adult housing in the ARCHZ shall be required. In addition to the Site Plan requirements of Section 8.1.2, the plan shall include the following

1. Draft homeowner's declaration and covenants limiting occupancy and addressing ownership, maintenance and other issues regarding project green spaces and common areas and other concerns affecting project compliance with ARCHZ requirements.
2. WPCA approval for sewer service.
3. Inland wetlands approval (if applicable).
4. Report from the Conservation Commission regarding proposed green space.
5. Evidence the applicants have all necessary rights and interests to accomplish the development as proposed (grading rights, easements, access rights, etc.).
6. Written documentation from the Tax Collector that all tax payments are current.
7. Architectural plans drawn to scale and including floor plans for all proposed models depicting the uses of all interior spaces and exterior elevations for all sides of all unit types indicating proposed materials, colors, finish, lighting, signs, and other building features.
8. Phasing plans, including a grading and erosion control plan and narrative sufficient to meet the requirements of Article IX of these regulations.
9. Details for all hardscape features.
10. Traffic report addressing existing conditions, average daily traffic (ADT), weekend and weekday a.m. and p.m. peak hour trips and LOS and V/C ratios for all affected travelways and intersections, the anticipated impact on these conditions from project trips at buildout, and measures proposed to mitigate project impacts. The report and any related plans shall also address available sight lines at any proposed access drive connections to public streets and measures proposed to correct any substandard conditions at the site drive(s), given posted and actual travel speeds at the location(s).

3.4.10 Approvals from Other Boards and Commissions

Applicants for final site plan approval and special permit approval to develop property zoned ARCHZ shall receive approval (or advisory comments where noted) from the following applicable boards and commissions prior to a hearing on an application for a special permit and site plan approval before the Planning and Zoning Commission:

- A. **Conservation Commission.** Applicants for ARCHZ approval shall, prior to making formal application to the Planning and Zoning Commission, submit the existing conditions plan, proposed detailed site plan and required green space and ecological report to the Conservation Commission for review. Prospective applicants shall attend a meeting of the Conservation Commission to present these materials and seek guidance and general acceptance of the green space concept from the Conservation Commission. Following its review, the Commission will forward an advisory report to the Planning and Zoning Commission for the application file and hearing record.
 - 1. While the Conservation Commission's report shall be strictly advisory, the applicant shall make all reasonable attempts to comply with its suggestions or, where unable to comply, shall provide the Planning and Zoning Commission with statements in writing as to why such compliance was not possible.
 - 2. The provisions of this section shall not restrict prospective applicants from meeting with the Conservation Commission earlier in the process in order to receive guidance on green space concepts; however, that shall not obviate the need for compliance with the formal advisory review of the information and plans required herein.
- B. **Inland Wetland Agency.** If the proposed project includes activities subject to regulation by the Inland Wetland Agency, the applicant shall make application to the Inland Wetland Agency prior to making formal application to the Planning and Zoning Commission. Applicants are encouraged to withhold formal application to the Planning and Zoning Commission until they have received a final decision from the Inland Wetland Agency.
- C. **WPCA.** Prior to making formal application to the Planning and Zoning Commission, prospective applicants shall submit a request to the Water Pollution Control Authority for conceptual approval of public sewer service. Said conceptual approval shall be submitted with the ARCHZ application to the Planning and Zoning Commission.

3.4.11 Review Criteria and Required Findings for Approval

In acting to approve an ARCHZ, the Commission shall consider whether the application adheres to the above design standards. Failure to make explicit findings with regard to each of these criteria shall not be construed as a defect in the approval. In order to achieve the objectives of the ARCHZ, subject to the standards, procedures and requirements noted herein, the Commission may, in its sole discretion and subject to an affirmative vote of 3/4 of the voting members, approve, with or without conditions, modifications to the design standards listed above. This provision shall not apply to uses but only to design standards. Applicants shall request such modifications in writing at the time of the initial application, in the required use and compliance statement. Any such request shall include a detailed description of the modification, the justification for the proposed modification, and how the modification, if approved, will help achieve the objectives of the ARCHZ. In addition to the design standards the Commission will consider the following criteria:

- 1. **Project Location.** That the project location is appropriate in terms of access, existing and anticipated (by current zoning) abutting uses, neighborhood compatibility, and the ability to utilize the concept to achieve public objectives.
- 2. **Principal and Accessory Uses.** That all proposed principal and accessory uses are permitted and that accessory uses as proposed will complement and support the overall project and are sufficient in terms of location, amount, type and design.

3. **Green Space.** That green space locations and designs have considered the recommendations of the Conservation Commission, are an integral component of the project, and are consistent with the Plan of Conservation and Development and the goals and objectives of the ARCHZ.
4. **Natural Resources.** That the project design, as well as its ongoing operations and maintenance, will provide sufficient protection for natural resources, and including any necessary mitigation, and that the project complies with any permit issued by the Inland Wetland Agency.
5. **Pedestrian Facilities.** That the design incorporates features that promote a pedestrian-scale community so as to assure that the living environment created will enhance the quality of life for unit owners, as well as long-term maintenance, safety and social well-being.
6. **Historical/Archaeological/Cultural Resources.** That the project protects and respects important affected resources by incorporating those resources into the project design or, where not feasible, by taking appropriate measures to document and memorialize such features for the benefit of future generations.
7. **Architecture and Hardscape.** That project architecture and hardscape are the highest quality, meet all applicable ARCHZ requirements, and will sustain the project's value over time, such that the project adds to the long-term welfare of the overall community.
8. **Exterior Streetscape.** That appropriate, context-sensitive measures have been incorporated into the project's external streetscape in order to minimize the project's impacts, where appropriate, to enhance the existing built environment, blend into or otherwise be consistent with the existing landscape and generally add value to the community's "public space."
9. **Interior Streetscape.** That the interior streetscape provides a distinctly pedestrian-scale environment, conducive to active and passive recreation, walking, biking, chance social encounters, sitting, and other typical activities; that the interior streetscape promotes and encourages use of the public realm for these purposes; and that the design does not inhibit such activities through creation of a sterile, barren streetscape, devoid of interest, with excessively deep front setbacks and lack of porches, benches, or other amenities.
10. **Landscape and Lighting.** That lighting and landscape are an important project component and not an afterthought. That project lighting and landscape have been designed in an intelligent and strategic manner, in order to add long-term value to the community, and consistent with the overall objectives of the ARCHZ concept.
11. **Traffic/Access.** That safe and efficient access will be provided, including sufficient parking, however not in a manner that contradicts the basic design goals of the ARCHZ, and that "standard" approaches to street and parking area design have been abandoned wherever possible in order to achieve the overall pedestrian scale of the project, especially with regard to interior spaces.
12. **Utilities.** That adequate long-term provisions have been made to assure safe and sufficient utility services in accordance with the requirements of applicable authorities.
13. **Support for the ARCHZ Concept.** That the project will encourage greater use and acceptance of the ARCHZ concept in appropriate areas of Town.

3.4.12 Post Approval

A. Following Planning and Zoning Commission approval of an ARCHZ site plan and special permit, and as conditions of said approval, applicants may be required to satisfy the following conditions prior to authorization to proceed with site work, prior to issuance of zoning permits, prior to issuance of certificates of occupancy, prior to release or reduction of project sureties, or in relationship to other administrative requirements:

1. **Mylars.** All applicants shall provide two complete Mylar sets of required plans, as well as a complete set of approved project plans in a digital format compatible with the Town's GIS system, to the Town Planner prior to the issuance of the first zoning permit for any living unit within the development.
2. **Deeds and Bonds.** All applicants will be required to post bonds in a form satisfactory to the Commission to assure that all approved work on the project is completed and to provide all required executed deeds for easements and other conveyances as otherwise set out in the Zoning Regulations. Said deeds shall be provided for escrow, pending completion and approved installation of any required improvements. At the Commission's discretion, bonds may be required for all project components, with the exception of building construction, but may also include project erosion controls and overall site restoration. Bonds shall not be released or reduced except by the Commission in accordance with a written recommendation of the Town Planner and Town Engineer. At the Commission's discretion, bonds may be provided and reduced/released in accordance with an approved phasing plan for the project, but in no case shall more than 80% of the total project bond be released prior to issuance of a certificate of zoning compliance for the last unit. Final release of all project sureties shall be by the Commission, subject to review and approval of a certified as-built survey by the Town Planner and Town Engineer depicting the final completed project in compliance with all approved site plans.

B. Amendments to Approved Projects

1. The Zoning Officer shall have the authority to approve minor changes to an approved site plan for an ARCHZ project through issuance of an administrative zoning permit approval. Said authority shall be strictly limited to minor changes in site grading necessary to adjust for field conditions, minor adjustments in building footprint locations or orientations, or minor changes in the location of incidental accessory features such as unit decks, stairs, or utility cabinets. However, if deemed necessary, the Commission may limit the extent to which the Zoning and Wetland Officer may approve such changes as a condition of the original approval. In all cases, and at his sole discretion, the Zoning and Wetland Officer may choose to forward requests for such changes to the Commission for review and/or possible approval as an amendment to the approved site plan.
2. Other changes beyond the scope of these minor amendments shall only be approved by the Commission acting on a formal application for site plan and special permit approval. Applications seeking major amendments, such as an increase in the number of approved units, changes to the approved unit types and designs, changes to the approved utility systems, changes to the approved interior circulation layout, changes to the approved landscape concept and plan, changes to the approved stormwater plan, or other similar changes that affect major elements of the project's original plan, shall only be approved after a complete revised resubmission to the Commission, as in the original application.

- C. **Time Limits.** Site plan approvals shall be valid for five years, with extensions available upon written request and for good cause, up to 10 years. In the event all approved improvements are not constructed in accordance with the approved site plan within a maximum of 10 years from the original date of approval, no further work shall be permitted unless a complete application is submitted and approved. Administrative approval of minor changes as permitted herein shall not be construed to extend the maximum five- or ten-year approval periods.
- D. **Failure to Perform.** If at any time, and in accordance with the terms of required and approved project sureties, the project developer or owner fails to meet his obligations under the terms of the surety, the Town may take all necessary and available steps to attach the surety or sureties and seek to remedy the failure to perform. This right shall be clearly stated in the approved declaration, and the Town's rights shall in no way be constrained by any terms or conditions of the common interest community declaration or any other means.
- E. **Obligation of project developer and association.**
1. Until such time as the project ownership and maintenance converts to the association, the project developer shall have total responsibility for compliance. Written notification of the sale by the project owner to another party shall be provided to the Town Planner within 30 calendar days of such closing. The Planner shall have the right to meet with any subsequent owners and review project requirements. The association shall not be considered under any obligation for performance while the project remains under development, and such limitation shall be disclosed in the approved declaration.
 2. The declarant's rights shall in no way limit or encumber the Town from requiring specific performance under the terms of the approval or any related conditions, and the developer shall be obligated pursuant to the approvals to fully complete the project in accordance with said approvals.

Section 3.5 Workforce Cluster Housing Zone [Added 6-14-10, Effective 7-1-10]

3.5.1 Application of Provisions

The Workforce Cluster Housing Zone (WCHZ) is a floating zone for uses permitted in Subsection 3.5.4 of this section, to be designated on the Zoning Map after approval by the Commission of a conceptual site plan and a concurrent petition for a zone change to WCHZ. After approval of a conceptual site plan and zone change, a special permit and final site plan must be approved prior to development of the site. Potential applicants for WCHZ project approval are strongly encouraged to meet with Town staff for guidance prior to making a formal application.

3.5.2 Purpose

1. To increase the types of available housing, with emphasis on market rate and moderately priced privately developed, common interest communities for first time home buyers, empty nesters and seniors.
2. To provide landowners with a land use option on suitably located land with necessary utilities, access, and other important attributes.
3. To create high-quality developments capable of sustaining long-term value.
4. To promote project designs that enhance and protect open spaces, natural resources, natural features and other elements of the Town's rural character.
5. To achieve the goals and objectives of the Town's Plan of Conservation and Development.

3.5.3 Applicable Definitions:

Eligible Household – A household whose annual income is at or below eighty percent (80%) of the area median income for Ellington, as determined and reported by the United States Department of Housing and Urban Development (HUD).

Incentive Housing Restriction – A deed restriction, covenant, or site plan approval condition constituting a binding obligation with respect to the restrictions on household income, sale price, and housing costs required by the Connecticut General Statutes, as amended, and Article 3 of the Ellington Zoning Regulations, as amended.

Median Income – means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which the Town of Ellington is located as determined by the United States Department of Housing and Urban Development (HUD).

Workforce Housing Development – A residential development that is located within the Ellington Workforce Cluster Housing Zone (WCHZ) that contains not less than twenty percent (20%) of the dwelling units that will be conveyed subject to an Incentive Housing Restriction requiring that at the initial point of sale and occupancy, such dwelling units shall be sold at, or below, prices which will preserve the units as housing for which persons pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) or less of the median income in accordance with the Connecticut General Statutes, as amended, and Article 3 of the Ellington Zoning Regulations, as amended.

Workforce Housing Unit - A dwelling unit that is within a workforce housing development that is subject to an Incentive Housing Restriction.

3.5.4 Permitted Uses

- A. Property zoned WCHZ shall only be used for single-family, detached residential housing units and may include related accessory uses for the exclusive use of project residents and their guests. Permitted accessory uses shall be those customarily associated with common interest residential communities and shall clearly be subordinate and incidental to the principal residential uses; however, this limitation is not intended to expressly disallow other accessory uses if said uses are deemed appropriate, in the Commission's sole judgment, such that said uses will add to the long-term value of the community, provide special health, lifestyle or therapeutic benefits to the resident population, or otherwise help achieve the core objectives of the WCHZ.
- B. The following shall govern the inclusion of workforce housing units:
1. Not less than 20% of all the dwelling units constructed in a WCHZ shall be a workforce housing unit. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.
 2. Workforce housing units shall be sold to only Eligible Households.
 3. Each workforce housing unit shall be subject to an Incentive Housing Restriction. All Incentive Housing Restrictions must include, at a minimum, the following:
 - a. A description of the workforce housing development.
 - b. An identification of the workforce housing units.
 - c. A requirement that only an Eligible Household may reside in a workforce housing unit.
 - d. The formula pursuant to which the maximum sale of a homeownership unit will be calculated.
- C. The purchase of a dwelling unit for investment purposes by an entity or an individual not intending to occupy the dwelling is prohibited, except that a nonresident family member may purchase up to one unit for a family member who will reside in the dwelling unit and otherwise comply with the requirements of this section.

3.5.5 Site Requirements

Land meeting the following minimum criteria may be permitted at the Commission's sole discretion to be zoned WCHZ. Such designation may be made at the request of an applicant or upon the Commission's own initiative. Land may not be zoned WCHZ unless the zoning request includes all of the submittal requirements listed in Subsection D herein and the submittals have been determined by the Commission to be acceptable.

1. Minimum 10 acres of contiguous land.
2. Public sewer service, including at least conceptual approval for such service by the Ellington PAC.
3. Public potable water supply.

3.5.6 Density, Height, Yard & Living Area Requirements

Density, Height, Yard and Living Area Requirements shall be as follows:

Table 3.4.4 - Density, Height, Yard & Living Area Requirements	
Minimum Project Area	10 acres
Maximum Units per Acre ⁽¹⁾	4 ⁽²⁾
Maximum Units per Building	
Maximum Building Height	32 feet ⁽³⁾
Maximum Building Coverage	20%
Maximum Impervious Coverage	50%
Minimum Frontage	200 feet
Minimum Front Yard Setback ⁽⁴⁾	35 feet
Minimum Side and Rear Yard ⁽⁴⁾	35 feet
Minimum Setback from Interior Drive	25 feet
Minimum Setback from Surface Parking Area	10 feet
Minimum Building Separation	20 feet
⁽¹⁾ For purposes of calculating net density, areas defined as inland wetlands, water bodies, watercourses, one-hundred-year floodplain, and areas over thirty-percent slope shall not be included.	
⁽²⁾ May be increased to five dwelling units per acre in exchange for a 10% increase in “workforce” units over the base percentage.	
⁽³⁾ Allowable building heights may vary by unit placement, the location and nature of abutting uses, site topography and land cover, views into and of the site from adjacent areas, and other unique attributes of a given site and project. For purposes of measurement, height shall be calculated from average grade 15 feet from the foundation wall to the highest portion of the roof, excepting miscellaneous architectural features such as chimneys, cupolas, and like elements not exceeding 5% of the roof area.	
⁽⁴⁾ The Commission may require this minimum to be increased in specific locations based upon the unique attributes of the project parcel current and anticipated trip volume on the adjacent street, type and scale of proposed buildings and uses, desire to protect existing site features, or for other similar reasons.	

- A. **Multiple Parcels.** The project may consist of multiple legal parcels of record as long as the sufficient binding covenants are placed on the land records to ensure the continued single operation, management and ownership of the project in accordance with all approval requirements.
- B. **Lot and Impervious Coverage.** In order to promote the preservation of open areas around and throughout the project, no more than 20% of the net developable project acreage shall be covered by building footprints and no more than 50% of the net developable project acreage shall be covered by all impervious surfaces.
- C. **Building separation.** All portions of project buildings shall be at least 20 feet apart, measured on a single horizontal plane. Unless otherwise required, the areas between residential units shall be landscaped, graded and otherwise designed to provide privacy for homeowners without sacrificing the ability to maintain the units or provide security, safety or for other purposes. Where appropriate, walls, fences, hedges or other elements may be provided or required to assure that each living unit has

some exterior limited common area for the exclusive use and benefit of the unit owners.

D. Building and Use Setbacks

1. To abutting parcels and streets. All accessory and principal buildings and uses shall be located at least 35 feet from any abutting property or public street. The Commission may require this minimum to be increased in specific locations based upon the unique attributes of the project parcel, current and anticipated trip volume on the adjacent street, type and scale of proposed buildings and uses, desire to protect existing site features, or for other similar reasons.
2. To interior drives and parking. All accessory and principal buildings shall be located at least 25 feet from the pavement of any interior drive and at least 10 feet from any surface parking area. The Commission may allow porches, building entryways and other minor elements to extend no more than eight feet into the required street setback. The concept shall be to use building scale and placement to create and maintain a pedestrian-scale street environment. The area between drives, parking areas and buildings shall be graded, landscaped and otherwise improved in accordance with the landscape and streetscape requirements noted herein. Concrete sidewalks of at least four feet in width shall be provided along one side of all streets.

3.5.7 Design Requirements

A. **Architecture and Hardscape.** The term "architecture" shall refer to the design of all buildings. The term "hardscape" shall include, but not necessarily be limited to, project signage, walkways, benches, fences, retaining and other walls, decorative elements and similar project features.

1. General Requirements. The applicant shall provide sufficient detail to demonstrate to the Commission's satisfaction that all project architecture and hardscape elements will meet the highest standards in terms of materials, finishes, durability and overall quality. The intent of these requirements is not to limit creativity by defining detailed prescriptive standards but to assure that the development will sustain its value over time, incorporate consistent design themes, take advantage of unique site attributes, and respect site constraints, all in an effort to accomplish the overall goals and objectives of the WCHZ.
2. Living units shall be single-family detached (single and multiple stories).

Applicants are also encouraged to design units to be readily adaptable to meet ADA requirements, especially as to door widths, thresholds and other features necessary to accommodate wheelchair access.

B. **Building Arrangement.** Optimal building arrangement will vary by unit type, project size, abutting uses and lands, and the unique opportunities and constraints presented by a given project parcel and setting.

1. While there is no specific limit on the project size, larger project designs shall take into consideration the need to break up unit clusters and phases into components that support the basic pedestrian-scale orientation of the WCHZ concept.
2. Units will also be designed and arranged in proper relationship to interior streets. Units shall not dominate the interior streetscape in light of the fact the interior streetscape shall function as an integral pedestrian amenity within the development. Therefore, care should be taken to design buildings in scale and proportion to the interior streets.

C. **Building Footprints**

1. Building footprints, shall be varied by avoiding long expanses of single-plane walls. Applicants are encouraged to use architectural features as integral design elements to satisfy the intent of this objective.
2. In issuing zoning permits for units, the Zoning Enforcement Officer shall be permitted to approve minor deviations in building footprint locations in order to allow flexibility in unit types, address unique and unanticipated site conditions, and for like purposes. In general, units shall not deviate more than 20 feet from the location approved on the detailed site plan and shall comply with all applicable bulk requirements of the WCHZ regulation.

D. **Building Walls.** Building elevations and related elements shall be well proportioned, with doors, windows and other features placed and scaled in appropriate rhythm. Applicants are encouraged to use natural materials, including masonry stone, wood clapboard, natural brick or other like materials. Main colors should avoid bright palettes, although selective use of bold accent colors may be encouraged for trim or other decorative elements. Period colors appropriate to a particular historic period are also encouraged, where appropriate. All units within a project should not be the same color, but proposed colors should be well distributed through the project and be compatible overall.

E. **Roof Design**

1. Roof design shall be an important element of all proposed architecture. Roofs shall be pitched, and applicants are encouraged to include dormers, cupolas, multiple gables and varied gable orientation, and other treatments or decorative elements in order to create interest, break up extended rooflines, and avoid monotonous, single-plane roofs.
2. Views of and to roofs from within the project and from adjacent lands shall be considered. HVAC, antennas and other like miscellaneous structures shall not be located on roofs. Roof surfacing shall be high-quality architectural shingles or similar equivalent materials.

F. **Community Facilities.** If to be provided, all community facilities shall reflect the same level of quality and consistency in design as other approved project elements.

3.5.8 **Site Development/Design Requirements**

The intent of the WCHZ is to provide sufficient flexibility in design standards in order to achieve important public objectives. Therefore, in the event a provision of the WCHZ requirements conflicts with other provisions of the Zoning Regulations, the WCHZ requirements shall prevail. In the event a requirement of the Zoning Regulations is not addressed in the WCHZ regulations, that requirement shall be in addition to the WCHZ requirements. The Commission shall have the sole authority to evaluate and render a determination on any such matters.

A. **Green Space.** Green space shall be an integral and fundamental component of the project purpose and design. One of the main objectives of the WCHZ is to achieve community character goals by maintaining rural character, preserving green space, and protecting natural resources. Therefore, the location, intent, design, quality, extent, and long-term treatment of green spaces within the project are essential considerations in evaluating the project's acceptability.

1. A minimum of 20% of the project shall be dedicated to green space and protected as such in perpetuity through conservation easements, fee simple or any combination of interests deeded to the Town of Ellington or other approved party. The specific terms and conditions of the required conservation easement or deeds shall be determined on a case by-case basis for each project, including consideration of any advisory recommendations received from the Conservation Commission.
2. No more than 50% of the required green space may consist of inland wetlands, watercourses, water bodies and one-hundred-year floodplain
3. The intent and acceptability of the green space design will necessarily vary project to project, depending upon the unique constraints and opportunities presented by a given project location. However, in general, the final approved green space design will need to satisfy one or more of the following design criteria, in the Commission's sole judgment:
 - a. Protects unique natural features, habitat or natural resources;
 - b. Complements other adjacent or proximal natural areas;
 - c. Provides immediate or future opportunities for passive recreation;
 - d. Provides public access to natural areas on and/or adjacent to the project;
 - e. Protects unique historic and/or archaeological features;
 - f. Provides natural screening/buffers from adjacent streets;
 - g. Provides integral project features to enhance project design/value;
 - h. Protects important views and vistas to and/or from the property; or
 - i. Protects landscape elements important to community character, such as stone walls, mature trees, rock outcrops, and other like features.
4. In order to assure the project green space will accomplish the goals and objectives stated herein, the Commission may apply conditions to approval of an WCHZ project, including but not necessarily limited to:
 - a. Conservation easements in favor of the Town of Ellington;
 - b. Land to be deeded in fee simple to the Town of Ellington;
 - c. Easements or deeded land in favor of a land trust;
 - d. Deed restrictions or other covenants;
 - e. Reclamation, planting or improvement to proposed green space areas;
 - f. Management of approved green space;
 - g. Installation of trail systems for public access.; and
 - h. Timing, phasing or schedule for green space disposition and/or improvements.

B. **Landscape and Buffers.** Project landscaping shall be an integral component of the overall design. The proposed landscape plan shall be designed by a licensed landscape architect. Projects shall be extensively landscaped with a variety of shade trees, evergreens, flowering trees, shrubs, perennials and lawn areas. Where appropriate, landscape plans shall include planted berms, stone retaining walls, or other elements intended to achieve certain functional or aesthetic objectives.

1. **Existing Landscape.** Where the existing landscape provides opportunities to selectively preserve individual specimen trees or stands of trees, applicants are encouraged to do so. This concept not only includes land cover but topography as well. Where possible the project should be designed to take advantage of existing land topography or to mitigate for the lack of natural contours.
2. **Project Entry.** Each project shall include a well-designed entry feature, including but not limited to a project identification sign (monument sign), landscape materials and flowerbeds, decorative stone walls, low-intensity lighting, and other elements. The project entry shall be consistent with the overall project design theme. Project entry features shall be provided at all main access drives to public streets.
3. **Foundation Plantings.** Foundations plantings consisting generally of decorative flowering shrubs, perennials, ornamental grasses and like materials, located within landscaped beds surfaced with natural wood chips, shredded bark or other approved natural material, shall be provided for all residential units and community buildings.
4. **Streetscape (Exterior).** The approved design of the project's exterior streetscape will vary according to the unique attributes of the project parcel, the setting, current and anticipated abutting uses, nature and extent of existing suitable plant material, site topography, and other factors. In general, the exterior streets cape treatment shall be an integral and important element of the overall project design. Design themes shall respect and, where appropriate, attempt to enhance the existing character of the streetscape, ranging from the preservation or enhancement of existing wooded areas to selective removal of existing wooded areas, planting of new trees and shrubs within cleared areas, and adding public sidewalks, lighting, benches, decorative fences, stone walls or other amenities.
5. **Streetscape (Interior)**
 - a. In order to promote a healthy and active living environment, enhance opportunities for social interaction and sustain project value, the interior streets cape shall be an important design element throughout the project. All interior streets shall be privately owned and maintained as a condition of WCHZ approval. In exchange, maximum design flexibility will be allowed, subject only to reasonable engineering standards for horizontal and vertical geometry, stormwater treatment, public safety and other typical considerations. Interior private project drives are not required to comply with the applicable subdivision regulation standards for public streets.

- b. All interior streets shall be provided with deciduous street trees, located no more than 50 feet on center and a minimum of eight feet high and 2 1/2 inches in caliper at planting. Where possible, existing trees shall also be retained and incorporated into the project design. Interior streets shall also be provided with a graded and grassed snow shelf along the edge of pavement or curb line a minimum of six feet wide.
6. **Abutting Properties.** Depending upon the existing and/or anticipated abutting uses, the Commission may require planted buffers to abutting property, including, where appropriate, the retention of existing mature natural vegetation or any combination of retention and new planting. If appropriate, in the Commission's sole discretion, decorative fences, screen walls or other methods may be selectively allowed, if they help achieve WCHZ objectives.
7. **Screening.** Where appropriate, landscape shall also be used to screen refuse collection areas, utility cabinets, recreational trails and other miscellaneous items. Use of generic screening shall be avoided, and screening designs shall reflect the same quality and variety provided in other areas of the project.

C. Lighting

1. **Ownership/Maintenance.** Unless otherwise approved by the Commission for good cause and in its sole discretion, all project lighting shall be owned and maintained by the common interest community.
2. **Low Intensity.** Project lighting for streets, parking areas, community facilities and other uses shall be the minimum necessary to provide safe and sufficient all-season lighting. In general, footcandle levels shall not exceed those for rural areas, as prescribed by standards adopted by the International Dark Sky Association (IDSA). The Commission may require details of proposed lighting sufficient to assure compliance with these requirements.
3. **Decorative.** In that all lighting will be private, applicants are encouraged to provide decorative lighting designs, as opposed to standard street and other lighting typically used in public street and commercial applications.
4. **Full Cutoff or Shoe Box Fixture.** Full cutoff or shoe box fixtures are encouraged in order to reduce glare and to direct lighting to the subject area.
5. **Height.** The maximum height of freestanding pole-mounted lights shall be 12 feet, unless greater heights are approved by the Commission upon a demonstration of good cause, and subject to a three-fourths modification per Subsection 3.5.11 of this section.
6. **Building Mounted.** Building-mounted lighting shall be limited to the minimum necessary and shall meet all applicable standards noted herein. No exposed floodlights shall be permitted. Decorative uplighting for aesthetic purposes may be permitted but should be limited to important focal points or features, such as project entry signage, project landscaping and similar accents.

- D. **Parking and Access Drives.** Detailed plans will be provided in plan view, cross section and profile for all interior streets and in plan view and cross-sectional views for all proposed surface parking areas. Depending upon the scale and complexity of the project, a hierarchy of interior street designs may be required; however, in general the concept for interior streets shall be to limit the extent of paved width, provide features that slow ("calm") traffic, provide a strong emphasis on pedestrian activity and amenities, use landscaped medians and curvilinear horizontal geometry and otherwise avoid conventional approaches that emphasize the efficient movement of large volumes of vehicles over all other design considerations.
1. Unless otherwise specifically approved by the Commission, the paved width of interior access drives shall not exceed 24 feet. In order to permit these widths, sufficient surface parking shall be provided off street for all uses, in separate parking areas, unit garages, or in some combination of both. The Commission may limit on-street parking, based upon the recommendation of the Fire Marshal or other public safety personnel.
 2. Projects shall be accessed via a main interior project drive or drives, and unit access shall not be taken directly to an existing public street. In cases where more than 30 units have direct access to a single collector within the project, the paved width of that collector may be increased to a maximum of 28 feet. In addition, the Fire Marshal may require additional secured access points from abutting public streets into the project for the exclusive purposes of providing vehicular access for emergency vehicles.
- E. **Community Facilities.** Each project may provide some form of community facility for the purposes of community association meetings, recreation, or for similar purposes. If proposed, the facility shall be designed and located as an amenity within the project and shall be constructed and issued a certificate of occupancy before issuance of a certificate of occupancy for the units equaling 1/2 of the total approved project units.
- F. **Signage.** Each project shall be allowed entry signs where each access drive connects to a public street. Access drives to public streets shall be limited and shall be located in compliance with applicable sight line, grading and other standards of the Subdivision Regulations. Project entry signs and related features shall not interfere with necessary sight lines, in order to accommodate safe stopping distances, given posted speed limits.
1. A project will be allowed two (2) entry signs only.
 2. If the project has a center island at an entrance with a public street, it will be allowed only one (1) double sided sign to be placed in that island.
 3. No monopole-mounted signs shall be permitted. Entry signs shall not exceed four (4) feet high by ten (10) feet wide, exclusive of the approved sign base. The sign base shall be made of natural stone, masonry, or like approved materials. Entry signs shall not exceed six (6) feet in height from the adjacent grade inclusive of the base. At a minimum, a ten (10) foot area around the entire base shall be landscaped with ornamental plantings. Entry signs shall not be illuminated internally but instead by means of exterior "wash" lighting via ground-mounted lights concealed from view.
 4. Where appropriate, applicants may be permitted to incorporate project entry signage into decorative natural stone or masonry walls to be located at main entry drives.
 5. Maintenance of such signs and associated landscaping shall be the responsibility of the developer, unless and until, the responsibility is reassigned to a homeowner's association

or similar management entity.

- G. **Stormwater.** Stormwater treatment and management shall reflect the current best management practices promulgated by the State Department of Environmental Protection. Each project shall be required to meet the draft Phase II NPDES stormwater requirements. In general and where approved by the Town Engineer, the use of curb less roads, swales, infiltration, and other like methods shall be preferred. Stormwater detention ponds shall not be designed solely to collect and hold water but shall be an integral design component of the project, graded, landscaped and located so as to provide an amenity wherever possible, or to meet other objectives of the WCHZ regulation.
1. Applicants shall provide sufficient details of all stormwater-related systems, plans, data and mapping with each application. Without limitation, the Commission, at the request of the Town Engineer, may require all details and information deemed necessary to determine the sufficiency of the proposed system.
 2. All such systems shall be privately owned and maintained, and such requirement shall be included in the project declaration.
- H. **Refuse.** Refuse collection shall be under private contract between the association and a licensed hauler. Refuse collection areas shall be located on the site plan, including any common areas for that purpose. All refuse containers shall be completely screened and located so as to provide sufficient access, as well as not to have negative affects on project units or uses located on adjacent lands.
- I. **Utilities**
1. All utilities shall be located underground and sufficient easements or other rights shall be provided to applicable public utility companies as a condition of project approval. Where deemed necessary by the WPCA, interior sewer lines may be required to be publicly owned and maintained.
 2. Interior hydrants shall be provided in locations, amounts and design according to the Fire Marshal, including any conditions relating to the ownership and ongoing maintenance of said hydrants.
- J. **Property Maintenance.** It shall be a condition of approval that all projects shall be maintained in accordance with the approved plans, and such maintenance obligation shall be noted in the approved declaration. This shall include a provision allowing the Zoning and Wetland Officer to access the site at all reasonable hours for the purposes of inspecting and noting any defects or failure to maintain the property as required.

3.5.9 Specific Requirements for Zone Change and Conceptual Site Plan Approval

In addition to the requirements of Section 8.1, an application for a Zone Change and Conceptual Site Plan approval shall include the following materials:

1. Existing conditions plan for the subject property showing any buildings, structures, above- or below-ground utility locations, easements, site topography at two-foot intervals, inland wetlands and watercourses, floodplains, and land cover.
2. Conceptual site plan drawn to a scale of no less than one inch equals 100 feet showing the following:
 - a. Proposed roads;

- b. Building locations;
 - c. Parking locations;
 - d. Common areas;
 - e. Landscaped areas;
 - f. Community facilities;
 - g. Utilities; and
 - h. Any additional information that the Commission may deem pertinent in order to evaluate the rezoning request.
3. In addition to the above, applicants shall provide general architectural renderings for all unit types. If approved, the conceptual plan, including approved architectural concepts, shall establish the general basis for evaluating the final site plan and special permit, in order to confirm that the proposed detailed site plans and special permit are consistent with the basis for the rezoning approval.
 4. Use and compliance statement describing the proposed development and how the proposal complies with all WCHZ objectives and applicable adopted plan of conservation and development recommendations.
 5. Green space and ecological report, describing in general the rationale for the proposed green space concept in terms of WCHZ goals, objectives, standards and requirements and the proposed design, location, functions, ownership and maintenance of the proposed green space areas.

3.5.10 Specific Requirements for Site Plan and Special Permit Approval

A final site plan application to be filed simultaneously with an application for a special permit to construct housing in the WCHZ shall be required. In addition to the Site Plan requirements of Section 8.1.2, the plan shall include the following

1. Draft homeowner's declaration and covenants limiting building footprint expansion in those units set aside as workforce restricted units and addressing ownership, maintenance and other issues regarding project green spaces and common areas and other concerns affecting project compliance with WCHZ requirements.
2. WPCA approval for sewer service.
3. Inland wetlands approval (if applicable).
4. Report from the Conservation Commission regarding proposed green space.
5. Evidence the applicants have all necessary rights and interests to accomplish the development as proposed (grading rights, easements, access rights, etc.).
6. Written documentation from the Tax Collector that all tax payments are current.
7. Architectural plans drawn to scale and including floor plans for all proposed models depicting the uses of all interior spaces and exterior elevations for all sides of all unit types indicating proposed materials, colors, finish, lighting, signs, and other building features.
8. Phasing plans, including a grading and erosion control plan and narrative sufficient to meet the requirements of Article IX of these regulations.
9. Details for all hardscape features.
10. Traffic report addressing existing conditions, average daily traffic (ADT), weekend and weekday a.m. and p.m. peak hour trips and LOS and V *IC* ratios for all affected travelways and intersections, the anticipated impact on these conditions from project trips at buildout, and measures proposed to mitigate project impacts. The report and any

related plans shall also address available sight lines at any proposed access drive connections to public streets and measures proposed to correct any substandard conditions at the site drive(s), given posted and actual travel speeds at the location(s).

3.5.11 Approvals from Other Boards and Commissions

Applicants for formal site plan approval and special permit approval to develop property zoned WCHZ shall receive approval (or advisory comments where noted) from the following applicable boards and commissions prior to a hearing on an application for a special permit and site plan approval before the Planning and Zoning Commission:

- A. Conservation Commission. Applicants for WCHZ approval shall, prior to making formal application to the Planning and Zoning Commission, submit the existing conditions plan, proposed detailed site plan and required green space and ecological report to the Conservation Commission for review. Prospective applicants shall attend a meeting of the Conservation Commission to present these materials and seek guidance and general acceptance of the green space concept from the Conservation Commission. Following its review, the Commission will forward an advisory report to the Planning and Zoning Commission for the application file and hearing record.
 - 1. While the Conservation Commission's report shall be strictly advisory, the applicant shall make all reasonable attempts to comply with its suggestions or, where unable to comply, shall provide the Planning and Zoning Commission with statements in writing as to why such compliance was not possible.
 - 2. The provisions of this section shall not restrict prospective applicants from meeting with the Conservation Commission earlier in the process in order to receive guidance on green space concepts; however, that shall not obviate the need for compliance with the formal advisory review of the information and plans required herein.
- B. Inland Wetland Agency. If the proposed project includes activities subject to regulation by the Inland Wetland Agency, the applicant shall make application to the Inland Wetland Agency prior to making formal application to the Planning and Zoning Commission. Applicants are encouraged to withhold formal application to the Planning and Zoning Commission until they have received a final decision from the Inland Wetland Agency.
- C. WPCA. Prior to making formal application to the Planning and Zoning Commission, prospective applicants shall submit a request to the Water Pollution Control Authority for conceptual approval of public sewer service. Said conceptual approval shall be submitted with the WCHZ application to the Planning and Zoning Commission.

3.5.12 Review Criteria and Required Findings for Approval

In acting to approve a WCHZ, the Commission shall consider whether the application adheres to the above design standards. Failure to make explicit findings with regard to each of these criteria shall not be construed as a defect in the approval. In order to achieve the objectives of the WCHZ, subject to the standards, procedures and requirements noted herein, the Commission may, in its sole discretion and subject to an affirmative vote of 3/4 of the voting members, approve, with or without conditions, modifications to the design standards listed above. This provision shall not apply to uses but only to design standards. Applicants shall request such modifications in writing at the time of the initial application, in the required use and compliance statement. Any such request shall include a detailed description of the modification, the justification for the proposed modification, and how the modification, if approved, will help achieve the objectives of the WCHZ. In addition to the design standards the Commission will consider the following criteria:

- 1. **Project Location.** That the project location is appropriate in terms of access, existing and anticipated (by current zoning) abutting uses, neighborhood compatibility, and the ability

- to utilize the concept to achieve public objectives.
2. **Principal and Accessory Uses.** That all proposed principal and accessory uses are permitted and that accessory uses as proposed will complement and support the overall project and are sufficient in terms of location, amount, type and design.
 3. **Green Space.** That green space locations and designs have considered the recommendations of the Conservation Commission, are an integral component of the project, and are consistent with the Plan of Conservation and Development and the goals and objectives of the WCHZ.
 4. **Natural Resources.** That the project design, as well as its ongoing operations and maintenance, will provide sufficient protection for natural resources, and including any necessary mitigation, and that the project complies with any permit issued by the Inland Wetland Agency.
 5. **Pedestrian Facilities.** That the design incorporates features that promote a pedestrian-scale community so as to assure that the living environment created will enhance the quality of life for unit owners, as well as long-term maintenance, safety and social well-being.
 6. **Historical/Archaeological/Cultural Resources.** That the project protects and respects important affected resources by incorporating those resources into the project design or, where not feasible, by taking appropriate measures to document and memorialize such features for the benefit of future generations.
 7. **Architecture and Hardscape.** That project architecture and hardscape are the highest quality, meet all applicable WCHZ requirements, and will sustain the project's value over time, such that the project adds to the long-term welfare of the overall community.
 8. **Exterior Streetscape.** That appropriate, context-sensitive measures have been incorporated into the project's external streets cape in order to minimize the project's impacts, where appropriate, to enhance the existing built environment, blend into or otherwise be consistent with the existing landscape and generally add value to the community's "public space".
 9. **Interior Streetscape.** That the interior streetscape provides a distinctly pedestrian-scale environment, conducive to active and passive recreation, walking, biking, chance social encounters, sitting, and other typical activities; that the interior streetscape promotes and encourages use of the public realm for these purposes; and that the design does not inhibit such activities through creation of a sterile, barren streets cape, devoid of interest, with excessively deep front setbacks and lack of porches, benches, or other amenities.
 10. **Landscape and Lighting.** That lighting and landscape are an important project component and not an afterthought. That project lighting and landscape have been designed in an intelligent and strategic manner, in order to add long-term value to the community, and consistent with the overall objectives of the WCHZ concept.
 11. **Traffic/Access.** That safe and efficient access will be provided, including sufficient parking, however not in a manner that contradicts the basic design goals of the WCHZ, and that "standard" approaches to street and parking area design have been abandoned wherever possible in order to achieve the overall pedestrian scale of the project, especially with regard to interior spaces.
 12. **Utilities.** That adequate long-term provisions have been made to assure safe and sufficient utility services in accordance with the requirements of applicable authorities.
 13. **Support for the WCHZ Concept.** That the project will encourage greater use and

acceptance of the WCHZ concept in appropriate areas of Town.

3.5.13 Post Approval

A. Following Planning and Zoning Commission approval of a WCHZ site plan and special permit, and as conditions of said approval, applicants may be required to satisfy the following conditions prior to authorization to proceed with site work, prior to issuance of zoning permits, prior to issuance of certificates of occupancy, prior to release or reduction of project sureties, or in relationship to other administrative requirements:

1. **Mylars.** All applicants shall provide two complete Mylar sets of required plans, as well as a complete set of approved project plans in a digital format compatible with the Town's GIS system, to the Town Planner prior to the issuance of the first zoning permit for any living unit within the development.
2. **Deeds and Bonds.** All applicants will be required to post bonds in a form satisfactory to the Commission to assure that all approved work on the project is completed and to provide all required executed deeds for easements and other conveyances as otherwise set out in the Zoning Regulations. Said deeds shall be provided for escrow, pending completion and approved installation of any required improvements. Bonds shall be required for all project components, including project erosion controls and overall site restoration, with the exception of building construction. Bonds shall not be released or reduced except by the Commission in accordance with a written recommendation of the Town Planner and Town Engineer. At the Commission's discretion, bonds may be provided and reduced/released in accordance with an approved phasing plan for the project, but in no case shall more than 80% of the total project bond be released prior to issuance of a certificate of zoning compliance for the last unit. Final release of all project sureties shall be by the Commission, subject to review and approval of a certified as-built survey by the Town Planner and Town Engineer depicting the final completed project in compliance with all approved site plans.

B. Amendments to Approved Projects

1. The Zoning Officer shall have the authority to approve minor changes to an approved site plan for a WCHZ project through issuance of an administrative zoning permit approval. Said authority shall be strictly limited to minor changes in site grading necessary to adjust for field conditions, minor adjustments in building footprint locations or orientations, or minor changes in the location of incidental accessory features such as unit decks, stairs, or utility cabinets. However, if deemed necessary, the Commission may limit the extent to which the Zoning and Wetland Officer may approve such changes as a condition of the original approval. In all cases, and at his sole discretion, the Zoning and Wetland Officer may choose to forward requests for such changes to the Commission for review and/or possible approval as an amendment to the approved site plan.
2. Other changes beyond the scope of these minor amendments shall only be approved by the Commission acting on a formal application for site plan and special permit approval. Applications seeking major amendments, such as an increase in the number of approved units, changes to the approved unit designs, changes to the approved utility systems, changes to the approved interior circulation layout, changes to the approved landscape concept and plan, changes to the approved stormwater plan, or other similar changes that affect major elements of the project's original plan, shall only be approved after a complete

revised resubmission to the Commission, as in the original application.

- C. **Time Limits.** Site plan approvals shall be valid for five years, with extensions available upon written request and for good cause, up to 10 years. In the event all approved improvements are not constructed in accordance with the approved site plan within a maximum of 10 years from the original date of approval, no further work shall be permitted unless a complete application is submitted and approved. Administrative approval of minor changes as permitted herein shall not be construed to extend the maximum five- or ten-year approval periods.
- D. **Failure to Perform.** If at any time, and in accordance with the terms of required and approved project sureties, the project developer or owner fails to meet his obligations under the terms of the surety, the Town may take all necessary and available steps to attach the surety or sureties and seek to remedy the failure to perform. This right shall be clearly stated in the approved declaration, and the Town's rights shall in no way be constrained by any terms or conditions of the common interest community declaration or any other means.
- E. **Obligation of project developer and association.**
 - 1. Until such time as the project ownership and maintenance converts to the association, the project developer shall have total responsibility for compliance. Written notification of the sale by the project owner to another party shall be provided to the Town Planner within 30 calendar days of such closing. The Planner shall have the right to meet with any subsequent owners and review project requirements. The association shall not be considered under any obligation for performance while the project remains under development, and such limitation shall be disclosed in the approved declaration.
 - 2. The declarant's rights shall in no way limit or encumber the Town from requiring specific performance under the terms of the approval or any related conditions, and the developer shall be obligated pursuant to the approvals to fully complete the project in accordance with said approvals.

ARTICLE 4 COMMERCIAL & INDUSTRIAL ZONES

Section 4.1 Permitted Uses and Uses Requiring Special Permit

The following uses are permitted in Commercial and Industrial Zones:

Table 4.1 Permitted Uses and Uses Requiring Special Permit				
P = Permitted Use, Site Plan Approval SP = Special Permit Blank= Not Permitted				
Uses	C	PC	I	IP
Agriculture ⁽¹⁾ [Amended 12-15-2010]	P	P	P	P
Agriculture - Farm Stand - seasonal ⁽¹⁾ [Amended 12-15-2010]	P	P	P	P
Agriculture - Farm Store ⁽¹⁾ [Added 11-22-2010, Effective 12-15-2010]	SP	SP	SP	SP
Agriculture - Horse Boarding / Riding Arena ⁽¹⁾ [Amended 12-15-2010]	SP	SP	SP	SP
Agriculture - Related & Non Related Uses ⁽¹⁾ [Added 11-22-2010, Effective 12-15-2010]	SP	SP	SP	SP
Amusement Enterprise	SP			
Auto, General Repairer License	SP	SP	SP	
Auto, Limited Repairer License	P	SP	P	
Auto, Truck, Airplane: Assembling & Remodeling			P	P
Auto, Truck, Boat, Vehicle (New & Used) Sales, and Service (SP for IP Zone Added 1-7-08)	SP	SP	SP	SP
Bicycle Racing Facility - Non Motorized			SP	SP
Bottling Plant	SP		P	P
Brewery, Distillery	SP	SP	SP	SP
Carpenter & Woodworking Shop	SP	SP	P	P
Communication Tower ⁽²⁾	SP	SP	SP	SP
Community Buildings and other Public Buildings	P	SP	P	
Community Fairs under Local Sponsorship	P	P	P	
Contractor's Equipment - Sales and Storage	SP	SP	SP	SP
Entertainment, Transient (Local Sponsor) (modified 7-15-09)	SP			

Table 4.1 Permitted Uses and Uses Requiring Special Permit				
P = Permitted Use, Site Plan Approval SP = Special Permit Blank= Not Permitted				
Uses	C	PC	I	IP
Florist, Wholesale: Greenhouse, Sale, Supplies ⁽⁸⁾ <i>Amended: 22 December 2006.</i>	P	SP	P	SP
Food Processing, Wholesale, may include incidental retail on premises (Excluding Slaughtering, Curing, and Smoking)	SP	SP	SP	SP
Fuel Oil, Propane, and other Petroleum Products – Other than Bulk Storage ⁽³⁾ <i>(Amended 9-25-09)</i>	SP	SP	SP	SP
Funeral Home	SP	SP		
Gas Station	SP	SP	SP	SP
Glass Fabrication & Installation	P	SP	P	SP
Hospitals, Convalescent and Nursing Homes	SP	SP	SP	
Hotel, Motel, Tourist Court	SP	SP		
Ice Manufacture – Storage & Sale	P	SP	P	SP
Jewelry Manufacture	P	SP	P	P
Laboratory	SP	SP	SP	SP
Machine Shop	SP	SP	SP	SP
Manufacture & Assembly from Prepared Materials Including Repairs	SP	SP	P	P
Manufacturing, processing and warehousing of goods			P	P
Manufacturing which is incidental to a retail business ⁽⁴⁾	SP	SP		
Metal Fabrication			P	P
Saw Mill			P	P
Office: Business, Professional, Medical, Financial.	P	SP	P	P
Optical & Scientific Instrument Manufacture	P	SP	P	P
Package Store, Beer & Liquor Sale	SP	SP		
Pawnshop	SP	SP		
Personal Service Business.	P	SP		
Plastics & Synthetics Manufacture	SP	SP	SP	SP
Plumbing & Heating: Sale, Service, Storage	P	SP	P	P

Table 4.1 Permitted Uses and Uses Requiring Special Permit				
P = Permitted Use, Site Plan Approval SP = Special Permit Blank= Not Permitted				
Uses	C	PC	I	IP
Plumbing Shop			P	P
Printing, Industrial			P	P
Public Garage, Bus, Taxi Service, Rentals	P	SP	P	SP
Public Parks, Playgrounds and Recreation Areas	P	P	P	P
Public Utility Garage and Similar Facilities.	SP	SP	SP	SP
Quarry, Rock Crushing	SP	SP	SP	SP
Radio and Television Antennas - Commercial ⁽⁵⁾	SP	SP	SP	SP
Radio and Television Studios	P	SP	SP	SP
Carpet Cleaning Establishment			P	P
Research and Development Facilities			SP	SP
Restaurants, Tavern, Entertainment, Liquor Permitted (modified 7-15-09)	SP	SP		
Retail Business ⁽⁸⁾ Amended: 22 December 2006.	P	SP	SP	SP
Transfer Station ⁽⁶⁾			SP	SP
Composting Facilities			SP	SP
School - Commercial, Vocational	SP	SP	SP	SP
Ship & Boat Building: Repair, Sale, Storage	SP	SP	SP	SP
Skydiving or Parachute Jumping ⁽⁷⁾			SP	SP
Stone & Monument Works: Sale, Storage	SP		P	P
Storage yard for new lumber, building materials and related items.	SP	SP	SP	SP
Theater, Indoors In Building	P	SP		
Veterinarian, Small Animal Hospital, Commercial Kennel	SP	SP	SP	SP
Warehousing, Storage	SP	SP	P	P
Wholesale, Business ⁽⁸⁾ Amended: 22 December 2006.	P	SP	P	P

Table 4.1 Permitted Uses and Uses Requiring Special Permit				
P = Permitted Use, Site Plan Approval SP = Special Permit Blank= Not Permitted				
Uses	C	PC	I	IP
⁽¹⁾ Subject to the restrictions and conditions of Section 7.14 ⁽²⁾ Subject to the restrictions and conditions of Section 7.3 ⁽³⁾ Bulk Storage – storage of more than 2,000 gallons aggregate intended for redistribution before it reaches a retail consumer. In conformity with applicable State and Federal regulations (<i>Amended 9-25-09</i>) ⁽⁴⁾ Where articles are sold at retail on the premises, and where not more than five persons are employed in such manufacturing. Such manufacturing shall conform to requirements specified for Industrial Zones. ⁽⁵⁾ Must be located within property lines a minimum distance in all directions equal to the height of the tallest antenna. ⁽⁶⁾ Subject to the restrictions and conditions of Section 7.10 ⁽⁷⁾ At an airplane landing field or landing strip located in an I-Industrial Zone subject to the requirements of Section 8.3 of these regulations. In addition, the Commission may impose any other reasonable conditions with regard to skydiving or parachute jumping. Such special permit shall expire on the 30th day of June. ⁽⁸⁾ No individual retail or wholesale business establishment may exceed thirty thousand (30,000) square feet. The commission may, by vote of 3/4 of its members, increase the maximum store size up to sixty thousand (60,000) square feet not including mezzanines up to 10% of the total square footage, if the applicant meets the following criteria: additional buffering to sensitive areas, allows linkages to abutting properties where appropriate, and gives consideration to special architectural design. Furthermore, the language of this regulation shall not be construed to allow the same business entity to occupy space on opposite sides of a common wall so as to circumvent the intention of this regulation. (<i>Amended: 22 December 2006</i>)				

4.1.1 Approval of Other Uses

Other uses may be approved by the Commission when the Commission determines such use to be substantially similar to the uses permitted in Table 4.1. Uses similar to those permitted by Site Plan approval may be allowed by Site Plan approval. Those uses similar to Special Permit uses may be permitted by Special Permit approval.

Section 4.2 Area, Yard and Bulk Requirements

4.2.1 Lot Area, Width & Yard Requirements

Table 4.2.1 Lot Area, Width & Yard Requirements for Commercial/Industrial Zones					
Zone	Lot Area ⁽¹⁾	Minimum Width ⁽¹⁾	Front Yard ^{(2) (3) (5)}	Side Yard ⁽³⁾	Rear Yard ⁽³⁾
C-Commercial	40,000 sq. ft. ⁽⁴⁾	200 feet	100 feet	10 feet ⁽⁶⁾	10 feet ⁽⁶⁾
PC - Planned Commercial	3 Acres	300 feet	100 feet	10 feet ⁽⁶⁾	50 feet ⁽⁶⁾
I - Industrial	40,000 sq. ft.	200 feet	100 feet	10 feet ⁽⁶⁾	50 feet ⁽⁶⁾
IP - Industrial Park	4 Acres	200 feet	100 feet	10 feet ⁽⁶⁾	50 feet ⁽⁶⁾
⁽¹⁾ May be increased because of poor soil conditions, terrain limitations, etc. ⁽²⁾ May be reduced to 50 feet along any roadway not designed as a collector road, arterial road or state highway. ⁽³⁾ Accessory buildings shall conform to building line requirements for front, side and rear yards applicable to main building. ⁽⁴⁾ With or without public sewers ⁽⁵⁾ Except gas pumps. ⁽⁶⁾ 50 feet side and rear yard required where abutting residential property or zone, except if home occupation only.					

4.2.2 Minimum Lot Size

- A. Dwellings in Commercial and Industrial Zones shall be located on lots of the same area required in the A-Residence Zone.

4.2.3 Bulk Requirements

Table 4.2.3 Bulk Requirements			
	Floor Single Level ⁽¹⁾	Building Height ^(See definitions)	Lot Cover
C-Commercial	2,500	38	60%
Planned Commercial	N/A	38	60%
I - Industrial	N/A	38	60%
IP - Industrial Park	N/A	38	60%
⁽¹⁾ All structural designs subject to zoning board approval.			

Section 4.3 Commercial and Industrial Requirements

4.3.1 Planned Commercial Zones and Industrial Park Zones

- A. Planned Commercial Zones and Industrial Park Zones may be designated on the Zoning Map or petitioned for in accordance with Article 8.
- B. A permit is required together with a site plan of the development, whether in an established C-Commercial or I-Industrial Zone, or elsewhere in the Town, in conformity with Article 8 of these regulations.
- C. In considering the proposed use the Commission shall be guided by the standards in Section 8.3 of these regulations.

4.3.2 Lighting

- A. All lighting facilities planned to be installed during construction shall be detailed for the Commission as part of all plans of development and requests for permits for all commercial and industrial permits.
- B. Lighting shall be located and directed so as not to shine or glare onto any public street or onto any adjacent property.
- C. Permits or approvals given on the basis of plans submitted shall be tentative because of the great difficulty in evaluating plans without actually seeing the various types of light designs and fixtures. In the event the Commission is misled upon such presentation, it may require the permittee to adjust, alter, relocate and/or replace the lighting and it shall be no defense that the fixtures and location are the same as described on the plans submitted.

ARTICLE 5 FLOOD PLAIN DISTRICT

Section 5.1 Purpose

It is the purpose of this regulation to promote the health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion or, in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage; and,
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 5.2 Objectives

The objectives of this section are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in flood plains;
5. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and,
6. To insure that potential homebuyers are notified that property is in a flood area.

Section 5.3 Definitions

Area of Shallow Flooding: A designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Elevated building: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls, as allowed under applicable standards.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

The overflow of inland or tidal water;

The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map: An official map of the Town of Ellington on which the Federal Insurance Administration has delineated the 100-year, 500-year, and floodway boundaries.

Flood Insurance Rate Map: An official map of the Town of Ellington on which the Federal Insurance Administration has delineated the areas of special flood hazards and risk premium zones applicable to the town, as well as base flood elevations at selected locations.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, water surface elevation of the base flood and includes the Flood Boundary and Floodway Map and Flood Insurance Rate Map.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking of vehicles.

Functionally Dependent Facility: A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement).

Manufactured Home: A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park vehicles, or travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision: A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

New Construction: Means structures for which the “start of construction” commenced on or after March 15, 1982 and includes any subsequent improvements to such structures.

Recreation Vehicle: A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area: The area within a community subject to one percent or greater chance of flooding in any given year, as identified on the community’s FIRM.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on the site, such as pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or any other structural part of a building, whether or not that alteration affects the exterior dimensions of the building. .

Structure: For the purpose of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure during the life of a structure, the cost of which equals or exceeds 25 percent of the market value of the structure, as determined by the cost approach to value, the quantity survey method or the square foot method either: (i) before the improvement or repair is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Section 5.4 General Provisions

- A. **Lands to which this Ordinance Applies.** This ordinance shall apply to all special flood hazard areas within the jurisdiction of the Town of Ellington.
- B. **Basis for Establishing the Special Flood Hazard Areas.** The special flood hazard areas identified by the Federal Emergency Management Agency in its flood study dated February 5, 1997 with accompanying FIRM and Floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.
- C. **Establishment of the Floodplain Development Permit.** A Development Permit shall be required in conformance with the provisions of these regulations prior to the commencement of any development activities.
- D. **Interpretation.** In the interpretation and application of these regulations all provisions shall be: (i) considered as minimum requirements; (ii) liberally construed in favor of the governing body, and (iii) deemed neither to limit nor repeal any other powers granted under state statutes.

- E. **Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Ellington or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

Section 5.5 Administration

5.5.1 Designation of Administrator

The Zoning Enforcement Officer is hereby appointed to administer and implement the provisions of this section.

5.5.2 Certification

Where required under this section, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section. Such certification must be provided to the Zoning Enforcement Officer.

5.5.3 Application

1. A building permit, zoning permit, site plan approval, and/or special permit shall be obtained before construction or development begins within any special flood hazard area. The applicant should review the Zoning Regulations with the Zoning Enforcement Officer to determine with permit approval process, or processes, are to be followed for the particular land use which is being proposed.
2. The Zoning Enforcement Officer shall review all development permits to assure that the requirements of this section have been satisfied.
3. The Zoning Enforcement Officer shall notify adjacent communities and the Connecticut Department of Environmental Protection, Inland Water Resources Division prior to any alteration or relocation of a watercourse, and evidence of such notification shall be sent to the Federal Emergency Management Agency. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
4. The Zoning Enforcement Officer shall advise the applicant that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with any local permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Water Diversion Permit, Dam Safety Permit, and Corps of Engineers 404 Permit.
5. The applicant shall provide information with the application which would show that any proposed building sites will be reasonably safe from flooding.
6. Construction, reconstruction, extension of any building or structure, or any other development, including but not limited to mining, dredging, filling, grading, paving, excavation, or drilling operations shall be prohibited in the Special Flood Hazard Area, except in conformance with these regulations.

7. When base flood elevation data or floodway data have not been provided, the Zoning Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation or floodway data available from Federal, State, or other source in order to administer these regulations.
8. The Zoning Enforcement Officer shall record and maintain the following for any development that occurs under this section:
 - a. The as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures,
 - b. The elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed,
 - c. Certification as to floodway heights and,
 - d. Any and all certifications required under these regulations.
9. The Zoning Enforcement Officer shall make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
10. The Zoning Enforcement Officer shall maintain all records pertaining to the provisions of this section.

Section 5.6 Provisions for Flood Hazard Protection

5.6.1 General Standards

In all special flood hazard areas the following provisions shall apply:

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- D. All new construction and substantial improvements shall be constructed to ensure that electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. In any portion of a watercourse which is altered or re-located the flood carrying capacity shall be maintained.

- I. Manufactured Homes are prohibited in all special flood hazard areas.
- J. Use of land, construction, or other activities permitted within this Section shall be subject to approval by all applicable federal or state agencies.

5.6.2 Standards for Streams without Established Base Flood Elevations, Floodways, and/or Flood Mapping

- A. The Zoning Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to appropriate sections of the Ellington Subdivision Regulations as criteria for requiring that new construction, substantial improvements, or other development in Zone A on Ellington's FIRM meet the standards in Section 5.6.3 Specific Standards.
- B. In A Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than 1 foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
- C. The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Town's request or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than 1 foot at any point along the watercourse.

5.6.3 Specific Standards

The following provisions shall apply in all areas of special flood hazard (A1-30, AE, and AH Zones where base flood elevations data has been provided).

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation.
- B. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall: (i) Be flood-proofed to one foot above base flood elevation so that below one foot above base flood level the structure is watertight with walls substantially impermeable to the passage of water; (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of the subsection. Such certification shall be provided to the Zoning Enforcement Officer.
- C. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- D. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Such certification must be demonstrated through Hydraulic and Hydrologic Analysis performed in accordance with standard engineering practice. Fences located in the floodway must be aligned with the flow and be of an open design.

5.6.4 Variance Procedure

- A. Requests for variances from the requirements of this Section shall be heard and decided by the Zoning Board of Appeals.
- B. **Floodway Prohibition.** Variances shall not be issued within any designed floodway if any increase in flood levels during the base flood discharge would result.
- C. **Considerations for Granting Variances.** In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these regulations and the items listed below. Upon consideration of these factors and the purposes of this section the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
 - 6. The availability of alternative locations which are not subject to flooding or erosion damage for the proposed use;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at this site; and
 - 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5.6.5 Criteria For Variances

- A. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and result in the loss of historic designation of the building;
- B. Variances may only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship. and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances. Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent parcels, shall qualify to meet subsection (A) above. Claims of hardship based on the structure, on economic or on personal circumstances are not sufficient cause for the granting of a variance under this regulation.
- C. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.
- D. The Zoning Enforcement Officer Shall Maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE 6 LAND USE & SITE DEVELOPMENT REGULATIONS

Section 6.1 Buffer Requirements

- A. A buffer strip may be required in a commercial or industrial zone where a side or rear yard adjoins a residential zone or residence. Said buffer strip shall be at least 30 feet in depth and shall be planted with trees and shrubs of acceptable species in the outside one-third of the area. At least 30% of all plants shall be evergreen.
- B. In a MF-Multi-Family Zone, the Commission may require that the applicant provide an adjacent buffer strip not more than 50 feet wide, planted to a mixture of evergreen and deciduous trees and shrubs, which shall be maintained in proper order, or may require said planting without requiring a buffer strip.
- C. All new plants shall have a minimum height after planting and pruning of 6 feet. Acceptable existing trees and shrubs shall be preserved and supplemented with additional plants as deemed necessary by the Commission to meet the requirements of privacy for residential zones and abatement of noise, dust and objectionable lighting.
- D. Where the requirements of these regulations can be provided by other means, such as a permanent fence or wall, the Commission may approve such substitution for a planted screen if after a public hearing the Commission decides that the purpose of these regulations to provide abatement of noise, dust and glare will be met. The effect of grading and drainage shall also be taken into consideration in arriving at a decision.

Section 6.2 Parking and Loading Space Requirements

6.2.1 General Provisions

- A. The off-street parking and loading requirements set forth in this section shall be the minimum required for all business, commercial, industrial and other uses.
- B. Any building, structure or use which is enlarged in excess of 10% of area shall comply with these minimum parking and loading space, landscaping and lighting requirements exception for Section 6.2.5, "Location of Parking Facilities". This exclusion shall apply to those parking spaces already in existence along an existing building wall. Any new parking areas of existing areas which will be nearby a building addition shall comply with the requirements of Section 6.2.5
- C. Where a lot or building contains two or more uses, the parking requirements shall be the composite of the requirement of each use.
- D. No parking spaces shall be permitted within 50 feet of any boundary line facing any street of any municipal facility located in any zone regardless of the size of the municipal facility.

ARTICLE 6 LAND USE & SITE DEVELOPMENT REGULATIONS

6.2.2 Description of Parking Facilities

- A. Feeder drives servicing parking areas shall be no less than 24 feet in width. The Planning Commission may require greater width for the feeder drive where warranted for safety considerations or improved traffic flow.
- B. Adequate ingress and egress to an off-street parking area by means of clearly limited and defined drives shall be provided for all vehicles.
- C. All off-street parking spaces and means of ingress and egress shall be laid out on the parking surface with paint, plastic striping or curbed islands which shall provide a permanent delineation between spaces, drives and surrounding structures, uses and land.
- D. Separate pedestrian walkways and/or means of pedestrian ingress and egress to the parking area or facility may be required by the Planning and Zoning Commission in appropriate instances because of the size, layout or location of the parking area or facility.
- E. Perpendicular parking (90 degrees) is encouraged. Parallel parking (0 degrees) and oblique parking (angles other than 0 or 90 degrees) are discouraged. Standards are as follows:

Table 6.2.2 Parking Facility Standards

	---Parking Angle---			
	<u>90°</u>	<u>60°</u>	<u>45°</u>	<u>0°</u>
Curb Length Per Car	10'	11'4"	13'3"	23'
Stall Depth	18'	19'	18'	10'
Lot Width 1 Row & Driveway	42'	37'	31'	21'
Lot Width 2 Rows & Driveway	60'	56'	49'	30'
<u>OR</u>				
	<u>90°</u>	<u>60°</u>	<u>45°</u>	<u>0°</u>
Curb Length Per Car	9'	10'4"	12'7"	23'
Stall Depth	20'	21'8"	20'5"	9'
Lot Width 1 Row & Driveway	44'	39'8"	33'5"	33'
Lot Width 2 Rows & Driveway	64'	61'6"	54'	42'

- F. In order for a parking space to be credited as a required space, it shall have access to a drive that meets at least the feeder drive width standard.
- G. All fire lanes and handicapped spaces shall be marked by vertical signs.

ARTICLE 6 LAND USE & SITE DEVELOPMENT REGULATIONS

6.2.3 Number of Parking Spaces

- A. **Off-street Parking Standards.** The following off-street parking standards are minimum requirements for off-street parking and the Planning and Zoning Commission may require additional off-street parking for a particular development based on the nature of the development, its location, access and relation to surrounding development, and any unique parking demand which may be associated with such a development.
- B. Any use not listed below shall provided minimum parking spaces as recommended by the Town Engineer and accepted by the Planning and Zoning Commission:

Table 6.2.3 Off Street Parking Requirements	
Use	Required Spaces
Auditorium, theater, stadium or other places of public assembly including town hall, schools, etc. based on maximum capacity	1 parking space for each 4 seats.
Community center, clubs, athletic club, golf course	1 parking space for each 150 square feet of net floor area.
Convalescent and rest homes	1 parking space for each 4 beds plus 1 parking space for each employee.
Cultural, Educational Center (<i>Added 4-15-08</i>)	1 parking space for each 500 sq. feet of net area accessible by the public
Day care center	1 parking space for each employee plus 1 parking space for each 5 children.
Dwelling - Single Family	2 parking spaces per family unit
Dwelling - Two Family	
Dwelling - Multi-family	2 parking spaces for every family unit plus 1 visitor parking space for every 3 family units or fraction thereof.
General office and/or professional office (except medical offices and medical clinics), general services government offices, personal services, professional services (except medical offices and medical clinics), broadcasting studio, message center	1 parking space for each 200 square feet of net floor area.
Golf driving range, miniature golf, archery range, bowling, firing range, riding stable, tennis courts	2 parking spaces for each driving tee, golf hold, alley, lane, for each six stalls, court, or other unit of activity, whichever the case may be.
Home occupation	1 parking space for each employee plus 1 parking space, such parking spaces to be in addition to any required off-street parking for residential purposes.
Hospitals	2 parking spaces for each three beds plus 1 parking space for each employee on the largest shift.
Hotel, motel, inn, tourist home	1 parking space for each guest room or residence unit plus 1 parking space for each employee.
Ice skating and/or roller skating rink	1 parking space for each 100 square feet of skating surface.
Library and museum	1 parking space for each 400 square feet of net floor space.

ARTICLE 6 LAND USE & SITE DEVELOPMENT REGULATIONS

Table 6.2.3 Off Street Parking Requirements	
Use	Required Spaces
Manufacturing uses	1 parking space for each employee on the largest shift.
Medical office including clinic	1 space for each 150 square feet of net floor area or 6 spaces for each full-time doctor or dentist, whichever is greater plus 1 space for each employee. For the purposes of these regulations, several part-time doctors or dentists shall be considered as one or more full-time doctor(s) or dentist(s) when their cumulative office hours equal a 40-hour (or more) work week
Motor vehicle general and limited repair, motor vehicle gasoline or service station	5 parking spaces plus 3 parking spaces for each service stall. In addition, if any motor vehicles are offered for sale or for rent on the premises, an individual parking space shall be provided for each such motor vehicle offered for sale or for rent.
Motor vehicle car wash, bus garaging and equipment maintenance	1 parking space for each parking, washing or service stall, whichever the case may be.
Schools - Public, Private, Parochial: Elementary/Middle	1 parking space for each classroom plus 1 parking space for each employee of the largest shift. Secondary: 6 parking spaces for each classroom plus 1 parking space for each 4 seats in the largest capacity public assembly space located on the site.
Place of worship	1 parking space for each 5 seats
Restaurants and other eating and drinking establishments	1 parking space for each 100 square feet of net floor area whichever is greater.
Retail trade uses	1 parking space for each 200 square feet of net floor area.
Warehousing	1 parking space for each 2,000 square feet of building floor area used for storage purposes or 1 parking space for each employee, whichever is greater

- C. **Floor Area Defined:** For the purposes of the minimum parking and loading space requirements, "net floor area" shall mean the floor area used, designed or intended to be used for service to the public as customers, patrons, clients, patients or members, including those areas occupied by fixtures and equipment used for the display and/or sale of merchandise. "Net floor area" shall not include areas used principally for non-public purposes such as storage and incidental repair, for rest rooms, for utilities, or for required stairways or elevators.

6.2.4 Reduction of Parking Spaces

- A. The Commission may permit a reduction of up to 25% of the required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day, different days of the week, or different times of the year. The applicant shall show upon the site plan the complete layout for the full parking requirements. The owner shall file that plan in the office of the Planning Department stipulating that the owner, or the successor of the owner, will install as many of the noninstalled parking spaces as the Commission deems necessary within 6 months of the Commission's request, when, in the opinion of the Commission, such installation is needed.
- B. In parking lots in excess of 50 spaces, the Commission may permit the installation of compact spaces, not to exceed 25% of the total number of spaces installed, at 8 feet by 16 feet. These spaces shall be clearly designated as compact car parking. This reduction is not available to retail uses.

ARTICLE 6 LAND USE & SITE DEVELOPMENT REGULATIONS

6.2.5 Location of Parking Facilities

- A. There shall be no parking spaces permitted within 20 feet of the front, rear, or sides of a commercial structure or multi-family dwelling (unless such multi-family dwelling includes a driveway for a private garage) or within 30 feet of any facade of an industrial building.
- B. There shall be no parking permitted within 15 feet of side and rear property lines, except in the case of shared parking spaces meeting the criteria of 6.2.4.A.
- C. No parking shall be permitted within 30 feet of the front property line in the Commercial and Industrial Zones. In the Multi-Family, Planned Commercial and Industrial Park Zones, and for multi-family uses in a Commercial Zone, no parking shall be permitted within 50 feet of the front property line. For any building in excess of 50,000 square feet in any zone, no parking shall be permitted within 75 feet of the front property line.
- D. No parking spaces shall be permitted within 50 feet of a residential zone boundary or within 30 feet of an existing residence in the Multi-Family, Commercial, Planned Commercial, Industrial and Industrial Park Zones.

6.2.6 Surfacing and Drainage

- A. All parking spaces, loading facilities, and access roadways shall have at least 6 inches of process stone and 2 1/2 inches of bituminous concrete as surface treatment unless the Commission allows some other surface treatment which, in the opinion of the Commission, will provide an adequate all-weather surface with proper drainage, will permit recharging of ground water, and will allow for reduction of storm-water runoff.
- B. Parking facilities shall be so graded and drained as to dispose of all surface water accumulation within the area or facility. No surface water from any off-street parking or loading area shall be permitted to drain onto adjoining property unless express approval therefore has been obtained from the property owner or authority exercising jurisdiction over such property.

6.2.7 Landscaping

- A. Any off-street parking or loading area which adjoins a residence or residential zone shall be effectively screened by a fence, wall or plantings as approved by the Planning and Zoning Commission. Any landscaping required herein shall be integrated with any other landscaping required or provided for other portions of the parking area or facility. All landscaping whether required or not by these Regulations, shall be properly installed and maintained on a year-round basis.
- B. No less than 15% of the interior or a parking lot containing 30 or more parking spaces shall be landscaped with trees and other shrubs and continuously maintained. This landscaped area requirement shall be provided by landscaped end islands and landscaped center islands within the parking area which are designed and located to minimize the unattractiveness of parking lots. End islands shall be not less than 15 feet wide and shall be required for all parking. Where center islands are used to meet minimum landscape requirements, center islands shall be not less than 15 feet wide.
- C. Plantings along the perimeter of a parking area will not be considered as part of the 15 percent interior landscaping. One deciduous shade tree not less than 2 inches in caliper shall be planted within the landscaped areas for each 15 parking spaces or fraction thereof.

6.2.8 Landscaping and Lighting

All parking areas greater than 10 spaces shall be lighted. The lighting used shall reflect the light downward and away from adjoining premises. Lighting shall be compatible with the rest of the development and landscaping of the off-street parking area.

6.2.9 Interior Circulation

Safe and adequate pedestrian and vehicular traffic must be provided in all areas of off-street parking. The interior pedestrian and vehicular traffic flow shall integrate with the parking arrangement and sufficient traffic aisles and lanes for safe transit shall be provided. No exit from or entrance to an off-street parking facility shall be laid out or maintained as to constitute or create a traffic hazard or nuisance.

6.2.10 Maintenance

Parking areas and access lanes must be kept in good repair at all times.

6.2.11 Loading Requirements for Commercial, Industrial, Planned Commercial and Industrial Park Zones

- A. On the same premises with every building or structure erected or occupied for a use involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for off-street standing, turning, loading and unloading services in order to avoid interference with the use of streets and without encroachment on any off-street parking area.
- B. Such loading and unloading spaces shall be not less than 10 feet by 50 feet with 15 foot height clearance. A minimum of 1 loading and unloading space shall be required for each 10,000 square feet of gross building floor area. The Commission may reduce the size of a loading space(s) and/or the number of spaces where it can be demonstrated that such a reduction is warranted based on the use of the building. Additional off-street loading and unloading spaces may be required by the Planning and Zoning Commission because of the building volume.

6.2.12 Continuing Character of Obligation

The requirement for the provision of parking spaces and loading spaces shall be the continuing obligation of the owner of the real estate on which any structure or use is located as long as such structure or use is in existence and its requirement for parking and/or loading spaces continues.

6.2.13 Change in Use

Any change in the use of a building which affects the numbers of required spaces under these regulations shall require full compliance with these parking regulations.

Section 6.3 Signs

6.3.1 Purpose

The purpose of this section is to control the location, size, number, manner of lighting, and architectural appearance of signs located on all buildings and premises within all zones in order to ensure public safety, property value protection, and the protection of residential, business, industrial or historic character of each zone.

6.3.2 General

- A. No permanent sign shall be erected, relocated, or altered, except for normal maintenance, without a zoning permit issued by the Zoning Enforcement Officer.
- B. In reviewing a proposed sign or existing signs proposed for modification or alteration, the Commission or its agent shall consider
 - 1. The extent to which such signs are compatible with the character of surrounding development and the neighborhood;
 - 2. The extent to which such signs shall preserve and enhance property values; and
 - 3. The extent to which the design and location of such signs shall protect against traffic distractions and hazards.

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- C. Any property containing two or more businesses shall submit a unified sign design to the Planning and Zoning Commission for site plan approval. The Commission shall give consideration to the proposed size, location, shape, materials and lighting.
- D. At the discretion of the Commission, other signs within these zones may require site plan approval. In all instances an application and plan shall be submitted by the applicant which includes the following: (In instances requiring site plan/special permit approval, this may be submitted at the time of initial site plan/special permit approval for the principal use of the site, or may be submitted separately following this approval.)
 - 1. Name, address, and phone number of applicant;
 - 2. Location of the building, structure, or lot to which the sign is to be attached;
 - 3. Written consent of the property owner, if different from the applicant;
 - 4. A plot plan certified by a Registered Land Surveyor or Professional Engineer, licensed to practice in the State of Connecticut, to Class A-2 standards showing the proposed location of the sign on the building and/or lot in relation to nearby buildings, other structures, and lot lines;
 - 5. Location map at a scale of 1" = 1,000';
 - 6. Blueprints or drawings of the plans, specifications, and method of construction of the sign and its supports, showing proposed dimensions, sign area, distance from ground level to top of sign, copy, colors, and materials;
 - 7. Landscaping;
 - 8. Lighting and lighting detail.
 - 9. Following the erection of all detached signs in a C, PC, I, or IP Zone an "As Built Map" shall be prepared certified to Class A-2 standards by a Registered Land Surveyor or Professional Engineer licensed to practice in the State of Connecticut, documenting compliance with these regulations as well as the approved site plan.
- E. The following signs shall require a special permit:
 - 1. Any sign which is to be used in conjunction with a use that is regulated by special permit.
 - 2. Any and all signs to be used in conjunction with a shopping plaza, industrial park, or office complex.
- F. In reviewing applications for a special permit, the Commission shall be guided by standards set forth in Section 6.4.1, paragraph 6.4.2.B paragraph 6.4.8.B and Section 8.3.2 of these regulations.
- G. The total area of a sign shall consist of the smallest rectangle that will encompass all lettering, wording, designs, or symbols, excluding supports. The height of a sign shall be measured from the ground level to the highest point of the sign, or any part thereof including supports and lights.

6.3.3 Signs Which Are Exempt from These Regulations

The following types of signs shall be exempt:

- 1. Government flags.
- 2. Signs erected or posted and maintained for public safety and welfare or pursuant to any government function, law, by-law, or other regulation.
- 3. Directional signs containing no advertising material and not exceeding three square in area or greater than four feet in height.

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4. Roof shingles used to identify a farm as defined by the definition for Sign-Agricultural, limited to the roof of one agricultural building per individual property. *[Added 11-22-2010, Effective 12-15-2010]*

6.3.4 Signs Permitted in Residential Zones

A. Monument Signs - Residential development. *(Amended 15 November 2007)*

1. Two (2) free-standing signs may be posted at each entrance to a residential subdivision, not to exceed twenty-four (24) square feet in area including the base and five (5) feet in height above the finish grade, noting the name of the complex or development and may include the property's address, developer/builder name, and contact information including the phone number and/or website only. The area calculation is for one side only, no double sided signs shall be allowed unless such signage is located within a center island.
2. Such signage shall be setback a minimum of three (3) feet from all lot lines, shall be located on private property, and shall comply with the sight line setback requirements as required.
3. Maintenance of such signs and associated landscaping shall be the responsibility of the developer until the responsibility is reassigned to a homeowner's association or upon conveyance to an owner of such encumbered lot. If no maintenance provision is executed then signage must be removed upon conveyance of the last lot in the subdivision.

B.

Table 6.3.4 Permitted Signs in Residential Zones

Type of Sign	Number of Signs	Maximum Area	Maximum Height	Minimum Setback
Occupant Name/Address	1	2 sq. ft.	4 feet	5 feet
Permitted Non-Residential Uses	1	6 sq. ft.	5 feet	15 feet
Sign and/or bulletin board in conjunction with a church and similar places of worship, parks, public facilities, or public and private schools and colleges	1	16 sq. ft.	8 feet	15 feet
Agricultural (Temporary Seasonal) <i>[Added 11-22-2010, Effective 12-15-2010]</i>	1 per 300 feet of road frontage, maximum 6 per farm	12 sq. ft. each sign a maximum of 2 sides	5 feet including base if any	15 feet (from edge of pavement or greater to provide safe sightlines)

6.3.5 Attached Signs Permitted in C, PC, I, and IP Zones

- A. One attached sign per business establishment. More than one attached sign may be allowed where a building fronts on more than one street (limited to 1 sign per facade). In this instance, the total area of all signs shall not exceed the requirements described in paragraph 6.3.5.B.

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- B. The total area of all signs shall not exceed 1 square foot for each lineal foot of the front of the building. No additional sign area shall be allowed for multi-story buildings. For attached wall developments such as a shopping center, each business shall be allowed one attached sign not to exceed one square foot in area for each linear foot of the front building wall that the business occupies.
- C. The attached sign shall not project more than 18 inches from the wall or surface to which they are attached, and not be painted on the surface of any building.

6.3.6 Attached Signs for Large Anchor Businesses

- A. The purpose of this section is to:
 - 1. Allow for additional wall signs for large commercial businesses offering multiple services;
 - 2. Encourage the effective use of signs to convey specific information to the public; and
 - 3. Enable the use of wall signs to break up large expanses of horizontal and vertical building facades.
- B. Standards for Sign Area
 - 1. The maximum total sign area shall not exceed 1.5 square feet per lineal foot of building frontage supporting such signs;
 - 2. The maximum size of any one sign shall not exceed 200 square feet.
- C. Additional wall signage for large anchor businesses may be approved under the following conditions:
 - 1. The lot shall be zoned C or PC;
 - 2. Business must be in excess of 50,000 square feet;
 - 3. Business must have building frontage in excess of 300 feet;
 - 4. Business front wall must be in excess of 500 feet from the street; and
 - 5. Business must have 2 main points of egress.

6.3.7 Detached Signs Permitted in C, PC, I, and IP Zones

- A. General Requirements
 - 1. Detached signs shall be limited to one sign per commercial or industrial lot, shopping center, business/office park or farm. *[Amended 12-15-2010]*
 - 2. Detached signs may be permitted only within the front yard. Signs must be set back at least 15 feet from all lot lines.
 - 3. Height and area requirements of such signs shall be in accordance with the following:
 - a. If located within 65 feet of the front lot line and less than eight feet in height such signs shall not exceed 32 square feet.
 - b. If located within 65 feet of the front line and from eight feet to ten feet in height, such signs shall not exceed 20 square feet; and
 - c. If located more than 65 feet from the front lot line yard signs shall not exceed 10 feet in height and shall not exceed 50 square feet.
 - d. In no case shall any sign exceed 10 feet in height.

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4. All detached signs shall be placed within a landscaped area. The extent and type of landscaping and location of the sign shall be shown on a site plan submitted to the Commission for approval. All signs shall be installed on a wood, stone or other base structure which is at least two feet in height and at least one-half as wide as the sign face erected on the sign structure, and one-fourth as deep as the width of the sign face erected on the sign structure.

- B. In the case of agricultural (temporary seasonal) signs, temporary signs shall be limited to one (1) 12 square foot sign every 300 feet of road frontage and not to exceed two sides per sign. At no time shall seasonal signs exceed 6 per farm and shall be located a minimum of 15 feet from the edge of pavement or greater when needed to provide safe sightlines. No sign shall be greater than 5 feet in height including the base, if any. *[Added 11-22-2010, Effective 12-15-2010]*

6.3.8 Temporary Signs - All Zones

Temporary signs erected for a period of less than 60 calendar days, not to exceed 12 square feet, no higher than 4 feet, at least 15 feet from any property lines are permitted in all zones and shall not require a zoning permit from the Zoning Enforcement Officer.

6.3.9 Illumination

- A. Exterior lighting is permitted when confined or directed to the surface of the sign so that no direct rays or glare are visible beyond the property lines or create a danger to vehicular traffic.
- B. In general, interior illumination of signs shall be avoided. However, where the applicant provides ample documentation that such illumination is superior to protection of neighboring properties, avoiding discomfort or glare on public highways, and minimizing conflict with any traffic signals, then the Commission may permit such illumination.

6.3.10 Prohibited Signs

The following signs are prohibited:

1. Portable, wheel signs, or signs on parked vehicles where the sign is the primary use of the vehicle;
2. Neon signs, as well as signs which revolve, rotate, flash or move in any manner, or give the appearance of movement;
3. Advertising flags, banners, streamers or balloons;
4. Roof mounted signs which project more than two feet over the top of the exterior wall on which it is attached; (except roof mounted signs greater than 80 square feet in area may project up to three (3) feet over the top of the exterior wall on which it is attached.
5. Billboards.

Section 6.4 Soil Erosion and Sediment Control

6.4.1 Definition

Certification means a signed, written approval by the Ellington Planning and Zoning Commission or its designated agent that the soil erosion and sediment control plan complies with the applicable requirements of these regulations.

Commission means the Planning and Zoning Commission of the Town of Ellington.

County Soil and Water Conservation District means the Tolland County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

Development means any construction of grading activities to improved or unimproved real estate.

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Disturbed area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Grading means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Inspection means the periodic review of sediment and erosion control measures shown in the certified plan.

Sediment means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Soil means any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

6.4.2 Activities Requiring a Certified Erosion & Sediment Control Plan

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

6.4.3 Exemptions

A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

6.4.4 Erosion & Sediment Control Plan

A. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the **Connecticut Guidelines for Soil Erosion and Sediment Control** (2002) as AMENDED. Alternative principles, methods and practices may be used with prior approval of the Commission.

B. Said plan shall contain, but not be limited to:

1. A narrative describing:

a. The development;

b. The schedule for grading and construction activities including:

1. Start and completion dates;

2. Sequence of grading and construction activities;

3. Sequence of installation and/or application of soil erosion and sedimentation control measures;

4. Sequence for final stabilization of the project site.

c. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.

d. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.

e. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

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- f. The operations and maintenance program for the proposed soil erosion and sediment control measures and storm water management facilities.
2. A site plan map at a sufficient scale to show:
 - a. The location of the proposed development and adjacent properties;
 - b. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
 - c. The existing structures on the project site, if any;
 - d. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
 - e. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - f. The sequence of grading and construction activities;
 - g. The sequence for installation and/or application of soil erosion and sediment control measures;
 - h. The sequence for final stabilization of the development site.
3. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

6.4.5 Minimum Acceptable Standards

- C. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the *Connecticut Guidelines for Soil Erosion and Sediment Control* (2002), as AMENDED. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- D. The minimum standards for individual measures are those in the *Connecticut Guidelines for Soil Erosion and Sediment Control* (2002) as AMENDED. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- E. The appropriate method from the *Connecticut Guidelines for Soil Erosion and Sediment Control* (2002) as AMENDED shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

6.4.6 Issuance or Denial of Certification

- A. The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- B. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A, or 126 of the General Statutes.
- C. Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.
- D. The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

ARTICLE 6 LAND USE & SITE DEVELOPMENT REGULATIONS

6.4.7 Conditions Relating to Soil Erosion and Sediment Control

- A. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission. The Town Engineer is authorized to estimate said costs of measures required to control soil erosion and sedimentation.
- B. Site development shall not begin unless the soil erosion and sedimentation control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- C. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- D. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.
- E. All persons engaged in development activities who fail to file a soil erosion and sediment control plan in accordance with these regulations, or who conducts a development activity except in accordance with provisions of a certified plan shall be deemed in violation of these regulations.

6.4.8 Inspection

Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

ARTICLE 7 SPECIAL REGULATIONS

Section 7.1 Accessory Apartments

A. Accessory Apartments are subject to the following restrictions and conditions:

1. Either the primary dwelling unit or accessory apartment shall be owner-occupied and one of the dwelling units shall be occupied by a person 60 years of age or older, or a handicapped person.
2. The usable floor area of the accessory apartment shall have a maximum of 800 square feet, except that the area of the accessory apartment shall not exceed 35 percent of the usable floor area of the primary dwelling unit. These areas shall be exclusive of garages, porches, or basements.
3. The accessory apartment shall not have more than one bedroom.
4. The architectural treatment of the total structure shall be as to portray the character of a single-family dwelling unit.
5. The structure shall have only one main entrance on the street side of the structure; all other entrances shall be at the side or to the rear.
6. The primary dwelling unit and the accessory apartment shall have a connecting door between the two dwelling units.

B. Any violation of the terms of the special permit shall be prosecuted in accordance with Connecticut General Statutes.

Section 7.2 Bed-and-Breakfast

A. Bed-and-Breakfast operations subject to the following requirements: [Added 6-24-2002]

1. Length of stay for a lodger shall not exceed 14 consecutive days.
2. Number of guest rooms is limited to one less than the total number of bedrooms in the dwelling unit, not to exceed five guest rooms total.
3. A single identification sign not to exceed two square feet may be erected. Such sign shall be nonilluminated and shall be attached against the front wall of the building it identifies. In the event that the building cannot be seen from the street right-of-way, the Planning and Zoning Commission may permit the erection of the sign at least 15 feet from the front property line and no higher than four feet.
4. No parking spaces for the bed-and-breakfast operation shall be in the required front yard setback. One parking space shall be provided for each guest room. Two additional parking spaces shall be provided for the operator/owner of the bed-and-breakfast as well as an additional parking space for each employee in excess of those parking spaces required for the operator/owner.

B. The dwelling in which the bed-and-breakfast operates shall be the principal residence of the operator/owner, and the operator/owner shall live on the premises where the bed-and-breakfast is active.

Section 7.3 Communication Tower

- A. The applicant will be required to take reasonable steps to mitigate any adverse visual impact from all new communication tower facilities. Steps shall include but are not limited to: landscaping, fencing, painting or similar measures as appropriate to camouflage the communication tower.
- B. A communication tower must comply with the setback requirements of the zone in which it is located or be set back from the property lines a distance equal to the height of the tower, whichever is greater.
- C. Towers shall not exceed 190 feet in height above the ground.
- D. To discourage unauthorized trespassing and provide for the public safety, the base of any ground-mounted tower shall be secured by fence enclosure to a height of 6 feet above the ground.
- E. No lighting of any communication tower will be permitted, with the exception of ground lighting for maintenance purposes, except as required by the Federal Communications Commission, Federal Aviation Administration, or the Connecticut Siting Council.
- F. No advertising or signs shall be permitted on any communication tower.
- G. To avoid unnecessary proliferation of communication towers, new towers will not be approved unless there is a need demonstrated such as all available space on existing or approved towers covering the same geographic area has been utilized or that there is an area within Ellington or immediately adjacent to Ellington which is not served by existing facilities; i.e. a hole exists in a propagation mapped area.
- H. To protect the public health from the unknown effects of electromagnetic fields, all communication transmitters must comply with FCC emissions regulations.
- I. Communication towers shall provide space for municipal emergency service transmission antennas as required by the town.
- J. The facility owner at their expense shall remove a communication tower facility not in use for 12 consecutive months. This removal shall occur within 20 days of the end of such a 12 month period. The commission may require a bond or other security to the Town of Ellington valid for the life of the tower to guarantee removal.
- K. All utilities installed in conjunction with any communication tower site shall be installed underground unless otherwise approved by the commission.

Section 7.4 Composting Facility

- A. A complete site development plan as required under Section 8.2 of these Regulations shall be submitted for any proposed composting facility. In addition, this site development plan shall show the following items.
 - 1. The location of all wetlands, watercourses, and wells within 1,000 feet of the lot where the composting facility is located. Wetlands may be plotted using data obtained from USDA Soil Conservation Service soil surveys.
 - 2. Existing and proposed topographic contours on the project site shall be shown on separate sheets at intervals of 2 feet or less, unless otherwise directed by the Commission.

ARTICLE 7 SPECIAL REGULATIONS

- B. All incoming materials accepted for composting at any composting facility shall be stored on an impervious surface designed to prevent leachate from such materials entering the ground. The applicant must demonstrate that proposed impervious surface has been designed to accommodate the total anticipated peak volume of materials to be received, processed, and stored at the composting facility. At the discretion of the Commission a facility which accepts only leaves for composting may operate on a pervious surface.
- C. The special permit shall designate those materials which may be accepted by the composting facility. Any material or substance designated by the federal or state Departments of Environmental Protection as hazardous material shall not be accepted or processed by any composting facility.
- D. Approved organic materials accepted at any composting facility shall be processed and stored in a manner approved by the Commission.
- E. The Commission may require that materials be stored in a structure designed to prevent the infiltration of precipitation into such materials.
- F. The Commission may require reasonable buffer strips and/or fencing to separate any composting facility from adjacent property. Composting facilities shall comply with the noise criteria and restrictions contained in paragraph 7.5.1.L of these regulations.
- G. The Applicant must demonstrate that reasonable measures have been taken, as necessary, to prevent the generation of unpleasant or noxious odors. The Commission may place reasonable conditions on any composting facility to prevent or minimize the generation of such odors.
- H. The composting facility shall not be located within 750 feet of any A - Residential, AA - Residential, or Multi-Family Zoning District. This distance shall be measured from the operational edge of the facility to the lot line of the residential zone.
- I. The Commission may require that the operator of the composting facility post a performance bond as recommended by the Town Engineer, to guarantee proper operation and final closure of the facility.

Section 7.5 Earth Excavation

7.5.1 Special Permit Required

- A. A Special Permit shall be required for the removal, processing, and importation of sand, stone, gravel, loam, peat, peat moss, concrete, asphalt, and similar materials and the processing of materials extracted from the premises in any zone provided the following conditions can be met. In addition to these conditions, the Commission shall also be guided by the purpose of these regulations as set forth in Section 1.1 and Special Permit review criteria as presented in Section 8.3.2 of these regulations. .
- B. **Erosion Control.** A detailed erosion control plan shall be submitted in accordance with Article IX, of these regulations.
- C. **Wind Erosion and Dust Control.** Proper measures shall be taken to minimize the nuisance from dust and wind erosion at storage areas, yards, access roads, service roads, or other untreated open area within the lot;
- D. **Working Slopes.** Upon completion of the workday, proper measures shall be taken to restore a slope not exceeding one vertical to one and one-half horizontal to the area excavated or otherwise disturbed ground. Alternatively, the Commission may approve as part of the application, satisfactory terracing arrangements to ensure the safety and stability of the working slopes. Finished slopes shall not exceed one vertical and three horizontal slopes. Fences or embankments shall be provided if necessary for the protection and safety of vehicular and pedestrian traffic;

ARTICLE 7 SPECIAL REGULATIONS

- E. **Minimum Setbacks.** All excavation, removal, or grading shall be located at least 100 feet from any property line unless a plan for removal is coordinated with the owner of an adjacent tract and approved by the Commission. The Commission may approve grading up to a public street, road, or highway right of way. There shall be no stockpiling of materials within 100 feet of any property line, public street, road, highway, or right of way. No fixed machinery shall be erected or maintained within 200 feet of the property or street line;
- F. **Topsoil Preservation.** A sufficient amount of topsoil shall be set aside on the premises for re-spreading to a minimum depth of 4 inches over the excavated area in accordance with the approved grading plan. Such topsoil stockpile shall not be sold or removed from the premises;
- G. **Buffering.** When deemed applicable by the Commission, the applicant shall provide a fence or suitable barrier for the purpose of minimizing objectionable noise and screening operations from the view of highway traffic and neighboring property owners;
- H. **Landscaping.** A final landscaping plan shall be prepared for each phase by the applicant of a commercial gravel operation and approved by the Commission. This plan shall contain a suitable notation indicating that at the completion of the gravel removal operation the area shall be seeded with suitable grass mixture containing at least 50% permanent grasses and maintained by mulching, repairing and reseeded until the area is stabilized. However, the Commission may approve other groundcover alternatives. In the instance where a plan is to be implemented in phases, each phase shall be landscaped accordingly, prior to the start of any work within a subsequent phase. However, where final restoration is not possible because of cold weather conditions, the Commission may allow work to begin within a subsequent phase provided an acceptable schedule is agreed to. All material and labor costs to implement such a plan shall be included in Paragraph 8 (Bonding), below;
- I. **Bonding.** Before a permit is granted under this section, the applicant shall file a bond in a form acceptable to the First Selectman and in such amount as the Town Engineer deems sufficient to ensure the faithful performance and completion of the work in accordance with provisions of this section. Additional bonding may be required to assure that any materials deposited on site will not result in any environmental problems; such bonding shall be in a form acceptable to the First Selectman and in such amount as determined by the Town Attorney.
- J. **Hours of Operation.** Earth excavation operations shall be conducted only between 7:00 a.m. and 5:00 p.m., and shall be restricted to weekdays (Monday through Friday), Saturday between 7:00 a.m. and 1:00 p.m., and shall not operate on legal holidays.
- K. **Control Points.** In order to ensure that the site is graded in accordance with the approved plan, vertical and horizontal control points shall be setup around the entire perimeter of the parcel. Such control points shall be:
1. Noted on the approved plan;
 2. Spaced no farther than two hundred feet apart;
 3. Set in the ground with iron or steel stakes at least 3/4 inches in diameter and thirty inches in length.

In addition, the applicant shall be required to provide the Zoning Enforcement Officer with as-built drawings six months after the issuance of the permit to demonstrate compliance with the approved grading plan. Any deviation from the approved plan shall be a violation and cause for revocation of the permit.

- L. **Sound Pressure Level.** The sound pressure level of any machinery used in conjunction with an earth removal operation shall not exceed the decibel level stated below. Sound pressure level shall be measured with a standard "A Scale Sound Level Meter" (slow response) manufactured according to the United States of America Standards Institute (USASI) standards S 1.4 - 1961, as revised which has been calibrated in accordance with USASI standards. The microphone used to measure the loudness of a noise shall be placed at any point on the property line, but no closer than five feet from any wall not less than three feet from the ground.

Allowable noise levels shall be as follows:

1. For a lot, or an approved phase of operation contained within a lot, which does not abut a Residential zoning district or lot containing an existing residence - 66 dBA.
 2. For a lot, or an approved phase of operation contained within a lot, which does abut a Residential zoning district or lot containing an existing residence - 55 dBA.
 3. No operation which produces vibrations at or above human perceptibility at any property line shall be allowed.
- M. **Truck Access.** Truck access to the excavation site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be treated to prevent dust. Where the Commission finds that principal roads to be used by gravel trucks are below minimum town road, the road will meet these minimum standards. In this instance the applicant will first obtain approval from the Board of Selectmen to make said improvements.
- N. **Structures.** No building shall be erected on the premises, except as may be permitted in these regulations.
- O. **Phasing.** Where a plan is to be implemented in phases, no phase shall be greater than 7 acres in area.
- P. **Inspections.** The site operator at his or her own expense shall provide evidence acceptable to the Town Engineer that all materials imported to the excavation site and premises are environmentally safe and that such materials will not contribute to the pollution of ground or surface water supplies or result in any other environmental hazard.

7.5.2 Expiration of Permit

Any special permit issued under this section shall expire on the fourth Monday of March following the date of issuance unless the operator is able to show by report of an engineer documenting as-built conditions that the excavation already completed is in conformity with the plan approved by the Commission. Requests for renewal must be made on a form prescribed by the Commission and maintained in the Ellington Planning Department. A completed form, two (2) certified plans and fee shall be submitted by the first Monday in March annually following the special permit approval. Renewal of permit shall not be greater than five years from the date of approval of the initial special permit. Changes to an approved plan which extend the scope, intensity or boundary, or in the opinion of the Commission or its staff qualify as a modification to approval, shall require a modification to special permit by the Commission. Effective with the adoption of this amendment, all existing operations shall make application for permit renewal in accordance with these regulations. (Amended 5/24/10, Effective 6/15/10)

7.5.3 Activities Requiring a Special Permit Under This Section

The following activities require a special permit under this section:

Excavation and removal of more than 1000 cubic yards of material within any zoning district over a period of one year from any single parcel of land recorded in the office of the Town Clerk.

7.5.4 Site Plan Requirements

In addition to the site plan requirements listed in Section 8.2 of these regulations, a grading plan certified by a registered land surveyor and a professional engineer licensed in the State of Connecticut shall be submitted which contains the following:

1. An estimate of the number and types of trucks and other machinery and equipment to be on site and types of any buildings to be erected.
2. The quantity of materials to be removed within the limits of the proposed excavation, removal, filling, or grading, and the location of processing equipment.
3. Existing contours at no less than two foot intervals in the area to be excavated and proposed contours. The map shall extend the property line 100 feet beyond the excavated area.
4. Storm drainage data showing drainage areas and estimated runoff of the area to be served by existing drainage facilities together with detailed plans and specifications of all proposed drainage facilities and other protective devices to be constructed in connection with proper drainage of the premises, both during and after construction of the operation.;
5. All other data necessary to ensure compliance with subsection 7.5.1 of this article.
6. The applications shall be accompanied by a list of all property owners within 500 feet of any portion of the tract of land which is to be excavated.

Section 7.6 Public Garages and Auto Service Stations

7.6.1 General Requirements

A public hearing shall be held to consider in addition to the factors set out in the basic guidelines for special uses:

- A. Whether an additional station will constitute a detriment to the existing commercial balance of the general area. The Commission may consider additional commercial development proposed as an integral part of the application for this use when considering the well planned development of the area.
- B. Whether the layout and design of the station conforms to the area architecture.
- C. Whether the design provides adequate toilet facilities for customers, adequate storage for products to be sold and/or used in the operation of said station.
- D. Whether the building has adequate area:
For the sale of gas and oil only - no repairs - 450 square feet
Limited repairs - 1,000 square feet
General repairs - 1,500 square feet
Used or new car license - 2,500 square feet
- E. Whether each item to be sold or service to be performed on site is suitable for this location, facilities provided or proposed and abilities of the Permittee.

7.6.2 Locational Requirements

- A. A public garage or auto service station may be located in a Commercial or Industrial Zone if approved by the Commission provided that no part of a building to be so used is within 400 feet of any entrance to a public park or playground or within 300 feet of the nearest point of any building in which there is established or maintained a school, hospital, church, theater, public library, convalescent or nursing hospital, or building for civic assembly.
- B. Buildings shall be located 100 feet from the front street line, except that no building need be farther away from the street line than the average setback of existing adjacent commercial buildings. Gasoline pumps shall be located in conformity with State Regulations.

7.6.3 Administration

- A. A permit when issued shall specify each use which is approved and shall be non-assignable without approval of the Commission.
- B. The Commission may approve an assignment of an existing permit without hearing after reviewing all of the above considerations but may in its discretion require a public hearing.
- C. Any application to expand the uses at a previous approved location shall require a hearing and compliance with all items and factors listed herein.

Section 7.7 Home Occupations

Home Occupations must conform to the following:

- A. The home occupation must clearly be incidental and secondary to the residential use of the dwelling.
- B. The residential character and appearance of the dwelling and the lot on which it is located shall not be changed in any visible manner.
- C. The home occupation shall not create any objectionable noise, odor, vibration, or unsightly conditions.
- D. The home occupation shall not create a health or safety hazard.
- E. The home occupation shall not create any interference with communications transmission or reception in the vicinity.
- F. The home occupation will create no significant change in traffic or the need for expanded parking.
- G. The home occupation shall be confined to 1/3 of the floor area of said dwelling. For the purposes of calculation, the floor area of the attic and basement shall be excluded.
- H. The home occupation must be carried on entirely within the dwelling, to include the basement, accessory building, garage and/or attic of the dwelling.
- I. No advertisement of the existence of the home occupation shall be visible from the dwelling or the lot on which it is located, except for one sign as permitted by Section 6.3.4.
- J. No products or materials shall be stored on the lot outside in such a manner as to be visible from any adjacent property.
- K. The home occupation may employ up to one non-household employee to be present in the dwelling during business hours.

Section 7.8 Open Space Residential Developments

- A. In order to preserve open space, tree cover, scenic views and other natural features without increasing the density of development of an area, the Commission may allow a reduction in the minimum size of lots by not more than 25% provided the overall density of the zone is maintained and the development conforms to all applicable regulations for residential subdivisions and the following requirements.
1. The owner shall deed to the Town a minimum of 10 acres and if the open space is in more than one parcel, no single parcel shall be less than two acres in area.
 2. The area dedicated for public use shall be in a location, shape, topography, forest cover and site approved by the Commission for the use intended and shall be in acceptable condition when deeded to the Town prior to final approval of a subdivision plan and issuance of any building permit.
 3. The property deeded to the Town in accordance with this section of the regulations shall be retained for public open space or recreation use for a period of at least 15 years. If any part of the land is disposed of by the Town after that period of time, the Town shall provide an equivalent amount of open space elsewhere in the Town.
 4. The plan of development shall conform to the requirements for approval of Subdivision Plans as indicated in the Subdivision Regulations.

Section 7.9 Rear Lot Requirement

- A. All rear lots require a special permit from the Planning and Zoning Commission.
- B. The provisions of this Section are intended to permit the use of land for residential purposes which has been unintentionally landlocked or deprived of minimum frontage on a street, or, in the case of a subdivision, where the topography or unusual shape of the property lends itself to the use of an interior lot to accomplish the best use of the land. In the case of a subdivision, the Commission shall not approve interior lots unless it finds that such lots provide the best development of the land because of the topography and shape of the land. No more than 20% of all lots contained within a subdivision shall be approved as rear lots. This requirement shall apply when a tract of land is divided into a total of six or more lots subsequent to the adoption of this amendment.
- C. There shall be provided a minimum 25 foot deeded access fronting on a town accepted road (or a road which will be built and accepted by the town as a result of the lot in question being part of subdivision application), or state highway, or private street used for travel and approved by the Commission as part of a subdivision approved after July 1999. The lot line from which this access leads shall be considered the front lot line of the rear lot. If the lot will contain enough area such that it may, in the future, be further divided into additional building lots, the access strip shall be a minimum of 50 feet wide. The Commission may approve the use of a rear lot having a 20 foot access width where a lot was in existence prior to the adoption of these Regulations.
- D. The minimum lot area shall be 2x the minimum lot size required for the zone in which it is located. In cases where required lot size is reduced because of the use of sewers, the required lot size shall be 2x the reduced lot size.
- E. Said rear lot shall conform to all other applicable regulations prescribed for the zone in which it is located.
- F. Only the construction of a one family dwelling and accessory building shall be permitted on a rear lot. The access area shall not be used for an additional rear lot.

- G. The owner of the rear lot shall provide and maintain the driveway and storm drainage in the access area. Said driveway is to be fully capable of providing unrestricted access at any time for emergency vehicles such as fire trucks, etc.

Section 7.10 Sanitary Refuse Disposal Area

- A. A Special Permit for a Sanitary Refuse Disposal Area in an I-Industrial Zone shall be given only after a public hearing in which the following minimum requirements are established:
1. That the site is well suited to this purpose,
 2. That such operation will not unreasonably effect the use and enjoyment of other land in the general area,
 3. That it will create no health or safety hazard in the community, and
 4. That it will provide a needed service or benefit to the Town of Ellington.
- B. **Plans.** The applicant shall present a site plan, complying with Section 8.2, to include the following:
1. The location of any wells, springs, streams or water courses on the property or within 200 feet of the proposed extremity of any disposal operation;
 2. The precise areas of proposed operation of such disposal facility within the tract with access roads; and
 3. The proposed final grades shown with contours of 2 feet or less on another map unless otherwise requested by the Commission.
- C. **Site Area and Lot Lines.** Sites shall have a minimum area of 5 acres while setback and use lines shall be specified in each case taking into consideration access, land use, grades, proposed operations and benefit to the Town of Ellington.
- D. **Buffer Strips and Fencing.** The Commission may require reasonable buffer strips to separate any disposal area from adjacent property and/or may require all or any part of such site to be fenced to the satisfaction of the Commission and the Board of Selectmen, or a planting of mixed evergreen and deciduous trees and shrubs to supplement any existing planting or as a screen of new planting, all or any part of which screening shall be maintained by the Owner in good repair and proper order.
- E. **Health Approval.** Before any permit is issued the applicant shall give to the Commission evidence in writing that his site and operation plans have been approved by the Connecticut Commissioner of Health and the Town Health Officer of Ellington.
- F. **Operation.** Operation of such area shall comply with all regulations of the Commission of Health, the Town Health Officer of Ellington, ordinances of the Town of Ellington and regulations of the Planning and Zoning Commission. The Commission may revoke any permit issued hereunder in the event of any violation of the above regulations and all disposal operations shall cease forthwith upon service of a written order upon any owner, custodian, manager or person in charge of the site in person or by certified mail addressed to the Owner at the last address on file in the Assessor's Records. Such further work as is necessary to eliminate any health or safety hazard shall be required at the Owner's expense, but no further refuse shall be accepted.
- G. **Bond.** Before issuance of a permit the operator shall post a bond with surety in an amount set by the Commission to insure compliance with all operating regulations and to cover any expense to the Town in the event of failure by the operator.

ARTICLE 7 SPECIAL REGULATIONS

- H. **Permit Duration and Fees.** For the first 5 years of operation the permit shall be valid for 1 year periods; thereafter the permit shall be valid for 3 years periods. Such permit shall be non-assignable without the express consent of the Commission. Renewal permits may be issued upon evidence of compliance with all applicable regulations and payment of a special permit fee and renewal of the bond required by paragraph G above for the duration of the permit. The permit fee for a multi-year permit shall be payable upon the issuance of such permit in an amount equal to the number of years of the permit times the annual fee for special permits.
- I. **Insurance.** The owner shall insure his liability for damage to property of others or injuries sustained by persons using or upon such property making the Town of Ellington a named insured on such policy in the amount of \$100M/300M. A certificate of such insurance, non-cancelable except upon 30 days written notice to the Commission, shall be deposited with the Commission before a permit is issued.
- J. **Use of Facility.** Use of such facility shall be limited to residents and businesses of the Town of Ellington under such contract as the Owner may have with the Board of Selectmen of Ellington and such other persons, firms, corporations or municipalities as may be mutually agreed upon by the Owner and the Commission and under such restrictions on time, quantity and type of materials and roads within the Town of Ellington over which trucks will travel and types of trucks to be used as are reasonably warranted in view of the capacity of the area, economics of operations and projected use by the Town of Ellington.
- K. **Fines.** Violations of such regulations as the Town of Ellington may from time to time establish shall be subject to fines payable to the Town of Ellington in such amounts as may be established by the Commission.
- L. **Operation.** The Sanitary Refuse Disposal Area shall be operated as a Sanitary Landfill in conformity with Connecticut Commission of Health rules and such regulations as the Commission may establish as to: hours of operation, type of materials which may be disposed of and prohibited materials, fencing, depth of layers of refuse, soil covering, management, open days, period of covering, drainage, fire protection, use by other than residents and businesses located in the Town, policing and maintenance.

Section 7.11 Trailers

- A. Camp(er)/Travel and boat trailers may be stored out of doors subject to the following conditions:
 - 1. Storage shall be beyond the front foundation wall of the principal building or structure and in compliance with all yard requirements.
 - 2. Such trailers, while stored, shall not be occupied, inhabited or used for cooking or sleeping purposes.
 - 3. A boat resting on a stored trailer, or cradle, or similar manner up to 24 feet in length, measured on the waterline may be stored on a lot in accordance with (1) and (2) above. Boats in excess of 24 feet, measured on the waterline may be stored by obtaining a special permit.
- B. Utility or box trailers not exceeding 30 feet in overall length may be stored out of doors in accordance with A above.
- C. Livestock trailers may be stored out of doors and shall be located at least 100 feet from any street line and at least 50 feet from a residential zone or residence. (Added 1-25-10, Effective 2-15-10)

- D. Construction trailers may be stored on a site under progressive construction for 6 months after obtaining a zoning permit. If construction progresses longer than 6 months, a new zoning permit shall be obtained. In the event construction does not progress for a successive ninety (90) days the trailer shall be removed. (Added 1-25-10, Effective 2-15-10)
- E. All trailers stored in accordance with this section shall in addition be kept at all times in good repair and in a clean and sanitary condition.

(Amended 1-25-10, Effective 2-15-10)

Section 7.12 Small Wind Energy Systems—Windmills

Wind energy is an abundant, renewable, and nonpolluting energy resource. It is the purpose of this regulation to promote the safe, effective, and efficient use of small wind energy systems to reduce our dependence on non-renewable energy and decrease pollution to our environment.

A. Definitions

- 1. Small Wind Energy System (Windmill)—A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion of electronics, which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.
- 2. Tower Height—The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

B. The Commission shall approve an application for a special permit for a small wind energy system if it shall find that the proposed windmill will conform to the following standards:

- 1. The lot shall be a minimum of 3 acres.
- 2. The height above average ground level of the permanent structure shall not exceed sixty-five (65) feet on a parcel less than five (5) acres and eighty (80) feet on parcels five (5) acres or more; provided that, in all cases, the wind system shall comply with all applicable Federal Aviation Administration (FAA) requirements, including any necessary approvals for installation close to airports.
- 3. The wind system shall not be located closer to a property line than the height of the tower plus the required property line setback of the zone. No part of the wind system structure, including guy wire anchors, may extend closer than the required setback of the zone.
- 4. Except during short-term events including utility outages and severe wind storms, the wind system shall be designed, installed, and operated so that noise generated by the system shall not exceed sixty (60) decibel (dBA), as measured at the closest neighboring inhabited dwelling.
- 5. The wind system shall not result in the impairment of scenic vistas, shall not be located in any easements, or significantly reduce the value of adjoining properties.
- 6. Adequate landscaping to buffer the ground level equipment and structures from adjoining property is provided.
- 7. In granting a special permit for a wind system, the Commission shall have the power to impose such additional standards and requirements as it deems necessary to carry out the purposes of these regulations.

Section 7.13 Cultural Educational Center *(Added 4-15-08)*

A Cultural, Educational Center shall be subject to the following requirements, restrictions and conditions:

- A. The use of property as a Cultural, Educational Center shall be established by Special Permit, granted by Planning and Zoning Commission. Such determination of use rests solely with the Commission in accordance with the definition in **Section 10.2 – Definitions**.
- B. No overnight guest lodging is permitted.
- C. A single identification sign in conformance with Section 6.3.4.B shall be allowed as part of the special permit.
- D. No on-street parking shall be permitted. All parking shall be in conformance with **Article 6 - Land Use and Site Development Regulations**. Parking may be utilized in spaces located on alternative parking surfaces rather than in established, paved parking areas and must be identified as such on the plan submitted for approval.
- E. No on-site food preparation facilities shall be permitted. All food services shall originate in off-site facilities.
- F. The use of a Cultural Educational Center shall be limited to scheduled, special events and shall not include regularly scheduled daily public activity. The standards for granting Special Permit as contained in **Section 8.3.2** shall apply to any application.

Section 7.14 Agricultural Uses *[Added 11-22-2010, Effective 12-15-2010]*

7.14.1 Statement of Purpose. Agriculture has played and continues to play a significant role in Ellington. It enhances the quality of life for residence and is a strong element of Ellington's diverse community character. It is the purpose of this regulation to promote the economic and operational viability of agricultural businesses, to support programs that preserve farming and farmland, and to allow more flexible farm use regulations.

7.14.2 Permitted Uses: when a minimum of 3 contiguous acres under single ownership and/or leasehold in any zone except the AA zone where a minimum of 10 contiguous acres is required and under single ownership and/or leasehold.

- A. **Agriculture.** When an agricultural use involves horses the following conditions apply:
 - 1. The lot has a minimum total area of 3 acres for the first horse, and not more than one horse is kept per each additional acre of said lot. All accessory barns, shelters, feeders, etc. shall meet the building line requirements of farm buildings.
- B. **Agricultural enclosures, buildings, or structures** except farm stores and seasonal farm stands, when located at least 100 feet from any street line and 50 feet from any property line and subject to the issuance of a Zoning Permit.
- C. **Seasonal Farm Stand** provided that 70% of gross sales shall be from agricultural goods produced on the owner's farm, or processed products made from raw materials that were produced on the owner's farm, for at least three of the immediately preceding five years; the farm stand shall cease operations for a minimum of six consecutive weeks on an annual basis; and adequate parking with safe ingress and egress is present and is located outside of the public right-of-way.

7.14.3 Special Permit Uses:

The Commission may approve an application for special permit for the following:

- A. Agricultural enclosures, buildings, or structures** including farm stores and seasonal farm stands when closer than 100 feet from any street line and 50 feet from any property line as long as the setback of the underlying zone is met.
- B. Farm Store** subject to the following standards:
 - 1. At least 50% of gross sales shall be from agricultural goods produced on the owner's farm, or processed products made from raw materials that were produced on the owner's farm, for at least three of the immediately preceding five years.
 - 2. Adequate off-street parking and safe ingress and egress is provided to ensure public safety. A reasonable parking area not to exceed three square feet for every one square foot of store area (where products are displayed for sale whether inside or outside of a structure), shall be provided. Permeable parking surfaces are recommended.
- C Horse Boarding / Riding Arena** if it finds that the proposal will conform to the following standards:
 - 1. A minimum of 10 contiguous acres under single ownership and/or leasehold.
 - 2. The use is conducted only by the resident of the premises as an accessory use.
 - 3. The primary and any accessory structures shall not be less than two hundred (200) feet from any street line, side, and rear lot lines.

In considering such special use, the Commission shall weigh the agricultural and rural aspects of the area, as well as the residential or commercial character or potential of the area, and shall find that the granting of such land use shall result in an appropriate use of the land and will not have a detrimental effect on the value or enjoyment of existing residential or other uses in the area. *Amended: 22 December 2006.*
- D. Non-agriculturally related uses** if it finds that the proposal will conform to the following:
 - 1. A minimum of 3 contiguous acres under single ownership and/or leasehold in any zone except the AA zone where a minimum of 10 contiguous acres is required under single ownership and/or leasehold.
 - 2. The use is conducted only by the owner and/or leasehold of the premises as an accessory use.
 - 3. The location of the uses shall not be less than two hundred (200) feet from any street line, side, and rear lot lines.

7.14.5 Waivers. The commission may waive setback requirements for buildings, structures and enclosures when the subject parcel abuts a permanently protected parcel of open space or other agricultural use, and in such a case the minimum setback requirements of the underlying zone would still apply.

ARTICLE 8 SITE PLANS, SPECIAL PERMITS & ZONE CHANGES

Section 8.1 Zone Change Standards and Procedures

8.1.1 Application for a Zone Change. *Amended: 22 December 2006.*

The application for a zone change shall conform to the requirements of the Connecticut General Statutes and shall include the following materials:

1. Application form (Zoning Map amendment and conceptual site plan).
2. Application fee.
3. Owner consents (if not applicant).
4. Parcel deed(s).
5. Class "D" boundary survey indicating the area to be rezoned and showing at least the subject property and all abutting properties owners and APNs within 100 feet of the subject parcel(s), including existing inland wetlands and watercourses, zoning, streets, public facilities, and existing and planned open spaces.
6. Notification to property owners in accordance with Section 9.4.

Section 8.2 Site Development Plan Standards and Procedures

8.2.1 General Requirements

- A. A complete site development plan to be reviewed by the Planning and Zoning Commission is required for:
1. Special Permit uses.
 2. All business uses.
 3. All industrial uses.
 4. Other uses as required in these regulations
- B. Home occupations not subject to a special permit may be reviewed and approved by the Zoning Enforcement Officer.
- C. At the public hearing the applicant shall present written approval of the site plans from the Health Officer.
- D. The Commission may hold a public hearing on all petitions for developments requiring site development plans.
- E. Applications for Site Plan approval shall include the following:
1. A completed application form signed by the applicant and the owner of the property;
 2. A fee in the amount prescribed by the Commission or by ordinance; and
 3. Twelve copies of the site plan shall be submitted to the Commission.

ARTICLE 8 SITE PLANS, SPECIAL PERMITS & ZONE CHANGES

8.2.2 Site Plan Requirements

- A. A site plan of development (site plan) shall be complete, showing all design criteria and specifications, and, compliance with all applicable zoning regulations, and information required by the Commission, including plans, maps and documents.
- B. The site plan shall be signed and sealed by a professional land surveyor and a professional civil engineer each licensed to practice in the State of Connecticut, each where appropriate to their respective areas of expertise, and shall bear appropriate registration stamps. A site plan prepared by an architect will not be accepted.
- C. The information required may be shown on one or more pages (aka sheets) and all pages together shall comprise the complete site plan. All drawings shall be at a scale of not less than 1 inch equals 60 feet and where practical, the scale shall be 1 inch equals 40 feet. Site development plans shall be prepared at a scale of 1"=40', or greater, and shall contain all of the information required in this Section. All Site Plan drawings shall be in sufficient detail and accuracy, (generally A-2), to enable the construction of all site improvements shown and approved on the drawings. All public improvements shall be constructed to the standards of the Town's Subdivision Regulations.
- D. **Format.** Each page shall bear the identical primary title. Each page shall bear a secondary title indicating the subject of that page (i.e. existing grades, final grading plan, erosion control plan, etc.). Each page shall bear the same original date; however, other different revision dates may appear. Each page shall bear a page number using the format: 1 of ___, 2 of ___, 3 of ___, etc. All pages shall be submitted properly collated, on page size not greater than 24" x 36" or less than 11" x 17", with the exception that written reports may be submitted bound or unbound using 8½" x 11" paper. The Commission or its staff may require that the site plan and supporting documentation also be prepared and submitted in electronic versions as specified in the General Regulations.
- E. **Site Plan Contents:** Site Plans shall include the following:
 - 1. Boundary survey of site, Class A-2, scale of 1":40' prepared in accordance with the regulations of the Connecticut Association of Land Surveyors.
 - 2. Title Block with name of developer, property owner, north arrow, seals and signatures of all appropriate design professionals;
 - 3. A location map at the scale of 1" to 1000' showing the proposed project location and properties and zoning districts within 1000 feet;
 - 4. Zoning classification of property;
 - 5. Area of lot;
 - 6. Name of abutting owners and zoning classification of their property;
 - 7. Existing and proposed topography of the site at 2-foot intervals based on NGVD datum;
 - 8. Existing and proposed sanitary and storm water facilities to include stormwater drainage calculations;
 - 9. Provisions for water supply;
 - 10. Boundary of inland wetlands by a soil scientist certified by the State of Connecticut, where applicable;
 - 11. Location of any area within the Flood Plain District, or a certification by the surveyor or engineer sealing the plan that no area shown on the plan is within the Flood Plain District;
 - 12. Locations of existing and proposed principal and accessory buildings with dimensions, area, and number of stories and distances between all buildings and property lines;

ARTICLE 8 SITE PLANS, SPECIAL PERMITS & ZONE CHANGES

13. Building plans to assure conformance with these regulations;
 14. Recreation and open space areas;
 15. Existing and proposed streets, walkways and sidewalks;
 16. Driveways, parking and loading areas, including specifications for pavement preparation, and signage and marking, as applicable;
 17. Off-site improvements;
 18. Soil Erosion and Sediment Control Plan (as required by Section 6.4);
 19. Locations and descriptions of all existing and proposed easements and rights-of-way;
 20. Landscaping plan with location, size and common name of proposed planting; landscape buffer strips;
 21. Location of all exterior lighting to include type of fixture, height and wattage;
 22. Sign locations;
 23. Fire lanes and traffic control signs as required by Police and Fire authorities; location of fire hydrants;
 24. Outside storage areas with proposed screening;
 25. Trash disposal areas and proposed screening;
 26. In tabular form show in one column the required standards contained in the bulk table or elsewhere in these Regulations and in a second column in line with the standards in the first column the standards proposed for a specific facility;
- F. Where development is for industrial use, a statement shall be submitted indicating the product to be manufactured or assembled and evidence that the processes involved will not become a nuisance because of noise, dust, glare, odor, traffic generated or other harmful effects upon the neighborhood.
- G. No development shall be approved which is inconsistent with the public welfare, or which impairs the integrity of these regulations, or which does not fully safeguard the appropriate use of the land in the immediate neighborhood.
- H. The Commission shall approve, approve with modifications or disapprove such plans of development on the basis of the foregoing requirements and these regulations and the factors outlined in Section 8.3.2
- I. The Commission, upon request of the developer, will review preliminary studies for areas for which a site development plan is required before a formal application for permit is made. Purpose of this informal review would be to acquaint the developer with regulations and to study the plan with relation to the comprehensive plan of development of the Town.
- J. Storm Drainage - A professional engineer shall be retained to set all grades on storm drain piping. The engineer shall inspect the installation of drain piping and prepare an as-built plan of the system prior to the building official issuing a certificate of use and occupancy.

ARTICLE 8 SITE PLANS, SPECIAL PERMITS & ZONE CHANGES

K. Performance and Maintenance Bonds

1. Before a building permit may be issued, the Zoning Enforcement Officer, on behalf of the Planning and Zoning Commission, shall have accepted a cash bond, a bond of a corporate surety company licensed to do business in and having a business in the State of Connecticut, or a letter of credit in an amount and with surety and conditions securing to the Town of Ellington within a time period specified in the bond or letter equal to the actual cost of construction and installation of all public improvements and all landscaping. The estimated cost of construction and installation of said improvements and landscaping shall be prepared by the developer and approved by the Town Engineer.
2. When the developer petitions the Town of Ellington to accept the public improvements, he shall agree to place with the Town a maintenance bond or letter of credit equal to 10% of the original approved estimate of the cost of construction and installation in subparagraph A above. Said bond or letter of credit shall secure to the Town protection against faulty construction for a one year period after the Town acceptance. When the public improvements and landscaping are accepted by the Town, the Zoning Enforcement Officer shall release the original bond or letter upon receipt and acceptance of a maintenance bond as set forth herein.
3. All forms of surety shall be subject to the approval of the Town Attorney.

- L. Waiver: The Commission may waive the submission of all or part of the information required under this section if it finds that the information is not necessary in order to decide on the application's conformance with these Regulations.

8.2.3 Approval of Minor Modifications, Commercial Site Plans

Minor changes to commercial site plans may be approved by the Town Planner; however, staff reserves the right to defer any such approval to the PZC.

Section 8.3 Special Permit Standards and Procedures

8.3.1 Special Permit Application

The Commission may issue a Special Permit or may modify an existing Special Permit to allow any of the uses requiring such a permit upon receipt of an application accompanied by a site development plan. The Commission shall hold a public hearing on all such applications and plans.

8.3.2 Standards for Granting Special Permit

In considering a proposed use for which a Special Permit is required and in considering a modification of an existing Special Permit, the Commission shall be guided by the need for the proposed use:

1. The location and size of the proposed structures and intensity of the use in relation to the size of the lot will be in harmony with the orderly development of the area and compatible with other existing uses.
2. The kind, size and height of the structures on the lot will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.
3. The proposed use will not adversely alter the essential characteristics of the area or adversely affect the property value of the neighborhood.
4. The parking facilities will be adequate and properly located, and the entrance/exit driveways are laid out to achieve maximum safety, and the existing public roadways are adequate in width and condition to handle future traffic.

ARTICLE 8 SITE PLANS, SPECIAL PERMITS & ZONE CHANGES

5. The proposed plans provide for the conservation of natural features, drainage basins and the protection of the environment of the area.
6. The physical design elements of the proposed development including road patterns shall be attractive and suitable in relation to the site's characteristics and the style of other buildings and development in the immediate area.
7. The proposed building materials and other design aspects of the building's architecture, together with proposed landscaping, lighting, and signage, are appropriate with respect to the surrounding neighborhood.
8. The proposed use will not have any detrimental effect on public health, safety, convenience and property values.
9. The proposed use shall have easy accessibility for fire apparatus, ambulances and police vehicles. The Commission may require to have constructed to Town specifications certain thoroughfares in the development for such purposes.
10. There are adequate utilities, including water supply and sewerage disposal, to support the proposed use.

ARTICLE 9 ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 9.1 Zoning Enforcement Officer

There shall be a Zoning Enforcement Officer designated by the Commission who shall receive applications and issue permits. He shall have the power and authority to enforce the provisions of these regulations.

Section 9.2 Permits, Fees and Penalties

9.2.1 Zoning Permits

- A. All changes in uses to include Home Occupations, and all new buildings or structures and modification of existing buildings and structures shall require a zoning permit. Mechanical and electrical modifications to existing structures, as well as modifications to existing structures that do not change the bulk dimensions in any way, shall not require a zoning permit.
- B. All applications for zoning permits shall be accompanied by plans or diagrams showing the following where applicable:
 - 1. Dimensions and area of the lot.
 - 2. Size of the building to be built upon the lot.
 - 3. Location of the building upon the lot.
 - 4. Location of the well and septic tank, or source of water and sewerage if lot is served by public systems.
 - 5. Elevation of road or proposed road.
 - 6. Elevation of first floor.
 - 7. Elevation of the top of foundation in relation to center of road.
 - 8. Such other information as may be required by the Commission of its agent.
 - 9. Grading plan to scale showing dispersal and channeling of all surface water.
- C. Any zoning permit which presently exists, or which may hereafter be issued or granted shall expire six months from the date unless substantial construction shall have begun within said time and been diligently pursued to completion by the holder of said permit.

9.2.2 Construction and Occupancy Permit

No building or structure shall be occupied for any purpose until a Certificate of Occupancy has been obtained from the Building Inspector of the Town of Ellington.

9.2.3 Health Officer Approval

No Zoning Permit shall be issued for any use where water and/or sanitary facilities are contemplated until approval of these facilities has been obtained from the Health Officer in accordance with State and Town Health Codes.

Section 9.3 Application Requirements

- A. Applications for zone change, subdivision approval, special permit, planned development, and all others which require a hearing and a fee, must be in writing, accompanied by all necessary plans, required data, and antecedent approvals and shall be officially received only at a regular meeting of the Commission. *Amended: 22 December 2006.*
- B. All applications as stated above shall be submitted to the Planning Department for official receipt by the Commission during regular business hours of the town.

Section 9.4 Notification

- A. The Ellington Planning Department shall cause public notification of any application that requires a public hearing to be published in a newspaper having a substantial circulation in the Town of Ellington. Such legal notice shall be published at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before such hearing.
- B. In any application for a zone change, regulation amendment, subdivision, re-subdivision, special permit, or any other public hearing, the applicant shall cause notice to be mailed to abutters within 100 feet of the subject parcel(s), ten (10) days prior to the hearing. Such notification shall include, as a minimum, a copy of the legal notice as provided by the Ellington Planning Department. Proof of mailings shall be submitted prior to the public hearing in the form of a certificate of mailing or certified mail. Failure to complete all necessary mailings shall deem the application incomplete and subject to denial or postponement. *Amended: 22 December 2006.*

In cases where Commission is the initiator of any application requiring a public hearing which includes more than 10 properties, the notice requirements of Section 9.4 B shall not apply. *Effective: 15 October 2008.*

Section 9.5 Board of Appeals

9.5.1 Authority

There shall be a Zoning Board of Appeals whose powers and duties shall be as provided in the General Statutes.

9.5.2 Recording of Variances

No variance granted by the Ellington Zoning Board of Appeals shall become effective until a copy thereof has been filed in the land records of the office of the Town Clerk

9.5.3 Amendments

These regulations may be AMENDED, changed or replaced from time to time in conformity with Section 8-3 of the General Statutes.

9.5.4 Validity

If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such decision shall not affect the validity of these regulations as a whole or the remainder thereof.

9.5.5 Notification

The applicant shall cause notice to be mailed to abutters, within 100 feet of the subject parcel(s), ten (10) days prior to the hearing. Such notification shall include, as a minimum, a copy of the legal notice as provided by the Ellington Planning Department. Proof of mailings shall be submitted prior to the public hearing in the form of a certificate of mailing or certified mail. Failure to complete all necessary mailings shall deem the application incomplete and subject to denial or postponement. *Amended: 22 December 2006.*

ARTICLE 10 DEFINITIONS & INTERPRETATION

Section 10.1 INTERPRETATION

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is considered to be mandatory; "used" or "occupied" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

Section 10.2 DEFINITIONS

Accessory Apartment. A subordinate dwelling unit that is intended for use as a complete, independent living facility located in a residence constructed as, and having the character of, a single-family residence, which subordinate dwelling unit does not substantially alter the character and appearance of the residential structure or its conformity with the character of the neighborhood.

Accessory Building or Use. A building or use subordinate to and on the same lot with a principal building or use.

Agriculture. The use of land for agricultural purposes, including farming, the growing of crops, raising of livestock, and the storing, processing and sale of agricultural and horticultural products and commodities, including those defined in Connecticut General Statute Section 1-1q, as incidental to agricultural operations. *[Amended 12-15-2010]*

Agricultural Buildings and Structures. Buildings, structures and portions thereof, used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies; excludes farm stores and seasonal farm stands. *[Added 11-22-2010, Effective 12-15-2010]*

Agriculturally Related Uses. Events of limited duration on a farm that are incidental to agricultural uses, including events such as corn mazes, pick-your-own, harvest festivals, educational demonstrations, hay rides, petting zoos, or other uses. *[Added 11-22-2010, Effective 12-15-2010]*

Amusement Enterprise. Includes arena, bowling, dance hall, pool, skating rink.

Apartment House, Garden Apartment, Multi-Family Dwelling. A building used by three or more families living independently of each other.

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

Basement. A story partly underground, but having less than half of its clear height below finished grade.

Billboard. A paper, plastic or similar material sign which is posted or otherwise fastened to a surface, the purpose of which is to advertise.

Board. The Board of Selectmen of the Town of Ellington.

Boarding House, Rooming House. A building in which rooms or rooms and meals are provided for compensation to not more than 10 persons other than members of the family or proprietor.

Building. An independent structure having a roof supported by walls or columns and resting on its own foundation. It includes sheds, garages, stables, etc., but does not include trailers.

ARTICLE 10 DEFINITIONS & INTERPRETATION

Building, Height of is the vertical distance measured from the average level of the ground along all walls of the building to the highest point of the roof. Chimneys, spires, masts, elevator penthouses, tanks and similar projections shall not have an aggregate greater than 25 per cent of the roof area. In any single-family detached residence, 25 percent of the perimeter of the structure may consist of a walk out basement or above grade basement wall which, if it does not exceed 9'0" in height, will not be included in the building height measurement.

Building Setback Line. The line established in these regulations as the minimum distance from the property line to the nearest point of the building. *Amended: 15 June 2008*

Business. Customary commercial pursuits and transactions.

Certificate of Zoning Compliance. A certificate issued by the Zoning Enforcement Officer stating that work done under the Zoning Permit complies with the plans authorized.

Certificate of Occupancy. A certificate issued by the Building Official stating that work done under the Building Permit complies with the plans authorized, and that the building may be occupied.

Club or Lodge. An organization of persons incorporated pursuant to the provisions of the membership corporations law or the benevolent orders laws, which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain and includes the establishment so operated.

Co-Location. The locating wireless communication facilities from more than one provider or source on a single antenna tower.

Commission. The Planning and Zoning Commission of Ellington, Connecticut.

Communication Tower - A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include: self-supporting lattice, guyed and monopole.

Communication Tower, Height of. The vertical distance measured in feet from the average ground elevation of antenna tower to the topmost point of the tower including any antenna or other appurtenances.

Composting Facility. A site at which materials capable of being composted are collected separated, processed, recovered, or otherwise made capable of reuse or use in a different form. Such materials may also be sold at such site. This definition is intended to be limited to the composting of organic materials.

Convalescent, Nursing Hospital. A dwelling in which two or more persons, other than members of the family of the person owning or renting said dwelling, and who suffer from abnormal physical conditions or the infirmities of old age, are provided with lodging.

Cultural, Educational Center. A building having the character of a single-family home but possessing unique architectural, historical, or other features in its design, use, or natural condition such that it offers the general community an opportunity for unusual cultural and educational experiences otherwise not available. The Commission reserves the right to determine what constitutes a Cultural, Educational Center under the Special Permit Requirements. *(Added 4-15-08)*

Dwelling. A building (or portion thereof) used for human habitation.

Dwelling, One-Family. A building designed for and occupied as a home or residence for not more than one family.

Dwelling, Two-Family. A building designed for and occupied as a home or residence for two families.

Dwelling, Multi-Family. Any building or group of buildings erected or used under one ownership or corporate ownership and designed and intended to be occupied by three or more families living independently of each other.

ARTICLE 10 DEFINITIONS & INTERPRETATION

Family. One or more persons living together as a single, housekeeping unit.

Farm. A parcel or contiguous parcels of land of 3 or more acres under single ownership and/or leasehold and used for agriculture. *[Amended 12-15-2010]*

Farm Store. - A permanent structure used by a farm for the year-round sale of raw and/or processed agricultural and horticultural products, services and activities. *[Added 11-22-2010, Effective 12-15-2010]*

Flea Market. An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used for sale to the public, not to include private garage or tag sales.

Floor Area. That area which has a minimum headroom of seven feet when measured vertically upward from a finished floor; but in the area next below the roof, such space shall be counted only if it is connected with the floor below by a permanent, fixed inside stairway. Basement rooms, garages or any other form of attached structure, cellars, rooms for heating equipment, and open or enclosed porches shall not be included.

Garage, Private. An accessory building or structure, attached or not to the main building for the storage of vehicles.

Garage, Public. A building other than a private or community garage used for maintenance, repair and storage of motor vehicles as well as sale, lease and hire of vehicles and equipment.

Highway Line. The boundary line of the right of way between that land owned by the Town or State and the private property in question.

Home Occupation. Any product-based or service-based commercial or industrial use conducted within a dwelling and carried on by the inhabitants thereof.

Hotel. A building designed as a temporary abiding place for more than 10 persons or having 6 or more sleeping rooms in which lodging with or without meals is provided.

Impervious Surface. Any material which increases surface runoff, reduces infiltration of water, and increases the volume of stormwater runoff, including but not limited to: buildings; parking areas and driveways regardless of surface material; all walkways regardless of surface material; all equipment pads and platforms, etc. *(Added 7-15-07)*

Industrial Park, Buildings. An area in which one or more industries form a unit and for which a plan of development of the site is required.

Industry. Manufacturing, fabricating, assembling, finishing, packaging, processing or research and development.

Junk. Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Two or more unregistered, inoperative automobiles stored outdoors.

Junk Yard. The use of any area, whether inside or outside of a building, for the storage, keeping or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel. A building or buildings of more than 200 cubic feet total volume for the keeping or breeding of dogs or other permitted small animals.

Livable Area. Any permanent, soundly constructed enclosed portion of a dwelling with a height from floor to ceiling of 7 feet or more, excluding cellar, basement, porch, garage, utility room, furnace room, outside vestibules, etc., or areas in accessory buildings. In multi-family dwellings, common stairways and

ARTICLE 10 DEFINITIONS & INTERPRETATION

common halls are not considered livable area. Any area above the first floor not accessible by a fixed, permanent stairway shall not be considered as livable area.

Lot. A parcel of land occupied, or intended to be occupied by a building or buildings and accessory buildings or uses. It includes the open spaces required herein and such open spaces as are also used in connection with the building.

Lot, Corner. A parcel of land at the junction of and fronting on two or more intersecting streets.

Lot Coverage. That percentage of the lot area that is covered by the building footprint and all other impervious surfaces on the lot.

Lot, Through. A lot abutting more than one public street where front yard setback requirements shall be maintained on all street frontages. *Added: 15 June 2008*

Lot, Width. The width of a lot taken at the street line, except in the case of a “pie-lot” or rear lot.

Manufacture & Assembly from Prepared Material. Includes Boxes, Ladders, Staging, Toys, Stationery, Novelties, Paper Products, Toilet Preparations, Drugs, Perfumes, Flavoring Extracts, Medical and Hygienic Appliances, Textiles, Hats, Leather & Sporting Goods, Mattresses, Store and Office Equipment; Signs, House, Theater and Playground Equipment; Musical Instruments, Art Goods, Industrial Models, Tools, Appliances and Electrical Goods.

Metal Fabrication, Heavy. Includes Forging, Casting, Rolling Structural Iron and Steel, Wire Products, Rod Drawings, Steel Doors, Sash, Pipes and Boilers

Metal Fabrication, Light. Includes Sheet Metal, Ducts, Gutters, Leaders

Motel. A building or group of buildings containing one or more guest rooms for transient guests, and includes Motor Court, Motor Hotel, and Tourist Cabins.

Net Floor Area. Net floor area shall mean the floor area used, designed or intended to be used for service to the public as customers, patrons, clients, patients or members, including those areas occupied by fixtures and equipment used for the display and/or sale of merchandise. In the case of residential dwelling units, net floor area shall mean that area used as living space. Net floor area shall not include areas used principally for non-public purposes such as storage and incidental repair, for rest rooms, for utilities or for required stairways or elevators.

Non-agriculturally Related Uses. Activities that are part of a farm operation’s total offerings, but are not incidental to agriculture, or tied to agricultural buildings, structures, equipment and fields. Such uses included, but are not limited to, fee-based outdoor recreation, such as bird-watching, snow-shoeing, and others; event hosting such as banquets, weddings, etc. *[Added 11-22-2010, Effective 12-15-2010]*

Nonconforming Building or Use. One which legally existed before the adoption of zoning and does not conform to these Zoning Regulations.

Parking, Commercial. Parking for the use of employees, customers or visitors of any non-residential activity when not located on the same lot as the activity it serves, including the parking of up to 3 commercial vehicles.

Parking, Off Street. Space occupied by automobiles on premises other than streets.

Parking Lot. An area used for the parking of more than 3 cars or other vehicles, whether or not for a fee.

Parking, Private. Accessory parking, including parking for more than one commercial vehicle, for vehicles of over 2 ton capacity, or of more than one vehicle for hire.

Performance Bond or Bond. Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Commission.

ARTICLE 10 DEFINITIONS & INTERPRETATION

Permit. A permit shall mean any special permit issued in accordance with these regulations or zoning permit issued by the Zoning Enforcement Officer in accordance with this regulation.

Personal Services Shops: Establishments primarily engaged in the provision services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

Planned Commercial. An area in which one or more businesses form a unit and for which a plan of development of the site is required.

Pool, Swimming. A structure of relatively impervious material intended for bathing or swimming purposes, located either indoors or outdoors and provided with a controlled water supply. Plan and permit required.

Quarry. An open excavation or an area for excavation of sand, gravel, stone, peat or other earth products.

Rear Lot. Any lot which does not contain the required lot width at the street line or setback line on an accepted town road or state highway, or private street used for travel otherwise approved by the Commission as part of a subdivision approved after July 1999. .

Recreation, Commercial. Recreation offered to the public for a fee.

Refuse. All putrescible and non-putrescible solid wastes including garbage, rubbish, ashes and solid commercial and industrial wastes, but excluding human and animal intestinal wastes and dead animals. Ashes or incinerator residue containing unburned material shall be considered refuse.

Retail Business. Premises used for the retail sale of goods for personal or household uses, with storage or processing occupying not more than 50% of the gross floor area, and also premises used for personal, business or household services.

Riding Academy, Stable. A building and land in which horses, ponies and similar equestrian animals may be kept for remuneration, hire or sale together with accessory uses such as riding rings, indoors or outdoors, and tack shop.

Sanitary Land Fill Area, Dump, Refuse Disposal area. Land used for the depositing of refuse. (See Refuse)

Seasonal Farm Stand. A structure used by a farm for the temporary, seasonal sale of raw and/or processed agricultural and horticultural products, services and activities. *[Added 11-22-2010, Effective 12-15-2010]*

Sign. Any natural or artificial structure, device, light, material, or object which shall use any letter, word, number, banner, flag, pennant, insignia, logo, device, to attract attention to identify, advertise, announce, or represent any object, project, place, activity, person, institution, organization, firm, group, commodity, enterprise, business, or industry and which is intended to be seen from a public street.

Sign –Agricultural. A permanent free-standing or attached sign on a farm or farm stand that is associated with an agriculturally related use. *[Added 11-22-2010, Effective 12-15-2010]*

Sign – Agricultural (Temporary Seasonal). A temporary free-standing or attached sign that shall not have an area larger than 12 square feet per side, limited to 2 sides, and that is associated with a farm stand, seasonal farm stand, or agriculturally related use, whose content may change per available goods, services or activities. *[Added 11-22-2010, Effective 12-15-2010]*

Sign –Agricultural Directional. A permanent directional sign approved by the State Department of Agriculture. *[Added 11-22-2010, Effective 12-15-2010]*

Sign, Detached. A sign supported by one or more supports placed in or upon the ground.

ARTICLE 10 DEFINITIONS & INTERPRETATION

Sign, Off-Premises. Sign located on property other than the place where the product or service advertised is performed or offered for sale.

Slaughtering, Commercial. The slaughtering of animals for other than home use by the owner.

Street. An existing public town street used for travel, a proposed public or private street used for travel and approved by the Commission as part of a subdivision plan, or state highway.

Structure. Anything constructed or erected which requires location on the ground, or anything attached to something having a location on the ground. Includes private greenhouse, sheds, carports, swimming pools, shelters, garden houses and similar structures.

Theater, Drive-in. An open lot or part thereof with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis, to patrons in automobiles or on outdoor seats. Includes accessory structures such as ticket booths, projection booth, screen, retail sale of food products, toilet facilities and playground space.

Trailer, Boat. A device which may be attached to a vehicle for use in transporting a boat. Includes the boat. (Amended 1-25-10, Eff. 2-15-10)

Trailer, Camp(er) or Travel. A unit which is designed to ordinarily provide temporary sleeping or living quarters for travel, camping or recreational purposes including, but not limited to, a recreational vehicle, a collapsible tent trailer, or motor home, but excluding mobile homes. (Amended 1-25-10, Eff. 2-15-10)

Trailer, Construction. A unit which is designed to ordinarily provide temporary working quarters during active construction, alteration or repair. (Added 1-25-10, Eff. 2-15-10)

Trailer, Livestock. A unit which may be attached to a vehicle for transporting livestock. (Amended 1-25-10, Eff. 2-15-10)

Trailer, Utility or Box. A unit which may be attached to a vehicle for transporting goods, materials or equipment, whether or not permanently affixed to the bed of a trailer. (Amended 1-25-10, Eff. 2-15-10)

Use District. An area zoned for particular uses.

Yard. An unoccupied space, open to the sky on the same lot with the building or structure.

Yard, Front. An open unoccupied space on the same lot with a building, extending the full width of the lot and situated between the street line and the front line of the building or structure projected to the side line of the lot.

Yard, Rear. An open space on the same lot with a building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building or structure projected to the side of the lot.

Yard, Side. An open unoccupied space on the same lot with a building, situated between the building or structure and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Zoning Permit. A permit required under these regulations issued by the Zoning Officer which allows construction to begin.