

TOWN OF WINDSOR, CONNECTICUT

ZONING REGULATIONS

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REPRINT DATE

August 24, 2007
Updated with insertion
of amendment dated
07/10/07

EFFECTIVE DATE

November 1, 1976

RECORD OF AMENDMENTS TO THE TEXT

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
479	04/28/86	2.1.19	To require proper orientation of houses built on narrow lots.
496	10/22/86	4.5.1	To include service businesses.
495A	01/30/87	4.5.3A(1) & (5)	To allow open space dedication to other agencies as well as the Town.
508	03/11/87	8.1.6I	To allow funeral homes as a special use in the I-1 zone.
510	05/01/87	8.1.6J & 8.2.6H	To correctly reference the sale of nursery stock and related products in the I-1 zone.
517	06/16/87	4.5.10	To permit temporary conversions for accessory apartments.
518	07/17/87	16.2.16	To add enrolled agents to the definition of "Professional Office."
521	09/14/87	2.2.8	To revise the substandard lot regulation.
530	11/02/87	3.1.2	To change the industrial buffer to 50 feet.
528	11/03/87	4.5.1	To include real estate appraisal agencies.
532	12/16/87	4.5.11 & 16.2.2	To allow bed and breakfast establishments.
520A	12/23/87	11.4	To add Peripheral Neighborhood Design Development.
539	02/17/88	8.1.6K	To allow the garaged or open storage of currently registered school buses.
541	02/22/88	8.1.1 & 8.1.6A	To require a four-acre minimum lot size for I-1 lots fronting on Day Hill and Prospect Hill Roads.
532A	03/16/88	4.5.11	To clarify the owner-occupancy requirements for bed and breakfast establishments.
559	11/21/88	8.2.6K	To allow Residence Inns as a special use in the I-2 zone.
560	11/21/88	2.4.15E	To include regional governmental bodies on the list.

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
561	12/05/88	4.4.1 & 16.2.1	To clarify height requirements and increase the area to 30 percent for accessory structures.
558	12/19/88	4.5.12 & 16.2.3	To add Congregate Housing.
562	12/19/88	4.5.13 & 16.2.12	To regulate flag lots.
565	04/17/89	5.2.6F, 16.2.8 & 16.2.13	To provide for full-service hotels.
573	09/16/89	4.5.4 &4.5.4B(2)	To add one-family detached dwellings.
578	12/16/89	15.3	To add "and/or his appointed designee" as the Zoning Enforcement Officer.
582	05/29/90	18	To add outlet centers and banquet centers and update the Planned Urban Development regulations.
588	06/30/90	5.2.6D	To eliminate the distance requirement between restaurants serving liquor.
591	06/30/90	13.16	To regulate business signs in the NZ zone.
612	03/04/91	4.5.14	To add Housing For Older Persons.
613	03/18/91	2.1.17, 11.2.6, 11.3.4 & 11.4.6	To delete references to application fees.
611	03/18/91	13 & 16.2.19	To clarify and update the sign regulations.
614	03/18/91	4.4.6, 4.5.15 & 16.2.16	To clarify professional office use and allow massage therapy.
608	05/09/91	11.5	To add Neighborhood Design Development.
620	07/12/91	3.4.2F, 8.1.6L & 16.2	To allow reduced parking requirements for wholesale and distribution or warehouse facilities in the industrial zones by special use.
623	11/16/91	13.4.17	To allow by special use wall signs abutting a limited access highway.
624	12/20/91	3.4.2F	To clarify parking requirements in the warehouse zone.

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
627	04/24/92	5.1.4C, 5.2.4C, 5.2.6M, 5.3.5A, 11.2.2B, 11.3.3B(1), 13.4.10, 16.2.1 & 18.1.1	To define and regulate "adult" bookstores.
629	06/11/92	8.1.6K(2) & (6)	To reduce the landscape buffer from 50 to 35 feet and allow maintenance of vehicles owned by the school bus operator.
634	07/01/92	2.2.16 & 2.2.17	To allow seasonal outdoor eating areas in food establishments and regulate mobile food vendors to November 30, 1992.
626A	07/09/92	4.5.3B(1)(d)(iv) & 4.5.3B(4)	To provide flexibility in determining open space requirements.
635	09/15/92	13.4.21	To regulate freestanding signs in Windsor and Wilson centers.
634A	11/28/92	2.2.16 & 2.2.17	To allow seasonal outdoor eating areas in food establishments and regulate mobile food vendors to November 30, 1993.
639	02/02/93	2.4.6	To allow waivers of minimum requirements, other than parking, for special uses in existing developments in Windsor and Wilson centers.
641	02/02/93	3.1.6, 3.1.7 & 3.1.14	To reduce coverage requirements in Windsor and Wilson centers and expand Windsor Center to include fringe areas.
642	02/02/93	3.4.1H & 5.2.6N	To reduce parking requirements for existing buildings in Windsor and Wilson centers as a special use.
643	03/04/93	8.1.6L(2) & (4)	To clarify the area for wholesale and distribution and warehouse facility parking standards as a special use.
645	04/17/93	2.4.15"O"	To allow the sale of up to six used cars at existing gasoline filling stations.
647	06/11/93	2.4.15R	To allow the transfer of nonresidential coverage.
649	07/27/93	8.1.6F	To allow existing repair facilities to convert to general repair facilities as a special use.

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
652	08/04/93	2.2.18	To require adequate fire protection in the Rainbow Road/Stone Road area.
634B	12/14/93	2.2.16 & 2.2.17	To allow seasonal outdoor eating areas in food establishments and regulate mobile food vendors.
654	02/02/94	5.2.6B & D, 5.3.5A & B, 5.3.9B & C, 5.3.11, 5.3.12 & 16.2.18	To regulate and classify different types of eating establishments.
655	02/02/94	15.3	To change the responsibility for the enforcement of these Regulations from the Building Official to the Town Manager.
656	02/02/94	5.1.4C	To allow bakeries where baking is done off-premises as a permitted use.
657	02/23/94	8.1.6M	To allow limited retail sales as a special use in the I-1 zone.
658	05/20/94	16.2.16	To add licensed financial registered representatives to the definition of professional office.
660	05/20/94	3.4.1G(2) & 3.4.2F	To change warehouse zone parking requirements.
661	05/20/94	2.4.15H & 4.4.11	To incorporate requirements of new statutes deregulating family day care.
662	09/28/94	13.4.21 & 13.10	To restrict freestanding signs in Windsor and Wilson centers, increase the size of real estate signs in the B-2 zone under certain conditions, and increase the length of time allowed for special event signs.
663	12/30/94	2.4.15S	To allow the re-use of underutilized buildings of historic or architectural significance in any zone.
664	12/30/94	3.9	To broaden the range of minor site plan revisions that can be approved by town staff.
668	02/11/95	4.5.12C(8)(a) & (b), 4.5.12D(7) & (8) & 10.5.14	To allow congregate housing in the agricultural zone, reduce age requirements and increase modifications flexibility.

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
669	02/18/95	2.4.15Q	To allow new bays for a car wash and a convenience store in a gasoline filling station.
672	10/20/95	9.1	To increase allowable building height in the wholesale and storage zone.
673	10/19/95	4.4.1A(3)	To allow larger accessory buildings in residential zones.
674	10/10/95	2.4.15T	To allow by special use temporary or portable commercial amusements on private property in any zone.
677	07/15/96	3.4.2G	To add parking requirements for data centers.
678	07/15/96	8.1.6N	To add full service hotels and conference centers to the I-1 zone as a special use.
680	07/15/96	8.1.6F	To allow sale of six used cars by special use for existing general repair facilities (8.1.6F(6)).
681	07/15/96	5.1.4C, 5.2.4C, 5.2.6M, 5.3.5A, 11.2.2B, 11.3.3B(1), 16.2.1 & 18.1.1	To coordinate zoning regulations with a Town Council ordinance (5.2.6M) and to define 'adult-oriented establishment' (16.2.1) and to replace 'adult bookstore' with 'adult-oriented establishment'.
683	07/15/96	8.2.6I & J	To clarify on-site restaurant requirements for conference centers and restaurants in I-2 zone.
674A	10/18/96	2.4.15T	To give Commission flexibility for carnival distance from property line.
657A	10/18/96	8.1.6M(9)	To reduce distance from residential zones if Commission finds no adverse impact.
684	11/22/96	2.2.5 & 10.5.10	To declare a moratorium on personal wireless facilities (PWF) until 5/19/97 or new zoning regulations for PWF are adopted, whichever occurs first.
685	1/22/97	5.2.6D(4) & (5)	To add brew pub restaurants as a unique form of restaurant and re-number sub-section 4 to 5.
688	5/29/97	2.2.19	To add a new wireless telecommunications regulation that complies with the Telecommunications Act of 1996.

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
691	6/20/97	3.1.14	To allow, by Commission discretion, industrially zoned land an increase in roof & paving coverage up to 60% in Wilson and Windsor Centers.
684A	7/15/97	2.2.19, 2.2.5 & 10.5.10	To consolidate and clarify telecommunications regulations and remove moratorium language.
692	9/19/97	4.5.12, 11.2.4, 16.2.1 and 16.2.3	To include Assisted Living with Congregate Housing regulation and encourage development of a unified community of various housing types including Housing for Older Persons (§4.5.14).
693	11/7/97	8.1.6N	To clarify height and allow a greater density which is consistent with hotels in this region.
691A	11/24/97	3.1.14	To allow, by Commission discretion, warehouse zoned land an increase in roof & paving coverage up to 60% in Wilson and Windsor Centers.
696	07/21/98	5.2.6O	To define and regulate Pawn Shops, Tattooing and/or Piercing Establishments
681A	10/21/98	5.2.6M(1)	To clarify requirement that petition must be signed by "at least" 51%.
699	02/23/99	3.1.20	To require pedestrian entry door shelters.
700	02/23/99	3.1.3B	To require installation of underground sprinkler system in landscaped areas.
701	02/24/99	7.6A	To allow full service hotels and conference centers in Restricted Commercial Zone.
698A	03/16/99	2.4.6 and 11.3.3B	To allow the Commission to waive the maximum requirement and to allow residential development on the east side of the Amtrak railroad line in Windsor Center.
698B	05/29/99	11.3.3.B(5)	To make the regulation more inclusive by removing the word "elderly".
699A	05/29/99	3.1.20	To limit the applicability of the regulation to buildings or building additions greater than 10,000 square feet.

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
704	07/23/99	4.5.3B(4)	To permit section 4.5.3 B(4) to be waived in cases of developments of one housing type as well as in cases of housing developments of varied housing types.
705	07/23/99	2.1.20 & 3.1.18	To clarify outdoor lighting regulations and require underground placement of electrical and communication transmission lines.
707	09/25/99	4.5.16	To allow non-residential uses in existing dwellings that are related to existing community facilities.
708	09/25/99	2.4.4B	To clarify the regulation by replacing the term "traffic patterns" with more definitive language.
711	02/18/00	3.11	To allow the granting of extensions for periods of more than 12 months.
713	03/23/00	2.2.20	To provide flexibility of design and use for parcels of land by the major intersections of the Bradley Airport Connector.
720	08/17/00	12.1	To specify that section 12 requirement can be modified by the Commission.
721	09/21/00	2.2.4B(2)	To allow for reduction of the front yard requirements on a portion of Day Hill Road when the Town requires additional right of ways or easements for road improvements. Also, to account for change in road names.
722	10/25/00	3.1.6, 2.2.4D & 16.2.2	To provide flexibility of separation distance requirements for unified parking areas and to define and set standards for Building Connector.
721A	11/28/00	2.2.4B(2)	To allow for adjustment of lot area and coverage requirements on a portion of Day Hill road when the Town requires additional right of ways or easements for road improvements
720A	01/22/01	12.1	To allow for application of the regulation to apply to all NZ zone areas.
726	01/22/01	1.0	To clearly specify the authority of the Commission to consider historic factors in its evaluations and decisions.

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
728	04/12/01	13.4.2	To define standards for billboards.
729	06/26/01	4.4.1A(3) & 4.5.17A	To allow by special use larger accessory structures in residential zones.
730	10/22/01	13.4.21, 13.6.2A & 3.6.2H	To clarify sign regulations for the Windsor and Wilson Center areas.
612A	03/25/02	4.5.14	To allow second floor and restrict only by age and handicap.
692A	05/20/02	4.5.12B(1)(e)	To provide consistency with Section 4.5.14.
733	05/20/02	2.4.15U & 16.2.6	To allow farmer's markets in any zone by special use.
721B	06/18/02	2.2.4, 8.1.4, 8.1.6, 8.2.4, & 8.2.6	To upgrade development requirements at Day Hill Road and Northfield Drive.
643A	07/19/02	8.1.6L(4)	For consistency with section 2.2.4B(2).
614A	09/17/02	4.5.15(6), 4.5.15(6)(b), 4.5.15(9) & 16.2.16	To allow mail order devices and related supplies as a professional use distributors of medical in residential zones.
718	09/30/02	3.4.2F(3), 8.1.6O, 16.2.19, &16.2.23	To allow mini-warehouse and outside storage facilities by special use in the I-1 Zone.
	10/14/02	4.4.15	To regulate garage or tag sales.
	12/13/02	4.4.14	To establish standards for single family driveways.
717	01/21/03	4.2.1A&E	To eliminate reductions in lots and to exclude sensitive areas from lot density calculations in residential subdivisions.
	03/17/03	9.6.1	To include mini-warehouse and outside storage facilities by special use in the W Zone.

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
	07/24/03	11.2.4A(7), 11.2.4B(1), 11.4.4A(6) & 11.4.4B(1)	To update noise control rating system and standards in certain rooms in multi-family and one-family semi-detached dwellings.
	09/17/03	5.2.6P	To consider large buildings in Windsor Center by special use.
	10/23/03	4.2.1A	To exempt subdivisions on existing roads from density calculations.
	11/26/03	5.2.6P	To consider large buildings in Wilson Center by special use.
	12/13/03	2.2.4E	To increase maximum building height for the area south of Northfield Drive.
	12/13/03	5.2.6D(1)	To clarify requirements for limited-service restaurant takeout service.
	12/13/03	1.2 & 15.7.1	To clarify that the Official Zoning Map is the GIS generated map.
	12/13/03	4.5.17	To reduce allowable size of accessory buildings.
	03/13/04	4.5.18 & 2.4.15P	To provide for churches and other religious institutions to be allowed by special use in residential zones located on arterial roads.
	04/21/04	5.2.1	To provide standards for maximum building area in Windsor Center and Wilson Center.
	04/21/04	2.2.4E(2)	To allow application for Special Use for reduced warehouse parking in the Northfield Drive area as per Zoning Regulations Section 8.1.6L.
	05/19/04	4.4.7F & 4.5.19	To allow application for home occupations by Special Use.
	06/19/04	2.4.15H	To permit day care facilities exclusively for employees as an accessory use.
	06/19/04	4.5, 4.5.6 & 4.5.15	To clarify requirements for nonresidential buildings in residential zones.
	07/22/04	3.1.7	To modify distance requirements for parking areas and drives adjacent to buildings.

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
	07/22/04	2.0	To clarify the applicability of the regulations.
	08/06/04	4.4.7E, 5.1.3A, 8.1.3G & 8.2.6B	To provide noise standards consistent with the Town of Windsor Code.
	09/29/04	5.2.4D & 5.2.6Q	To provide standards for content protective structures in Windsor Center.
	11/19/04	4.5.10B(15)	To provide approval under Section 3.9 for in- law apartments under certain conditions.
	11/19/04	3.2.2	To allow flexibility regarding vehicle turnarounds for single family residential building conversions.
	12/22/04	2.1.21	To provide a link between Zoning Regulations and Subdivision Regulations regarding public or private road design.
	01/19/05	11.3	To provide more flexibility for Center Design Development.
	02/12/05	5.2.4D(6) & 5.2.6Q(6)	To provide standards for content protective structures in Wilson Center.
	02/12/05	4.5.1B(3)(b)	To provide consistency with Section 3.2.2.
	03/25/05	2.4.15L & 3.3.2F	To increase the distance from property lines for fill removal in conjunction with development.
	06/18/05	4.5.1	To establish specific areas for the conversion of single-family homes to multi-family homes.
	06/18/05	2.2.4E	To modify maximum building height standards in the Northfield Drive area.
	06/18/05	4.5.3A(3) & 4.5.3B(1)(b)	To make density requirements for Open Space and Cluster Subdivisions consistent with Section 4.2.1A.
	07/02/05	13.4.21	To allow illuminated signs in Windsor Center up to 14 square feet by special use.
	08/19/05	2.1.22	To provide requirements for content protective structures for commercial buildings in the PUD, B-1, B-2 and B-3 Zones.

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
	08/19/05	8.1.1, 8.1.6P & 8.1.6Q	To allow for residence inns and increased building height by special use.
	10/15/05	2.4.15P & 4.5.18	To provide standards for places of assembly and congregation.
	10/15/05	8.1.6L	To increase maximum coverage to be consistent with the underlying zone.
	10/15/05	4.5.4B(4)	To give the Commission flexibility to allow single family detached homes.
	10/15/05	9.1 & 9.6.2	To allow for increased building height by special use in the Warehouse Zone.
	11/26/05	2.4.25O	To clarify the modification of gas stations.
	1/23/06	10.5.15	To allow active adult subdivisions.
	01/31/06	4.4.9	To clarify renting of rooms.
	01/31/06	4.5.7	To remove smaller living area requirements.
	01/31/06	2.4.15G, H, I, J, 4.5.18A, B, C, D, E, & 10.5.16	To restrict places of assembly to the residential and agricultural zones.
	02/21/06	3.1.2	To provide a buffer between truck loading and maneuvering areas and residential zones.
	02/21/06	2.2.3	To require a larger setback for new residential buildings from industrial and warehouse zones.
	02/21/06	8.1.6E	To allow non-ancillary retail and restaurant uses in unique commercial recreational, cultural buildings and facilities by special use permit.
	03/21/06	4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, & 4.1.6	To cross reference 2.2.3.
	03/21/06	8.1.2	To provide standards for building materials in the I-1 Zone.
	05/17/06	8.2.3	To provide standards for building materials in the I-2 Zone.

ZONE CHANGE NUMBER	EFFECTIVE DATE	SECTION(S)	REMARKS
	09/22/06	3.1.18	To provide more comprehensive and effective outdoor lighting regulations.
	09/22/06	3.9 & 15.6.4	To provide criteria for approving site plans subject to staff review of outstanding technical and minor changes.
	10/28/06	4.5.3	To improve the quality of development in Open Space and Cluster Subdivisions.
	10/28/06	4.5.4	To improve the quality of open space and reduce development pressure on environmentally sensitive areas.
	10/28/06	11.2	To improve the quality of development in New Neighborhood Design Developments.
	10/28/06	11.4	To improve the quality of development in Peripheral Design Developments.
	10/28/06	11.5	To improve the quality of development in Neighborhood Design Developments.
	12/19/06	11.6	To establish regulations for Recreational Neighborhood Design Development.
	05/19/07	4.4.4	To establish requirements for recreation vehicle storage on corner lots.
	05/19/07	5.2.6R, 5.2.2C, 5.1.2E & 18.1.9	To establish regulations for outdoor retail sales.
	07/19/07	2.4.15H, 4.5.18B & 10.5.16	To allow child day care centers and group day care homes in any zone by special use.

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TOWN OF WINDSOR, CONNECTICUT
TOWN PLANNING AND ZONING COMMISSION
ZONING REGULATIONS

SECTION 1 - PURPOSE, AUTHORITY, ZONE DISTRICTS AND ZONING MAP

1.0 PURPOSE AND AUTHORITY

These Regulations, which are a part of the Town of Windsor Code and are designated as Chapter 3 of Title XIII therein, are adopted and may be amended from time to time under authority of Chapter 124 of the 1958 Revision to the General Statutes for the purposes of: promoting the health, safety, morals and general welfare of the community; lessening congestion in the streets; providing adequate light and air; preventing the overcrowding of land and avoiding undue concentration of population; facilitating adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and conserving the value of property and encouraging the most appropriate use of the land, based upon its suitability for particular uses and structures, with reasonable consideration for the character and property values of the area, in accordance with the adopted Town Plan of Development. These regulations are intended to provide the Town Planning and Zoning Commission with authority to give reasonable consideration for the protection of historic factors in its evaluations and decisions.

1.1 ZONE DISTRICTS

Pursuant to the stated goals and purposes, the following zones are established (see illustrative zoning map, Appendix 1, page 23):

AA	Residential Zone
A	Residential Zone
R-13	Residential Zone
R-11	Residential Zone
R-10	Residential Zone
R-8	Residential Zone
B-1	Business Zone
B-2	Business Zone
B-3	Business Zone
P	Professional Zone
RC	Restricted Commercial Zone
I-1	Industrial Zone
I-2	Industrial Zone
W	Wholesale and Storage Zone
AG	Agricultural Zone
NZ	Public and Quasi-Public Zone
PUD	Planned Urban Development

Note: The Residential High-Density (RHD) Zone was deleted from these Regulations.

1.2 ZONING MAP

Zone Boundaries shall be indicated on the Official Zoning Map, which is GIS generated and has a scale of 1 inch = 2,000 feet. This map was accepted by the Windsor Town Planning and Zoning Commission on March 17, 2003. The Official Zoning Map shall be a part of these regulations.

1.2.1 Interpretation of Boundaries

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

A

Boundaries indicated as abutting right-of-way lines of streets, highways or alleys shall be construed as extending to the center line of such streets, highways or alleys.

B

Boundaries indicated as graphically following plotted lot lines on the Zoning Map shall be construed as following such lot lines.

C

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

D

Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers or other bodies of water shall be construed to follow such center lines.

E

Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

F

In cases of uncertainty, the Commission shall determine the location of the boundary.

G

In cases of lots separately described in the latest deed of record prior to the effective date of these Regulations as lying in more than one district, the Commission may allow the provisions of either district to be applied into the other district for a distance not to exceed 20 feet without the requirement for a zone change public hearing if it finds that such application will improve the proposed development and not negatively affect surrounding properties.

H

In cases where the Zoning Enforcement Officer cannot make a determination regarding standards and requirements applicable to any zone shown on the Official Zoning Map, but reference to which has been deleted from the text of these Regulations, the Commission shall make such determinations.

SECTION 2 - GENERAL REQUIREMENTS

2.0 APPLICABILITY

No land, building or part thereof shall be used, constructed, reconstructed, extended, enlarged, moved, arranged or altered except in conformity with these Regulations. No lot shall have less area or width, or have smaller yards, nor shall any building, buildings or part thereof occupy in the aggregate a greater percentage of the lot, nor shall any building be greater in height than as prescribed in the applicable section hereof, except as otherwise specifically provided in these Regulations.

2.1 MISCELLANEOUS REGULATIONS

2.1.1 One Lot in Two Zones

As per Section 1.2.1G.

2.1.2 Parking and Yard Requirements for Each Use or Building

No part of a yard or other open space or off-street parking or loading space required about or in connection with any lot, use or building for the purpose of complying with these Regulations shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other lot, use or building, unless specifically allowed, as per Section 5.2.6J. For more than one building or use located on the same lot, parking as per Section 3.4.1C.

2.1.3 Reduction of Lots

No lot existing at the time of passage of these Regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Except as provided in Section 4.2.1, lots created after the effective date of the Regulations shall meet at least the minimum requirements established herein.

2.1.4 Easement Included in Lot Area

The minimum area required for a lot in any district shall include the area lying within any easement or right-of-way over such lot for a pedestrian way or for the purposes of drainage, water supply, sewerage, the transmission of gas or liquid, telephone, telegraph, electric or other utility purposes. The Commission may require that any utility or drainage easement or right-of-way be used for pedestrian walkways in connection with any subdivision or site development approval.

2.1.5 Building on Unpaved and Unaccepted Streets

As per Ordinance 13.11.01 of the Town Code.

2.1.6 Courts

No patio or inner court shall have a minimum dimension perpendicular to any wall of less than two-thirds of the average height of the surrounding walls. Minor offsets and recesses intended for architectural effect shall not be considered courts if they do not exceed 20 percent of the depth of the building, measured perpendicular to the recess of offset side of the building.

2.1.7 Fire Prevention Code

All construction and operation shall be subject to the applicable requirements of the Town of Windsor Fire Prevention Code, and reasonable access to all buildings shall be provided for firefighting vehicles.

2.1.8 Visibility at Intersections

On no lot shall any wall, fence, structure, planting or obstruction to vision be erected, maintained, placed or planted which unreasonably or dangerously obstructs or interferes with the visibility of drivers of vehicles on a curve or at any street intersection. The minimum vision clearance shall require that no wall, fence, structure or planting exceed a height of two feet above the street grade (except for street trees or other high-branching trees) within the triangular area formed by the intersection of street lines and a straight line connecting those points on said street lines which are 35 feet distant from the point of intersection (see Appendix 1, page 2).

Upon determining that any property is in violation of any requirement of this Section, the Zoning Enforcement Officer shall order the property owner to bring such property into compliance within a period of time not to exceed 15 days.

2.1.9 Junk Yards

Junk yards are not permitted within the Town of Windsor except that the Town may, by special use approval of the Commission, operate a junk yard or similar facility if the Commission finds that it is in the public interest.

2.1.10 Radioactive Material

No land in any district may be used for the disposal of materials which have radioactive levels which could present a danger to health. No such materials shall be stored or handled except in accordance with regulations of all relevant Federal, State and Town agencies.

2.1.11 Flood Protection

Except as specified below, all structures shall comply with "An Ordinance Establishing a Flood Plain Management Program in the Town of Windsor," effective October 7, 1978, and all amendments thereto.

A

For those areas associated with Mill Brook or Phelps Brook outside the limits of the HUD Flood Study, the basement floor elevation (or first floor elevation if no basement is proposed) of any building other than that used for agricultural or recreational purposes shall be two feet above the 25-year storm elevations at full development as described in the report entitled "Storm Drainage Study, Mill Brook and Phelps Brook, Windsor, Connecticut," by W.G. Weaver & Associates, Inc., dated April, 1974.

B

For those areas associated with other brooks and rivers outside the limits of the HUD Flood Study, the basement floor elevation (or first floor elevation if no basement is proposed) of any building other than that used for agricultural or recreational purposes shall be two feet above flood levels established by studies accepted by the Inland Wetlands and Watercourses Commission.

2.1.12 Dedication of Land

Areas dedicated for any public purpose in connection with any zoning or subdivision application shall be in a location and of size and shape as specified by the Commission. This land shall be deeded to the Town by full warrantee deed free and clear of all encumbrances and shall be in an acceptable condition with any improvements as may be required by the Commission before any building permit is issued; or in lieu of this, a contract for said transfer of title acceptable to the Commission shall be furnished by the developer. On approval of the application, the Commission accepts the dedication with the provision that if the land is not legally conveyed to or accepted by the appropriate Town agency in the manner prescribed by the

2.1.12 (Continued)

Commission, for whatever reason, then that land shall be considered to have been designated as open space and, prior to the issuance of any building permits, appropriate agreements, restrictions and documents shall be provided insuring that it will be maintained as such for 40 years.

2.1.13 Scenic or Conservation Easements

The Commission may make provisions for the securing of appropriate easements and restrictions on any area of land that it has determined would be in the public interest to retain, maintain and conserve in its natural state.

2.1.14 Minimal Lot Width

In order to insure adequate emergency vehicle access, no lot width may be reduced below 25 feet for one- and two-family residential lots, or below 35 feet for lots in any other use.

2.1.15 Determination of Certain Uses

A proposed use in any zone which, in the opinion of the Zoning Enforcement Officer, is not clearly allowed or prohibited as a permitted use or a Special Use in that zone shall be referred to the Commission for a determination as to whether the use should be allowed as a permitted use, a Special Use or not be allowed in that zone.

2.1.16 Separation of Incompatible Uses

To properly separate incompatible uses and prevent inappropriate traffic impacts, private access facilities including drives, driveways, vehicle or pedestrian ways, must be constructed on land within zoning districts which permit the use served by these access facilities.

2.1.17 (This Section was deleted.)

2.1.18 Land Use Standards within Connecticut River Assembly Conservation Zone

All areas within the Connecticut River Assembly Conservation Zone, as defined in Public Act 82-296 "An Act Concerning the Preservation of the Upper Connecticut River Area" (Section 3, as amended) and depicted on the Official Zoning Map Index in the Town of Windsor Planning Office, shall be subject to minimum standards as developed and adopted pursuant to Connecticut Special Act 79-77 as amended to regulate the use and preservation of land.

2.1.19 House Orientation

Intent

The intent of this Section is to address house siting problems particularly presented by narrow lots in residential zones. In order to preserve and protect property values and especially to preserve the established architectural character of older neighborhoods, special consideration must be given to house orientation on such lots, as follows:

- (1) On any interior or through lot where the lot width is 65 feet or less, the principal structure thereon shall be oriented so that the plane of its longer wall faces the street which the lot fronts upon. For through lots, the lot shall be considered to front upon the street which is improved to the higher standard as determined by the Zoning Enforcement Officer.

2.1.19 (Continued)

- (2) On any corner lot where the lot width is 65 feet or less, the principal structure shall be oriented so that the plane of its longer wall faces the street which has the greater number of houses having the plane of their longer walls oriented toward that street.

2.1.20 Electrical and Communication Transmission Lines

All lines or wires used in the transmission of electricity or for communication purposes shall be placed underground from the source, in a location as approved by the Director of Public Works and within all development sites. If the Director of Public Works and the Planner agree that connection from the source to the development site is inordinately difficult, they may waive the requirement for only that underground connection, or any part thereof.

2.1.21 Public and Private Roadway Design

Refer to Section 4.8.3 of the Windsor Subdivision Regulations for the public and private roadway design criteria.

2.1.22 Content Protective Structures

Content protective structures are defined herein as the exterior or interior covering of the glazed portion of windows or doors with any permanent or temporary (i.e. movable) metal, wood, masonry, or plastic materials. The use of content protective structures greatly reduces visibility and the ability for the Police and Fire Departments to effectively administer emergency services to building occupants and compromises the safety of emergency services personnel, which could also make surrounding buildings increasingly vulnerable to fire and life safety hazards. As a result, content protective structures are not permitted within the B-1, B-2 and B3 zones, nor are they permitted in the commercial establishments in the PUD zone, except that the Commission may consider these structures in these zones by Special Use in accordance with Section 5.2.6Q(5).

2.2 GENERAL EXCEPTIONS

2.2.1 Lots on Streets Not in Compliance with the Plan of Development

In the case of lots fronting on streets having a right-of-way width less than that required by the street designation or classification in the Plan of Development, the required front yard may be increased by the Commission.

2.2.2 Lots Adjacent to Limited Access Highways

A limited access highway shall not be used to meet the frontage or access requirements for those lots adjacent to such a highway.

2.2.3 Residential Buildings Adjacent to Limited Access Highways, Railroads, Industrial Zones, or Warehouse Zones

No building to be used for residential purposes shall be constructed within 150 feet of the nearest pavement line of a limited access highway. No building to be used for residential purposes shall be constructed within 150 feet of a track of a railroad line, unless approved by the Commission in connection with developments under Sections 4.5 or 11.3 only. The distance from the rear part of any residential building to the rear residential property line abutting any industrial or warehouse zone line

2.2.3 (Continued)

shall be no less than 100 feet except that in cases where adequate changes in topography, berms, and evergreen vegetation exist or are provided, the Commission may reduce the distance by up to 10%.

2.2.4 Yard Exceptions

A

Side Yards

- (1) For B-1 Zone

As per Section 5.1.1.

- (2) For B-2 Zone

As per Section 5.2.1.

- (3) For P Zone

Thirty feet if adjacent to residential, AG or NZ zones, otherwise ten feet.

- (4) I-1, I-2 and W Zones

Forty feet if adjacent to residential, AG or NZ zones.

B

Front Yards, Minimum Lot Area, Maximum Percent of Area Covered by Roof(s) and by Paving

- (1) I-1, I-2, W or B-2 Lots Adjacent to Residential, NZ or AG Zones

B-2 lots adjacent to a residential zone shall have the same front yard requirement as that residential zone; for B-2 lots adjacent to AG or NZ zones, a 40-foot front yard shall be required. No parking is permitted within the required front yard of industrial, W or business lots adjacent to residential, NZ or AG zones or where the zone boundary line dividing the above uses falls on or within street right-of-way lines. Development adjacent to residential, NZ or AG zones and shown within the Limit of Business Center and Redevelopment areas on the 1973 adopted Plan of Development maps entitled "Wilson: A Study" and "Windsor CBD" are excepted from the provisions of this Subsection (see Appendix 1, pages 5, 21 and 22).

- (2) A minimum front yard of 100 feet shall be required for all lots fronting upon Day Hill Road, from its terminus at Poquonock Avenue, to its intersection with Blue Hills Avenue Extension, including the lots on the north and east corners of this intersection, and along Northfield Drive. No parking shall be allowed in any front yard required by this subsection except as per subsection 2.2.4E(2)(b). Use regulation shall be as per Section 2.2.4E. The requirements of subsection 2.2.4E shall apply only to buildings any part of which is within 500 feet of the right of way on roads described in this subsection (see Appendix I, page 29).

- (3) Dimensional exceptions for certain residential lots

- (a) The intent of this section is to provide a mechanism to allow the Zoning Board of Appeals to grant appropriate exceptions (reductions) of the front yard requirements for additions to existing houses and for the construction of accessory buildings for

2.2.4 B(3)(a) (Continued)

residential uses in areas which were substantially developed prior to the enactment of these Regulations and in which non-conforming front yards exist.

- (b) In order to comply with the above-stated intent, the applicant shall show and the Board shall find that:
 - (i) the dimensional exception granted will result in construction that may be up to the "practical" front yard line, but in no case closer to the street than one-half the current front yard requirement of the zone in which the applicant's lot is located. The "practical" front yard is herein defined as the average depth of the front yards (or setbacks) of all developed lots on the same side of the street as the applicant's lot and located between the two nearest street intersections which bound these and the applicant's lot;
 - (ii) at least one-half of the developed lots having the same locational characteristics as that of the applicant's lot (see i)), have non-conforming front yards;
 - (iii) at least one-half of the land adjoining the same street-side the applicant's lot and located between the two nearest intersections, as described in (i), is developed;
 - (iv) the size, configuration and location of the proposed construction represents the most reasonable and prudent alternative; the construction will be in harmony with the existing development on the site and on surrounding properties, and not have an excessive deleterious impact on the surrounding neighborhood.

C

Nonresidential Lots Adjacent to a Railroad Spur

In a nonresidential district no yard shall be required for that portion of a lot contiguous to a railroad spur giving railroad access to such lot.

D

All Nonresidential Lots

The side or rear yard for a building connector shall be 0 feet.

E

In order to conserve the value of buildings, protect property value and historic factors and promote health and general welfare within the areas described in Section 2.2.4B(2) the following shall apply:

- (1) Requirements for Day Hill Road area sites (see Appendix I, page 29):
 - (a) Permitted Uses: offices, research laboratories, research/development facilities, computer centers, *office flex space, manufacturing, fabricating, compounding, or treatment of articles, full service hotels and conference centers, retail uses only in the B-2 Zone, and restaurants as per section 8.2.6J.

*Definition of office flex space: One to two-story buildings incorporating office, research laboratories, manufacturing, warehousing, assembly, packaging and /or storage of articles or their wholesaling and distribution.

2.2.4E (Continued)

- (b) The exterior walls of buildings shall be of a character similar to and material the same as that of the predominant number of existing buildings in the Area. The material for the exterior walls of offices, research laboratories and computer centers shall be brick, cut stone, smooth skin metal panels, pre-cast concrete panels and glass in any combination as to type of material. Other materials may be used as per subsection (l) below. For office flex space, manufacturing, fabricating, compounding and treatment of articles the front and side walls shall be as above but the rear wall may be of concrete masonry units if not visible from Day Hill Road or Northfield Drive.
- (c) To promote the public health, safety and well being for employees which tends to increase their productivity, the area of glass for offices and research laboratories shall be a minimum of 25% of the total wall surfaces to provide natural light and a view of the exterior, except for computer centers where the minimum glass area can be reduced to 10%. For flex space, manufacturing, fabricating, compounding and treatment of articles the glass area shall be 20% of the area of the front and two side walls.
- (d) Maximum clear height of any floor shall be less than 20 feet.
- (e) Because of the continual increase in the size of buildings and to mitigate the vastness of bulk and scale, off-sets of no less than 5 feet for every 100 feet in horizontal dimension shall be required. The off-sets may be combined as designed by the applicant and agreed to by the Commission. The total length of required off-set(s) must be maintained.
- (f) For offices, research laboratories, research/development, and computer centers the roof of buildings shall be flat or flat in appearance when observed from all sides of the building. For flex space, manufacturing, fabricating, compounding, or treatment of articles, the roof of buildings shall be flat or flat in appearance on the front and two side views.
- (g) Any gutter and down spouts on front and side walls shall be within roofs and walls.
- (h) Ground or roof mounted mechanical equipment and dumpsters shall not be visible from Day Hill Road or Northfield Drive (as applicable). The screening method shall use materials that are the same as or most compatible with material of the building (e.g., for parapets), except that for equipment and dumpsters behind the building and not visible from the 2 roads (above), evergreen vegetation can be used for this screening.
- (i) In order to provide efficient use and generation of energy, the use of photovoltaic panels is encouraged. For every 10% of roof area or wall surface in photovoltaic panels 1% more of the site can be covered by hard surface above 50% for a maximum of 60%.
- (j) In order to provide for design flexibility to account for unforeseeable conditions, the Commission may reduce/increase (as relevant) certain minimum or maximum standards by up to 20% (e.g. if a minimum standard is 15%, it may be reduced to no less than 12%), if the Commission finds under special use consideration that the particular site and building will fit as well or better with the surrounding development. The criteria for this evaluation shall include:
- Uniqueness of site, building and building location within the site;
 - Uniqueness of the use and its value to the community;
 - Relationship and impact to adjacent developments.

2.2.4E(1) (Continued)

The reductions/increases are applicable to subsections (c), (d) and (e) above.

- (k) The Commission may require acceleration and deceleration lanes to prevent traffic hazards and facilitate traffic flow.
 - (l) The Commission may allow by special use, the use of materials not mentioned in (b) above for accent details for the exterior walls, if it finds that for the particular site and building in question it will fit as well or better with the surrounding development. The criteria for the evaluation shall be:
 - The durability of the material and its potential for damage based on its location on the building;
 - Its visibility.
 - Its impact on adjacent development.
 - (m) The area of this material may not exceed 10% of the total area of the wall involved.
 - (n) Vehicle pavement shall be a minimum of 15 feet from any part of a wall not used for loading and unloading.
- (2) Requirements for Northfield Drive area sites (see Appendix I, page 29):
- (a). All sections of 2.2.4.E(1) above shall be complied with, except:
 - (i) For the area north of Northfield Drive, the maximum clear height of any floor shall be 24 feet and the maximum height of any building shall be 40 feet; and
 - (ii) For the area south of Northfield Drive, the maximum clear height of any floor shall not be limited and the maximum height of any building shall be 45 feet.
 - (iii) No floor or building height shall exceed the design capacity of the building's automatic fire/sprinkler protection system.
 - (iv) For offices and research laboratories as identified in Section 8.1.4A, the maximum building height standards provided in Section 8.1.1 shall apply except that if the building height exceeds forty (40) feet, then for every foot of additional building height, the rear setback line (at the one hundred (100) foot buffer strip from any Residential Zone provided in Section 2.2.4E(2)(c)) shall be increased by five (5) feet in width.
 - (b) Yards shall be the same as for subsection 2.2.4B(2) and Day Hill Road area sites, except that parking is prohibited only within 50 feet of the street line.
 - (c) The buffer strip from any residential zone shall be landscaped to provide for additional screening as required by the Commission and shall be 100 feet in width.
 - (d) The Special Use under Section 8.1.6L is applicable in the Northfield Drive area.
- (3) Except as provided above, uses under sections 8.1.6 and 8.2.6 are not allowed in areas described in subsection 2.2.4B(2)

2.2.4E (Continued)

- (4) In order to preserve the intent of Section 2.2.4E(2), but provide for flexibility in the area north of Northfield Drive areas consistent with the Plan of Development, the Commission may by special

use, if it finds that for the particular site and building in question it will fit as well within the surrounding development, modify the provisions of Section 2.2.4E(2) in the following respects:

(a) The maximum clear height of any floor shall not be limited and, except as allowable under the provisions set forth below, the maximum height of any building shall not exceed forty (40) feet.

(i) In lots which do not adjoin a Residential Zone, the maximum height of any building may exceed forty (40) feet but shall not exceed forty-five (45) feet.

(ii) In lots adjoining a Residential Zone, if the building height exceeds forty (40) feet, then for every foot of building height over allowable forty (40) foot limit, the one hundred (100) foot buffer strip from any Residential Zone shall be increased by ten (10) feet in width, provided that in no event shall the maximum height of any building exceed forty-five (45) feet.

2.2.5 Accessory Structures that Exceed Maximum Building Heights

No accessory structure indicated below may be erected higher than the maximum building height specified for each district except as follows:

A

In all residential zones, accessory structures such as chimneys and flag poles are allowed provided that the resulting total height (including supporting structure) is not greater than 12 feet higher than the maximum allowable building height measured from ground level, and provided that the height of the structure is less than its distance from any property line. Structures more than 12 feet higher than the maximum allowable building height, but less than 100 feet total height, may be allowed by Special Use provided that the height of such structure is less than its distance from any property line. (For accessory buildings, see Section 4.4.1.) Ground or roof-mounted dish antennas are excluded from the provisions in this Subsection (2.2.5A). (See Sections 4.4.13, 4.5.9 and 16.2.4 for ground or roof-mounted dish antenna regulations. (For tower-mounted dish antennas, see 2.2.19D3(f).)

B

In all but residential zones, accessory structures such as storage bins, silos, chimneys, spires, steeples and dish antennas are allowed provided that the resulting total height is not greater than 20 feet above the maximum allowable building height measured from ground level, and provided that the height of such structures is less than its distance from any property line. Structures more than 20 feet higher than the maximum allowable building height, but less than 100 feet total height, may be allowed by Special Use provided that the height of such structure is less than its distance from any property line. Ground or roof-mounted dish antennas shall not be more than 12 feet in diameter and shall be screened from street view by structures, fences, walls or plantings. (For tower-mounted dish antennas, see 2.2.19D3(f).)

2.2.6 Corner Lots

On corner lots, front yard requirements shall be applicable to both street frontages. The width of a corner lot shall be measured by taking the longer front lot line as though it were a side lot line (see Appendix 1, pages 1 and 3).

2.2.7 Through Lots

A through lot shall have yards adjacent to each street of at least the same depth as the required front yard. Through lots shall be avoided, except where it is deemed desirable to preclude vehicular access from a heavily trafficked street (see Appendix 1, page 1).

2.2.8 Substandard Lots

Except as per Section 8-26a(b) of the Connecticut General Statutes, in all single-family zones, any lot which was separately described in the latest deed of record prior to the effective date of these Regulations or which was an approved lot shown on a subdivision plan approved by the Commission and on file in the Windsor Town Clerk's Office prior to said date, which does not meet the requirements of these Regulations as to lot area and/or lot width may be utilized for any use permitted in the zone in which such lot is located, provided that all of the other provisions and requirements of these Regulations and the Subdivision Regulations are complied with.

This exception shall not apply to any substandard lot where sufficient adjoining land, which was under the same ownership as of September 14, 1987, can be combined to reduce the lot area and/or lot width noncompliance.

2.2.9 Narrow Parts of Lot Not Counted Towards Area Requirements

Lots created by subdivision subsequent to the effective date of these Regulations cannot include as a portion of their required area excessively narrow sections. To qualify for inclusion, the minimum straight-line dimension connecting the lot side lines shall exceed 33 1/3% of the required lot width (see Appendix 1, page 3).

2.2.10 Projections into Yards

Except as governed by requirements for intersection visibility in Section 2.1.8, open porches or vestibules may extend into any required front yard, provided that such extension shall not exceed five feet nor cover more than 50 square feet of area computed on exterior dimensions.

Other usual projections such as chimneys, window sills, cornices and bay windows may extend not more than two feet into any required yard.

2.2.11 Varied Front Yards

As per Section 4.2.4.

2.2.12 Roadside Stands

Farmers' stands of temporary construction or readily removable intended for the roadside sale of products raised exclusively on the farm served by the stand may be allowed in any residential or agricultural zone. Such stands hereafter erected must be set back from the road at least 40 feet to permit access drives and to avoid parking of customers' vehicles on the highway and must be approved by the Zoning Enforcement Officer.

2.2.13 Aircraft Approach Lanes

Land beneath any aircraft approach lane, as established by appropriate aeronautical authorities, shall be so developed as not to endanger safe flight conditions to and from an established airport.

2.2.14 Fences, Walls and Hedges

A

In residential zones no fence, hedge or wall in excess of four feet in height may be erected within five feet of any property line in the required front yard. Higher fences, hedges or walls up to a maximum height of six feet may be erected within the front yard if they are set back five feet from the property lines for each additional one foot of height. No fence, hedge or wall exceeding six feet in height may be erected within any required side or rear yard. No fence, wall or hedge, the gross area of which is 80 percent or less open, shall be located within a ten-foot radius of the intersection of any driveway edge and a street property line. This does not apply to wire, stretcher, hurdle, post and rail and split rail fences which do not present impairment to visibility (see Appendix 1, page 6).

B

In nonresidential zones, fences having openings in excess of 80 percent of their gross area may be built to a height of eight feet. Other types of fences or walls shall be no greater than six feet in height.

C

Walls, fences or hedges higher than those indicated in A and B may be allowed if expressly required by the Commission as retaining walls or for screening purposes.

2.2.15 Use Variances and Special Uses Originally Granted by the Zoning Board of Appeals with Time Limits

Approvals granted by the Zoning Board of Appeals for Special Uses, and use variances, with time limits, prior to the enactment of these Regulations, as amended, shall be permitted to continue to seek said Zoning

Board of Appeals renewals provided application for renewal is made: (1) within 60 days of the date of expiration, or within 30 days of the effective date of this amendment, whichever is greater; (2) that the use is not increased or expanded; and (3) that the time limit shall not be increased beyond that which was last granted. In the event of failure to seek renewal, said properties shall conform to the requirements of the Zoning Regulations.

2.2.16 Seasonal Outdoor Eating Areas in Food Establishments

In order to provide regulations for an emergent preference for outdoor eating, the following is enacted. Notwithstanding the provisions in any other sections of these Regulations, seasonal outdoor eating areas may be approved on the site of a food service establishment licensed by the Health Department.

A

The approval may be given under Section 3.9 by Town staff if it is determined that:

- (1) It does not result in interference with or hazards to pedestrians on public sidewalks and vehicular traffic.
- (2) It will not create visibility problems for traffic or pedestrians.
- (3) If the establishment is not in compliance with site coverage requirements, only pervious construction (i.e., no concrete slab or asphalt) or grassed areas shall be used for the eating area to reduce water runoff.
- (4) Any non-vegetative shading devices shall be of a nonpermanent type (umbrellas, retractable awnings, etc.) and shall be safely anchored.

2.2.16A (Continued)

- (5) Areas on which required parking exists shall not be used.
- (6) No additional parking shall be required.
- (7) Adequate trash receptacles shall be provided.
- (8) Tables shall not be located in such a manner as to restrict access to any portion of the building by emergency services.

B

If there is disagreement on any issue between the staff and the applicant, the applicant will be referred to the Commission for resolution, or for treatment as a site plan and/or special use if the Commission reasonably anticipates that outdoor eating at the applicant's site has the potential to adversely affect neighboring uses and the surrounding area. The Commission may allow the use of a required parking area if it finds that the involved parking area is not used during the outdoor eating season; and may allow impervious pavement construction (i.e., asphalt or concrete) for the eating area.

C

The applicant shall provide an adequate plan (or a suitable substitute agreed to by staff) indicating any tables, chairs, etc. associated with the outdoor eating in relation to the location of buildings, sidewalks, parking spaces, and driveways.

D

Any approval shall be for one outdoor eating season only (generally a five- to six-month period between April and October). The initial application fee shall be \$50. There shall be no fee for annual re-approvals thereafter except when the Town staff determines that a substantial change has occurred which requires additional evaluation by the staff, in which case a new plan and a \$50 fee shall be submitted.

E

All tables, chairs, trash receptacles, etc. shall be removed at the end of each outdoor eating season.

2.2.17 Mobile Food Vendors

A

Intent

Mobile food vendors, under the Town Code of Ordinances, may locate at a property with the owner's written permission and sell their wares to persons working or living there, and then move to another property. The Town Code does not address stationary locations, both within public rights-of-way as well as on State and private property. The intent of this Section is to allow mobile food vendors to temporarily locate on suitable private property which shall be regulated as follows:

- (1) A mobile food vendor shall be defined as a person who goes from town to town or place to place within a town, selling food in a ready-to-consume state, from within or alongside a mobile vending vehicle or cart. The operation must remain truly mobile and shall be removed daily, in its entirety, from any approved location between sunset and sunrise.
- (2) This use shall only be allowed in the B-1, B-2, B-3, I-1, I-2 and W zones.

2.2.17A (Continued)

- (3) This use shall not be allowed on the same property with, or within 500 feet of the property line of, a property containing a permanent eating establishment or an establishment which sells alcoholic beverages for off-premises consumption.
- (4) There shall be no more than one mobile food vendor per property.
- (5) The location of any vending vehicle, cart, trash receptacle, sign, etc. shall not obstruct line-of-sight or flow of traffic both on- and off-site and shall not obstruct the use of any required parking space, driveway or pedestrian pathway. There shall be adequate off-street parking for patrons of existing establishments and those of the mobile food vendor. All trash receptacles, signs, etc. related to the use shall not be located more than 15 feet from the vending vehicle.
- (6) The mobile food vendor shall be limited to one temporary freestanding sign, not to exceed 16 square feet per side. Flags, pennants, pinwheels, flashing lights or other devices, intended to attract attention to the use, but potentially distracting to motorists, shall be prohibited.
- (7) The mobile food vendor shall provide with the application, written permission from the owner of the property on which he/she intends to locate.
- (8) For approval, the mobile food vendor shall provide an adequate plan (or a suitable substitute agreed to by staff) indicating the location of any vending vehicle, cart, sign, etc. in relation to buildings, sidewalks, parking spaces and driveways.
- (9) The mobile food vendor shall provide adequate trash receptacles on the property and shall be responsible for maintaining a litter-free condition on the entire site associated with this use while the applicant exercises the permit or lease.
- (10) The Town Planner and Zoning Enforcement Officer, after review by town staff, may approve such a location under Section 3.9. If there is disagreement on any issue between the staff and the applicant, the applicant will be referred to the Commission for site plan approval, or at the Commission's discretion depending on impact to surrounding areas and establishments, by special use.
- (11) Such approval shall be for a period not to exceed three months. Upon expiration, the property may not be used by any mobile food vendor for three months.
- (12) Upon vacating a property, the mobile food vendor shall remove all traces of his/her business and restore the property to its original condition. When the portion of the property being used by a mobile food vendor and his/her patrons is not paved, the property owner shall post a bond to cover the cost of restoring the property to its original condition.
- (13) The application fee shall be \$100 or where a site bond is required, \$150.
- (14) The mobile food vendors must have a valid hawkers/peddler's license and food permit in addition to the approvals specified in (10) and (11) above.
- (15) This regulation shall not apply to special events sponsored by public or quasi-public, nonprofit organizations.

2.2.18 Rainbow-Stone Road Fire Protection Area

Intent

The intent of this section is to minimize fire hazards in the Rainbow-Stone Road Fire Protection Area, by coordinating the construction of large developments to the provision of adequate fire protection facilities. Because of long response times for this area, a fire in these types of developments could overwhelm the available municipal fire protection resources. Also, large developments could generate concentrations of traffic and congestion which would increase already long response times for fire fighters and fire fighting equipment in this Area.

A

For the purpose of this Section the Rainbow-Stone Road Fire Protection Area is defined as that area west of a north/south line going through the center of the intersection of East Granby Road and Rainbow Road and also lying north and west of the Farmington River, and large developments are defined as all nonresidential buildings (excluding agricultural buildings) and residential developments of more than three dwelling units or lots.

B

In the Rainbow-Stone Road Fire Protection Area, building permits for large developments, shall not be approved until an operational firehouse exists or the Commission is satisfied that alternative adequate fire protection systems are proposed. In evaluating the adequacy of these alternative systems, the Commission shall find that either:

- (1) Nonresidential buildings will have Fire Department-approved on-site fire protection systems including, but not limited to, the following: dual water supply, hydrant system, automatic building venting system, building construction materials that do not significantly add to the fire load, and an automatic fire suppression system; and for residential buildings, an automatic fire suppression system: or that
- (2) Adequate plans and a timetable exist for the construction of a firehouse in this Fire Protection Area after due consideration of the recommendation of the Fire Department.

2.2.19 Wireless Telecommunications Facilities

A

Intent

The intent of the provisions in this section is to:

- (1) Update Windsor's Zoning Regulations to comply with the Telecommunications Act of 1996 and provide for the establishment and expansion of wireless telecommunications services;
- (2) Minimize the number and height of towers and encourage the use of existing and the joint use of new **towers** for the placement of telecommunication **antennas**;
- (3) Provide for the need of the Town of Windsor for:
 - (a) public health and safety;
 - (b) telecommunication facilities for Windsor's citizens and Windsor's business and industrial sector;
 - (c) protection of **sensitive** areas from adverse aesthetic and environmental impacts from telecommunication facilities.

2.2.19 (Continued)

B

Definitions

ANTENNA means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip **antennas**, panel **antennas** and dish **antennas**.

APPLICANT shall be the licensed carrier, provider and land owner.

BASE means location where a **tower** is attached to its foundation.

BASE HEIGHT means the maximum building height in a zone plus 10 feet.

BASE EQUIPMENT means a structure or building at the **base** of the **mount** or a box located inside such a structure or building within which are housed service, electrical and back-up power equipment.

2.2.19B (Continued)

CO-LOCATION means the use of a single **mount** or site by more than one **licensed carrier**. Co-location also means locating a **wireless telecommunication facility** on an existing structure (e.g. water tower) or building provided that the facility does not extend beyond 10 feet above the mount or for electric transmission tower mounts that the facility does not extend beyond 15 feet above the mount.

FALL ZONE means the distance equaling the **height of tower** from any property line of the proposed site except in those instances where the proposal meets **co-location** requirements.

HEIGHT OF TOWER means a distance from the ground elevation of such **tower** to the topmost point of the **tower** including any **antenna** or other appurtenances.

LICENSED CARRIER (or PROVIDER) means a company authorized by the Federal Communications Commission (FCC) to build and operate the proposed **wireless telecommunication facility**.

MOUNT means the structure or surface upon which **antennas** are mounted. There are three types of mounts:

- (1) Roof-mounted is mounted on the roof of a building;
- (2) Side-mounted is mounted on the side or facade of a building;
- (3) Ground-mounted is mounted on the ground.

NOT SENSITIVE means all areas not categorized as sensitive (see SENSITIVE below.)

NOT VISIBLE means the **base**, **base equipment** and lower part of a tower is behind a building of at least one story in height or a stand of trees (the average height of which is not lower than 20 feet and which in the Winter screens at least 80% of the **base**, **base equipment** and lower part of a tower), as viewed by an observer from any sensitive area (see VISIBLE below.)

SENSITIVE means **historic** areas, **residential** areas, **other** areas, and streets.

HISTORIC areas include Windsor's Historic District as defined in the Windsor Town Code section 14-56 and properties listed on the National Register of Historic Places or areas within 250 feet of such district or properties.

2.2.19B (Continued)

OTHER areas include Windsor Center, its Fringe Areas and the Wilson Study Area (south of Putnam Highway), as depicted in Maps VII-1 and VII-3 of the 1991 Plan of Development (see Appendix 1, pages 27 and 28), any area within Zone A or B or within 250 feet of Zone B of the Farmington or Connecticut River as described in the National Flood Insurance Program's Flood Insurance Rate Map for Windsor.

RESIDENTIAL areas include residential zones or areas within 250 feet of such zones.

WIRELESS TELECOMMUNICATIONS FACILITY (FACILITIES) means the **mount** including any **antenna** or other appurtenances for the provision of wireless telecommunications services, including but not limited to those services defined in the Telecommunications Act of 1996.

TOWER means a **mount** structure that is intended solely to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

VISIBLE means that the **base, base equipment** and lower part of a tower is visible to a higher degree than for a tower that is **not visible**, as viewed by an observer from any **sensitive** area.

C

General Requirements

- (1) **Co-location** is encouraged and preferred to the construction of a new mount. Both the **applicant** and owner shall commit to allow co-location. In the event **co-location** is found to be infeasible by the **applicant**, the Commission may retain a technical expert to verify if **co-location** at the site is feasible or is not feasible. The cost for such a technical expert will be at the expense of the **applicant**.
- (2) The Commission may require the investigation of alternative sites by the **applicant** and demonstration of a good faith effort to co-locate with other carriers. Such good faith effort includes contact with all other **licensed carriers** licensed to operate a **wireless telecommunications facility** in Windsor. In the event the **applicant** finds alternate site to be infeasible, the Commission may retain a technical expert to verify if the alternate site is feasible or not. The cost for such a technical expert will be at the expense of the **applicant**.
- (3) **Antennas** and towers may be considered either principal or accessory use. An existing telecommunication facility or other use on the site shall not necessarily preclude the location of a new facility on the site, if the new facility meets the intent, standards and requirements of these regulations.
- (4) The **applicant** shall present evidence that the proposal meets the minimum standards and requirements of the Federal Aviation Administration (FAA) and FCC or any other applicable Town, State or Federal codes, standards or requirements.
- (5) If any proposed facility is found by the Commission to result in significant negative impacts, it shall not be approved.
- (6) At such time that a **licensed carrier** plans to abandon or discontinue operation of a **wireless telecommunications facility**, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

2.2.19C(6) (Continued)

In the event that a **licensed carrier** fails to give such notice, the **wireless telecommunications facility** shall be considered abandoned upon such discontinuation of operations.

Upon abandonment or discontinuation of use, the carrier shall physically remove the **wireless telecommunications facility** within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to removal of **antennas**, mount, equipment cabinets and security barriers from the subject property and restoring the location of the **wireless telecommunications facility** to its natural condition, except that any landscaping and grading shall remain in the after-condition.

If a carrier fails to remove a **wireless telecommunications facility** in accordance with this section of this ordinance, The Town of Windsor shall have the authority to enter the subject property and physically remove the facility. Costs for the removal of the **wireless telecommunications facility** shall be charged to the landowner in the event the Town of Windsor must remove the facility.

- (7) Where a previously approved facility is proposed to be extended or substantially altered in a manner that in any way changes the character or intensity of the use, such proposed extension or substantial change or alteration will be treated as a new application under this section.
- (8) Approvals for wireless telecommunication facilities are limited to a 10-year time period. Upon expiration of the time period, the applicant may seek renewal. If renewal is sought the Commission may deny the renewal only if it finds that the requirements of Subsection (9) of this Section have not been met or that the facility has a significant impact on the quality of life in the community and that due to developments in communication technologies the facility is outmoded. If renewal is not sought, or renewal is sought but denied, the facility shall be in zoning violation and the procedures under the abandonment provision shall be imposed.
- (9) The **applicant** and co-applicant shall maintain the **wireless telecommunications facility**. Such maintenance shall include, but shall not be limited to, painting, structural integrity and landscaping. In the event the **applicant** or co-applicant fails to maintain the facility the Town of Windsor may undertake the maintenance at the expense of the **applicant** or **co-applicant** landowner.
- (10) After a **wireless telecommunications facility** is operational, the **applicant** shall submit, within 90 days of beginning operations, existing and maximum future projected measurements of radio frequency (RF) radiation from a **wireless telecommunications facility**. Should the **applicant** be required to submit additional information to the FCC regarding RF radiation after beginning operations, the **applicant** shall also submit such additional information to the Commission.

Should a new **wireless telecommunication tower** require co-locators, to the degree possible, the maximum future projected measurements of RF radiation shall be submitted to the Commission.
- (11) In the event that a facility is constructed on Town property, the Town shall be held harmless from any responsibility due to structural or other failures of the facility.
- (12) In order to promote economic development, the Commission may consider the adequacy of service in commercial and industrial areas when evaluating any application.

2.2.19C (Continued)

- (13) Application for any **wireless telecommunication facility** shall be made by a **licensed carrier** only. The **applicant** shall provide written notice to the Commission, within 90 days, of any changes in **applicant** or co-applicant identity of a **wireless telecommunications facility**.
- (14) Except as provided for tower-mounted dish antennas in Section D3(f) below, ground or roof-mounted dish antennas are excluded from the provisions of this Section. (For residential ground or roof-mounted dish antennas, see 4.4.13, 4.5.9 and 16.2.4. For other than residential ground or roof-mounted dish antennas, see 2.2.5B and 16.2.4.)

D

Specific Standards

(1) Locational Standards

- (a) Facilities Clustering - If the Commission finds that a particular area or site, structure or building is well-suited to the location of a facility, it may require the clustering of mounts in or on said area site, structure or building provided that all facilities meet the requirements of this regulation.
- (b) Locations in order of preference for facilities (i) being the most preferred, (v) being the least (see also Charts 1-3 in Section E);
 - (i) on existing or approved towers;
 - (ii) within existing structures (e.g. steeple, spires, etc.);
 - (iii) on existing structures (e.g. buildings, water towers and utility poles);
 - (iv) in **non-sensitive** areas;
 - (v) in **sensitive** areas with mitigation.
- (c) the **applicant** shall show the Commission the **applicant's** plan or model for the coverage of all areas in the Town of Windsor and the locations of all existing and proposed towers that would provide that coverage.
- (d) the **applicant** shall show all facilities within Windsor and within one mile within adjacent communities.

(2) Site Standards

- (a) All utilities serving the facility shall be underground.
- (b) Unless **base equipment** is located in underground vaults or in an existing structure and no security fence is required, the base area of a facility shall be large enough to accommodate:
 - (i) the required **base** equipment, access drive and parking for all carriers anticipated;
 - (ii) screening and landscaping area at least 20 feet wide around the outside of the security fence perimeter or the area around the smallest rectangle that can be drawn about all **base equipment** if no fencing is required. This area shall be planted to screen the **base equipment** or security fence from view. The Commission may also require walls to achieve the screening function especially

2.2.19D(2)(b)(ii) (Continued)

where the **tower** is close to a building located on the site and the wall can be made to seem as an extension of the building.

- (c) Except as provided below, a **tower** proposed as a ground-mounted facility shall have at least the **fall zone** distance from any abutting property. A **tower** proposed as a ground-mounted facility shall have at least two times the **fall zone** distance from any abutting **sensitive** area if it is deemed **not visible** and at least three times the **fall zone** from any **sensitive** area if it is deemed as **visible**.
 - (d) **Base equipment** structures, cabinets and fencing of ground-mounted facilities shall not be located within any required yard.
 - (e) In order to facilitate the evaluation of the site in relation to the proposed use, the Commission may require sections of the site and environs, balloon tests, photographic superimpositions and other studies in connection with any application.
- (3) Structural Standards
- (a) Unless otherwise specifically approved by the Commission, all towers proposed under this section shall be monopoles.
 - (b) Unless required by the FAA, the color of towers and other **visible** facility equipment shall be a non-contrasting blue or gray.
 - (c) Unless required by the FAA, no lights shall be permitted on any facility above 14 feet of the surrounding grade.
 - (d) No signs other than for safety or security directly involving the operation of the facility shall be permitted.
 - (e) To minimize **tower** proliferation, towers shall be designed structurally to adequately carry the weight, load/stress and height to permit at least three additional co-locators including a municipal **antenna**, unless specifically waived by the Commission. To achieve this, the **tower** may be designed for incremental height expansion.
 - (f) The maximum size of a tower-mounted dish **antenna** shall be 3 feet in diameter. The maximum size of a panel **antenna** shall be 2 feet by 6 feet. (For ground or roof-mounted dish antennas, see 2.2.5B, 4.4.13, 4.5.9 and 16.2.4.)
 - (g) Except as provided below, roof-mounted facilities shall not extend more than 10 feet above the maximum height of the building and shall be located away from the roof perimeter to minimize visibility from the ground.
 - (h) Roof mounts on existing buildings may extend higher than 10 feet to no more than **base height** on buildings in industrial or commercial areas provided that:
 - (i) no **base equipment**, cabinets, fences or screens are **visible** from streets or surrounding properties;
 - (ii) the Commission finds that the proposal does not significantly and negatively impact the area;

2.2.19D(3)(h) (Continued)

- (iii) the Commission finds that there does not exist a significant number of locations from which the top of the roof is visible;
 - (iv) the proposed structure not be within any **sensitive** area.
- (i) **Antennas** mounted on the facade of buildings shall be of a design, color that blends with the materials of the existing building to the greatest extent possible and shall be located to create the least conflict in compatibility with the appearance of the building.

E

Application Process

(1) The application process for telecommunication facility siting shall vary depending on height, area sensitivity, **base** visibility and **co-location** provisions, because of the significance of these factors in determining impact levels. The review process necessary for each **wireless telecommunication facility** location shall be determined by using the three charts below (for use of charts, see [†] Directions). Where two (or more) **sensitive** areas apply, the value from the most restrictive one shall be used:

Chart 1 - Comparison of Tower/Antenna Height to Sensitivity of Area

	Not Sensitive Zones/Uses	Sensitive		
		Other	Residential	Historic
To Max Building Height in Zone	1	2	3	4
To Base Height	2	2	3	4
Base Height To 75'	3	4	4	x
Greater Than 75' To 100'	3	4	4*	x
Greater Than 100' To 125'	4	4	x	x
Greater Than 125' To 150'	4	x	x	x
Greater Than 150' To 175'	4	x	x	x

Chart 2 - Comparison of Visible/Not Visible to Chart 1 Results

	1	2	3	4	x
Not Visible	A	B	C	D	x
Visible	B	C	D	x	x

Chart 3 - Comparison of Co-Location to Chart 2 Results

	A	B	C	D	x
Antenna Is Co-Located	I	I	II	II	IV
New Tower Provides For Co-Location	I	II	III	IV	x
New Tower Provides No Co-Location	II	III	IV	IV	x

Key

1-4, 4*	=	1 = Least Restrictive to 4 = Most Restrictive, 4* = Additionally Requires 3 Ac. Lot Min.
A-D	=	A = Least Restrictive to D = Most Restrictive
x	=	Use is Prohibited; unless appropriate mitigation is provided; see (4) of this section
I	=	Use Permitted By Right, Notify Building and Planning Offices
II	=	Staff (Section 3.9) Approval
III	=	Site Plan Approval Process
IV	=	Special Use + Site Plan Process

2.2.19E(1) (Continued)

[†] Directions: In Chart 1, choose the value corresponding to the appropriate column and row. Using this value on the top row of Chart 2, choose the letter corresponding to the appropriate variable on the left side column. Using this letter on the top row of Chart 3, choose the value corresponding to the appropriate variable on the left side column. Using this resultant, go to the Key to determine the review process.

- (2) For a **wireless telecommunication facility** requiring a Special Use application, the notification area shall be within 250 feet from any property line of the proposed site.
- (3) In addition to Section 2.4.4 Considerations, in evaluating a **wireless telecommunication facility** requiring a Special Use application, the Commission shall also consider the potential for co-location, alternative site locations, feasible alternative technologies and cooperation by the applicant regarding the use of the **wireless telecommunication facility** for Town emergency communication services, except that consideration of renewals shall be evaluated by Section 2.2.19C(8) only.
- (4) Where a **tower** is prohibited, the Commission may, by Special Use, reconsider such prohibition. Such reconsideration shall be subject to all applicable requirements in Section 2.2.19 and that:
 - (a) there is the existence on the site of an adequate stand of evergreen trees whose characteristics, including height, density and area of coverage, are such that the facility will blend in with the surrounding trees;
 - (b) the **wireless telecommunication facility** is constructed to look like an evergreen tree and will have characteristics such that it will blend in with the surrounding trees;
 - (c) the existing trees shall be within an easement and shall be preserved and maintained by the applicant in a manner reasonably assuring their long term survival;
 - (d) the impact by the facility on the sensitive area is minimal and is outweighed by the need for the service the **wireless telecommunication facility** provides.
- (5) The use of a temporary or mobile **wireless telecommunication facility**, some of which are known as Cell on Wheels (COW) based on such factors as its size, the size of the site, its placement on the site, potential safety impacts and the degree to which the temporary or mobile **wireless telecommunication facility** does not compromise the character of the surrounding area and generally meets the intent of this regulation, may be approved as follows:
 - (a) By the Building Official and Town Planner allowed under Section 3.9 for an initial period of up to three months if they find that the temporary or mobile **wireless telecommunication facility** has not created nuisances, hazards or excessively compromised the character of the area.
 - (b) The Commission may, by Site Plan, grant approval for up to an additional three months beyond any approval period granted by the Building Official and Town Planner, if it confirms the findings in (a) above.
 - (c) The Commission may, by Special Use, grant approval for up to an additional three months beyond any approval period granted by the Commission through Site Plan approval in (b) above, if the applicant can show a need to extend such time of temporary facility operation.

2.2.19E(5) (Continued)

- (d) For each of the applications above, the fees shall be calculated as in Section F below.

F Fees

The application fees shall be calculated as follows:

- (1) For telecommunication facilities permitted by right, there is no application fee.
- (2) For telecommunication facilities which are up to the **base height**, co-locating and not otherwise permitted by right or renewals under Section 2.2.19C(9), the application fee is the same as for a Section 3.9 Technical and Minor Changes to a Site Plan application.
- (3) For telecommunication facilities which are above the **base height** and 75 feet or less, the fee is (2) + \$25/foot above the **base height**.
- (4) For telecommunication facilities which are above 75 feet and 100 feet or less, the fee is (2) + (3) + \$20/foot above 75 feet.
- (5) For telecommunication facilities which are above 100 feet and 125 feet or less, the fee is (2) + (3) + (4) + \$15/foot above 100 feet.
- (6) For telecommunication facilities which are above 125 feet and 150 feet or less, the fee is (2) + (3) + (4) + (5) + \$10/foot above 125 feet.
- (7) For telecommunication facilities which are above 150 feet and 175 feet or less, the fee is (2) + (3) + (4) + (5) + (6) + \$5/foot above 150 feet.

2.2.20 Airport Interchange District

The intent of this section is to provide flexibility in design for parcels of land having high visibility and access to the commercial corridors served by the major intersections of the Bradley Airport Connector (Route 20) with Poquonock Avenue (Route 75) and Kennedy/Old County road. The Commission recognizes that the convenient accessibility of these interchanges to Bradley International Airport and the existing network of restaurants and related services make parcels in this District highly desirable for hotels, corporate headquarters and other related uses. Proposals under this section shall be considered as a special use.

A

For purposes of this section, the Airport Interchange District shall be defined as that area within 1000 feet of the intersection of Route 20 with Route 75, or with Kennedy/Old County Road, which is located in a Business or Industrial zone.

B

In order to encourage high quality, appropriate development in this District, the proposed facility must be found by the Commission to be (a) significant in size, (b) conveniently located to the surrounding development and other amenity facilities, (c) of a high quality in terms of building and landscape design standards, and (d) in accordance with Section 2.4.4.

C

The minimum standards of the underlying zone shall apply except as modified herein.

2.2.20 (Continued)

D

The minimum standards for hotels shall be as specified in Section 5.2 except for those specified below:

Maximum Building Height – 35 feet; except for properties abutting Route 20, which shall have a height limitation of Four Stories or 45 feet

Minimum Room Size – 312 feet

Maximum Density – 1,502 square feet per unit

Amenities and services – Hotels proposed for this district may, but are not required to, provide full service restaurants, but shall provide other amenities such as indoor pools, fitness centers, and meeting rooms.

2.3 NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES AND NON-CONFORMING USES OF STRUCTURES AND PREMISES

2.3.1 Intent

Within the districts established by these Regulations or by amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before these Regulations were passed or amended, but which would be prohibited, regulated or restricted under the terms of these Regulations or future amendments.

It is the intent of these Regulations to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by these Regulations to be incompatible with permitted uses in the districts involved. It is further the intent of these Regulations that non-conformities shall not be enlarged upon, expanded or extended if such a change increases the nonconformity, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

After passage of these Regulations a non-conforming use of a structure, a non-conforming use of land or a non-conforming use of a structure and land shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which could be prohibited generally in the district involved. To avoid undue hardship, in cases of developments for which applications and plans have been filed with the Building Official or for which a building permit has been previously issued or for which construction was lawfully begun prior to the effective date of adoption or amendment of these Regulations, the applicant may proceed as per Section 15.1.1.

2.3.2 Non-conforming Uses of Land

Where, at the effective date of adoption or amendment of these Regulations, lawful use of land exists that is made no longer permissible under the terms of these Regulations as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A

No such non-conforming use shall be enlarged nor increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these Regulations.

2.3.2 (Continued)

B

No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of these Regulations.

C

If any such non-conforming use of land is abandoned for any reason for a period of six months or more, any subsequent use of such land shall conform to the requirements specified by these Regulations for the district in which such land is located.

2.3.3 Non-conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of these Regulations that could not be built under the provisions thereof by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A

No such structure may be enlarged or altered in a way which increases its nonconformity.

B

Should such structure be destroyed or damaged it may be repaired or replaced to an extent which does not increase the nonconformity. If such repair or replacement is not accomplished within six months, it shall not be reconstructed except in conformity with the provisions of these Regulations.

C

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements for the district in which it is located after it is moved.

2.3.4 Non-conforming Use of Structures and Premises

If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of these Regulations that would not be allowed in the district under the provisions thereof, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A

No existing structure devoted to a use not permitted by these Regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered in a manner which increases the nonconformity except in changing the use of the structure to a use permitted in the district in which it is located.

B

Any non-conforming use of a structure, or structure and premises in combination, may be changed to another non-conforming use provided that the Commission, following a public hearing, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

In permitting such change, the Commission may require appropriate conditions and safeguards in accord with the provisions of these Regulations.

2.3.4 (Continued)

C

Any structure, or structure and premises in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the requirements for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

D

When a non-conforming use of a structure, or structure and premises in combination, is abandoned for a period of six months or more, the structure or premises shall not thereafter be used except in conformance with the requirements of the district in which it is located.

2.3.5 Repairs and Maintenance

Ordinary repairs may be made or remodeling done to any building devoted in whole or in part to any non-conforming use, provided that such work does not increase the nonconformity.

Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

2.3.6 Non-conforming Commercial Farming Use in Residential Zones

If the non-conforming use is commercial farming within a residential zone, all buildings erected subsequent to these Regulations, as amended, for the purpose of housing livestock or poultry shall be located not less than 150 feet from any street line and not less than 150 feet from any lot line, with the number of fowl limited to 100 and the raising of pigs excluded completely.

2.3.7 Special Use Provisions Not Non-conforming

Any use which is allowed in a district as a Special Use shall not be deemed a non-conforming use but shall, without further action, be deemed a conforming use in such district.

2.4 SPECIAL USES

2.4.1 Intent

The development and execution of a comprehensive zoning regulation is based upon the division of the Town into districts within which the use of the land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts without consideration, in each case, of the impact of such uses and features upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and features are, therefore, treated as Special Uses and are provided for as follows:

2.4.2 Public Hearing

Where provided for in these Regulations, the Commission may, in appropriate cases, grant Special Uses after a public hearing in accordance with State law.

2.4.3 Extensions, Alterations or Changes

Where an existing use which is allowed only as a Special Use is proposed to be extended or substantially altered in a manner that in any way changes the character or intensity of the use, such proposed extension or substantial change or alteration will be treated as a Special Use under this section. Any Special Use that is changed to another Special Use shall require a new application and a public hearing.

2.4.4 Considerations

Special Uses shall be granted only where the Commission finds that the proposed use, extension, substantial alteration or change of an existing use is in accord with the public convenience, health, safety and welfare after taking into account, where appropriate:

A

The nature of the proposed site, including its size and shape and the proposed size, shape, character and arrangement of proposed structures and landscaping.

B

The resulting congestion, vehicular and pedestrian circulation and adequacy of the street system and other public facilities.

C

The nature of the surrounding area and the extent to which the proposed use or feature will be in harmony with it.

D

The public need of the proposed use or uses on the proposed site at the time of application.

E

The Plan of Development for the Town of Windsor and other expressions of the purpose and intent of these Regulations.

F

The environmental, ecological, soil and drainage characteristics of the site and the surrounding area.

2.4.5 Conditions

In granting any Special Use, the Commission may attach additional or more stringent standards than are required for permitted uses in order to protect the public health, safety and welfare and the surrounding area and may include, but are not limited to, the following:

A

Required yards, parking, landscaping, screening, green area ratio, etc., greater than the minimum required by these Regulations.

B

Required signs, height and size of buildings, etc., smaller than the maximum allowed by these Regulations or other applicable codes or regulations.

C

Modification of the exterior features or appearance of any building or structure where necessary to be in harmony with the surrounding area and not detract from property values.

2.4.5 (Continued)

D

Limitation of size, number of occupants, methods or time of operation or extent of facilities.

E

Regulation of number, design and location of vehicular access drives; pedestrian ways; accessways for the handicapped and bicyclists, including at-curb or building ramps; or other circulation features.

F

Time limits for the existence of the Special Use, or its periodic review and reapproval.

G

Reports and recommendations from soil scientists, hydrologists, engineers, appropriate Town, State or Federal agencies as deemed necessary by the Commission.

H

Improvements to existing facilities which might be overburdened by the proposed development or endanger the public health, safety and welfare.

2.4.6 Special Use and Minimum Requirements

Unless otherwise specified in these Regulations, a Special Use shall conform to the minimum area, yard, lot coverage and other applicable requirements of the zone in which it is located and shall be in compliance with the minimum requirements of Section 3 unless additional, more stringent requirements are imposed by the Commission as per Section 2.4.5. For special uses which utilize existing floor area (built prior to February 2, 1993) on currently developed B-1, B-2 and B-3 sites in Windsor Center, its Fringe Areas and the Wilson Study Area (south of the Putnam Highway), as depicted in Maps VII-1 and VII-3 of the 1991 Plan of Development (see Appendix 1, pages 27 and 28), the Commission may waive any minimum or maximum requirement, with the exception of parking, if it determines that such a waiver does not adversely affect public health, safety, welfare or nearby property values (for parking reductions see Sections 3.4.1H and 5.2.6N).

2.4.7 Enforcement and Ownership

Any condition or safeguard attached to the granting of a Special Use shall remain with the property irrespective of ownership, as long as the Special Use is in operation.

2.4.8 Expiration of the Special Use

A building permit or, where a building permit is not necessary, a Certificate of Use and Occupancy must be taken or issued within 18 months of the date of approval of the Special Use or the approval shall expire, unless specifically extended by the Commission.

2.4.9 Noncompliance with Conditions or Safeguards

Failure to comply with any imposed condition or safeguard shall constitute a violation of these Regulations. If a condition or safeguard is not complied with within three months after a notice of noncompliance by the Zoning Enforcement Officer, the Special Use may be rescinded by the Commission after a public hearing. No Certificate of Use and Occupancy shall be issued if any of the conditions and safeguards are not complied with.

2.4.10 Uses Allowed as Special Uses are not Non-conforming

As per Section 2.3.7.

2.4.11 Determination of Certain Special Uses

As per Section 2.1.15.

2.4.12 Procedures

The Commission shall prescribe rules and forms as it deems necessary for the filing of Special Use applications, postponement, time for exercise, extension of time, rehearing and any other matters. The Commission shall not be required to hear the same application more than once during any period of 12 consecutive months.

2.4.13 More Than One Special Use on the Same Premises

Where two or more Special Uses are applied for on the same premises, the minimum lot area shall be the sum of the minimum lot area requirements for each use as specified in these Regulations.

2.4.14 Additional Material Submitted

Any data, plans or drawings voluntarily submitted by the applicant or his/her duly authorized agent in support of his/her application and not required by this and other applicable sections of these Regulations shall be made a part of the record and the improvements and/or facilities shown or described thereby, unless specifically excepted, shall be considered as requirements and conditions of the approval when granted.

2.4.15 Uses Permitted in any Zone as a Special Use

Any Special Use permitted hereunder shall comply with all applicable requirements of this section and with any other requirements specifically imposed in connection with the specific Special Use.

A

Gasoline Filling Stations

Because of the large volume of traffic generated by a gasoline filling station and its potential effect on the development of other land uses in surrounding areas, the Commission must expressly find that the existing and potential development of the surrounding area and the Town as a whole requires the location of this use at the proposed time.

Requirements: Minimum lot area - 1.5 acres
Minimum lot width - 175 feet
Site location adjacent to a ramp of a limited access highway
The location of pumps and the orientation of service bay doors to the rear of the building
Earth mounding, planting, screening, walls and fences appropriately designed and located to screen all unsightly areas
Minimization of the parking or standing of vehicles in areas visible from the street
At a minimum, gasoline, oil, air and water shall be provided to the public

(Note: Changes to existing gasoline filling station uses shall be governed by Section 2.4.15"O.")

2.4.15 (Continued)

B

Housing Developments Sponsored by the Windsor Housing Authority

In compliance with density and other requirements of the Housing Authority and appropriate State and Federal agencies.

C

Horticultural Nurseries

Provided no storage or structures within 50 feet of any property line.

D

Public Utility Structures or Facilities

E

Structures or Facilities of Town, State, Federal or Regional Governmental Bodies

F

Golf Courses

Provided that:

- (1) No structure used for recreation or entertainment shall be within 100 feet of any adjoining property line other than a street line or within 50 feet of any street line. Structures used for repair or storage may not be located within 50 feet of property or street lines.
- (2) No land used for active recreation shall be located within 100 feet of any property line. Active recreation shall be herein defined as formal picnic areas (with tables, barbecues, trash receptacles) or activities requiring a lined court or field.
- (3) No land used for fairways or greens shall be located closer than 100 feet to any adjoining property line.
- (4) Vehicular access drives or parking areas shall not be within 50 feet of any adjoining property line, except for street lines, unless the Commission finds that a lesser distance will not create excessive disturbance to the adjoining property.
- (5) The minimum lot area shall be ten acres.
- (6) Restaurants may be allowed as per Section 5.2.6D.

G

(Section Deleted, See Section 4.5.18A)

2.4.15 (continued)

H

Child Day Care Centers and Group Day Care Homes

The Commission may approve the above day care uses if it finds that the proposed facilities will not create any nuisances for nearby properties and that they are in compliance with State and Town standards and requirements. However, day care facilities satisfying all of the following characteristics shall be considered an accessory use and not a special use:

- (1) No part of the facility, including the outdoor play area, is within 100 feet of any residential zone or residential use.
- (2) The facility is for use only by employees of the establishment.

I

(Section Deleted, See Section 4.5.18C)

J

(Section Deleted, See Section 4.5.18D)

K

Accessory Structures that Exceed Maximum Building Heights

As per Section 2.2.5.

2.4.15 (Continued)

L

Top Soil, Gravel, Sand, Clay or Stone Removal

Top soil, gravel, sand, clay or stone may be removed in conjunction with an approved site development or subdivision in accordance with Section 3.3.2F. Removals of up to 250 cubic yards from any one parcel during any one 12-month period need not obtain approval from the Commission. Removal operations of more than 250 cubic yards, not related to an approved site development or subdivision, may be allowed as a Special Use by the Commission as provided below.

- (1) Maps, plans and sections shall be prepared by relevant professional(s) licensed to practice in the State of Connecticut and shall include the following information:
 - (a) The boundaries of the property where the removal is proposed, the area to be excavated and, where applicable, foliage lines of all existing wooded areas.
 - (b) Existing contours in the area to be excavated and proposed contours after completion of the removal operation. Existing contours shall be prepared from an actual field survey, based on Metropolitan District Commission datum and drawn to a scale of not less than 50 feet to the inch with a contour interval not to exceed two feet.
 - (c) Existing and proposed drainage of the area and drainage easements or flowage rights.
 - (d) Longitudinal and transverse cross sections of the site showing existing and proposed ground levels at intervals no greater than 50 feet.
 - (e) Staging of the operation and other measures to minimize erosion, siltation and flooding.
- (2) The Commission may require submission of additional information on soil conditions, locations and depth of rock ledge, groundwater conditions and other such information as is deemed necessary to make a reasonable review of the application. It may also seek recommendations from any relevant Town department or agency and State (Department of Environmental Protection) or Federal (Soil Conservation Service) agency.
- (3) A Special Use shall be granted for a period not to exceed one year, in compliance with the following conditions:
 - (a) No screening, sifting, washing, crushing or other processing shall be conducted on the premises.
 - (b) No building shall be erected on the premises except as temporary shelter for machinery and for a field office which shall be removed on or before the time that the Special Use expires.

2.4.15L(3) (Continued)

- (c) There shall be no excavation within at least 50 feet of any street line or property line except for access or, if specifically approved by the Commission, if found not to be detrimental to adjoining property values.
 - (d) Proper drainage shall be provided to prevent the collection and stagnation of water and to prevent siltation, erosion or flooding on the site involved and on adjacent properties.
 - (e) No sharp declivities, pits, depressions or soil erosion problems shall be created and no slopes or banks shall exceed one foot of vertical rise per two feet of horizontal distance.
 - (f) Top soil removed shall be stockpiled on the premises and shall be spread uniformly over the excavated area and exposed rock surfaces resulting from the excavation to a minimum depth of four inches in accordance with the approved contour plan.
 - (g) In the case of top soil removal, approval may be granted only if satisfactory evidence is provided that an adequate quantity of top soil can be retained to insure a cover of at least four inches for the entire site.
 - (h) When the removal operation has been completed, the excavated area shall be seeded with a perennial rye grass or similar ground cover and reforested with suitable trees as deemed necessary.
 - (i) During the time of the operation, barricades or fences for the protection of the public shall be erected.
 - (j) Truck access to the site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties; such access on the premises shall be provided with a dustless or hard-paved surface for a distance of at least 50 feet to insure no dust nuisance to adjacent properties and streets.
 - (k) The removal shall not impair the future use of the subject and adjacent properties in accordance with these Regulations and shall not impair good development and safe use of the property nor depress property values.
 - (l) Excessive nuisance from noise, dust, etc. shall not result from the removal operation.
 - (m) The applicant shall file with the Commission a performance bond, in form and with surety acceptable to the Commission, of such amount as the Commission shall deem sufficient to insure the faithful performance of the work to be undertaken pursuant to the conditions of approval. No excavation or removal operation shall begin until such bond is accepted by the Commission.
- (4) In the event an adjoining property owner has a Special Use for excavation or removal or files an application for such use, the Commission may waive the requirements prohibiting excavation within 50 feet of a lot line, provided a joint application is filed by the adjoining property owners and approved by the Commission.
- (5) Prior to the expiration of the Special Use, the Commission may renew it for a period not to exceed one year if a relevant professional certifies that the excavation already completed conforms with the approved plans.

2.4.15L (Continued)

- (6) As an additional condition for granting of a Special Use, the Commission may require the applicant to submit periodic reports, prepared by a relevant professional, on the progress of the excavation or removal, including contours and cross sections. If at any time the Commission finds that the excavation or removal is not being conducted or cannot be conducted in accordance with the plans as approved, the Commission shall order the applicant to cease operations and shall revoke the Special Use.

M

Filling

Any land may be filled in conjunction with an approved site development or subdivision. Filling of up to 250 cubic yards on any one parcel during any one 12-month period need not obtain approval from the Commission.

Fill operations of more than 250 cubic yards, not related to an approved site development or subdivision, may be allowed as a Special Use by the Commission as provided below:

- (1) The applicant shall comply with all requirements in Subsection 2.4.15L(1) and with all the relevant requirements in the rest of Subsection 2.4.15L where the term "removal" and/or "excavation" can be logically interchanged with "filling" (excluding Subsection 2.4.15L[3][g]).
- (2) All materials used as fill shall be noncombustible and nonorganic. Broken blocks, bricks, concrete, rocks and similar debris is allowable as fill when mixed with enough gravel or finer material to fill voids or air pockets. Periodically, as required by the Commission, all filled areas shall be covered to a depth of at least two inches with a material the size of gravel or smaller.
- (3) The Town of Windsor's sanitary landfill area is excluded from the requirements set forth in Section 2.4.15M(1) and (2).
- (4) No land in any district shall be used for the disposal of materials which have radioactive levels which could present a danger to health.

N

Structures for Temporary Occupancy in Disaster Areas

For those areas declared officially as Disaster Areas by Federal, State or local agencies, the Commission may approve the use of structures for temporary occupancy within the entire area, including necessary accessory appurtenances, subject to the following conditions:

- (1) A singular approval by the Commission shall cover all properties within the disaster area containing structures having been found by the Building Official to be unusable or uninhabitable as a result of the disaster.
- (2) Approval for such structures shall be for up to 18 months and may be renewed by the Commission.
- (3) In order to allow for proper connection to utilities, and to prevent fire and safety hazards, the general location of structures on lots shall be approved by the Town Manager or his/her authorized representative.

2.4.15N(3) (Continued)

It is specifically provided that nothing in these Regulations shall prevent the Town Manager from acting, pursuant to any Federal, State or local authority, to approve the use of such temporary structures without Commission approval when health and safety considerations require immediate action.

O

Changes in Existing Gasoline or Diesel Fuel Filling Station Uses

Any change that significantly increases the intensity of existing uses or involves the addition of a use to any existing gasoline or diesel fuel filling station that is located within 300 feet of an interstate highway ramp shall be considered a special use.

- (1) In considering such proposed changes the Commission shall take into account:
 - (a) the need for such uses in the Town of Windsor;
 - (b) the size, geometry and location of the site;
 - (c) traffic on streets in the surrounding area and the impact on traffic by the proposed use(s);
 - (d) compatibility with surrounding development;
 - (e) site and building design and signage changes;
 - (f) any other applicable provision under the Special Use sections considered relevant to the public convenience and the protection of the public health, safety and welfare.

- (2) For existing gasoline or diesel fuel filling stations which currently operate with a Dealer's or Repairer's License (not to include a Limited Repairer's License), as defined in Section 14-51 of the Connecticut General Statutes, the Commission may allow the sale of no more than six used cars provided that:
 - (a) no body work or painting takes place on the premises;
 - (b) used cars are displayed in approved parking spaces, which shall be provided at a ratio of one space per used car, in addition to any other required parking spaces. The used cars allowed for sale as set forth above shall be exclusive of any cars towed to and stored on the premises as part of any accessory motor vehicle towing operation conducted thereon;
 - (c) the outside storage of approved vehicles other than those displayed for sale shall be screened from abutting properties by appropriate ornamental fencing, landscaping or a combination of these, as approved by the Commission;
 - (d) the Commission shall establish a time limit on this use, not to exceed two years. The Commission reserves the right upon renewal to modify or supplement any previous condition of approval in order to better address any potential adverse impacts on the surrounding area;
 - (e) the Commission may, in its discretion, allow other uses on the premises which it determines to be accessory uses to the principal use, including but not limited to, towing operations or automobile detailing, subject to limits on the number and size of tow trucks

2.4.15O(2) (Continued)

- (f) and the size and location of the storage area for tow trucks, towed vehicles, and other work areas, hours of operation, and other conditions necessary in judgment of the Commission to address potential adverse impact on surrounding area; and
- (g) any special use approval shall be subject to submission and approval of a site plan in compliance with the foregoing criteria and the requirements of Section 3 of the Zoning Regulations which details the location of motor vehicle storage, display and repair areas and which designates and identifies to the Commission's satisfaction those vehicles.

P

(This section has been deleted)

Q

Self-Service Car Washes

Self-service car washes are inherently intensive uses and if unregulated are prone to over-intensive use, therefore, self-service car washes may only be allowed in conjunction with a gasoline filling station use and shall be subject to the following requirements:

- (1) No repair, vehicle storage, towing service, sale or dispensing of automobile parts and accessories including tires and batteries, shall be permitted.
- (2) No use other than a gasoline filling station, an associated convenience store, and a self-service car wash, which could include a vacuum cleaner, shall be permitted.
- (3) All washing operations shall be confined within one existing bay only, or within one new bay which shall be compatible in material and design to the main structure, whether attached or detached. Noise emitting from a new bay shall be no greater than the noise which would be emitted from washing operations in an existing bay. The vacuum cleaner shall be provided with an adequate trash receptacle nearby.
- (4) An unobstructed stack-up area of at least 100 feet in length shall be provided within the site for each car wash bay in order to minimize traffic hazards. Said stack-up area shall be provided as to be compatible with traffic patterns for vehicles using the gasoline pumps.
- (5) Necessary screening as determined by the Commission.
- (6) Disposal of all waste water and liquids used on the site shall be governed by applicable State and local regulations.

R

Transfer of Nonresidential Coverage

In order to preserve land with historic, ecologic, aesthetic, agricultural, or recreational value or potential, the Commission may allow coverage permitted by these Regulations upon a parcel (the "sending parcel") within any nonresidential zone to be transferred and added to the authorized coverage of another parcel (the "receiving parcel") within any nonresidential zone. The Commission must find that the transfer will better promote the health, safety, convenience and general welfare of the community in a manner which will likely outweigh the adverse impacts of increased development density on the receiving parcel.

2.4.15R (Continued)

- (1) Among the factors which the Commission shall consider in its findings are:
 - (a) the location of the sending parcel and public access to it if it is used for recreational or cultural purposes;
 - (b) the existing value or potential value of the sending parcel for historic preservation, as a nature preserve, as an aesthetic asset, as open space, as a recreational amenity, or as agricultural land;
 - (c) whether the transfer of coverage is preferable to conventional development of the parcels involved.
- (2) The Commission shall determine the coverage permitted to be transferred by first finding the area of the sending parcel which could support improvements. The Commission shall then apply the limits of Section 3.1.14 so that the coverage permitted to be transferred shall never be greater than 50 percent of the total area of the sending parcel. The resulting amount shall be added to authorized coverage on the receiving parcel allowing a maximum coverage of no more than 67 percent on the receiving parcel. Portions of coverage that cannot fit on the receiving parcel may remain with the sending parcel.
- (3) The applicant may elect not to apply for site plan approval at the time of application for this Special Use, but shall submit a concept plan to demonstrate the feasibility of the transfer and to identify the receiving parcel. If a site plan is not submitted at the time of application for this Special Use, the Commission shall apply the consideration in Section 2.4.4 and may apply other standards of Section 2.4.5 when it reviews the site plan submitted.
- (4) The sending parcel shall be dedicated to the Town as provided in Section 2.1.12 or to another grantee, acceptable to the Commission, such as the State of Connecticut, a land trust, wildlife association or other nonprofit entity whose main purpose is to convey a public benefit.
- (5) At the time of site plan approval the Commission may, in its discretion, grant waivers of the requirements of Section (3) of these Regulations when strict application of those requirements would prohibit full use of the coverage transferred. However, the Commission may not grant waivers of Section (3) requirements for parking spaces, buffers, yards, pavement setbacks and planted end islands in order to promote safety within parking areas and better protect the value of abutting property. The Commission may condition the waivers on the type of use the applicant shows in its site plan and may require, under Section 2.4.3, a new application before a substantially different type of use may be made of the parcel.
- (6) Approval of the transfer shall not be effective until the applicant has conveyed the sending parcel in accordance with the approval and has filed a certificate upon the Windsor Land Records that contains legal descriptions of the parcels involved, identifies the sending and receiving parcel, and states the amount of coverage transferred. Filing of the certificate shall prevent this Special Use from expiring as it shall stand in lieu of the Section 2.4.8 requirements for a building certificate or Certificate of Use and Occupancy.
- (7) The Commission may reverse the transfer of coverage upon a joint petition of the owners of the sending parcel and the receiving parcel. To provide notice of the reversal, the petitioners shall file a certificate upon the Windsor Land Records similar to that required in Section (6) above.

2.4.15R (Continued)

- (8) Where the sending or receiving parcel lie in several zones or the applicant has designated several parcels as sending parcels or receiving parcels, the requirements of this Section may be read in the plural. Coverage shall have the same meaning in this Section as it does in Section 3.1.14 of these Regulations, that is, the "maximum area covered by roofs and paving."

S

Adaptive Re-Use of Underutilized Buildings of Historic or Architectural Significance

The adaptive re-use of underutilized buildings of historic or architectural significance is allowed provided that:

- (1) The building is of architectural and/or historic significance, as determined by the fact that such a structure is listed on the National Register of Historic Places, and is unsuitable and unused for the original purpose for which it is zoned.
- (2) The existing character of any building involved will not be substantially changed.
- (3) The building(s) and/or site will be restored, renovated, rehabilitated or improved, in accordance with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- (4) The proposed uses and development shall be located in an area where traffic volumes of adjacent roads make the property more adaptable to commercial uses, the surrounding area is commercial in nature and the uses will not have excessive deleterious impact on the immediate surrounding area.
- (5) The proposed usage shall be limited to the following:
 - (a) Uses in accordance with the regulations governing the underlying zone.
 - (b) Tea Room with seating capacity not to exceed 15 persons.
 - (c) Retail Antique and Art Gallery and Workshop. Principal sales would consist of original art, framed posters and prints, antiques, estate furnishings, collectibles, hand-painted furniture and similar decorative items.
- (6) Signage shall be approved by the Commission.
- (7) The Commission may limit the days and hours of operation based on the characteristics of the use, site and surrounding area.
- (8) The Special Use shall be valid for a five-year period and renewals of the permit will require a new public hearing.

T

Temporary or Portable Commercial Amusements on Private Property

Provided that:

- (1) No land used for temporary or portable commercial amusements shall be located within 100 feet of any property line unless the Commission finds that a lesser distance will not create excessive disturbance to the adjoining property. The limits of areas for performance entertainment, other areas of activity and access drives and parking are to be shown on a plan.

2.4.15T (Continued)

- (2) Vehicular access drives and parking as per Section 2.4.15F(4). Applicant for this special use shall also apply for a temporary driveway permit if necessary.
- (3) If the proposed amusement abuts a residential zone, the Commission may increase the required setback.
- (4) Provided the applicant subsequently obtains license approval from the Town Manager pursuant to the Windsor Code of Ordinances.

U

Farmer's Markets (As per Section 16.2.6)

SECTION 3 - SITE DEVELOPMENT

3.0 APPLICABILITY

In any zone prior to the issuance of a building permit for structural or building development or any extension or addition thereto, or for any land utilization or modification, extension or addition thereto (except when the proposed use is a single-family dwelling); and prior to the issuance of a Certificate of Use and Occupancy in any zone for any change of use on an existing parcel that requires a change in the parking or any other zoning standard, a Site Development approval shall be obtained from the Commission. Prior to the Commission action, an application and required supportive material shall be filed with the Town Planner in compliance with all relevant Town, State and Federal codes and regulations, included among which are the following:

3.1 LANDSCAPING

The location, bulk and character of any building, as an indivisible part of the landscape, shall not detract from the surrounding area and property values; all other existing or proposed features of the landscape such as signs, lighting, screening, planting and paving areas shall be in functional and aesthetic harmony with the proposed structure and with the development of the surrounding areas, so as not to detract from property values (see Appendix 1, pages 19 and 20). The material and character of all accessory buildings and additions to any building shall be compatible with the material and character of the principal building(s) on the site.

3.1.1 Planting

Required plantings are intended to reduce excessive heat, glare and accumulation of dust, to provide privacy from noise and visual intrusion and to prevent the erosion of soil, excessive runoff of drainage water and the consequent depletion of the groundwater table and pollution of water bodies. For all developments under this Section, there shall be a minimum of one major tree and two bushes or shrubs for every 25 feet of property line or any combination of contract limit line and property line. Major trees shall include any of the appropriate varieties of shade trees, evergreen or flowering trees. Shrubs or bushes shall include any of the appropriate varieties of evergreens and deciduous bushes. Major trees, excepting flowering trees, shall be no less than two inches to two and one-half inches in caliper at the time of planting. Flowering trees shall be no less than one and one-half inches to two inches in caliper at the time of planting. For developments under this Section which require a buffer strip, the number of trees and shrubs required shall be doubled along any property line or contract limit line adjacent to a required buffer strip (as per Section 3.1.2).

3.1.2 Buffer Strips

In order to afford the necessary additional screening and separation, plantings on buffer strips of the indicated width shall be provided on the following zoned properties when their development occurs adjacent to residential, NZ or AG zones: Business and Professional Zones - 20 feet; Restricted Commercial Zone - 50 feet; and Industrial and Wholesale Zones – 50 feet and any truck parking, loading and ramp area, that is defined here as the truck maneuvering area, shall be no closer than 150 feet from any residential, NZ or AG zoned line except that, for every foot of increase in buffer strip width, which allows greater opportunity for berms, walls and trees to more effectively provide visual screening and noise reduction, the Commission may approve a one-foot reduction in the 150-foot distance between the truck maneuvering area and any residential NZ or AG zoned line. Expansions of existing developed industrial and warehouse zoned facilities shall not be disapproved for noncompliance with the above stated 150-foot requirement, unless a significant change to the truck maneuvering area is proposed. This requirement shall also apply in those cases where the zone boundary line dividing the above uses falls on or within street right-of-way lines. The buffer strip planting area occurring along the street right-of-way may be reduced only by walkways or

3.1.2 (Continued)

access driveways from the adjacent street. Any nonresidential Special Use (except conversions as per Section 4.5.1) located adjacent to or within any residential, NZ or AG zone shall require a buffer strip along the property line. The buffer strip shall meet the width requirements of the zone with which the use is generally associated, as determined by the Commission. No parking or signs except for an identification sign shall be allowed on any buffer strip. The Commission may waive or reduce the buffer strip requirement and may authorize the substitution of fencing or walls as provided for in Section 3.1.4 if it finds that the substitution will achieve the same purpose (see Appendix 1, page 4).

3.1.3 Maintenance of Landscaping

A

Required landscaping shall be maintained in a manner reasonably assuring its survival. Any required planting that the Zoning Enforcement Officer or his/her designee finds to be dead shall be replaced in kind during the next closest planting season after the finding.

B

In order to help insure the survival of plantings, an underground sprinkler system shall be installed in landscaped areas primarily visible from the street for developments under this section greater than one acre involving new building(s) or additions that more than double the existing floor area. The Commission may waive this requirement during site plan review if it finds that the unique soil composition, drainage characteristics, and plant types equally maintain the plantings throughout the year.

3.1.4 Fences, Walls and Hedges

In addition to the requirements of Section 3.1.1, the Commission may also require evergreen hedges (with plantings located four feet on center) planted and maintained at no less than six feet in height or fences of timber construction or masonry walls (up to six feet in height or earthen berms or any combination of these where it deems that year-round partial or complete screening of auto headlights or any objectionable area or view which might be visible from a street or adjacent property is desirable. This provision shall apply to any required buffer strip, and around loading areas, refuse storage areas and ground-fixed mechanical equipment (see Appendix 1, page 12).

3.1.5 Parking Lots Adjacent to Street Right-of-Way Lines

Any parking area designed or intended for use by three or more vehicles which is located adjacent to any street right-of-way shall be separated from such right-of-way line by a curbed, planted area not less than ten feet in width. The Commission may require a hedge, wall or berm or a combination of these and other plantings to achieve necessary screening and shading.

3.1.6 Parking Near Side and Rear Property, Lease or Contract Limit Lines

In order to prevent encroachment or excessive reduction of privacy for adjoining owners and to provide for snow shelving within a site, no parking area or drives shall be closer than six feet (or ten feet in industrial zones) of side and rear property lines, except that for developments in Windsor Center, its Fringe Areas and the Wilson Study Area (south of Putnam Highway), as depicted in Maps VII-1 and VII-3 of the 1991 Plan of Development (see Appendix 1, pages 27 and 28) the Commission may reduce this area to three feet. In any zone, if it is a part of a unified parking area the separation distance between pavement and property line may be totally waived for any part of a unified parking area.

3.1.7 Parking Areas Adjacent To Buildings

No parking area or drive shall be closer than ten feet (15 feet for I-1, I-2 and W zones, and the B-2 zone for lots greater than 2 acres) from any portion of a building other than its garage entrance or loading area apron. In zones where the requirement is 15 feet and parking is not included on the side of the building, the drive may be located no closer than ten feet from the side of the building. The area within the curb and building shall be used for walkways and planting or other landscaping; however, for developments in Windsor Center and its Fringe Areas, the entire Wilson Study Area (including north of Putnam Highway), as depicted in Maps VII-1 and VII-3 of the 1991 Plan of Development (see Appendix 1, pages 27 and 28) the Commission may reduce this requirement to no less than three feet (see Appendix 1, page 11).

3.1.8 Parking Lots of 30 or More Spaces

In order to provide for safe and convenient vehicular and pedestrian movement within parking areas; to provide a safe separation and delineation between parking spaces and drives; to provide for snow shelving areas; to provide areas for the absorption of water to recharge the ground water; to provide areas for the installation of lighting fixtures; and to provide relief from the excessive expanses of paving in parking lots of 30 spaces or more, planting areas shall be required within such parking lots, exclusive of any other planting area requirement, in the amount of 27 square feet of net planting area for each parking space, except that for developments in Windsor and Wilson Centers (as described in Section 11.3.3A) this requirement may be reduced to 18 square feet. The net planting area shall exclude any paved area for walkways or car overhang area (i.e., two feet for a parking space having curbed wheel stops). Within these planting areas there shall be provided one major tree and one shrub or bush for each ten spaces, exclusive of any other planting requirement. This planting area shall be utilized for end and interior planted islands and, if in parking lots described in Section 3.1.9 or 3.1.10, for planting strips (see Appendix 1, pages 14, 15 and 16).

3.1.9 Parking Lots of 100 or More Spaces

In addition to end and interior planted islands, parking lots of 100 or more spaces shall have curbed planted strips at least ten feet in width (six feet for net planting area and two feet on each side for car overhang). Every other interior set of parking rows shall contain such a strip, which shall be located between the abutting rows of parking spaces. Where pedestrian walkways are deemed necessary, an additional width of at least five feet may be required (see Appendix 1, pages 14 and 16).

3.1.10 Parking Lots for Retail Developments of 500 or More Spaces

In order to provide the additional necessary public safety requirements in large retail developments of 500 parking spaces or more, the circulation system of such developments shall, in addition to the provisions of Section 3.1.9, be designed so that, to the extent possible, continuous and separate pedestrian ways, vehicular ways and emergency vehicular ways are provided to minimize conflict. Appendix 1, page 15 indicates a design establishing a standard of safety for all exterior circulation which, in the opinion of the Commission, must be matched by the exterior circulation design of any such proposed retail development.

3.1.11 Planted Islands

In all parking lots, rows of parking spaces shall be terminated by curbed planted end islands at least nine feet in width and no less than 17 feet in length for single rows and nine feet in width and no less than 34 feet in length for double rows. In addition, for every ten spaces in a parking lot, a curbed planted area having dimensions no less than nine feet by 17 feet shall be provided within the parking area in such an arrangement as approved by the Commission; however, the requirement for these additional planted areas

3.1.11 (Continued)

may be waived by the Commission for developments in Windsor and Wilson Centers (as described in Section 11.3.3A) and for parking lots in back of buildings in industrial zones. Walkways may be required on the planted islands (see Appendix 1, pages 14 and 16).

3.1.12 Planting Beds

In order to promote the survival of trees and shrubs, mulched planting beds of an appropriate size shall be provided around all trees and shrubs to retain moisture. The mulching material shall be bark, woodchips, gravel or stone, at least four inches in depth. Planting beds shall be avoided adjacent to pedestrian walkways. In no case shall gravel or stone be used for planting beds closer than four feet from a pedestrian way unless the stone or gravel is suitably contained within its area.

3.1.13 Ground Cover

All disturbed site areas not covered by paving, roofs or mulching for trees or shrubs shall contain suitable ground cover consisting of grass, turf, myrtle, stone, gravel or appropriate substitutes. In no case shall stone or gravel be used for ground cover within four feet of pedestrian ways unless the stone or gravel is suitably contained within its area.

3.1.14 Maximum Area Covered by Roofs and Paving

In order not to excessively alter the groundwater table and other geological and environmental conditions, the area covered by roofs and by paving for car or truck parking, loading or circulation in any development shall not exceed one-half of the total site area. For Center Design Developments and B-1, B-2 and B-3 developments in Windsor Center, its Fringe Areas and the Wilson Study Area (south of Putnam Highway), as depicted in Maps VII-1 and VII-3 of the 1991 Plan of Development (see Appendix 1, pages 27 and 28), there shall be no maximum coverage by roofs and paving except that all buffer strip and planting requirements, as described in Sections 3 and 5 of these regulations, must be met. For W and I-1 developments in Windsor Center, its Fringe Areas and the Wilson Study Area (south of Putnam Highway), as depicted in maps VII-1 and VII-3 of the 1991 Plan of Development (see Appendix 1, pages 27 and 28), the Commission may allow the maximum coverage by roofs and paving to no more than 60% if it finds at the time of Site Plan Review, that the proposed development will not detract from the existing and potential development of the nearby area and all buffer strip and planting requirements, as described in Sections 3 and 5 of these regulations, must be met.

3.1.15 Planting Near Paved Areas

Trees and bushes within five feet of any paved areas shall be of a hardy variety capable of withstanding salt damage.

3.1.16 Existing Trees

Existing trees shall be saved if at all possible. If grading is required in their vicinity, trees shall be appropriately welled or mounded. Any existing trees left in condition giving reasonable assurance of their survival shall be credited as two required trees.

3.1.17 Roof Mechanical Units

Roof mechanical units shall be screened from adjacent properties and street view.

3.1.18 Outdoor Lighting

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

- A. All exterior lights shall be designed, located, installed and directed in such a manner as to prevent *light trespass* off the property and *disability glare* at any location on or off the property (i.e. use of *full cut-off type fixtures* or *shielded light fixtures*, see Appendix 1, page 32).
- B. The following maintained *horizontal illuminance* recommendations (measured in *footcandles*) shall be observed.

Horizontal Illuminance Recommendations

PARKING LOT LEVELS OF ACTIVITY (EXAMPLES)	MAINTAINED HORIZONTAL ILLUMINANCE (FOOTCANDLES)					
	General Parking & Pedestrian Use Area			Vehicle Use Area Only		
	Ave.	Min.	U. Ratio	Ave.	Min.	U. Ratio
HIGH Major Cultural or Civic Event Regional Shopping Center Fast Food Restaurant	3.6	0.9	4:1	2.0	0.67	3:1
MEDIUM Community Shopping Center Cultural, Civic or Recreational Event Office Park Hospital Parking Transportation Parking (commuter lots, etc..)	2.4	0.6	4:1	1.0	0.33	3:1
LOW Neighborhood Shopping Center Industrial Employee Parking Educational Facility Parking Church Parking	0.8	0.2	4:1	0.5	0.13	4:1

Source: Illuminating Engineering Society of North America (IESNA)

Ave - footcandles over the illuminated surface.

Min - minimum footcandles anywhere within the illuminated surface.

U. Ratio - uniformity ratio, which is the ratio of average footcandles to minimum footcandles.

- C. Outdoor lighting shall be provided using decorative supports (poles) and fixtures.
- D. The total maximum height shall be 24 feet from the average surrounding grade in all zones, except as provided in 3.1.18.E below. The Commission may reduce maximum heights in or adjacent to residential zones when it feels it is necessary to protect adjacent residential uses.
- E. By a two-thirds vote, the Commission may waive the maximum height of lighting fixtures if the applicant can demonstrate and the Commission finds that:

Section 3.1.18E (Continued)

1. the light supports and fixtures subject to the waiver are not within 50 feet of a property line;
 2. the unique nature of the facility (such as an outdoor recreational facility) requires higher lighting supports to achieve acceptable light levels within the illuminated area;
 3. the fixtures will be fully shielded to prevent light trespass off of the property;
 4. the combination of height and/or topography will not create an ***objectionable direct glare source*** from adjacent properties or more distant residential areas (site sections may be required to determine conformance);
 5. the applicant must request a waiver in writing at the time of application; and
 6. shall be provided by the applicant to ensure compliance with these standards.
- F. Light supports within parking areas shall be located within curbed planted islands and their foundations recessed three feet from curbs to avoid potential contact with vehicles (see Appendix 1, page 13). Foundations for light supports shall not exceed six inches above the average surrounding grade.
- G. Canopy lighting (ex. beneath a gas station canopy or a porte-cochere) shall be recessed or flush with the underside of the canopy.
- H. Floodlighting is prohibited. Wallpacks, external sign lighting, and architectural lighting shall be shielded to limit light to the intended surface and prevent glare and light trespass above the horizontal plane of the top of the wall or sign surface being illuminated. Downward architectural and sign lighting is encouraged wherever feasible.
- I. The effectiveness of full cut-off lighting fixtures shall not be defeated by mounting or tilting the bottom of fixtures above the horizontal plane.
- J. All non-essential lighting shall be placed on timers and turned off after business hours, leaving only the necessary lighting for site security. (non-essential lighting can include aesthetic and parking lot lighting).
- K. Lines of exposed lights (festooned lights) are prohibited, except in connection with permits described in Title 5, Chapter 1, Section 5.01.01 of the Town Code and as per Section 13.4.6 of these Regulations.
- L. The use of utility poles located in public right of ways to illuminate adjacent sites is prohibited unless the Commission finds that there are no other feasible lighting alternatives and the lighting is not intrusive to nearby properties.
- M. All wiring shall be placed underground as per Section 2.1.20.
- N. Lighting plans shall include the following:
1. descriptions of outdoor light fixtures including component specifications such as lamps, reflectors, optics, angle of cutoff, supports, poles and include manufacturers catalog cuts;
 2. locations and description of every outdoor light fixture and hours of operation;

3. the following measures of maintained horizontal illuminance in footcandles.
 - a. maximum;
 - b. minimum;
 - c. average, during operating and non-operating hours; and
 - d. average to minimum uniformity ratio;
 4. a photometric plan showing footcandle readings every ten (10) feet and the average footcandles;
 5. foundation details for light supports; and
 6. when not meeting the IESNA recommended horizontal illuminance levels above, submit reasons and supporting documentation.
- O. Where strict adherence to the recommended maintained horizontal illuminance requirements of these Regulations would cause undue hardship, The Commission, Town Planner or Zoning Enforcement Officer may modify those requirements.

3.1.19 Signs

Signs shall be erected in accordance with the provisions of Section 13. Their specific location, height and appearance (color, material, illumination, etc.) shall be reviewed by the Commission during Site Development procedure to insure that signs are not excessively distracting to motorists nor excessively detracting from the other features of the landscape or the character and value of surrounding properties.

3.1.20 Pedestrian Entry Doors

In order to protect the health and safety of employees and the general public, pedestrian entry doors for any building additions greater than 10,000 square feet which include pedestrian entry area(s) or new buildings greater than 10,000 square feet must have an adequately sized protected roof area (minimum 80 square feet if it is within the building's foundation and surrounded by at least 2 walls or 100 square feet if it is outside the building's foundation) that is part of and compatible with the main structure in material and design. No part of this roof structure shall interfere with pedestrian or vehicular visibility. Fabric roof structure areas are prohibited. The Commission may reduce by no more than 25% the area requirement for overhead cover(s) or allow automatic doors as a substitute by Special Use if conditions such as the size of the building, and/or that of the least able area related to a particular pedestrian entry door and/or orientation of the building and prevalent wind direction would equally render the reduced cover or automatic door(s) adequate. The roof to protect the entry and any of its structure may be within the required ten-foot setback distance between the parking lot curb and the main building wall.

3.2 PARKING LOT AND SITE DESIGN

The design of parking lots shall comply with the following requirements and standards:

3.2.1 Parking In Front Yards

Whenever practical, parking lots in the required front yard area shall be avoided, but in cases where Sections 2.2.4B(1), 2.2.4B(2), 3.1.2, 5.2.2B and 8.1.2A apply they shall be prohibited.

3.2.2 Vehicle Turnarounds

Site Developments shall not be approved if the normal use of any portion of the parking lot would cause vehicles to back over the street right-of-way line or sidewalk or property line. The Commission may modify this requirement for single family residential building conversions to additional residential units. Potential hazards presented by the existence and intensity of pedestrian use of sidewalks and traffic volumes on the road serving the driveway shall be considered in the Commission's decision.

3.2.3 Paved Areas

All parking areas, drives and loading areas shall be paved with a minimum of two inches of compacted bituminous concrete on a suitable base; however, the Commission may require a greater thickness where needed, or may grant a waiver to the bituminous concrete paving requirement where another material is found to be adequate or superior. Unless the Commission allows otherwise, walkways shall be constructed of concrete to suitable standards.

3.2.4 Walkways

All walkways within parking areas or along their perimeter shall have a net width of at least four feet (the net width is exclusive of the two-foot car overhang area).

3.2.5 Pedestrian and Vehicle Ways Connections

In order to conserve energy and lessen congestion in the streets, sidewalks and pedestrian ways shall be designed so as to encourage use of bicycles. Adequate bicycle storage areas with racks shall be conveniently located where deemed appropriate. Pedestrian ways, bicycle and handicapped accessways, and vehicular ways shall be extended to adjoining streets or developments in order to achieve the intent of these Regulations and the Plan of Development. Ramps at curbs or buildings may be required to facilitate access by the handicapped and bicyclists.

3.2.6 Provision for Mass Transit

In order to conserve energy and lessen congestion in the streets, improvements may be required in developments requiring 100 parking spaces or more to provide for bus stop areas recessed from the travelways as well as for covered waiting areas.

3.2.7 Car Stops

For parking spaces which require physical car stops, wheel stops (curbs) shall be provided. Bumper guards may be allowed only where excessive grade changes require them for auto and driver safety. Precast wheel stops may be permitted only where drainage flow between the precast elements is deemed desirable.

3.2.8 Feeder Drives

Feeder drives primarily service adjoining parking spaces. Except as per Section 3.2.13, feeder drives shall be no less than 24 feet in width (see Appendix 1, page 14). Feeder drives longer than 45 feet shall provide continuous directional circulation; however, except for retail and service uses, the Commission may waive this requirement if a turnaround area and adequate on-site circulation is provided.

3.2.9 Collector Drives

Collector drives distribute traffic to feeder drives and give access to emergency vehicles. They shall be no less than 30 feet in width and shall provide continuous circulation. The Director of Public Safety shall designate collector drives (see Appendix 1, pages 14 and 15).

3.2.10 Circulation for Parking Lot for Retail Developments of 500 or More Spaces

As per Section 3.1.10.

3.2.11 Marking of Parking Spaces

All parking spaces shall be defined by painted lines or curbs in the same configuration as shown on the approved plan.

3.2.12 Traffic Flow Markings

Interior traffic flow shall be marked with painted arrows where the Director of Public Safety deems it necessary.

3.2.13 Description of Parking Spaces

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 (see Section 3.2.8). For 90-degree parking, each space shall have an area of nine feet in width by 18 feet in length, if it fronts on a curbed wheel stop over which a vehicle can overhang at least two feet. If a parking space fronts on another parking space from which it has no curbed wheel stop separation, or it fronts on a bumper guard-type car stop or wall, the length of the space shall be 20 feet. For 90-degree parking only, if necessitated by the geometry of the lot, the width of the feeder drive may be reduced by no more than two feet if the width of each parking space adjoining it is increased by one foot. Cars utilizing spaces adjacent to walls and fences shall be prevented from striking same by an appropriate car stop. Parallel parking and oblique parking shall be avoided; perpendicular parking is encouraged. Oblique parking is parking at an angle other than 0 degrees (parallel) or 90 degrees (perpendicular). The standards for oblique and parallel parking shall be as described in the following table and in Appendix 1, page 25.

A.	Parking angle	0o	45o	60o	90o
B.	Curb length per car	23'	12'9"	10'5"	9'
C.	Stall depth	9'	18'	19'	18'
D.	Lot width for 1 row + driveway	21'	31'	37'	42'
E.	Lot width for 2 rows + driveway	30'	49'	56'	60'
F.	Feeder drive	14'	13'	18'	24'

Notes:

1. 90° parking is encouraged; parallel parking (0°) should be avoided unless absolutely necessary. Extra width on end stalls or back up area required. Additional 6' width is necessary for collector drives.
2. The width of the feeder drive indicated for 90° parking is for two-way circulation; the widths for 0°, 45°, and 60° parking are for one-way circulation.
3. Parking lot drives at other than 90° must be open at both ends since it is required that cars must not back over street lines or sidewalks.

Section 3.2.13 (Continued)

4. The curb cut radius closest to the oncoming traffic (I) should be greater than the one further (II), or a deceleration lane should be provided (III) to facilitate traffic flow and prevent excessive slowdowns on the street.

3.2.14 Curb Cuts

Curb cut widths and radii shall be determined by the Director of Public Works or the State of Connecticut where applicable.

3.2.15 Driveways

A

No lot shall have more than one driveway for each 150 feet of frontage. In order to protect public safety where traffic volume, patterns or street geometry warrants, the Commission may require that only one driveway serve any lot regardless of the length of street frontage. In the case of corner lots, driveways shall be located not less than 150 feet from the intersection of the street lines of the lot or, in the case of a lot having frontage of less than 150 feet, the driveway shall be as far from the intersection as is practical. Driveways entering streets at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible. Joint use of driveways by adjacent lots is encouraged.

B

Driveways shall not be more than 30 feet wide, measured at and parallel to the street line, unless otherwise approved by the Director of Public Works (see Town of Windsor Code or the State of Connecticut where applicable). A curbed planted island may be required to define the entrance side and the exit side if a driveway wider than 30 feet is allowed.

C

Driveways shall cross the street line such that the angle between the center line of the driveway and a line perpendicular to the street right-of-way line or radial to a curve of the street right-of-way line, at such center line, does not exceed 45 degrees. Where they meet the street pavement, driveways shall be flared by curbs having radii of not less than 20 feet, tangent to the curb, or outer edge of the shoulder of a road having no curb and tangent to the driveway, or as specifically determined by the Director of Public Works or the State of Connecticut, where applicable.

D

Where there are two driveways serving the same lot, they shall be not less than 100 feet apart, unless they are one-way driveways. The Director of Public Safety may require that any driveway be suitably marked for entrance only or for exit only.

3.3 DRAINAGE DESIGN, GRADING AND EROSION AND SEDIMENTATION CONTROLS

The minimum standards for the construction of drainage, erosion and sedimentation control devices and for grading shall be those included in the "Town of Windsor Highway Engineering Standards and Specifications (1978)," as amended, and in the "Connecticut Guidelines for Soil Erosion and Sediment Control (1985)," as amended, and as provided hereunder, whichever standards are more stringent. Elevations shall be based on MDC datum.

3.3.1 Drainage Design

A

Drainage systems shall be so constructed as to prevent runoff from parking lots, roofs and driveways from flowing over walkways or sidewalks.

B

In order to prevent flood damage within the site, in adjacent areas, and downstream, the runoff flows at peak periods (based on a 25-year storm) extending across any property line shall not exceed the level of flow that resulted when the parcel in question was unimproved, except that the Commission may allow an increase in the amount of runoff only if it finds that an equivalent increase of runoff from the total vacant land within the watershed would not overburden any portion of the watershed drainage system and that said increase will not result in property damage or cause flood danger.

C

Drainage devices may include, but shall not be limited to, the following: drywells, catch basins, retention ponds, etc. or any combination of devices, and shall be approved by the Director of Public Works.

D

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

3.3.2 Grading

A

The plan shall show proposed finished contours at two-foot intervals and proposed spot grades at the corners of all buildings, at lot corners and along the center line of roadways at no less than three points. The proposed grading shall be verified in accordance with Section 15.2.

B

The grading shall provide for proper drainage of the area. No embankment shall exceed a slope of one foot of vertical rise in two feet of horizontal distance, unless suitable stabilization procedures are provided and approved by the Director of Public Works.

C

At the completion of the re-grading operation, the area re-graded, except portions affected by structural or parking improvements, shall be covered with not less than four inches of soil capable of supporting a perennial cover crop of suitable type and quantity to prevent erosion and to restore its compatibility and harmony with its natural surroundings.

D

The grading, or re-grading, shall be done in such a manner so as not to damage any adjoining property including, but not limited to, that which may be caused by the diversion of surface waters upon said adjoining property.

E

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

Section 3.3.2 (Continued)

F

Unless specifically approved by the Commission, grading shall not occur within 15 feet of any property lines.

G

To prevent erosion, siltation and flooding, the embankments of swales or watercourses created or relocated shall be properly seeded and shall not exceed a slope of one foot of vertical rise in two feet of horizontal distance unless suitable stabilization procedures (riprap, planting, etc.) are approved by the Director of Public Works.

3.3.3 Soil Erosion and Sediment Control

A

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. The plan shall be prepared, certified and sealed by a professional engineer registered in the State of Connecticut, which plan shall include all of the information listed in the Site Plan Checklist in Appendix 2, and information in a narrative and a map format as indicated below:

(1) Narrative Format:

- (a) Description of the development;
- (b) Schedule for grading and construction activities (including the sequence for installation and/or application of soil erosion and sediment control measures and final stabilization of the site);
- (c) Design criteria and construction details for proposed soil erosion and sediment control measures and storm water management facilities;
- (d) Installation and/or application procedures as well as operation and maintenance programs for soil erosion and sediment control measures (including identification of person(s) responsible for each procedure or program).

(2) Map Format:

- (a) Proposed area alterations including cleared, excavated, filled or graded areas;
- (b) Location and design details of all proposed soil erosion and sediment control measures and storm water management facilities;
- (c) Sequence of grading and construction activities, and installation and/or application of soil erosion and sediment control measures;
- (d) Soil types listed in tabular form and shown on the plan at the 1:20,000 scale used by the Soil Conservation Service.

(3) The Commission may modify or waive any of the requirements of Section 3.3.3 when requested by the applicant if technically sound reasons are submitted in writing and determined to be acceptable by the Town Engineer.

3.4 OFF-STREET PARKING

3.4.1 General Provisions

A

Required parking spaces shall be located either on the same lot with the principal use or on other land under the same ownership and within a radius of 400 feet of any part of the building which it is intended to serve.

B

The use of land for access to or for parking in connection with a use shall be considered to be accessory to and part of such use.

C

Except as provided in Sections 5.2.6J and 11.3.3B(3), joint or common use of off-street parking facilities is allowed provided that the amount of such facilities shall not be less than the sum of the parking required for each separate use.

D

Shared required parking, as per Section 5.2.6J.

E

Any use which the Zoning Enforcement Officer finds not to have clearly defined parking standards shall be referred to the Commission for a determination as to which of the following standards shall apply: one space per employee per largest shift; one space per 250 square feet; one space per three seats; or one space per three persons at maximum design capacity or occupancy.

F

Unless otherwise provided, "floor area" in this Section shall mean the gross floor area.

G

The Commission may, depending on the parking needs of a particular use, authorize a phased development of the off-street parking area in compliance with the following criteria:

- (1) The total number of spaces required to be shown on the Site Plan shall be determined in accordance with the standards for that particular use.
- (2) The construction of the parking area and installation of the spaces may be phased according to short- and long-term needs of a particular use. Not less than 50 percent of the total required spaces shall be constructed as part of the short term, except that for buildings housing computer equipment and operations, and for wholesale or warehouse uses, this percentage may be reduced to not less than 30 percent. This approval shall become null and void if the use changes.
- (3) The spaces which are not intended for construction as part of the short term shall be labeled "Reserve Parking" on the plan and shall be properly designed and shown as an integral part of the overall parking layout and must be located on land suitable for parking area development.
- (4) If at any time after the Certificate of Use and Occupancy is issued the Zoning Enforcement Officer determines that additional spaces may be needed, he shall notify the Commission and the owner of the property concerning his finding.

Section 3.4.1G (Continued)

- (5) The Commission may, after reviewing the Zoning Enforcement Officer's report, require that all or any portion of the spaces shown on the approved Site Plan as "Reserve Parking" be constructed.

H

Within the areas designated as the Wilson and Windsor Center Design Development areas, parking requirements may be reduced in accordance with Section 11.3.3B(3). For uses which utilize existing floor area (built prior to February 2, 1993) on currently developed B-1, B-2 and B-3 sites in Windsor Center, its Fringe Areas and the Wilson Study Area (south of Putnam Highway), as depicted in Maps VII-1 and VII-3 of the 1991 Plan of Development (see Appendix 1, pages 27 and 28), the parking requirements may be reduced in accordance with Section 5.2.6N.

I

Required off-street parking facilities shall be properly maintained as long as the use or structure exists which the facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times for those persons who are employed at, or make use of, such land uses and structures. Stalls shall be laid out according to approved plans. All aisles and drives shall be kept clear for movement of cars and emergency vehicles.

In order to maintain proper access for emergency vehicles and to protect the general public health and safety, potholes, drainage problems, etc. shall be adequately repaired. Upon finding by the Zoning Enforcement Officer or his/her designee that there exists a condition (e.g., pothole) within the paved area which may endanger health or safety, the condition shall be eliminated or adequately repaired during the next closest construction season.

3.4.2 Standards

In all zones, off-street parking spaces shall be provided and permanently maintained for respective uses as hereunder prescribed:

A

Residential

- (1) All dwelling units except as provided in (2): two spaces per unit.
- (2) Housing for the elderly operated by the Windsor Public Housing Authority: two spaces for each three dwelling units.
- (3) Rented rooms in houses: one space for each guest or person that can be accommodated on the premises.

B

Accommodations and Health Facilities

- (1) Hospital, sanitarium or nursing home: one space for every three beds, plus one space for every two employees.
- (2) Clinics or medical centers: one space per 150 square feet.
- (3) Motel or hotel: one space for every guest room or suite.

Section 3.4.2 (Continued)

C

General and Professional Offices

- (1) Medical doctors and dentists: one space for each 150 square feet.
- (2) All other professional office uses: one space for each 200 square feet.
- (3) General office uses: one space for each 250 square feet.

D

Educational, Cultural, Religious and Recreational Facilities

- (1) Schools: one space per employee, plus one space per four seats in the auditorium.
- (2) Libraries: one space per 500 square feet.
- (3) Theater, assembly and meeting halls: one space per three seats.
- (4) Clubs, social or fraternal organizations:
 - (a) Without catering: one space per member.
 - (b) With catering: one space per member, plus one space per 250 square feet.
- (5) Churches, temples, etc.: one space per three seats.
- (6) Recreation and community centers: one space per three seats or one space per 250 square feet, whichever is greater.
- (7) Bowling alleys, billiard parlors: one space per 150 square feet.
- (8) Tennis courts: eight spaces per court.

E

Retail and Service Businesses

- (1) Stores (retail sales): one space per 175 square feet, except that enclosed mall areas shall be calculated at one space per 250 square feet.
- (2) Restaurants, when located in a shopping center having at least five other business establishments and having joint or common parking facilities: spaces as required for retail stores.
- (3) Restaurants, not a part of a shopping center as described in (2): one parking space for each 50 square feet.
- (4) Funeral homes: one space for each 100 square feet.

F

Industrial, Wholesale and Distribution or Warehouse Facilities

- (1) Industrial, including related offices and storage: one space for each 300 square feet.

3.4.2F (Continued)

- (2) Wholesale and distribution or warehouse:
- (a) In the "W" zone:
- (i) one space per 1,000 square feet for the first 50,000 square feet of warehouse gross floor area; plus,
 - (ii) one space per 2,000 square feet for additional square footage of warehouse gross floor area up to a total warehouse gross floor area of 100,000 square feet; plus
 - (iii) one space per 2,500 square feet for all additional warehouse gross floor area in excess of a warehouse gross floor area of 100,000 square feet. Related offices and manufacturing shall provide one space per 300 square feet.
- (b) In the I-1 or I-2 zones: one space per 300 square feet, unless a special use is granted per Section 8.1.6L.
- (3) MINI-WAREHOUSE AND STORAGE FACILITIES: One space per maximum number of employees on the site at one time, plus two additional spaces for customers.

G
Computer Data Center Facilities

- (1) General office uses: one space for each 250 square feet
- (2) Raised floor (dedicated computer area): one space for each 1,000 square feet
- (3) Core/mechanical uses: one space for each 1,000 square feet

3.5 OFF-STREET LOADING

In any district, in connection with every building or part thereof hereafter erected having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area in excess of 10,000 square feet.

3.5.1 Dimensions

Each loading space shall not be less than ten feet in width, 25 feet in length and 14 feet in height.

3.5.2 Location and Screening from Residential, NZ or AG Zones

No loading space shall be located closer than 50 feet of any other lot in any residential, NZ or AG zone unless wholly within a building or unless screened by a masonry wall not less than eight feet in height.

3.5.3 Location in Relation to Front Yards

Loading spaces located on or adjoining front yard are prohibited. To the extent practical, loading spaces shall be surrounded by complete visual screening or walls so as not to be visible from front yard areas of adjacent properties or from the street.

3.5.4 Location in Relation to Required Parking

Loading spaces, their accessways and maneuvering areas shall be located and designed so that their use does not impede the normal use of required parking spaces and accessways.

3.6 PROFESSIONAL RESPONSIBILITIES FOR PLANS AND DESIGN

3.6.1 Engineer

All drainage design shall be done by a Professional Engineer, except that in order to prevent unnecessary hardship in connection with small alterations or expansions, the Town Engineer may determine that professional drainage design is not required.

3.6.2 Surveyor

All sites shall be surveyed by a Licensed Land Surveyor, except that in order to prevent unnecessary hardship in connection with small expansions or alterations, the Town Engineer and the Zoning Enforcement Officer may, if mutually agreeable, determine that a site does not require surveying.

3.6.3 Architect

Unless specifically waived by the Commission, all Site Development Plans involving new buildings of more than one story or any new building of more than 2,000 square feet shall be stamped by relevant design professionals as established in the State Statutes, as amended.

3.7 SURVEYOR CERTIFICATION

As per Section 15.2.

3.8 CONFORMANCE WITH DISTRICT REQUIREMENTS

Unless otherwise provided, any development approved under this Section shall conform to all the relevant regulations of the district in which the proposed development is located.

3.9 TECHNICAL AND MINOR CHANGES

Technical and minor revisions to an approved site plan may be approved by the Planner, Building Official and other relevant Town staff when proposed changes are limited to landscaping; lighting, parking; drainage; grading; erosion and sedimentation controls; utilities; signage; architectural details; or building additions or additional structures that are less than 25 percent of the floor area of the principal building not to exceed 10,000 square feet. When Inland Wetlands and Watercourses Commission (IWWC) action is required, application to the IWWC shall be made not later than the day of application for site plan revision and the revision shall not be approved unless in accordance with the approval of the IWWC. Plans indicating such changes shall be filed in the Commission files. The Planner shall report all such approvals to the Commission at its next meeting. If there is disagreement on any issue between the staff and the applicant, the applicant will be referred to the Commission for site plan approval.

3.10 ADMINISTRATIVE REQUIREMENTS, APPLICATION PROCEDURES AND ILLUSTRATIVE PLANS

See Section 15 and Appendices 1 and 2.

3.11 EXPIRATION

An approved Site Development Plan shall be valid for five years from the date of approval, at which time a Certificate of Occupancy/Temporary Certificate of Occupancy must have been issued or the approval shall expire. The Commission may approve one or more extensions of time provided that the total extension or extensions granted shall not exceed 10 years from the original date of approval. An approved Site Development Plan for a project consisting of four hundred or more dwelling units, shall be valid for ten years from the date of approval, at which time a Certificate of Occupancy/Temporary Certificate of Occupancy must have been issued or the approval shall expire. The Commission shall set a date that is not less than five nor more than ten years from the date of approval for a Site Development Plan of any commercial, industrial or retail project having an area equal to or greater than four hundred thousand square feet, at which time a Certificate of Occupancy/Temporary Certificate of Occupancy must have been issued or the approval shall expire. If that date is less than ten years from the date of approval, the Commission may extend the date for an additional period or periods, not to exceed ten years from the original date of approval.

3.12 SPECIAL USES AND SITE DEVELOPMENT APPROVAL

Unless otherwise specifically provided by the Commission, all Special Uses, excepting single-family cluster subdivisions, shall comply with the requirements of this Section.

3.13 BONDING

As per Section 15.5.

3.14 UNAUTHORIZED CHANGES TO APPROVED SITE DEVELOPMENT PLAN

See Section 15.4.

SECTION 4 - SINGLE-FAMILY RESIDENTIAL ZONES

4.0 INTENT

It is the intent of this Section to provide suitable areas for appropriate residential development and for a full range and mixture of residential uses while preserving and enhancing the character and property values of single-family residential districts. Therefore, in keeping with the stated intent, the following is prescribed:

4.1 AREA, HEIGHT AND DENSITY STANDARDS

4.1.1 Single-Family AA

Density of occupancy - 1.3 families per acre
Minimum lot area allocated to one family - 27,500 square feet
Minimum lot width - 125 feet
Minimum front yard - 40 feet
Minimum side yard - 15 feet
Minimum rear yard - 25 feet (exceptions as per Section 2.2.3)
Maximum coverage - 15% of the site
Maximum building height - 2 1/2 stories or 35 feet

4.1.2 Single-Family A

Density of occupancy - 1.6 families per acre
Minimum lot area allocated to one family - 20,000 square feet
Minimum lot width - 100 feet
Minimum front yard - 40 feet
Minimum side yard - 15 feet
Minimum rear yard - 25 feet (exceptions as per Section 2.2.3)
Maximum coverage - 20% of the site
Maximum building height - 2 1/2 stories or 35 feet

4.1.3 Single-Family R-13

Density of occupancy - 2.2 families per acre
Minimum lot area allocated to one family - 12,750 square feet
Minimum lot width - 85 feet
Minimum front yard - 40 feet
Minimum side yard - 10 feet
Minimum rear yard - 20 feet (exceptions as per Section 2.2.3)
Maximum coverage - 25% of the site
Maximum building height - 2 1/2 stories or 35 feet

4.1.4 Single-Family R-11

Density of occupancy - 2.3 families per acre
Minimum lot area allocated to one family - 11,250 square feet
Minimum lot width - 75 feet
Minimum front yard - 40 feet
Minimum side yard - 8 feet
Minimum rear yard - 20 feet (exceptions as per Section 2.2.3)
Maximum coverage - 25% of the site
Maximum building height - 2 1/2 stories or 35 feet

4.1.5 Single-Family R-10

Density of occupancy - 2.7 families per acre
Minimum lot area allocated to one family - 9,750 square feet
Minimum lot width - 65 feet
Minimum front yard - 30 feet
Minimum side yard - 8 feet
Minimum rear yard - 20 feet (exceptions as per Section 2.2.3)
Maximum coverage - 30% of the site
Maximum building height - 2 1/2 stories or 35 feet

4.1.6 Single-Family R-8

Density of occupancy - 3.0 families per acre
Minimum lot area allocated to one family - 7,500 square feet
Minimum lot width - 50 feet
Minimum front yard - 25 feet
Minimum side yard - 8 feet
Minimum rear yard - 20 feet (exceptions as per Section 2.2.3)
Maximum coverage - 30% of the site
Maximum building height - 2 1/2 stories or 35 feet

4.2 MISCELLANEOUS STANDARDS

4.2.1 Areas excluded from density calculation

A

In residential subdivisions, all areas that are within any Inland Wetlands/Watercourses, Zone A per the FEMA map(s), or that have a slope of 25% or more shall not be used for density calculations.

The density of occupancy requirements shall not apply to subdivisions that are located on existing streets, have five or fewer lots, at least 85% of the required lot area is not Inland Wetlands/Watercourses, Zone A per the FEMA map(s), or have a slope of 25%; and there are no new roads proposed.

B

Easements

As per Sections 2.1.4 and 2.1.13.

C

Reduction of Area and Frontage Requirements for Pedestrian Ways

If authorized by the Commission, the minimum area and frontage requirements of one lot or any combination of lots may be reduced by the provision of pedestrian right-of-ways. The total reduction shall not be in excess of twice the area and frontage required for this right-of-way(s) (minimum width ten feet).

Notwithstanding this or any other provisions, through or corner lots or lots adjacent to any pedestrian right-of-ways shall not be reduced below minimum frontage and area requirements.

4.2.1 (Continued)

D

Corner Lots and Through Lots

As per Sections 2.2.6 and 2.2.7.

E

(This section was deleted)

4.2.2 Living Area Requirements

A

Except as provided in Sections 4.5 and 11.2, the living area per single-family dwelling shall not be less than the following:

(1) In AA Residential Zone

- (a) Single-Story: 1,300 square feet minimum
A dwelling with a minimum living area of 1,300 square feet shall not have more than three bedrooms
Additional rooms shall contain not less than 175 square feet
- (b) Split-Level and Bilevel: 1,500 square feet minimum
The vertical projection of all floors shall be not less than 1,200 square feet
- (c) Two-Story: 1,500 square feet minimum
The first floor shall be not less than 768 square feet

(2) In AA and A Open Space Subdivisions and in A, R-13, R-11, R-10 and R-8 Residential Zones

The living area per single-family dwelling shall not be less than 950 square feet for a two-bedroom dwelling, plus an additional 175 square feet for each additional room, with a maximum required area of 1,475 square feet. Additions to any single-family dwelling existing at the time of adoption of these Regulations shall provide 175 square feet for each room added or be computed according to this Subsection, whichever is less.

B

Living Area Computation

The living area of a dwelling unit is all space measured within the exterior surface of the exterior walls or the center line of party walls of the unit, exclusive of garages, breezeways, unheated porches, basements and heating equipment rooms.

The following rooms shall be considered as standard, for computation of the living area of a dwelling unit:

Living room

Kitchen, with or without a pantry not to exceed 60 square feet

Bathroom, with included or separate toilet

Bedroom(s) with or without included dressing room not to exceed 60 square feet. For efficiency units, the bedroom requirement shall not apply.

4.2.2B (Continued)

In meeting minimum living area requirements, at least one full floor of living area shall be finished. Finished areas shall have all insulation, heating, plumbing and electrical work installed and all floors, ceilings, walls with lath and plaster, or plasterboard, and trim in place.

In order for an area to be included in the computation of living area, its ceiling height shall have a minimum clearance of seven feet, six inches, except on the uppermost floor where a minimum ceiling height of seven feet, four inches shall exist for at least 60 percent of the area.

Rooms on floors other than the finished full floor may be included in the living area computation if: they meet the appropriate ceiling height requirement, they contain insulation and rough flooring, and the heating, plumbing and electrical work have been roughed in.

4.2.3 Thermal Insulation

Thermal insulation shall be provided for all dwellings in single-family residential districts in accordance with Section 11.2.4C(1).

4.2.4 Varied Front Yards

Front yards shall be varied in all residential zones. The following requirements shall govern varied front yards:

A

As nearly as possible, the distribution of setbacks shall be as follows: the front yard depth of one-third of the lots shall be reduced by 25 percent; the front yard depth of one-third of the lots shall be increased by 25 percent; and the front yard depth of one-third of the lots shall have the required front yard depth.

B

The building line of each lot shall be shown on the filed subdivision plan and final grading plans.

C

The average depth of the front yards in a subdivision shall be not less than the required front yard depth.

D

The distribution of varied front yards shall be arranged so as to provide maximum variety of yard depths.

E

The Commission may authorize an on-site change to any front yard depth setback established under this Section, provided that the Zoning Enforcement Officer and the Town Planner both determine that a proposal constitutes a minor change. Such change shall be granted only for situations wherein some desirable site feature will be preserved as a result of the change, such as a stand of trees or a particularly desirable tree. Applications shall be made for formal action by the Commission at its next regular meeting so that the modified plan can be properly filed by the applicant.

F

The Commission may waive the varied front yard requirement only when it finds that:

- (1) The road curvature, grade or the topography of the area adequately breaks up the visual appearance of the line of homes having the same front yard depth, or

4.2.4F (Continued)

- (2) Grading that results in excessive environmental damage would be required to achieve varied front yards.

4.2.5 One Principal Building Per Lot

Except as provided in Sections 4.5.4 and 11.2, in all single-family residential zones only one principal building shall be placed on a lot.

4.2.6 Residential Buildings Adjacent to Limited Access Highways or Railroads

As per Section 2.2.3.

4.3 PERMITTED USES

4.3.1 Single-Family Dwellings

4.3.2 Subdivisions of 30 Lots or Less

4.4 ACCESSORY USES

4.4.1 Accessory Building

A

Accessory buildings shall be subject to the following requirements:

- (1) Maximum building height - one story or 15 feet;
- (2) Minimum side, front and rear yards shall be the same as required for the principal building, except that detached accessory structures which are located entirely behind the plane of the rear wall of the principal building on the lot, may be located as close as six feet from a rear or side property line, provided such accessory building is not used for human or animal habitation;
- (3) Except as per Section 4.5.17, the area of all accessory buildings on a lot shall be no greater than 580 square feet or 20 percent of the required rear yard, whichever is greater; except that in no event shall the area exceed 1000 square feet or the total ground floor area of the principal structure, whichever is less.
- (4) No portion of a detached accessory building shall be located closer than ten feet to the principal building or any other accessory building.

4.4.2 Swimming Pools

Swimming pools shall not be located within any required yard, and any related apron area and equipment shall be screened from street view by structures, fences, walls or plantings.

4.4.3 Tennis Courts

Tennis courts shall not be located within any required yard and, if lighted, shall not produce more than one foot-candle of illumination across any property or street line.

4.4.4 Recreational Vehicles and Boats

Recreational vehicles and boats may be stored or parked on a lot in any residential zone subject to the following conditions:

A

Such equipment may not be more than 25 feet in length; and if stored outdoors:

- (1) they shall not be stored in the required front or side yard, except that in the case of corner lots located in the A and AA zones, they may be located in a required side yard provided that they comply with all other requirements of this Section;
- (2) they shall not be stored within five feet of a property line;
- (3) no more than one of either type of vehicle can be so stored; and
- (4) except for corner lots located in the A and AA Zones, they shall be screened from street view by structures, fences, walls or plantings to the extent practical under these Regulations.

B

Such equipment may be parked anywhere on the residential premises for a period not exceeding 24 hours to allow for loading or unloading. Storage shall be considered parking beyond 24 hours.

C

Any recreational vehicle or boat parked or stored in any zoning district shall not be used for living, sleeping, or housekeeping purposes.

4.4.5 Commercial Vehicles

The parking of no more than one commercial vehicle, the rated capacity of which shall not exceed three-fourths ton.

4.4.6 (This Section was deleted.)

4.4.7 Home Occupations

Home occupations similar but not limited to dressmaking, millinery, laundering or sewing, subject to the following conditions:

A

Each such occupation shall be engaged in only by residents of the premises.

B

Equipment used in such occupation shall be customarily incidental to residential occupancy.

C

No display of products shall be visible from the street.

D

The occupation shall not alter the residential character of the neighborhood.

E

Noise generated from the use shall be in accordance with Section 5.1.3A.

4.4.7 (Continued)

F

See Section 4.5.19 for home occupations considered by Special Use.

4.4.8 Raising of Small Livestock

The noncommercial raising of small livestock for private use limited to: domesticated birds kept for eggs or meat; sheep not to exceed two per acre; cows, horses and beef cattle not to exceed one head per three acres; and other 4-H animals in accordance with the standard recommended per-acre ratio under the following conditions:

A

The minimum acreage to which this use shall apply shall be three acres.

B

Housing of such animals shall be located not nearer than 20 feet from any property line nor 150 feet from any street line.

C

Compliance with all Federal, State and local health and safety regulations.

4.4.9 Renting of Rooms

The renting of rooms to not more than two paying guests, roomers, boarders, or lodgers in a dwelling used by the owner as his/her own residence.

4.4.10 Boat Docks

For owner's use only and provided that it is in compliance with all appropriate codes, laws and requirements of Town, State and Federal agencies.

4.4.11 (This Section was deleted.)

4.4.12 Off-Street Parking of Automobiles

In order to reduce the excessive fire hazard to neighboring property and to the streets and to reduce the attractive nuisance to children, no more than four automobiles parked off-street and outside of a structure shall be within 50 feet of any property line.

4.4.13 Dish Antennas

A

Roof-mounted and building-mounted dish antennas are permitted provided that:

- (1) the dish (whether spherical or parabolic) is less than three feet in diameter;
- (2) the highest point on the antenna does not exceed the highest point on the roof to which it is attached if roof-mounted, or the highest point of the roof over the building if the dish antenna is building-mounted;
- (3) no part of the antenna is visible from any street.

4.4.13 (Continued)

B

Ground-mounted dish antennas are permitted provided that:

- (1) the dish (whether spherical or parabolic) is less than eight feet in diameter;
- (2) no part of the antenna exceeds the height of 12 feet above grade;
- (3) they are screened from street view by existing structure(s), earthen berms, wooden fences, masonry walls or by plantings;
- (4) they are permanently attached to the ground with concrete piers, perimeter foundation or by concrete slab.

C

All dish antenna installations under Section 4.4.13 shall comply with the following:

- (1) Not be located within any required yard;
- (2) No property shall have more than one dish antenna;
- (3) The antenna shall have Federal Communications Commission (FCC) certification or type acceptance for radiation level emissions, if the type of receiver proposed requires it;
- (4) Have obtained a building permit prior to installation;
- (5) Mounting to be wind-resistant;
- (6) Grounded to protect against hazards from lightning.

4.4.14 Driveways

Dimensional modifications to existing driveways and new driveways serving one-family residential lots with frontage on public roadways shall comply with the following:

A

Width Requirements

- (1) For lots without a garage: No wider than 18 feet.
- (2) For lots with front entry garages: A width equal to the face of the garage for a distance of 20 feet from the door(s), then gradually decreasing until the driveway is 18 feet or the Right of Way is encountered.
- (3) For lots with side entry garages: No wider than 18 feet, except in front of the garage door(s) where a width equal to the face of the garage may be maintained up to 35 feet away from the face of the garage.

B

In addition to the requirements of 4.4.14A, the driveway width within 5 feet of the garage door may be increased by an additional 4 feet total to catch drainage, such as downspout flows, etc.

4.4.14 (Continued)

C

The driveway shall be no closer than 6 feet from the property line. However, staff may approve driveways less than 6 feet but greater than 3 feet from the property line. Driveways closer than 3 feet from the property line shall require approval by the Commission. In any situation where a proposed driveway is closer than 6 feet from the property line, the nearest abutting lot owner shall be notified by the applicant.

D

Curb cuts shall be no greater than required for the driveway width plus the transition radius at each edge as required by the Town of Windsor Engineering Standards.

E

There shall be no more than one driveway and one curb cut per lot.

F

In order to prevent dust and stone accumulation on the sidewalk, roadway or on adjacent property, the driveway area within the ROW and for the first 20 feet from the Town Right of Way, shall be paved with hard surface material (e.g. bituminous concrete) and be compliant with the construction requirements in the Town of Windsor Engineering Standards for sidewalk crossings.

G

A turn around area not to exceed 12 feet in width by 14 feet in depth is permitted.

H

The driveway shall be located as far as practicable from street intersections.

I

The staff may consider specific requests to vary the requirements of 4.4.14A by utilizing the section 3.9 process without fee. However, staff shall make the finding that the driveway or its use will not be out of character with the surrounding area.

Additionally, the Commission may vary requirements within any portion of 4.4.14 if it determines that said variations are appropriate to the lot configuration and character of the surrounding area. The Commission shall also be the final arbiter in resolving any disagreements with staff decisions.

J

For flag lot driveway requirements see section 4.5.13A(5).

4.4.15 Garage or Tag Sales

Garage or tag sales at residentially used properties are subject to the following conditions:

A

The event shall be limited to a maximum of four occurrences per year and per address.

B

Each event shall not exceed three days in duration.

C

Hours of operation shall be between 8 A.M. and 6 P.M.

4.4.15 (Continued)

D

Products shall not be displayed within the street right of way.

E

All signs advertising garage or tag sales must be legally placed and removed within 24 hours of event completion.

F

The Town of Windsor Police Department reserves the right to prohibit or cease the operation of any garage or tag sale that presents a public safety problem.

4.5 SPECIAL USES

The following uses may be allowed by the Commission if operating MDC sewers and water are available to the site (except as per Sections 4.5.1B[11] and 4.5.9), and subject to the provisions of Section 2.4 and as hereunder provided. All non-residential developments involving new buildings, under Section 4.5, shall comply with the provisions of Sections 2.4 and 4.5.6, except 4.5.6A(4) if not a professional office building.

4.5.1 Conversion of Existing Buildings

The Commission may allow the conversion of existing buildings to professional offices, home occupation type uses, and residential uses in Windsor Center and its Fringe Areas, as shown on map page 9-7 of the 2004 Plan of Conservation and Development (POC&D), which for the purpose of this Section will be defined as the Central Business District (CBD). These uses may be allowed as specified for the various area categories on the above mentioned map. Also, the Commission may allow any use specified for residential zones within the CBD, in buildings having frontage along Windsor Avenue in Wilson from the Hartford City line to I-291, which for the purpose of this Section will be defined as the Wilson Business District (WBD).

A

Intent

- (1) To channel to appropriate areas small but significant increases in residential densities and growth continually generated by population increases.
- (2) To maximize the advantage of proximity to critical retail facilities and mass transit and minimize the need for automobiles.
- (3) To minimize the conflicts at the interface of the business area fringes and residential areas and to allow for most appropriate transitions at these fringe areas; and, to maximize the advantages of locations for use of mass transit.
- (4) To rehabilitate buildings and sites and stabilize property values.
- (5) To achieve objectives of the Plan of Conservation and Development.

B

Conditions

- (1) The applicant shall show and the Commission find that the physical characteristics of the particular property (including site location, size and geometry) and the building size and design

4.5.1B(1) (Continued)

can be used as proposed within the intent of these Regulations and that it will not result in excessive impact on adjacent properties.

- (2) The applicant shall show and the Commission find that the building will be in acceptable exterior and interior condition. Acceptable exterior condition shall mean, in part, that the building will have no physical evidence from the exterior of cracks in walls, foundations or chimneys; no peeling or peeled paint; nor no broken, misplaced or damaged parts, members, siding or shingles. Acceptable interior condition shall mean, in part, that interior spaces will be subdivided to appropriately provide for the intended uses and that reasonable equipment, appliances, etc. will be installed. The applicant may be required to repaint, re-side, point masonry and take whatever other rehabilitation measures will achieve the intent of this Section.
- (3) The applicant shall show and the Commission find that at project completion, the site will be in acceptable condition. Acceptable condition shall mean that relevant requirements of Section 3 (e.g., planting in Section 3.1.1) are at least met and shall be measured in part as follows:
 - (a) No new parking facility or drives shall be located within ten feet of any property line. The ten-foot areas shall be planted with evergreen and deciduous plantings and/or fences and/or walls to screen the parking area and block auto headlight glare to adjacent properties. The ten-foot area may be reduced as per Section 3.1.6.
 - (b) The Commission may modify vehicle turnaround requirements for single family residential building conversions to additional residential units as provided in Section 3.2.2.
- (4) Intensity of use:
 - (a) For the purpose of this Section, each professional or home occupation use shall be considered to be the equivalent of a dwelling unit for intensity of use-to-lot area and interior area calculations.
 - (b) An additional dwelling unit may be allowed if the Commission finds that the intensified use is appropriate for the building, site and neighborhood, and that the site and building meet zoning and other relevant code requirements. Also, additional units beyond that mentioned above may be allowed if an additional amount of land is available on the site, equal to the minimum zoning area requirement for each additional unit.
- (5) The lot must conform to the minimum area requirement of the zone in which it is located.
- (6) There shall be no exterior storage of material and no other exterior indication of the home occupation or professional use except for signs in accordance with Section 13.9.
- (7) Off-street parking shall be required as per Section 3.4, except that for multi-family uses, the Commission may permit a 25 percent reduction in parking spaces if it finds that walking proximity to shopping, mass transit, etc. so warrants.
- (8) Any building addition proposed in conjunction with an application for a conversion shall not exceed 150 square feet, except that the Commission may allow larger additions within the CBD and WBD as delineated in the 2004 POC&D provided that the following shall be complied with:

- (a) The lot shall be at least twice the area requirement of the zone;

4.5.1B(8) (Continued)

- (b) The building after conversion does not cover more than 25 percent of the lot;
- (c) Any units within entirely new construction shall adhere to these design requirements:
 - (i) outside access - as per Section 11.2.4A(1)
 - (ii) overhead protection over door - as per Section 11.2.4A(2)
 - (iii) patios or balconies - as per Section 11.2.4A(4)
 - (iv) exterior wall plane - as per Section 11.2.4A(5)
 - (v) minimum noise attenuation - as per Section 11.2.4A(7)
 - (vi) all new construction shall adhere to the following:
 - minimum front yard - 40 feet
 - minimum side yards - 10 feet
 - minimum rear yard - 40 feet
 - (vii) through sidewalks, common parking areas or drives shall not be closer than 20 feet to any first floor window or door of a residential unit; however, distance to walks or drives may be reduced to ten feet if substantial screening is provided, as determined by the Commission;
 - (viii) the Commission may grant a request for modification or waiver of the requirements of Section 4.5.1B(8)(c) if the Commission deems it necessary because of adverse geographical conditions, difficult site configuration or modifications to site design or layout requested by the Commission;
- (d) the maximum number of bedrooms per acre is 12.
- (9) No stairs above the first story shall be added outside the exterior walls.
- (10) The minimum living area for an efficiency unit shall be 300 square feet. An additional 150 square feet shall be provided for each additional room.
- (11) The Commission may waive the requirement for operating MDC sewers if soil conditions and prevailing Town and State health laws permit.
- (12) No alterations made to the exterior of the existing building shall detract from its residential or architectural character.

4.5.2 Single-Family Residential Developments with More than 30 Lots

Proposed single-family residential subdivisions with more than 30 lots, in accordance with the zone requirements and subject to the following conditions:

A

The applicant shall demonstrate and the Commission shall find that adequate community facilities, roads, schools, services and utilities exist in the area to adequately serve the proposed development.

4.5.2 (Continued)

B

The lots shall comply with applicable standards set forth in relevant sections of this and the Subdivision Regulations.

4.5.3 Open Space and Cluster Subdivisions

At its discretion, the Commission may allow development of open space or cluster subdivisions which permit a reduction in lot requirements while preserving land for open space, recreational and/or other purposes in specified zones on sites consisting of 10 acres or more, as provided below:

A Open Space Subdivisions

The Commission may allow the development of open space subdivisions for single-family detached dwellings in AA and A zones, provided that the following conditions are met:

- (1) The Commission shall determine that the proposed subdivision site contains land deemed desirable for open space or for other public purposes, based upon consideration of said land's size, shape, natural features, location and public access. The dimensions of this land and its location within the subdivision shall be determined by the Commission. In making such a determination, the Commission shall consider recommendations of relevant Town agencies. Said land shall be dedicated to the Town as per Section 2.1.12 or the Commission may accept an alternate grantee such as a homeowners' association, land trust or other group.

The dedication of land (including that within street(s)) to an alternate grantee shall be included in a written program submitted as part of the subdivision application for Commission consideration and action. The program shall include, among other items which the Commission deems necessary to protect the interests of the subdivision residents and the Town, the fee structure for use of the facilities and areas involved and on whom the responsibility falls for maintenance thereof. It shall also demonstrate to the satisfaction of the Commission, after review by the Town Attorney, how the responsibility will be legally bound upon that part (e.g., by covenant or deed).

Prior to the issuance of any building permits, appropriate agreements, restrictions and documents for the open land space shall be provided insuring that it will be maintained as such for 40 years.

- (2) The Commission shall find that the subdivision plan is designed appropriately in relation to soil types, wetland areas, watercourses, topography, scenic vistas and other natural features.
- (3) Except as provided below, the maximum number of lots permitted in the proposed subdivision shall be determined by multiplying the acreage of the entire tract by a density factor of 1.3 for AA-zoned land and by 1.6 for A-zoned land. All areas that are within any Inland Wetlands/Watercourses, Zone A per the FEMA map(s), or that have a slope of 25% or more shall not be used for density calculations.
- (4) The lots in AA open space and A open space subdivisions shall conform to the area, yard and height requirements of Section 4.1.2 and Section 4.1.3, respectively.
- (5) The minimum amount of land dedicated to the Town or to an alternate grantee under this Section shall be determined by multiplying the acreage of the entire tract by the percentage by which the required minimum lot area is to be reduced. However, the Commission may allow the area required for dedication to be reduced by no more than ten percent if it finds that, left as part of Section 4.5.3A(5) (Continued)

individual lots to provide for screening and privacy, it would result in a more desirable and appropriate development than if it were dedicated. This area shall be protected by scenic or conservation

easements as per Section 2.1.13. The characteristics of the open space area shall be as per Section 4.7.2(E) of the Subdivision Regulations.

- (6) Additional scenic or conservation easements may also be required as per Section 2.1.13.

B

Cluster Subdivisions

A cluster subdivision is a unique form of open space subdivision, intended to provide an harmonious relationship between natural amenities and residential developments. The Commission may approve cluster subdivisions as provided in Subsections 2 and 3 (below) provided that the following conditions are met:

(1) Overall Requirements

A cluster subdivision shall comply with the following overall requirements:

- (a) The site shall be located within any single-family residential zone(s).
- (b) Except as provided below, the maximum number of lots permitted shall be determined by multiplying the acreage of the entire tract by a density factor of 1.3. All areas that are within any Inland Wetlands/Watercourses, Zone A per the FEMA map(s), or that have a slope of 25% or more shall not be used for density calculations.
- (c) The site shall contain existing wooded areas of sufficient density and size and of appropriate species to provide adequate screening and privacy between proposed dwellings and between proposed dwellings and public areas or areas to be owned in common by the residents. In specific cases, the Commission may find that equivalent privacy and screening may be provided by other unique natural site features (e.g., dramatic topography, etc.). In all cases, however, any cluster subdivision application shall clearly outline the method to reasonably ensure the survival of natural site features critical to the provision of screening and privacy (e.g., tree wells, mounds, root area drainage systems, retaining walls, etc.).
- (d) All streets shall be built in accordance with both the Town of Windsor Engineering Standards and Specifications and the Town of Windsor Subdivision Regulations, except that sidewalks may be provided in alternative pedestrian travel locations through the open space as acceptable to the Commission, and, in cluster-sacs, clearing and grading of more than 30 feet of the street right-of-way shall be discouraged, unless site conditions require greater clearing or grading; the resulting street pattern shall be as follows (see illustrative sketch, Appendix 1, page 24):
 - (i) Cluster-sacs: For the purpose of this Section, cul-de-sac streets or loop streets, the principal function of which is to provide access to individual residential lots, shall be referred to as "cluster-sacs." Cluster-sacs shall:
 - have vehicular access only from distributor streets and other cluster-sacs unless the Commission allows access from existing streets under Section 4.5.3B(1)(d)(iii);
 - provide frontage and access to at least three-quarters of the total number of lots in the subdivision;

Section 4.5.3B(1)(d)(i) (Continued)

- be at an average distance apart of at least 500 feet (measured between their center lines) if located on the same side of the distributor street from which they have

access, unless the Commission finds that because of the high density of trees or topographic changes between certain cluster-sac streets, a lesser distance will provide equivalent screening and privacy as intended under this Section;

- have at least a 50-foot buffer strip of natural screening between distributor streets and lots having frontage and access on cluster-sacs;
 - be owned and maintained by a homeowners' association, unless otherwise specifically recommended by the Commission.
- (ii) Distributor streets: For the purpose of this Section, distributor streets (to be built as part of the proposed subdivision) shall be those streets which provide access to cluster-sacs and which provide direct access and frontage to no more than one-quarter of the dwelling units in the subdivision.
- (iii) Existing streets shall provide access only to proposed distributor streets, however, the Commission may allow no more than 15 percent of cluster-sacs in a proposed subdivision to gain access directly from existing streets if (a) it is undesirable to gain access from the proposed distributor streets because of topographic and/or environmental reasons; (b) a minimum 100-foot wide buffer strip of natural or landscaped screening is provided between the existing street and lots having frontage and access on the proposed cluster-sac; and (c) the existing street serves in a distributor street capacity (i.e., not a higher capacity street, for example, an arterial street). No access shall be provided directly to any dwelling from an existing street and no dwelling unit shall be located within 50 feet of the existing street right-of-way line(s). This 50-foot area shall provide natural or landscaped screening between the dwellings within the cluster subdivision and the existing street.
- (iv) The total length of any combination of cul-de-sacs or loop roads (distributors and/or cluster-sacs) shall not exceed 850 feet as measured along the center line of the right-of-way of said streets from the point of intersection of said center line with the center line of the adjacent through street to the point where the right-of-way begins to flare into the turnabout circle or the loop portion of said streets unless a greater length is authorized by the Commission because of adverse topographical conditions, difficult site configuration, future road extension, or other good cause.
- (e) The Commission shall find that the plan is designed appropriately in relation to soil types, wetland areas, watercourses, topography, scenic vistas and other natural features.
- (f) Because of the reduction of lot sizes allowed, building and site design become critical elements in ensuring compliance with the intent of this Section. Therefore, as part of its review and evaluation of any cluster subdivision application, the Commission shall consider landscaping and the design and location of all buildings.
- (g) The minimum amount of land dedicated to the Town or to a private association of the residents of such a subdivision shall be determined by multiplying the acreage of the entire tract by the percentage by which the required minimum lot area is to be reduced from the AA lot area standard. The Commission shall determine whether or not said land will be dedicated entirely to the Town, entirely to the homeowners' association, or to a combination of the two. Portions
- Section 4.5.3B(1)(g) (Continued)

of dedicated land may exist as appropriately landscaped, oversized (cul-de-sacs or as cluster-sacs. The Commission may allow the area required for dedication to be reduced as

provided for in Section 4.5.3A(5). The characteristics of the open space area shall be as per Section 4.7.2(E) of the Subdivision Regulations

- (i) The dedication of land for public purposes shall be as per Section 2.1.12.
- (ii) The dedication of land (including that within street[s]) to a private homeowners' association shall be included in a written program submitted as part of the subdivision application for Commission consideration and action. The program shall include, among other items which the Commission deems necessary to protect the interests of the subdivision residents and the Town, the fee structure for use of the facilities and areas involved and on whom the responsibility falls for maintenance thereof. It shall also demonstrate to the satisfaction of the Commission, after review by the Town Attorney, how the responsibility will be legally bound upon that party (e.g., by covenant or deed).

(h) Additional scenic or conservation easements may also be required as per Section 2.1.13.

(i) Maximum building height: 2 1/2 stories, or 35 feet.

(j) Thermal insulation as per Section 11.2.4C(1).

(2) One-Family Detached

Where the Commission finds that a site has characteristics meeting the overall requirements and intent of this Section and is such that its development with similar dwelling types would be more appropriate and desirable than with a variety of dwelling types, the Commission may approve a one-family detached cluster subdivision, as provided below:

(a) Specific Building Requirements: Minimum living area - as per Section 4.2.2A(1)

(b) Specific Lot Requirements: Minimum area – 12,750_square feet

Minimum front yard - the minimum average of all front yards shall be at least 40 feet; for individual lots, front yards shall not be less than 30 feet.

Minimum side yards - 15 feet

Minimum rear yard - 40 feet

(c) Specific Site Requirements: Each cluster-sac shall provide direct access to no more than eight lots.

(3) One-Family Detached and One-Family Semi-Detached

Where a site meets the overall requirements and intent of this Section, and is such that its development with varied housing types would be appropriate and desirable, the Commission may approve a cluster subdivision having lots for one-family detached, one-family semi-detached and multi-family attached dwellings, as provided below:

4.5.3B(3) (Continued)

(a) Specific Building Requirements:

(i) For One-Family Detached:

Minimum living area - as per Section 4.2.2A(1)

(ii) For One-Family Semi-Detached:

Minimum living area - as per Section 4.2.2A(2)

Minimum noise attenuation - as per Section 11.2.4B(1)

(b) Specific Lot Requirements:

(i) For One-Family Detached:

As per Section 4.5.3B(2)(b)

(ii) For One-Family Semi-Detached:

As per Section 4.5.3B(2)(b)

(iii) (This Section has been deleted)

(iv) The Commission may modify or waive any of the requirements of Section 4.5.3B(3)(b) or Section 2.1.14 in cases where, in the opinion of the Commission, strict application of the requirements of this Section will result in an overall design which is less desirable than one permitted by a modification or waiver of the requirements of this Section. The Commission shall not grant a request for modification or waiver of the requirements of this Section unless the Commission deems it necessary because of adverse geographical conditions, difficult site configuration or modifications to site design or layout requested by the Commission.

(c) Specific Site Requirements:

(i) For cluster-sacs on which more than half of the total units are in one-family detached dwellings - the total number of units shall be no more than eight.

(ii) For cluster-sacs on which more than half of the total units are in one-family semi-detached dwellings - the total number of units shall be no more than 12.

(iii) For cluster-sacs on which more than half of the total units are in multi-family attached units - the total number of units shall be no more than 16.

(4) Waivers and Modifications

The Commission may modify or waive any of the requirements of Section 2.1.14, Section 4.5.3B(2)(b), Section 4.5.3B(2)(c), Section 4.5.3B(3)(b), or Section 4.5.3B(3)(c) in cases where, in the opinion of the Commission, strict application of the requirements of this Section will result in an overall design which is less desirable than one permitted by a modification or waiver of the requirements of this Section. The Commission shall not grant a request for modification or waiver of the requirements of this 4.5.3B(4) (Continued)

Section unless the Commission deems it necessary because of adverse geographical conditions, difficult site configuration or modifications to site design or layout requested by the Commission. Any waiver or modification of the number of dwelling units allowed on a cluster-sac shall be limited to an increase of no more than 50 percent of the number of units allowed before the waiver or modification.

If the Commission determines that the open space to be dedicated under Section 4.5.3B(1)(g) is to be dedicated to a private association of residents, or left in individual lots and encumbered by a conservation easement, the Commission may modify the requirements of Section 4.5.3B(1)(g) to allow the minimum amount of land required to be so dedicated to be determined by multiplying the acreage of the entire tract by the percentage by which the average lot area is reduced from the AA lot area standard. For the purposes of this Section only, no lot shall be considered to contain more than the minimum lot area required by the AA lot area standard.

4.5.4 One-Family Detached, One-Family Semi-Attached and Multi-Family Dwellings

The intent of this Section is to afford greater flexibility in determining the most appropriate residential development form for relatively small sites restricted by natural or manmade physical conditions, adjacent development or property lines. Such a development must be in harmony with the area in which it is proposed, must be designed and sited to protect neighboring property values while respecting the site's natural or manmade features, must be in accord with the intent of this Section and adopted Plan of Development and must be appropriately related to the Town's general needs regarding housing, community facilities and open space.

A Miscellaneous Standards

The following shall be required for all developments proposed under this Section:

- (1) Maximum area - ten acres
- (2) All developments under this Section may be permitted in all residential zones other than AA.
- (3) All developments under this Section shall meet all relevant standards of these Regulations and the Subdivision Regulations.
- (4) The open space requirements of Section 4.7 of the Subdivision Regulations shall apply to all developments under this section. For calculating the fee in lieu of open space for lot(s) having more than one dwelling unit, the amount required per lot in Section 4.7.3 shall be multiplied by the total number of dwelling units.
- (5) The Commission shall review building elevations to assure the development is in harmony with the general character of the neighborhood.
- (6) Parking shall be two spaces per dwelling unit.
- (7) Structures or paved areas for active recreation or for parking areas of greater than five spaces shall not be permitted within the required yards of the zone in which the development is located.
- (8) Irrespective of the provisions in (7), no parking areas shall be located closer than ten feet from any property line.

4.5.4A (Continued)

- (9) Through paths, common parking areas or drives shall not be closer than 20 feet to any window or door of a residential unit.
- (10) Drives and curb cuts shall be minimized. Whenever possible, combined driveways shall be used for semi-attached or attached dwellings.
- (11) Lot area and yards or setbacks greater than permitted for the rest of the proposed development may be required for lots along some or all property lines in order to more appropriately relate to existing or potential conventional single-family development surrounding the site.
- (12) Any density calculation under the subsection below shall exclude areas identified in section 4.2.1 of the zoning regulations.

B Specific Standards

The following specific standards shall be complied with for each type of development:

- (1) One-Family Semi-Attached Dwellings on the same lot: The intent of allowing for this type of dwelling is to afford the opportunity of providing rental units in owner-occupied structures where both units are afforded maximum privacy because of their side-by-side construction (even if utilized to provide for "in-law" apartment for which a need undoubtedly exists):
 - (a) The density of occupancy shall be that which is specified in the next lower zone (e.g., in an A zone, the density of occupancy shall be 2.2 families per acre); however, in cases involving the R-13 and R-8 zones, the density of occupancy shall be 2.7 and 3.3 families per acre, respectively.
 - (b) The lot area, yards, width, coverage and building height standards shall be the standards for the next higher zone. If the Commission finds that resulting leftover land is not needed for public purposes, this land shall be redistributed in the most appropriate manner to any combination of lots.
 - (c) In calculating number of dwelling units permitted, where the area-density of occupancy calculation results in an odd number and a fraction of a unit (e.g., 13 1/4), the number may be rounded up to the next highest even number (e.g., 14); for cases where the density calculation involves an even number and a fraction (e.g., 12 3/4), the whole even number shall be used (e.g., 12).
 - (d) The building design standards shall comply with Sections 11.2.4B(1) and (2) and 11.2.4C.
 - (e) The living area requirement of one of the two units shall be in compliance with Section 4.2.2A(2). The minimum living area of the other unit shall be as per Section 11.2.4A(8).
- (2) One-Family Detached and One-Family Semi-Attached Dwellings on separate lots: The intent of providing the opportunity for this type of dwelling is to afford the economies of cost and land, subject to the following requirements:
 - (a) The density of occupancy shall be that which is specified in the next lower zone (e.g., in an A zone, the density of occupancy shall be 2.2 families per acre). However, in cases involving the

4.5.4B(2)(a) (Continued)

- R-13 and R-8 zones, the density of occupancy shall be 2.7 and 3.0 families per acre, respectively.
- (b) The lot area, yards, width, coverage and building height standards shall be the standards for the next lower zone, except that there shall be no required side yard where the dwelling units are attached and the required front yard shall be that of the underlying zone. In cases involving the R-8 zone, the requirements for that zone shall apply. In A, R-13 and R-11 zones, the Commission may permit the lot area of a second lower zone only if it finds a need for land for public purposes.
 - (c) Calculation of number of dwelling units - as per Section 4.5.4B(1)(c).
 - (d) The building design standards shall comply with Sections 11.2.4B and 11.2.4C.
- (3) Multi-family dwellings: The intent of this Section is to permit a small development of attached dwellings on the same lot or on separate lots (e.g., townhouses), or garden or terrace apartment dwellings, or any suitable combination thereof, subject to the following:
- (a) Parcels fronting on primary, secondary or collector highways as classified by the adopted Plan of Development, as amended, shall not be developed or planned in such a manner which would allow each dwelling unit to have its own separate automobile access onto these highways.
 - (b) Compliance with applicable provisions of Sections 11.2.3B(7), 11.2.3B(13) and 11.2.4.
 - (c) For a development of attached dwellings on the same lot, the development plan shall conform to the yard requirements of the most restrictive zone in which the parcel is located, the density of occupancy shall be that of the next lower zone(s) (e.g., in an A zone, the density of occupancy shall be 2.2 families per acre). In cases involving a proposed development in the R-13 and R-8 zones, the density of occupancy shall be 2.7 and 3.3 families per acre, respectively.
 - (d) For a development of attached dwellings on separate lots, the development plan shall conform to the yard and area requirements of Section 4.5.3B(3)(b)(iii). The density of occupancy shall be that of the next lower zone(s) (e.g., in an A zone, the density of occupancy shall be 2.2 families per acre). In cases involving a proposed development in the R-13 and R-8 zones, the density of occupancy shall be 2.7 and 3.3 families per acre, respectively.
- (4) Modifications

The Commission may modify Section 4.5.4B(2) to allow a development of One-Family Detached Dwellings on the same lot in cases where all appropriate requirements of Section 4.5.4B(2) are met and, in the opinion of the Commission, strict application of the requirements of the Section will result in an overall design which is less desirable than one permitted by a modification of the requirements of the Section. The Commission shall not grant a request for modification of the requirements of the Section unless the Commission deems it necessary because of adverse geographical conditions, difficult site configuration or modifications to site design or layout requested by the Commission.

4.5.5 (This Section was deleted; see Section 2.4.15P.)

4.5.6 Professional Offices

Professional offices meeting all applicable standards and requirements of the Professional zone and:

A

The applicant shall show and the Commission shall find that:

- (1) the development is particularly needed to serve that neighborhood if it is totally surrounded by residential zone(s) or, if adjacent to a nonresidential zone, that it serves the transitional land use function;
- (2) it will not constitute an intrusion in the area;
- (3) the site is more suited for the proposed use than for the uses allowed under Section 4.3; and
- (4) it is within one-quarter mile of one of the areas designated in the Adopted Plan of Development as "Limit of Business Center" for Wilson or "Fringe Areas" for Windsor Center.

B

In order to protect the nearby residential areas from negative impacts:

- (1) A 20-foot planted buffer strip shall be provided on side and rear yards if abutting or across the street from a residential zone, otherwise a 10 foot planted buffer shall be provided. Front yard landscaping shall conform to Section 3.1.1.
- (2) All required yards shall be 40 feet if abutting or across the street from a residential zone, otherwise per the AA zone.
- (3) No parking is allowed in the front yard.

C (This Section was deleted)

4.5.7 (This Section was Deleted)

4.5.8 Transfer of Residential Density

In order to provide the flexibility to promote the most appropriate relationship of residential development to transportation, community facilities and public and private services, while not increasing the overall residential density established in the Plan of Development and in these Regulations, residential densities may be transferred between all residential zones, the AG zone and Design Development areas subject to the following:

A

The land from which densities are transferred shall be:

- (1) Shown by the applicant and found by the Commission to be a developable area.
- (2) In a location deemed appropriate for future development or for public purpose even though the Commission shall find that at the time of application it would be more desirable to develop its density on the land described in "B."
- (3) Dedicated to the Town as provided in Section 2.1.12.
- (4) At least equal in area to the number of units transferred times the density of the underlying zone.

B

The land to which density is transferred shall be:

- (1) Found physically, geologically and geometrically adequate to accommodate the greater density with minimal adverse effects on adjacent development.
- (2) Located to maximize the advantages of the proximity of public and private facilities, streets, mass transit, etc. without overburdening them.
- (3) Developed at a resulting density which is no greater than the sum of the underlying zone density plus the transferred density.

C

The maximum resulting densities on the various categories of land to which densities may be transferred shall not exceed the following:

- (1) One-family zone: up to twice the underlying-zone density.
- (2) AG zone: up to twice the underlying-zone density.
- (3) New Neighborhood Design Development: up to one additional dwelling unit per acre.
- (4) Center Design Development: up to five additional dwelling units per acre.

D

The resulting development may contain any combination of one-family detached dwellings, semi-attached dwellings, or multi-family dwellings, as approved by the Commission; however, in one-family zones (excluding Design Developments) buildings shall not exceed the height standard of the underlying zone.

4.5.8 (Continued)

E

The maximum number of units that may be transferred in one application is 50 for single-family zones (excluding Design Developments) and 100 for Design Developments.

F

The applicant shall show and the Commission shall find that in the case of the parcels involved, the transfer of density concept is preferable to conventional development.

4.5.9 Ground-Mounted Dish Antennas

A

The Commission may permit ground-mounted dish antennas having a dish (whether spherical or parabolic) of eight to ten feet in diameter, subject to the following:

- (1) No part of the antenna exceeds the height of 14 feet above grade;
- (2) The lot meets the minimum area requirements;
- (3) The lot size, geometry and topography, location of building(s) on the lot for which the dish antenna is proposed, and on surrounding lots and their relationships, one to the other, and to the proposed dish antenna, minimizes obtrusion and negative impacts; and
- (4) Meets the screening and structural requirements of Sections 4.4.13B(3) and (4), respectively, and all of the requirements of Section 4.4.13C.

B

The Commission may permit ground-mounted dish antennas having a dish (whether spherical or parabolic) of more than ten and up to and including 12 feet in diameter, subject to the following:

- (1) No part of the antenna exceeds the height of 16 feet above grade;
- (2) The lot for which the dish antenna is proposed is at least three acres in area; and
- (3) The dish antenna meets the screening and structural requirements of Sections 4.4.13B(3) and (4), respectively; all of the requirements of Section 4.4.13C; and the provisions outlined in Section 4.5.9A(3).

4.5.10 Temporary Conversions to Allow Accessory Apartments

The Commission may allow the temporary conversion of a single-family dwelling to incorporate one accessory apartment in order to provide for the temporary housing needs of an extended family.

A

Intent

- (1) To provide a process to assist family members desiring to address the housing and social needs of Windsor's increasing elderly population and the disabled.
- (2) To provide an alternate housing arrangement which can adequately and comfortably house the elderly and the disabled in a non-institutional manner.

4.5.10A (Continued)

- (3) To include in the Zoning Regulations provisions for an extended family's living arrangement and thereby promote stronger family ties.
- (4) To reduce the necessity for public agencies to provide housing and support services by permitting the family to better participate in this role.
- (5) To establish a procedure to minimize potential impacts from these conversions on abutting single-family uses.

B Conditions

The following shall be the minimum conditions applied to all Special Uses granted under this Section:

- (1) The Special Use shall be valid for a two-year period, and renewals of the permit will require a new public hearing.
- (2) The applicant shall provide a site plan, floor plan and building elevations in sufficient detail as required by the Commission to evaluate the request.
- (3) The lot must conform to the minimum area requirements of the zone in which it is located.
- (4) The applicant shall present an affidavit executed by the property owner(s) stating that:
 - (a) the owner shall occupy either the main portion of the single-family dwelling or the accessory apartment; and
 - (b) the occupant(s) of both units shall be related by blood, marriage or adoption.
- (5) At least one of the households shall have at least one elderly or disabled person.
 - (a) Elderly is herein defined as a person who is 62 years of age or over;
 - (b) Disabled is herein defined as a person who is less than 62 years of age and is declared permanently and totally disabled by the Social Security Administration or by the State Department of Income Maintenance or by signed statements from two medical doctors.
- (6) The applicant shall show and the Commission find that the accessory apartment can be easily converted back as part of the single-family unit upon expiration or termination of the Special Use.
- (7) The accessory apartment shall be located entirely within the existing single-family structure (including attached garage) and may include additional habitable floor area of no more than 150 square feet. Additional habitable floor area is herein defined as habitable floor area in an existing single-family structure, having received a building permit within three years prior to the receipt of this application, and shall include any habitable floor area proposed to be added as part of the application. The Commission shall not approve applications under this Section which include single-family structures having more than 150 square feet of additional habitable floor area.
- (8) The accessory apartment shall be no larger than 600 square feet in total floor area and shall be clearly subordinate in size to the single-family dwelling unit.

4.5.10B (Continued)

- (9) No additional entrances shall be located on any wall plane facing (i.e., generally parallel to) any street.
- (10) No additional mailbox or mail slot shall be provided for the accessory apartment.
- (11) Existing attached garage or basement area may be used for conversion to an accessory apartment provided all State building and fire codes are complied with. The floor area resulting from the use of an attached garage or basement shall not be considered as additional habitable floor area.
- (12) The accessory apartment shall be provided with safe and convenient access to the outside.
- (13) The Commission may waive or modify any parking requirements or standards in these Regulations for the accessory apartment, based on the specific circumstances surrounding each application. The number of off-street exterior parking spaces shall not exceed four.
- (14) Upon request for renewal of this Special Use, the Building Official shall inspect the premises and report to the Commission regarding compliance with building and fire codes and Special Use conditions.
- (15) Upon expiration or termination of the Special Use, the accessory apartment shall be removed within 120 days of such expiration or termination. Removal of the accessory apartment is herein defined as the removal of all kitchen appliances and fixtures, the removal of the utility lines and pipes servicing these appliances and fixtures, or the permanent and safely capping or cutting of these lines and pipes, all to the satisfaction of the Building Official. The Commission may allow the removal of the pre-existing kitchen instead of the kitchen in the accessory apartment. In situations where neither additional habitable floor area nor a kitchen sink are proposed, the accessory apartment may be approved under Section 3.9 of these Regulations. In accessory apartments where additional habitable floor area is proposed (no more than 150 square feet as specified in Section 4.5.10B(7)), the Special Use approval shall be required irrespective of whether a kitchen sink is proposed for the accessory apartment. The Zoning Enforcement Officer will inspect the premises in order to verify compliance with this Subsection and report to the Commission at its next meeting, or shall undertake subsequent enforcement actions as provided for in these Regulations.
- (16) If a finding of noncompliance with any of these Subsections is made by the Commission, the Zoning Enforcement Officer will cause to have placed a notice on the land records that a zoning violation exists on this property, and pursue other necessary steps to achieve compliance.
- (17) The Special Use, and any renewal of the Special Use, shall terminate upon the death(s) or relocation(s) of all occupants of either unit or upon transfer of title to this property. This condition shall appear on the Special Use permit which must be filed on the land records.
- (18) A bond or letter of credit shall be posted with the Town in the amount equal to the cost of the installation of the kitchen, including all its appliances. The cost estimate shall be reviewed and agreed to by the Building Official. The bond shall be an interest-bearing passbook or a letter of credit with irrevocable assignment only to the Town of Windsor. Upon the receipt by the Commission of a report indicating the expiration or termination of the Special Use and the appropriate removal of the accessory apartment as provided in Subsection (15), the passbook shall be returned to the applicant or the letter of credit shall be returned to the bank. If the applicant defaults on the agreement to terminate the Special Use and to remove the accessory apartment, as prescribed herein, the applicant will forfeit the funds in the passbook or letter of credit, irrespective of its occupancy status, after the 120-day period provided for in Subsection (15) above. The

4.5.10B(18) (Continued)

Commission may grant one extension of up to 60 days beyond the initial 120-day period, for any good cause. The forfeited funds shall be used for enforcement, including attorney's fees or any other costs associated with achieving compliance with provisions of this Section. Any remaining forfeited funds shall be considered as application fees. The letter of credit shall cover the same time period as the Special Use.

- (19) The applicant shall sign an agreement stipulating concurrence with provisions of this Section regarding the expiration and termination of the Special Use, removal of the accessory apartment and the bonding and letter of credit provisions (including forfeiture). This agreement shall be in a form approved by the Commission.
- (20) Nothing in these Regulations shall prohibit an owner from applying under this Section in order to include an accessory apartment in a new single-family house.

4.5.11 Bed and Breakfast Establishments

A

The Commission may allow a Bed and Breakfast when used in conjunction with a primary residence subject to the following requirements:

- (1) Such facilities shall not include provisions for cooking in the rented rooms but may include breakfast served by the owner to the guests.
- (2) Rooms shall be provided with access and egress from within the principal residence.
- (3) Maximum number of rooms available to guests shall be four and maximum number of guests shall be five. The maximum length of stay shall be 14 days consecutively per calendar year per guest.
- (4) Parking: the minimum number of parking spaces shall be two for the principal dwelling plus one additional space per bedroom available for lodging. The parking shall be screened as per Section 4.5.1B(3)(a).
- (5) No accessory buildings shall be used for lodging purposes.
- (6) The owner of the property shall reside in the principal dwelling throughout the duration of its use as a Bed and Breakfast. The use shall become void if the principal dwelling ceases to be owner-occupied.
- (7) The use shall be permitted only in pre-1940 structures and shall be located on a State route unless otherwise specified by the Commission.
- (8) A Bed and Breakfast establishment shall be connected to the public water supply and sanitary sewer system if they are available within 200 feet of the structure.

If public water or sanitary sewers are not available for connection, then the use shall be permitted only if a satisfactory water supply, meeting the requirements of a potable public water supply as listed in the applicable State Statutes and regulations, is provided; and also provided that it can be demonstrated to the local Director of Health that the site contains enough suitable area for a private subsurface sewage disposal system constructed to the standards of the State Statutes and regulations in effect at the time of application.

4.5.11A (Continued)

- (9) Lot size shall be at least the minimum size for the existing zone. The owner of the residence to be used as a Bed and Breakfast shall obtain a Certificate of Occupancy.

4.5.12 Housing and Health Facilities for Elderly and Handicapped Residents

A

Intent

To provide a variety of specially designed housing and living environments that provide supportive services necessary to permit the older population, despite age, infirmity and other functional limitations and handicapped persons to remain as independent as possible in a residential setting. Developments under this section may consist of one or more of the housing types outlined in this section, however, preference is given to various housing and living environments being developed as a unified community which will meet the changing needs of its residents.

B

Subject to the conditions and standards provided hereunder and to the provisions of Section 2.4, the Commission may allow the following uses in any residential zone:

- (1) Housing for Older Persons, Congregate Housing, Assisted Living and Nursing Homes
 - (a) Residential units in detached, semi-attached, attached or terraced type dwellings on individual lots or on the same lot.
 - (b) Central service buildings or facilities for providing meals, social services, health and personal services, assisted living, recreation, administrative and management functions.
 - (c) The development may also include nursing home facilities, as defined in Section 19a-521 of the Connecticut General Statutes, when constructed and operated in conjunction with a congregate housing development primarily for use by the residents of the congregate housing development.
 - (i) The number of nursing home beds provided shall not exceed 33 percent of the number of residential units in the development.
 - (ii) Nursing home facilities--for purpose of site utilization, the lot encumbrance shall be at 3000 square feet per bed.
 - (d) The development may also include a convenience retail shop with a maximum of 1000 (excluding storage area) square feet of floor area for the sale of food items, prescription and/or nonprescription drugs, household items and gifts for the use of the occupants. Such a shop shall be located in the same building as the congregate dining or community facilities, and neither it, nor its signage, shall be visible from any public street.
 - (e) For the purposes of this section, Housing for Older Persons is per relevant subsection(s) of Sections 4.5.12C, 4.5.12D and per Section 4.5.14, with the following exceptions:
 - (i) The minimum acreage to which this use applies is ten acres;
 - (ii) Central service buildings or facilities shall be provided per B(1)(b) of this section;

4.5.12B(e) (Continued)

- (iii) Density calculations shall exclude areas of utility easements.

C

Miscellaneous Standards

The following shall be required for all developments proposed under this Section:

- (1) Minimum area - ten acres
- (2) All developments under this Section shall meet all relevant standards of these Regulations and Subdivision Regulations.
- (3) The Commission may require the developer to dedicate land for public purposes per Section 2.1.12.
- (4) Parking spaces shall be provided at the rate of one space for each dwelling unit of which at least 10% shall be handicapped-accessible. However, the Commission may allow up to 50% of these spaces to be placed in reserve depending on the specific type of development proposed. The applicant shall provide handicapped-accessible spaces for 10% of the spaces actually built.
- (5) No parking areas shall be located closer than 50 feet from any exterior property line of the site.
- (6) Through paths, common parking areas (if any) or drives shall not be located closer than 20 feet from any window or door of a residential unit.
- (7) Access streets shall comply with Section 11.2.3B(7) and may be public streets if required by the Commission.
- (8) Residency requirements, which shall run with the land, shall be imposed by the developer limiting occupancy of the development as follows:
 - (a) For Congregate Housing, one member of the household shall be at least 55 or 62 years of age (depending on the density of the development as specified in Section 4.5.12D(1) below). A dwelling unit may be occupied by the surviving member(s) of a household, regardless of age, if the household head was at least 55 or 62 years of age (depending on the density of the development as specified in Section 4.5.12D(1) below) and a resident of the dwelling unit at the time of death.
 - (b) For Assisted Living and Nursing Homes, one member per dwelling unit shall be at least 55 or require assisted living services and facilities as per Regulations, Connecticut, State Agencies, sec. 19-13-D105(e)(7).
- (9) A central kitchen containing a minimum of 500 square feet shall be located adjacent to the common dining room.
- (10) A common dining room containing a minimum of 15 square feet per resident shall be located in an area convenient to all dwelling units. For purposes of calculating the number of residents each unit shall be counted as having 1.5 residents.

4.5.12C (Continued)

- (11) Community facilities consisting of at least one of the following: game room, craft room, music room, library, TV room, exercise room or multi-purpose room, shall be provided at the ratio of at least ten square feet per resident. A maximum of 25 percent of the area of the congregate dining room may be credited for satisfying this requirement.
- (12) A Health Examination Room containing a minimum of 100 square feet with a hand washing sink, space for a treatment table and space for storage, shall be provided.
- (13) All units shall have doorways wide enough to accommodate wheelchairs and bathrooms capable of accepting installation of grab bars.
- (14) All units shall be handicapped-adaptable
- (15) All units shall have an emergency call/intercom system connected to an on-site location staffed 24 hours per day by at least one Cardiopulmonary Resuscitation (CPR)-certified attendant.
- (16) Outdoor recreation facilities, such as landscaped walking trails with benches, community flower and/or vegetable gardens and patios, shall be provided to the satisfaction of the Commission.
- (17) For Congregate Housing, detached, semi-attached and attached dwellings shall have garages with automatic door openers. A maximum of 25 percent of the required garages may be waived provided that the Commission is satisfied that the overall design of the development provides adequate parking and storage. For Assisted Living and Nursing Homes, adequate storage areas are required.
- (18) The design of the development shall be such that all units have access to common dining, indoor recreation, community and health facilities via enclosed climate-controlled walkways. The Commission may waive this requirement if an acceptable alternative means of providing residents access to such facilities is provided.
- (19) Public sewers and water shall be available to the site.

D

Specific Standards

- (1) The maximum density of occupancy for residential units shall be as follows:
 - (a) Congregate housing:
 - (i) limited to a household containing at least one person at least 55 years of age or older - shall not exceed four units per acre;
 - (ii) limited to a household containing at least one person at least 62 years of age or older - shall not exceed six units per acre.
 - (b) Nursing homes shall not exceed 14.52 units per acre per B(1)(c)(2) of this section.
 - (c) Assisted living shall not exceed 6 units per acre.
 - (d) For developments of more than one of the housing type outlined in this section being developed as a unified community, the density allowed is as follows:

4.5.12D(1)(d) (Continued)

- (i) For 2 housing types, the density for each housing type may be increased by 1 dwelling unit per acre; for 3 housing types the density for each housing type may be increased by an additional .25 units per acre; for 4 housing types, the density for each housing type may be increased by an additional .25 units per acre.
 - (ii) In order to promote developments large enough to promote community character, the minimum acreage allocated to each housing type shall be ten acres. In order to accommodate difficult site size constraints for sites found to be desirable for development under this section, the Commission may allow the reduction of any minimum acreage requirement by up to 25%.
- (2) For detached or semi-attached dwellings on separate lots, the lot area, yard width, coverage and building height standards shall be the standards of the next lower zone (e.g., in an A zone, the R-13 requirements shall apply); except that there shall be no required side yard where the dwelling units are attached. In cases involving the R-8 zone, the requirements for that zone shall apply.
- (3) For semi-attached dwellings on the same lot, the lot area, yard width, coverage and building height standards shall be the standards of the next higher zone (e.g., in an R-13 zone, the A zone requirements shall apply). In cases involving the AA zone, the requirements for that zone shall apply, except that the lot area shall be 30,000 square feet.
- (4) For multi-family attached dwellings on the same lot or garden or terrace apartment dwellings, the development plan shall conform to the yard requirements of the most restrictive zone in which the parcel is located. Maximum building height shall conform to Section 11.4.2B. Minimum lot area per dwelling shall be 2,400 square feet.
- (5) For multi-family attached units on separate lots, the development plan shall conform to the yard and area requirements of Section 4.5.3B(3)(iii). Maximum building height shall be 2 1/2 stories or 35 feet.
- (6) The building design standards shall conform to applicable provisions of Section 11.2.4A, 11.2.4B(1) and (2) and 11.2.4C. In no case shall a one-family detached or semi-attached dwelling be less than 800 square feet for a one-bedroom unit, with 150 square feet of additional area for each additional bedroom.
- (7) Upon the specific written request of the applicant at the time of application, the Commission may modify or waive any of the requirements of Sections 4.5.12C and 4.5.12D (except density, public sewer and water availability, age minimum and overall site area requirements) in cases where, in the opinion of the Commission, strict application of the requirements of these Sections will result in an overall design which is less desirable than one permitted by a modification or waiver of the requirements of these Sections.
- (8) In all attached or terraced type dwellings consisting of 2 or more floors elevators shall be provided. Whenever elevator service is provided, the facility shall provide at least 2 elevators each capable of independent operation and each provided with independent power supplies, operating equipment, and separate enclosed shaftway.

All elevators, regardless of height of car travel, shall provide standard firemen's service and at least 1 car shall be capable of full operation during the loss of primary power. In all buildings equipped with elevators, at least 1 secondary elevator device (such as a stair chair or stair lift) shall be available for emergency use.

4.5.13 Flag Lots

The intent of this Section is to afford greater flexibility in determining the most appropriate residential development form for unusually large, deep or oddly shaped lots. Such a development must be in harmony with the area in which it is proposed, must be designed and sited to protect neighboring property values while respecting the site's natural or manmade features, must be in accord with the intent of this Section and the adopted Plan of Development and must be appropriately related to the Town's general needs regarding housing, community facilities and open space.

A

All developments proposed under this Section shall be subject to the following conditions:

- (1) The flag lot and associated front lot shall conform to all requirements prescribed for the zone in which they are located except that the minimum area and yard requirements of the flag lot shall be at least twice the corresponding minimums in the AA and A zones and three times the corresponding minimums in the R-13, R-11, R-10 and R-8 zones.
- (2) The front yard of the flag lot shall be measured from the rear lot line of the front lot or as determined by the Commission.
- (3) On a flag lot, residential structures shall not be located farther than 750 feet from the town street to which the flag lot has access. This distance shall be measured along the center line of the driveway providing access to the town street.
- (4) On a flag lot where the principal entrance of a residential structure is located farther than 200 feet from the town street to which the flag lot has access, a residential sprinkler system designed and installed in accordance with N.F.P.A. Standard 13D shall be required. Such a system must be designed and installed by a properly licensed person or firm and all such systems shall be inspected by the local Fire Marshal or his/her designee prior to issuance of a Certificate of Occupancy.

Also, annually thereafter the owner shall demonstrate in writing to the local Fire Marshal that the system is operational. This requirement shall be satisfied by a written report of a person or firm properly licensed to design, install, or inspect such 13D systems, after they have inspected, tested and serviced the system as necessary.

- (5) A flag lot shall be provided with a minimum 25-foot wide access strip which shall extend from a town street to the buildable portion of the flag lot. The access strip shall be a portion of the lot which it serves. The driveway providing access to the flag lot shall be of a paved surface for its entire length for a width of at least 12 feet. The driveway shall have an additional passable area, of at least three feet on each side, capable of supporting fire apparatus and free of obstructions. No structures shall be located within the access strip.
- (6) The town street entrance to the flag lot shall be posted with a sign containing the house number and street name of the flag lot. Such a sign shall be a minimum of one and one-half square feet per side and a maximum of three square feet per side, and of such a design that it provides clear indication of the address of the flag lot.
- (7) To ensure privacy for adjacent lots, an evergreen screen shall be planted along the rear lot of all lots which are located in front of a flag lot. This screen shall be planted on the property of the front lot (it may be planted on the flag lot if the front lot is under separate ownership) and shall be a minimum of three feet in height at the time of planting and a minimum of six feet in height and 75 percent site-obscuring at time of maturity. The Commission may waive this requirement if topographic conditions or existing vegetation provide adequate screening. The Commission may

4.5.13A(7) (Continued)

require additional screening or landscaping along the access driveway or other property lines where it is needed to protect the privacy of adjacent parcels.

- (8) The driveway of the flag lot will be located so as to avoid concentrations of driveways at any one location and traffic conflicts.
- (9) The Commission may require additional setbacks, landscaping/screening or fire protection measures.

B

The Commission shall find that the subject site is more appropriate for flag lot development than for conventional development; and that the proposed development will not have excessive negative impact on adjacent properties nor preclude the appropriate development of adjacent properties.

4.5.14 Housing for Older Persons

A

Intent

To provide for the private development of housing for older persons of Windsor. Development under this Section should be located in areas which are accessible to public and private services such as mass transit stops and shopping facilities. Such development shall be compatible with the character of surrounding residential development.

B

Subject to the conditions and standards provided hereunder and to the provisions of Section 2.4, the Commission may allow the following uses in any residential zone:

- (1) Residential units in detached, semi-attached, attached or multi-family attached dwellings on individual lots or on the same lot.
- (2) Community building or facilities for providing recreation and personal services for the occupants of the development.

C

Miscellaneous Standards

The following shall be required for all developments proposed under this Section.

- (1) Minimum area - two acres
- (2) Maximum area - ten acres
- (3) Residency requirements, which shall run with the land, shall be imposed by the developer limiting occupancy of the development as follows:
 - (a) The household head shall be an older person as defined in Subsection 4.5.14D(1)(a) or (b) or handicapped per Section 1-1f of the Connecticut General Statutes.
- (4) All units intended for occupancy as per section 4.5.14D(1)(a) (below) shall be handicapped-adaptable

4.5.14C (Continued)

- (5) All units intended for occupancy as per section 4.5.14D(1)(b) (below) shall be handicapped accessible
- (6) All units shall have full basements, except that units developed under section 4.5.14D(1)(b) may be approved without full basements if the Commission finds that it provides needed improved handicapped access and finds that adequate storage and miscellaneous work area (e.g. laundry, etc.) is provided on the ground floor.
- (7) Accessory buildings on individual homeowner lots are not permitted.
- (8) Compliance with applicable provisions of Sections 4.5.12C(2), 4.5.12C(3), 4.5.12C(4), 4.5.12C(6), 4.5.12C(7), 4.5.12C(13) and 4.5.12C(19).
- (9) Maintenance of association-owned properties--the maintenance of all common areas not intended to be individually owned shall be provided by an organization organized under Chapter 828 of the Connecticut General Statutes (CGS 47-200 et seq) and formed for that purpose.
- (10) In order to enhance fire safety areas of all occupancies, as determined by the Fire Marshal, shall be protected by automatic sprinklers designed and installed in accordance with the applicable National Fire Protection Association Standards, such as Standard 13, 13D, or 13R. All units shall have brick encased chimneys or a construction that provides equal or better fire protection, as determined by the Fire Marshal and Building Official, unless high efficiency appliances are used which don't require a chimney by code.
- (11) In order to enhance public safety by providing safe vehicle and pedestrian ways, all drives, parking areas and walkways shall be constructed to Town of Windsor engineering standards.
- (12) Driveway/roadway widths may be changed by the Commission after consideration of the recommendation of the Town Engineer and Fire Marshal.

D Specific Standards

- (1) The maximum density of occupancy for residential units shall be as follows:
 - (a) Limited to a household containing at least one person 55 years of age or older - shall not exceed four units per acre;
 - (b) Limited to a household containing at least one person 62 years of age or older - shall not exceed five units per acre.
 - (c) In order to protect the town's environmental and ecological resources, areas indicated as wetlands or watercourses on the Town of Windsor Wetland and Watercourses map, areas within the 100 year flood limit on the Federal Emergency Management Agency (FEMA) map and areas with slopes of 30% or more shall be excluded from density calculations.
 - (d) No residents shall be under 18 years of age
- (2) The building design standards shall conform to applicable provision of Sections 11.2.4A(1-5, 7-8), 11.2.4B(1) and 11.2.4C. In no case shall a one-family detached or semi-detached dwelling be less

4.5.14D(2) (Continued)

than 750 square feet for a one-bedroom unit, with 150 square feet of additional area for each additional bedroom.

- (3) For a development on the same lot, front yard, width, coverage and building height standards shall be those of the existing underlying zone, side and rear yards shall be 25 feet.
- (4) For a development of individual lots, the yard, width and coverage standards shall be those of the R-8 zone.
- (5) For detached units on the same lot there shall be a sixteen-foot minimum separation between structures.
- (6) In order to enhance the health and convenience of residents, all units shall have central air and automatic garage door openers.
- (7) The master bedroom in all units shall be on the first floor.

E

(This Section was deleted)

F

(This Section was deleted)

4.5.15 Professional Office in Dwellings

A professional office located in a dwelling subject to the following conditions:

- (1) The dwelling is also used by the professional person(s) as his/her own residence.
- (2) There shall be not more than a total of three persons involved with the operation of the use.
- (3) The office use shall occupy no more than 25 percent of the residential dwelling.
- (4) The applicant shall show and the Commission find that the physical characteristics of the particular property (including site location, size and geometry) and the building size and design can be used as intended without resulting in excessive impact on adjacent properties.
- (5) There shall be no exterior storage of materials and no other exterior indication of the professional use except for signs in accordance with Section 13.9. All signage must be approved by the Commission.
- (6) Off-street parking shall be required as per Section 3.4. and Section 4.4.12.
 - (a) No new parking facility or drives shall be located within ten feet of any property line, with the exception of driveways. The ten-foot areas shall be planted with evergreen and deciduous plantings and/or fences and/or walls to screen the parking area and block auto headlight glare to adjacent properties. The ten-foot area may be reduced as per Section 3.1.6.
 - (b) Driveways shall be no greater than 18 feet in width allowing a maximum parking of 4 cars, as typically occurs in a single family house, to reduce non-conformity and non-compatibility in

4.5.15A(6)(b) (Continued)

residential neighborhoods. If the site is not in compliance with this provision, a compliance plan shall be presented for Commission evaluation with the application. If approved, the plan shall be implemented within one year.

- (7) For purposes of this Section only, massage therapist shall be considered a professional use subject to fulfillment of at least one of the following requirements:
 - (a) Successful completion of a course of study which provides not less than 500 classroom hours at a school of massage therapy accredited by an accrediting agency recognized by the United States Department of Education, and which provided, at the time of the applicant's graduation, a curriculum which was approved by the American Massage Therapy Association; or
 - (b) Successful completion of 70 classroom hours at a school of massage therapy accredited by an accrediting agency recognized by the United States Department of Education in addition to prior medical training including: a B.S. degree in nursing (R.N.), physical therapy, chiropractics, osteopathy, or medicine (M.D.).
- (8) Massage therapists are also required to comply with Article V, Section 11-60 through 11-78 of the Windsor Town Code.
- (9) For purposes of this Section only, mail order distributors of medical devices and related supplies shall be considered a professional use subject to the following requirements:
 - (a) The principal operator shall have registration as an administrator with the FDA and as a licensed medical device wholesaler in the State of Connecticut.
 - (b) No single unit shipped from the premises shall exceed 24" X 14" X 6" in dimension.
 - (c) The approval shall be valid for one year.

4.5.16 Non-Residential Uses that are Related to Existing Community Facilities

The Commission may approve non-residential uses in existing dwellings and lots near existing community facilities (i.e. public and semi-public uses) where the Commission finds a benefit to residents and an enhancement to the community facility, subject to the following conditions and requirements:

- (1) The proposed site must be abutting or across the street from an existing community facility;
- (2) The proposed use shall not generate activities deemed too intensive nor nuisances or visual impacts detrimental to the value of nearby residential properties and should serve as a transitional use between residential uses and the existing community facility;
- (3) The site shall be located on an arterial or secondary highway as defined in the adopted Plan of Development;
- (4) The proposed site is not within a half (1/2) mile of an existing similar use located in a non-residential zone or a non-residential building;

4.5.16 (Continued)

- (5) The approval shall have a one (1) year time limit;
- (6) The dwelling of the proposed site must be owner occupied and the non-residential use shall be accessory to the residential use;
- (7) If needed, the site and structure(s) on it must be improved to nearby residential property standards or to a higher standard to help seed revitalization in the area;
- (8) The Commission shall approve all signs or display objects related to the proposed use on the site and/or structure(s) and find that they are in harmony with the intent of this section;
- (9) The Commission may impose limits on time of operation or any other conditions to protect the public health, safety and welfare and minimize negative impacts on adjacent areas;
- (10) The proposed use shall comply with Section 2.4 of the Zoning Regulations.

4.5.17 Increasing Accessory Building Size

A

The Commission may through Special Use allow the area of all accessory buildings on a lot within a residential zone to be greater than permitted in Section 4.4.1A(3) provided the following:

- (1) The maximum building height shall be one story and no greater than eighteen (18) feet.
- (2) Minimum side, front, and rear yards shall be the same as permitted in the pertaining zone.
- (3) The area of all accessory buildings on a lot may be increased by the following method:

Zone	Minimum Square Footage	Maximum Additional Sqft. Per Extra 1,000 Sqft. Lot Area
AA	27,500	46
A	20,000	34
R-13	12,750	21
R-11	11,250	19
R-10	9,750	16
R-8	7,500	12

This additional square footage shall apply to area above and beyond the minimum lot square footage and can be added to the permitted accessory size of 580 square feet (per Section 4.4.1A(3)). The total area of the accessory building(s) shall not exceed the footprint of the primary structure.

- (4) The appearance of the accessory structure, including architectural design and materials, and its size and scale, shall be compatible with the primary structure as well as the surrounding properties.

4.5.17A (Continued)

- (5) Adequate and appropriate screening shall be provided to buffer the structure from street views and abutting properties.
- (6) Maximum coverage for each zone shall not be exceeded.

4.5.18 Places of Assembly and Congregation

Places of assembly and congregation, such as listed below, may be approved on sites with frontage on roads classified as arterial in the 2004 Plan of Conservation and Development.

A

Clubs, social or fraternal organizations, including those serving alcoholic beverages for on-premises consumption, but excluding those utilizing hardware or paraphernalia (e.g., guns, racing or show automobiles, snowmobiles or motorcycles) on premises which may cause nuisance or hazard may be approved provided that:

- (1) No structure used for recreation or entertainment shall be within 100 feet of any adjoining property line other than a street line or within 50 feet of any street line. Structures used for repair or storage may not be located within 50 feet of property or street lines;
- (2) No land used for active recreation shall be located within 100 feet of any property line. Active recreation shall be herein defined as formal picnic areas (with tables, barbecues, trash receptacles) or activities requiring a lined court or field;
- (3) Vehicular access drives or parking areas shall not be within 50 feet of any adjoining property line, except for street lines, unless the Commission finds that a lesser distance will not create excessive disturbance to the adjoining property; and
- (4) For clubs, social or fraternal organizations serving alcoholic beverages, the following provisions shall apply:
 - (a) Applications shall be granted for a two-year period (and may be renewed).
 - (b) The club's facilities shall not produce nuisance, noise or disturbance so as to adversely affect the health, safety or comfort of others or detract from adjacent property values.
 - (c) Permits shall be obtained from the appropriate State agencies.
 - (d) Applicants shall annually furnish the Commission with the names and addresses of all officers of the club.

In the event that at any time it shall appear to the Zoning Enforcement Officer that a club has ceased to comply with any or all of the requirements set forth above in (a) through (d), or in his/her opinion it has become a nuisance in the area, he/she shall notify the Commission. If, after public notice and hearing, the Commission finds that the club has become a nuisance in the area or creates noise and disturbance on the premises so as to injure the health or comfort of others, the Commission shall restrict the Special Use of the club, and the sale of alcoholic liquors upon the premises of the club shall thereupon become a prohibited use; the Commission shall forthwith certify to the State Liquor Control Commission that the further sale of alcoholic liquor upon said premises is prohibited and may take such further action as it may deem appropriate in order to further abate such use and nuisance or hazard, including totally revoking the Special Use.

4.5.18 (Continued)

B

(Section Deleted, See Section 2.14.5H)

C

Group Homes

In compliance with State and Town standards and requirements, and provided that:

- (1) A community need is demonstrated.
- (2) The Commission finds that the location of the site and structure and its relation to the site is appropriate to safeguard the safety of the occupants as well as the value of adjoining properties.

D

Private Schools or Colleges

As defined by and in accordance with standards recommended by the State Board of Education and the State Department of Education.

E

Churches and Other Religious Institutions

Churches and other religious institutions are providing increasing services to the community. In order to facilitate the opportunity to offer these services and provide easy access for increasing auto trips, these facilities may be approved on sites within Residential and Agricultural Zones with frontage on roads classified as arterial in the 2004 Plan of Conservation and Development. Any approvals shall be subject to the applicable provision of the residential zone in which the parcel is located, and the requirements for Special Uses. (Also see Section 10.5.8)

4.5.19 Home Occupations

Home occupations which are determined by the Zoning Enforcement Officer and/or Town Planner to be more intensive than those allowed under Section 4.4.7 and could generate greater impacts on surrounding residential properties, such as catering, may be considered by Special Use. If there is a disagreement between the Zoning Enforcement Officer and/or Town Planner and the applicant, the matter shall be referred to the Commission for its determination under Section 2.1.15. All Special Use applications under this section shall be subject to the following conditions:

A

All relevant conditions provided in Sections 2.4 and 4.4.7.

4.5.19 (Continued)

B

The approval shall have a one year time limit, which may be extended by the Commission.

C

Days and hours of operation shall be Monday through Saturday between 8 A.M. and 6 P.M.

D

A site layout plan shall be provided with the initial application.

E

Any use which results in the off-street parking of more than 4 automobiles shall not be permitted.

F

There shall be no dumpsters on the premises.

G

There shall be no delivery or pickup of products by commercial vehicles other than parcel service vehicles (such as Fed Ex, UPS, and USPS.)

H

There shall be no outdoor storage of equipment, materials, or products.

I

Any specialty equipment or construction that is associated with the home occupation shall be removed upon the termination of the Special Use.

J

The total signage area shall be no more than 3 square feet.

K

The Commission must conclude that the operation will not generate noise, odor, glare, and/or other nuisances that are incompatible with single-family residential zones.

SECTION 5 - BUSINESS ZONES

5.0 INTENT

The intent of this Section is to provide appropriate standards for business uses and promote business development consistent with sound planning and design principles and with the intent of the Plan of Development and these Regulations.

5.1 B-1 BUSINESS ZONE

This district is intended to provide low-intensity retail, service and office uses which do not create excessive pollution and nuisances; to serve as a transitional zone between residential and more intensive business zone(s); and to serve the adjacent residential neighborhoods. Generally, uses requiring excessive vehicular trips or trucking or uses operating in late hours shall be considered incompatible with this district.

5.1.1 Area and Height Standards

Minimum lot area - 15,000 square feet

Maximum lot area - 2 acres

Minimum building area - 1,500 square feet

Maximum coverage - 25% of the site

Maximum building height - 2 1/2 stories or 35 feet

Minimum lot width - 100 feet

Minimum front yard - 40 feet

Minimum rear yard - 50 feet

Minimum side yard -30 feet if adjacent to a residential, AG or NZ zone; otherwise none required, but if provided must be ten feet; if none is provided, footings, sills, facias or gutters may project a maximum of six inches onto abutting property provided that written permission is obtained and recorded in the land records of the Town of Windsor; otherwise the outer face of the foundation wall(s) shall be no more than six inches within the property line in order to permit the construction of footings, sills, facias or gutters up to the property line.

5.1.2 Miscellaneous Standards

A

The provisions of the Windsor Fire Prevention Code shall be complied with.

B

Outdoor storage of material is prohibited.

C

Restaurants or eating establishments are prohibited.

D

Developments shall be in general accord with the proposals in the Windsor and Wilson Center Plans in the Plan of Development, such as consolidation of parking areas in the rear, consolidation of driveways and their location at the side streets and not on primary or secondary highways and in accord with proposed revisions to street patterns.

E

All retail sales shall be conducted entirely within an enclosed permanent structure.

5.1.3 Performance Standards

A

No use is permitted which generates noise levels that exceed the provisions of the Town of Windsor Code. In addition to the provisions of the town code, no truck engine shall be allowed to idle for a period in excess of 10 minutes when such vehicle is parked in any parking lot, loading area, or other location adjoining a residential zone.

B

No use is permitted which is open for business between the hours of 10 P.M. and 7 A.M.

C

No use is permitted which relies on other business establishments for 50 percent or more of its sales trade.

D

No use is permitted which requires a drive-in window for its operation, except as provided in Section 5.1.6A.

E

No use is permitted which does not comply with the intent as per Section 5.1.

5.1.4 Permitted Uses

The following uses are permitted subject to compliance with applicable standards and requirements:

A

Offices - professional, general and banks.

B

Services - including but not limited to barber and beauty shops, tailors, laundries and dry cleaners (provided no dry cleaning is done on the premises) and repairs (television, appliances, shoes, bicycles, small nonwhite goods).

C

Retail - stores such as drugs, grocery, hardware and specialty shops, including incidental manufacturing, processing or assembling of products such as curio, arts and crafts sold at retail on premises, but excluding such activities as the sale of alcoholic beverages (except by a bona fide grocery business providing beer, ale or lager at retail for off-premises consumption), adult-oriented establishments, as defined in Section 16.2.1, and bakeries where the baking is done off premises.

5.1.5 Accessory Uses

A

Off-street parking and loading, signs, outdoor lighting, as provided in appropriate sections of these Regulations.

B

Any activity customarily and directly related to the operation of the principal use, provided it meets all applicable standards and requirements.

C

The outdoor overnight parking of no more than one commercial vehicle of no more than a one-ton maximum rated capacity which is used by the business on the premises and which is screened

5.1.5C (Continued)

year-round from any street or residential, NZ or AG district line, parked no closer than 20 feet from any such street or district line, and provided that it does not interfere with the normal use of any required parking space or drive. A second commercial vehicle of no more than a two-ton maximum rated capacity may also be parked provided that the above-mentioned requirements are met.

5.1.6 Special Uses

The following uses may be allowed subject to the applicable provisions of Section 2.4 and as hereunder specified:

A

Establishments with drive-in windows provided that: the Commission finds that the drives serving the drive-in windows do not interfere with the safe use of the required parking spaces and their required drives, interior pedestrian circulation or the access driveway from any public street; for each drive-in window an adequate stacking area at least 80 feet in length which is clearly segregated from and will not interfere with any street access driveway or interior vehicular drive shall be provided.

B

Dry cleaners with dry cleaning on premises provided that: no nuisance is caused to abutting residential areas; refuse containers, stacks, tanks and all other mechanical equipment are screened from street or abutting property view or are located indoors.

C

Bakeries - with baking done on premises, subject to the applicable provisions in Section 5.1.6B.

D

Repairs to household equipment such as lawn mowers, snow blowers, small automotive parts, etc., excluding licensed motorized vehicles and vehicular engines, and subject to the applicable provisions in Section 5.1.6B. All work to be done indoors.

5.2 B-2 BUSINESS ZONE

This district is intended to provide for general business activities on a Town-wide scale and for business activities which are compatible with central business area functions, wherever appropriate, while retaining and maintaining the "shopping street" frontage environment inviting to pedestrian use and perambulation (display windows and other pedestrian amenities in close proximity to public walkways).

5.2.1 Area and Height Standards

Minimum lot area - 15,000 square feet

Maximum lot area - 2 acres except as provided in Section 5.2.6I

Minimum building area - 1,500 square feet

Maximum building area – First floor area less than 3,000 square feet in Windsor Center and Wilson Center (See Appendix I. p. 27 and p. 22 respectively). See Section 5.2.6P for first floor area of 3,000 square feet or more in Windsor Center and Wilson Center by Special Use.

Maximum coverage - 33 1/3% of the site

Maximum building height - 3 stories or 45 feet

Minimum lot width - 75 feet

Minimum front yard - 10 feet

Minimum rear yard - 30 feet

Minimum side yard - 30 feet if adjacent to a residential, AG or NZ zone; otherwise none required, but if provided must be ten feet; if none is provided, footings, sills, facias or gutters may project a maximum of six inches onto abutting property provided that written permission is obtained and recorded in the land records of the Town of Windsor; otherwise the outer face of the foundation wall(s) shall be no more than six inches within the property line in order to permit the construction of footings, sills, facias or gutters up to the property line.

5.2.2 Miscellaneous Standards

A

As per Section 5.1.2, except that restaurants may be permitted as provided in Section 5.2.6D.

B

Uses requiring parking between the plane created by the front of the main building and the street line are prohibited except as provided in Section 5.2.6H.

C

All retail sales shall be conducted entirely within an enclosed permanent structure, except as provided below.

- (1) Outdoor sales may only be conducted on the premises of a permanent retail establishment;
- (2) The display or storage of merchandise shall not obstruct the use of any sidewalk, driveway, or fire lane;
- (3) For premises containing multiple establishments, the display or storage of merchandise shall not interfere with the business activities of other establishments on the premises;
- (4) To ensure compliance with this Section, a Site Plan modification indicating the location and limits of outdoor sales areas as well as the size and location of all signs may be required.
- (5) Sales conducted in a tent or other temporary structure may only be approved by the Commission by Special Use, as per Section 5.2.6R.

5.2.3 Performance Standards

A

No use is permitted which does not comply with Sections 5.1.3A and C.

B

No use is permitted which requires a drive-in window for its operation, except as provided in Section 5.2.6C.

C

No use is permitted which does not comply with the intent of Section 5.2.

5.2.4 Permitted Uses

The following uses are permitted in compliance with the standards and requirements of this Section:

A

Offices - as per Section 5.1.4A.

B

Services - as per Section 5.1.4B.

C

Stores - excluding adult-oriented establishments, as defined in Section 16.2.1, but including establishments providing alcoholic beverages at retail for off-premises consumption provided that:

- (1) The center of the main entrance of the outlet providing alcoholic beverages at retail for off-premises consumption is not closer than 1,250 feet from the center of the main entrance of any other outlet providing alcoholic beverages at retail for off-premises consumption, the distance to be measured in a straight line. Said distance requirement shall not be applicable when it would involve a bona fide grocery business located in a business zone and providing beer, ale or lager at retail for off-premises consumption.
- (2) The center of the main entrance of the outlet providing alcoholic beverages for off-premises consumption is not closer than 400 feet from the nearest property line of any church, public school or other duly organized school, charitable institution, hospital, library, community center or community facility, the distance to be measured in a straight line.

D

In order to protect the unique character of Windsor Center (see Appendix I, p.27), buildings in the B-2 zone of Windsor Center shall comply with the following, except as may be provided in Section 5.2.6Q:

- (1) Buildings shall have no less than 2 stories for occupancy and be no higher than 45 feet;
- (2) The percentage of the glazed area of exterior walls shall be a minimum of 25% for any first floor front wall and a minimum of 10% for any front wall of higher floor(s). The glazing shall be located so as to facilitate visibility in and out of the building by emergency personnel. The wall area measurement calculation shall be the floor to ceiling height multiplied by the width of each story;
- (3) Any front setback shall have a minimum of 10 feet and a maximum of 15 feet;
- (4) The unglazed exterior walls shall be of clay brick or wood clapboard (having maximum exposure of 4 ½ inches) alone or in any combination of these materials, as generally found in Windsor Center;
- (5) There shall not be any exterior or interior covering of the glazed portion of windows or doors with any permanent or temporary (i.e. movable) metal, wood, masonry, or plastic materials which shall be defined herein as "content protective structures."
- (6) For all Business, Industrial, and Warehouse zoned areas shown on the Wilson Study Area map (see Appendix I, p.28), Section 5.2.4D(5) shall apply.

5.2.5 Accessory Uses

A

Off-street parking and loading, signs, outdoor lighting, as provided in appropriate sections of these Regulations.

B

Any activity customarily and directly related to the operation of the principal use, provided it meets all applicable standards and requirements.

C

The outdoor overnight parking of no more than one commercial vehicle of no more than a two-ton maximum rated capacity which is used by the business on the premises and which is screened year-round from any street or residential, NZ or AG district line, parked no closer than 20 feet from any such street or district line, and provided that it does not interfere with the normal use of any required parking space or drive. A second commercial vehicle of no more than a five-ton maximum rated capacity may also be parked provided that the above-mentioned requirements are met.

D

Permits for no more than two mechanical amusement devices available to the general public may be granted for a one-year period by the Zoning Enforcement Officer provided that:

- (1) the location and use of proposed devices will not adversely affect the operation of the primary use on the premises and not impair required public safety functions;
- (2) the days and hours of operation of the mechanical amusement devices shall be only during the operating times of the primary use;
- (3) the operation of such devices shall not adversely impact abutting properties and their uses (such as by providing bicycle racks, etc.); and
- (4) adult supervision is continually provided over the operation of these amusement devices.

Permit applications shall be submitted annually accompanied by information and plans as required by the Zoning Enforcement Officer, along with a \$25 permit fee per machine. Failure to comply with any of these conditions shall be cause for the Zoning Enforcement Officer to issue a notice of noncompliance; and, if correction is not made within 30 days of such notice, the permit shall be rescinded.

5.2.6 Special Uses

The following uses may be allowed subject to the applicable provisions of Section 2.4 and as hereunder specified:

A

Uses listed in Section 5.1.6 with the same conditions where applicable.

B

Commercial recreational and cultural buildings and facilities (e.g., indoor theaters, bowling alleys, etc.), which may include restaurants as per Section 5.2.6D, but excluding arcades for mechanical amusement devices, which are herein defined as establishments housing more than six mechanical amusement devices. However, establishments housing from three to six mechanical amusement devices, available to the general public, may be permitted for a one-year period, provided that:

5.2.6B (Continued)

- (1) the location and use of proposed devices will not adversely affect the operation of the primary use on the premises and not impair required public safety functions;
- (2) the days and hours of operation of the mechanical amusement devices shall be only during the operating times of the primary use;
- (3) the operation of such devices shall not adversely impact abutting properties and their uses (such as by providing bicycle racks, etc.); and
- (4) adult supervision is continually provided over the operation of these amusement devices.

Applications shall be accompanied by a fee of \$25 per machine. The Commission may rescind said permit due to noncompliance with any imposed conditions, as per Section 2.4.9.

C

Establishments with drive-in windows provided they meet the requirements and conditions in Section 5.1.6A.

D

Restaurants, excluding any restaurant providing adult entertainment which may be considered "obscene as to minors" as defined in Section 53a-193 of the Connecticut General Statutes, may be allowed as follows.

- (1) For limited-service restaurants:
 - (a) drive-in windows are prohibited;
 - (b) takeout service may be allowed provided that a litter control plan is submitted which requires that site maintenance and trash removal be performed by employees on a daily basis. The approval of any takeout service shall also be subject to an initial one year time limit to monitor site conditions including implementation of the litter control plan. For subsequent approvals, the Commission may establish a time limit, the length of which is to be determined by site conditions and the nature of the facility (e.g., proximity to residences, service of beer and/or wine, hours of operation, etc.);
 - (c) service of alcoholic liquor is limited to wine and/or tap beer for on-premises consumption only, subject to Sections 5.2.6D(2)(b) and 5.2.6D(2)(f);
 - (d) there shall be no entertainment facilities, as described in Section 5.2.6D(2)(a);
 - (e) for establishments of less than 500 square feet located in existing buildings in Windsor and Wilson Centers (as described in Section 11.3.3A), the Commission may reduce or eliminate required parking;
 - (f) (This section was deleted)
- (2) For full-service restaurants:
 - (a) The retail sale of liquor and the provision of entertainment will be subordinate to the principal use which must be that of a restaurant providing service of hot meals. For the purposes of this Section only; principal use shall mean that no more than 15 percent of the

5.2.6 D(2)(a) (Continued)

gross floor area (including storage areas) shall be devoted to cocktail lounge or bar. This measurement shall be derived by calculating the square footage of the area which encompasses the bar, the associated stools, and a three-foot aisle beginning at the back of the stools. No more than 25 percent of the gross floor area (including storage areas) shall be devoted, at any time, to the combined uses of cocktail lounge, bar, dance floor, stage or standing room for the viewing of entertainment. The applicant shall provide a floor plan indicating the size and location of any bar or entertainment area as described above.

- (b) The minimum gross floor area of the restaurant shall be 3,000 square feet (including storage areas) except that for restaurants serving wine and/or tap beer only or no alcoholic beverages, the Commission may waive this requirement.
 - (c) Live or recorded entertainment shall cease no later than 1 A.M. Sunday through Thursday and 2 A.M. on Friday and Saturday except that the Commission may further limit these hours where such activity may become a nuisance to the area.
 - (d) Walk-up windows and drive-in windows are prohibited.
 - (e) In determining the appropriateness of the use and if necessary, specifying a time limit, the Commission may consider the following conditions: traffic safety, density of similar establishments, the size of the facility, service of alcoholic liquor, type of entertainment provided and proximity to residences and other potentially sensitive uses.
 - (f) The center of the main entrance of a restaurant engaged in the retail sale of alcoholic liquor to be consumed on the premises shall be no closer than 400 feet from the nearest property line of any lot used for a church, public library, day care facility, community recreation building, playground, sports field, or school as defined by standards recommended by the State Board of Education and the State Department of Education, serving any grade from kindergarten through twelfth grade. The distance shall be measured in a straight line. The Commission may waive this requirement for restaurants serving wine and/or tap beer only.
- (3) For fast-food restaurants:
- (a) The site is (1) located within 1000 feet of an interchange ramp of a limited access highway or (2) located within an industrial area and is more than 1000 feet from the nearest residential zone. The above distance requirements may be modified by the Commission up to 50 percent if it is found that the character of the area between a proposed site and the interchange ramp is commercial in nature; or the character of the area between a proposed site within an industrial area and the nearest residential zone is commercial in nature.
 - (b) The site is located at least 1000 feet from other fast-food restaurants. The above distance requirement may be modified by the Commission up to 50 percent if it is found that the character of the intervening area between the proposed site and another fast-food establishment is commercial in nature.
 - (c) The site has a minimum lot area of 1.5 acres and a minimum lot width of 175 feet.

5.2.6 D(3) (Continued)

- (d) A traffic study is submitted demonstrating that an acceptable level of service exists and will be maintained or improved by the proposed development.
 - (e) Drive-in windows are allowed subject to the criteria of Section 5.1.6A, provided that the stacking area for cars shall be measured from the point at which food orders are placed.
 - (f) There shall be no entertainment facilities, as described in Section 5.2.6D(1)(a).
 - (g) Children's play areas and related equipment shall be approved by the Commission and reflected on an approved site plan.
 - (h) Hours of operation (open to the public, including drive-in window) shall be between 6 A.M. and 11 P.M. These hours may be extended by the Commission if found to be compatible with adjacent uses.
 - (i) Submittal of a litter control plan to include policies to be followed by employees in keeping the premises and the area within a 500-foot radius free of litter originating from the site; and the location and design of litter containers indicated on the site plan.
 - (j) Dumpsters shall not be allowed within any required yard or buffer and shall be enclosed by an opaque gate with six-foot masonry walls on three sides.
 - (k) No outdoor storage shall be allowed except within the required dumpster enclosure or similar structure.
 - (l) The Commission may establish a time limit, the length of which is to be determined by the nature of the proposed facility (i.e., proximity to residences, hours of operation, drive-in facilities, etc.).
- (4) For brew pub restaurants:
- (a) The retail sale of liquor and the provision of entertainment will be subordinate to the principal use which must be that of a restaurant providing service of hot meals. For the purposes of this Section only; principal use shall mean that no more than 15 percent of the gross floor area (including storage areas) shall be devoted to cocktail lounge or bar. This measurement shall be derived by calculating the square footage of the area which encompasses the bar, the associated stools, and a three-foot aisle beginning at the back of the stools. No more than 25 percent of the gross floor area (including storage areas) shall be devoted, at any time, to the combined uses of cocktail lounge, bar, dance floor, stage or standing room for the viewing of entertainment. The applicant shall provide a floor plan indicating the size and location of any bar or entertainment area as described above.
 - (b) The minimum gross floor area of the restaurant shall be 3,000 square feet (including storage areas) except that for restaurants serving wine and/or tap beer only or no alcoholic beverages, the Commission may waive this requirement. For the purposes of area calculations, the gross floor area is not to include areas used in the brewing process.
 - (c) Live or recorded entertainment shall cease no later than 1 A.M. Sunday through Thursday and 2 A.M. on Friday and Saturday except that the Commission may further limit these hours where such activity may become a nuisance to the area.

5.2.6D(4) (Continued)

- (d) The production and wholesale delivery of in-house brewed beverages is permitted only as an accessory use to brew pub restaurants.
 - (e) Walk-up windows and drive-in windows are prohibited.
 - (f) In determining the appropriateness of the use and if necessary, specifying a time limit, the Commission may consider the following conditions: traffic safety, density of similar establishments, the size of the facility, service of alcoholic liquor, type of entertainment provided and proximity to residences and other potentially sensitive uses.
 - (g) The center of the main entrance of a restaurant engaged in the retail sale of alcoholic liquor to be consumed on the premises shall be no closer than 400 feet from the nearest property line of any lot used for a church, public library, day care facility, community recreation building, playground, sports field, or school as defined by standards recommended by the State Board of Education and the State Department of Education, serving any grade from kindergarten through twelfth grade. The distance shall be measured in a straight line. The Commission may waive this requirement for restaurants serving wine and/or tap beer only.
- (5) The restaurant facilities described above shall not produce nuisance, noise or disturbance so as to adversely affect the health, safety or comfort of others or detract from adjacent property values. In the event that at any time it shall appear to the Zoning Enforcement Officer or Chief of Police that a restaurant has become a nuisance or hazard in the area, he/she shall notify the Commission. The Commission, after public notice and hearing, may take any of the actions described in Section 2.4.15G(4) to abate or eliminate the nuisance or hazard.

E

Car rental and taxi service provided that the applicant shows and the Commission finds that the service is primarily oriented to the community and that the vehicles are garaged or parked outdoors in well-landscaped parking lots screened from any street by masonry walls no less than four feet high.

F

Motels, tourist courts, all-suite hotels and hotels, subject to the following requirements:

- (1) Site Area: Single-story structures - 2,500 square feet per unit
 Two-story structures - 1,875 square feet per unit
 Three-story structures - 1,502 square feet per unit
Maximum building coverage - 20%
Maximum site coverage including all roofs and paving - 40%
Front yard - 40 feet
Side yard - 20 feet
Rear yard - 20 feet
Parking - 1 stall for each occupancy unit

Any other uses included in the motel complex shall not result in a building or site coverage in excess of the standards contained in this Section; and shall have additional parking as required by Section 3.4.2. A restaurant included in the motel complex shall comply with the requirements of Section 5.2.6D.

5.2.6F (Continued)

- (2) No building designed for the occupancy of overnight guests or tenants shall contain less than 400 square feet of floor area per unit (except as provided in Subsection [4]) including closet space, and no unit shall have sleeping accommodations for more than four persons.
- (3) In order to achieve a balance in the type of available transient accommodations and to provide amenities needed by users of such accommodations and Windsor residents, any development proposed under Section 5.2.6F shall provide adequate amenities and services including, but not limited to, restaurant(s); lounge(s); recreation facilities; banquet facilities and meeting rooms.
- (4) Each unit in all-suite type hotel facilities shall be a minimum of 500 square feet in total (irrespective of subdivision of spaces within each unit).

G

Printing, publishing and reproduction services; funeral homes.

H

Uses requiring parking otherwise prohibited in Section 5.2.2B provided such uses are in locations where the disruption to the retail frontage is not significant.

I

Developments on sites of more than two acres including larger single stores or other uses or shopping centers.

J

Shared Required Parking

Theaters, nightclubs, churches, clubs, fraternal or social organizations, and other similar uses whose structures are obviously designed and intended for functions carrying on the major portion of their activities during the evening hours or on weekends may provide up to 50 percent of the required parking spaces through the use of adjoining parking areas already provided for businesses carrying on the major portion of their business during daytime hours or on weekdays, if suitable permissive agreements are reached and approval is obtained from the Commission. Such approval shall be automatically terminated upon termination of the operation of such use.

K

The Commission may allow the conversion of existing buildings to residential units in any combination with permitted or Special Uses, or may allow a conversion to totally residential units, provided they comply with the following:

- (1) Buildings and structures may not be enlarged except for accessory uses (e.g., garages, dead storage).
- (2) Design standards shall conform to Section 5.2.1 and Sections 11.2.4A(5), (7) and (8), except that minimum floor area for an efficiency dwelling unit and a one-bedroom dwelling unit shall be not less than 450 square feet, exclusive of cellars, basements or unfinished attics. Each additional bedroom shall contain not less than 150 square feet of additional area.
- (3) The gross maximum density shall be 20 bedrooms per acre. For density purposes, efficiency units are to be considered as one bedroom.

5.2.6 K (Continued)

- (4) Parking shall be provided at the rate of 1.5 spaces for efficiency and one-bedroom units, and two spaces for two-or-more-bedroom units.
- (5) The property shall be within one-quarter mile of mass transit service (i.e., D.O.T. bus and/or rail lines), be near shopping and community facilities and shall be served by MDC water and sewer.
- (6) The Commission shall find that the proposed development will provide an appropriate residential environment, considering the building design, relation of building to streets and to surrounding developments and uses.
- (7) The Commission may waive the requirement for operating MDC sewers if soil conditions and prevailing Town and State health laws permit.

L

Residence inns subject to the following:

- (1) That the number of sleeping areas (or bedrooms) shall not be greater than 17 per acre.
- (2) That the Commission finds that the suites are designed in such a fashion that reflects the intended use for transient lodgers and not for permanent residential accommodation.
- (3) Minimum noise attenuation between suites, in accordance with Section 11.2.4A(7).
- (4) Parking areas or drives shall be no closer than ten feet to any blank wall and no closer than 15 feet to any window or door of a suite.
- (5) No building shall be within 40 feet of any property line.
- (6) A minimum of two parking spaces per suite shall be provided.
- (7) At a minimum, all first-story exterior walls shall be of brick veneer or brick construction.
- (8) Exterior wall design, in accordance with Section 11.2.4A(5).
- (9) Exterior stairs, porches and landings to be of steel and/or concrete construction.
- (10) Approval of building elevations.
- (11) Accessory facilities available to lodgers, such as for eating and recreational purposes, may be provided. However, the inclusion of restaurants, recreational or other facilities open to the general public, other than lodgers, will only be permitted if the Commission finds that adequate additional site area is available to accommodate said facilities and their generated parking needs.

M

Adult-Oriented Establishment subject to meeting the following locational, structural, and operational requirements and conditions:

5.2.6M (Continued)

(1) Locational Requirements

The center of the main entrance of an "adult-oriented establishment" shall not be closer than 800 feet (measured in a straight line) from the center of the main entrance of any other "adult-oriented establishment", or the nearest property line of any lot used as a place of worship, a public library, a day care facility, a community recreation building, a playground, a sports field, a school (as defined by standards recommended by the State Board of Education and the State Department of Education), or any residential or planned urban development zone. Said distance requirement may be waived by a two-thirds vote of the Commission provided that the applicant has submitted a petition, at or before the public hearing, signed by the owners of at least 51 percent of the residences and commercial establishments within a 1,250-foot distance of the proposed location and provided that the Commission makes the following findings:

- (a) The proposed use will not be detrimental to nearby property values, and the spirit and intent of this regulation will be observed.
- (b) The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential.
- (c) The proposed use will not cause additional crime in the area.

(2) Structural Requirements

- (a) Every adult-oriented establishment doing business in the town on and after the effective date of this regulation shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas on the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult-oriented motion pictures, or other types of adult-oriented entertainment.
- (b) On and after the effective date of this regulation the permittee and/or operator of each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than three (3.0) foot-candles as measured at the floor level. It shall be the duty of the permittee and/or operator and his or her agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- (c) Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from sidewalks or walkways, or from other public and semi-public areas. Signs identifying the establishment shall not contain flashing lights.

5.2.6M(2) (Continued)

- (d) All building openings, entries, windows, etc., for an "adult-oriented establishment" shall be located, covered or screened in such a manner as to prevent viewing into the interior from any public or semi-public area.

(3) Operational Requirements

- (a) No permit holder or employee of an adult-oriented establishment shall allow or permit any minor to loiter in any part of such establishment, including parking lots immediately adjacent to such establishment used by patrons of such adult-oriented establishment.
- (b) No adult-oriented establishment shall allow any person to knowingly, intentionally, or recklessly perform any live performance featuring any of the proscribed sexual activities.

Every act or omission by an employee constituting a violation of this provision shall be deemed the act or omission of the permit holder if such act or omission occurs either with the authorization, knowledge, or approval of the permit holder or as a result of the permit holder's failure to supervise the employee's conduct. The permit holder shall be responsible for the conduct of all employees while on the permitted premises and any act or omission of any employee constituting a violation of these regulations shall be deemed the act or omission of the permit holder for purposes of determining whether there has been a violation of this regulation.

- (c) The premises shall be open to random inspections for compliance with these regulations during all hours when the premises are open for business.

(4) Qualifications of Permit Holder

- (a) An applicant for a permit must be a citizen of the United States at least eighteen (18) years of age.
- (b) An applicant shall not have been convicted in this or any other state of any of the following crimes within three (3) years of the date of filing the application:

(1) Prostitution, Soliciting a Prostitute, in Connecticut being a violation of *Connecticut General Statutes* §53a-82 or 53a-83;

(2) Promotion or Permitting Prostitution, in Connecticut being a violation of *Connecticut General Statutes* §53a-85, 53a-86, 53a-87, 53a-89;

(3) Sexual Assault, in Connecticut being a violation of any of the following sections of the *Connecticut General Statutes*: 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-73a.

(c) An applicant shall not have been convicted of an obscenity offense in violation of *Connecticut General Statutes* §53a-194 or 53a-196a or 53a-196b or 53a-196c within two (2) years of the date of filing the application.

- (d) The fact that any conviction is on appeal shall not affect the disqualification of the applicant unless and until the conviction is reversed.

5.2.6M (Continued)

- (e) An applicant shall disclose any such convictions specified in the above subsections (b) and (c) on the application.
- (f) If the applicant is not the owner of the subject premises, the owner must consent to the application and meet the same requirements and shall be jointly and severally responsible with the applicant and any subsequent permit holder for complying with these regulations.
- (g) This special use shall run with the land provided any subsequent owner and any subsequent person operating the adult-oriented establishment continues to meet these qualifications and the other provisions of these regulations. If such person is other than an individual, then the principal officer(s) of any corporation or controlling members of any Limited Liability Company or a general partner(s) of any partnership must meet these qualifications.

(5) Time Limit

- (a) Each special permit shall issue for one year and shall automatically be renewed on an annual basis without application provided the official charged with enforcing the Zoning Regulations in the Town of Windsor certifies there were no violations of this regulation during the year. If such certification cannot be made, the official shall provide written notice to the holder of the special permit that a new application is required. The applicant may continue to operate under the special permit until such time as the new application for renewal is denied.
- (b) The special permit shall be revoked on petition to the Commission by the building official with notice to the permit holder where any of the following occur:
 - (1) A permit holder is no longer qualified due to conviction of the crimes specified herein;
 - (2) A permit holder has had two (2) or more violations of this regulation to which he or she has received written notice; and
 - (3) A permit holder has one (1) or more uncorrected violations of this regulation pending for over two months.
- (c) Once revoked no permit shall issue for the same permit holder or for the same location for five (5) years.

(6) Appeal

Any denial, denial of renewal, or revocation of a special permit for an adult-oriented establishment shall be appealable to the Superior Court within fifteen (15) days of written notice and publication thereof by any person aggrieved in accordance with the procedure established for zoning appeals by the *Connecticut General Statutes*. Any denial of renewal or revocation shall be stayed during the appeal unless otherwise ordered by the Superior Court. Nothing herein shall prevent the Commission and/or official charged with the enforcement of these regulations from seeking injunctive relief preventing further operation while such an appeal is pending.

5.2.6M (Continued)

(7) Exemption

- (a) The provisions of this regulation prohibiting live nude performance shall not apply when the conduct of being nude cannot legally be prohibited by this regulation because it constitutes a part of a bona fide live communication, demonstration or performance by a person wherein such nudity is expressive conduct incidental to and necessary for the conveyance or communication of a genuine message or public expression and is not a mere guise or pretense utilized to exploit the conduct of being nude for profit or commercial gain and as such is protected by the United States or Connecticut Constitution.
- (b) It is not the intent of the Commission, in adopting this regulation, to deny to any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the Commission to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, video-tapes, books and/or other materials. Further, by enacting this regulation, the Commission does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials. This regulation further has no applicability to any place or location to which a constitutional right of privacy shall be applicable.

(8) Minimum Regulations

In their interpretation and application, the provisions of these Regulations shall be held to be minimum regulations, adopted for the promotion of the public health, safety, morals or general welfare. Unless otherwise indicated, wherever the requirements of the Regulations are at variance with the requirements of any other lawfully adopted ordinances, statutes, rules, regulations or deed restrictions, the most restrictive or that imposing the higher standards shall govern. Whenever the requirements of a section or subsection of these Regulations are at variance with any other section or subsection, the most restrictive or that imposing the higher standards shall govern.

(9) Severability

Should any court of competent jurisdiction declare any section, clause or provision of this regulation or the definitions applicable thereto to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this regulation.

N

Reduced Parking Requirements

For uses which utilize existing floor area (built prior to February 2, 1993) on currently developed B-1, B-2 and B-3 sites in Windsor Center, its Fringe Areas and the Wilson Study Area (south of the Putnam Highway), as depicted in Maps VII-1 and VII-3 of the 1991 Plan of Development (see Appendix 1, pages 27 and 28), the Commission may reduce the minimum parking requirements in increments of ten percent for each of the following conditions that may exist:

5.2.6N (Continued)

- (1) The Commission finds that the proposed use of the site is neighborhood-oriented and will generate pedestrian trips from within the respective areas described above.
- (2) The Commission finds that the proposed site is located near on-street or other public parking of a sufficient amount and within reasonable proximity to justify the reduction.
- (3) The proposed site is located within one-quarter mile of a mass transit stop.

The Commission may reduce the minimum parking requirements by an additional 20 percent, for a maximum reduction of 50 percent, if a parking study is submitted, based upon standards set forth by the Institute of Transportation Engineers, which the Commission finds to support such a reduction. The applicant shall specify on the application, the exact nature of the proposed use. If at any time, the use of the property changes from that which is proposed at the time of approval, this approval shall become null and void or may be re-approved for the new use.

O

Pawn Shops, Tattooing and/or Piercing Establishments subject to meeting the following locational and operational requirements and conditions:

(1) Locational Requirements

The center of the main entrance of a “pawn shop, tattooing and/or piercing establishment” shall not be closer than 800 feet (measured in a straight line) from the center of the main entrance of any one of these 3 uses measured against any other of these 3 uses, or the nearest property line of any lot used as a place of worship, a public library, a day care facility, a community recreation building, a playground, a sports field, a school (as defined by standards recommended by the State Board of Education and the State Department of Education), or any residential or planned urban development zone. Said distance requirement may be waived by a two-thirds vote of the Commission provided that the applicant has submitted a petition, at or before the public hearing, signed by the owners of at least 51 percent of the residences and commercial establishments within a 1,250-foot distance of the proposed location.

- (2) The pawn shop, tattooing, and/or piercing establishment is operated in accordance with any other relevant state and/or local law.

(3) Conditions

The proposed use will not be detrimental to nearby property values, and the spirit and intent of this regulation will be observed.

The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential.

The proposed use will not be detrimental to the health, safety, and general welfare of residents of the Town of Windsor and more specifically of the area surrounding the proposed site.

The proposed use meets the applicable provisions of Section 2.4

(4) Definitions

5.2.6O(4) (Continued)

- (a) Tattoo, Tattooing (shall include Tattoo Establishment)

See Connecticut General Statutes, Sections 19a-92a and 19a-92a-1 (as amended)

- (b) Pawnbroker (shall include Pawn Shops)

See Connecticut General Statutes, Section 21-39 through 21-47 (as amended)

- (c) Piercing or Body Piercing

The piercing or penetration of the epidermal layers of the body by one not medically licensed or registered to do so by the State of Connecticut. Such piercing or penetration does not include the administration of emergency first aid or similar work performed in a non-commercial setting.

- (5) Exceptions

The provisions of this section shall not apply to:

- (a) Ear Piercing

- (b) Tattooing performed by a physician, osteopathic physician or an advanced practice registered nurse.

P

Developments in Windsor Center (see Appendix I, p.27) and Wilson Center (see Appendix I, p.22), involving a “large building”, which shall be herein defined as any proposed building or addition, having a first floor area of 3,000 square feet or more. Large buildings can generate significant traffic impacts because of their relatively high activity levels, and because of their bulk, can negatively effect the character of Windsor Center and Wilson Center. In addition to the factors indicated in Section 2.4 of these Regulations, the Commission shall find that the proposed development does not generate excessive traffic impacts, and that all proposed large buildings are designed so that their form, scale, materials and details are compatible with the form, size and scale, materials and details of buildings prevalent in Windsor Center and Wilson Center.

Q

In order to provide flexibility while not compromising the character of the development of Windsor Center (see Appendix I, p.27), certain requirements of Section 5.2.4 D may be modified by the Commission after giving consideration to, relevant provisions of Section 2.4 the appearance of the 4 closest principal buildings, and as per the following conditions:

- (1) The Commission may allow a one-story building if the roof of the building is constructed with adequate pitch, dormers, and structure so that the attic can be easily converted into a useable second floor in the future. The plan shall provide for adequate access ways to the second floor, insulation, rough finishes, electric lines and capped sewers;
- (2) The requirement for glazing may be modified by up to 20% below the minimum for the front face of the building at the first story and by up to 20% below the minimum for any story above the first floor (e.g. the minimum standard of 25% for the first story may be reduced to no less

5.2.6Q(2)(Continued)

than 20%, while the minimum standard of 10% for any story above the first floor may be reduced to no less than 8%);

- (3) Front yards may be modified by up to 5 feet;
- (4) The Commission may allow the use of vinyl or metal siding or siding of other material (having a maximum exposure of 4 ½ inches) if its construction details are similar in appearance to those of wood clapboard construction;
- (5) The Commission may approve the installation of content protective structures no closer than 18 inches from the interior of the glazed area with due consideration given to the recommendations of the Police and Fire Departments regarding public safety and the safety impacts on public safety personnel if the following is complied with:
 - (a) Commission shall find that the use is uniquely in need of the protective structure(s) and that the applicant has demonstrated that the Police Department has been unsuccessful in protecting the existing business, or for a proposed business in an existing building or in a proposed building, that the Police Department has been unsuccessful in protecting businesses similarly at risk, and that electronic security devices were installed on the premises but have not been effective. When and if the use changes, the structure(s) shall be removed, unless re-approved by the Commission for a new use under the provisions of this section. To insure the removal of the structure(s), An escrow account shall be established in favor of only the Town of Windsor with a value adequate to permit removal of the structure(s) if necessary, with interest on the account to remain with the account as mitigation against inflationary impacts;
 - (b) protective structure(s) is/are retractable so as not to be visible during normal business hours and the housing that holds the retractable protective structure(s) shall be constructed of the same material as the interior wall or ceiling of the building on which it is attached so as to appear to be part of the wall and/or ceiling;
 - (c) In order not to impair the visibility of the interior and impact the safety of Police and Fire personnel responding to emergencies, the view of the interior shall not be impaired by more than 15% of the total glazing by the protective structure(s);
 - (d) Police and Fire Departments shall have a key to allow their personnel to open the protective structure(s);
 - (e) Commission shall find that the protective structure(s) is/are minimally visible, decorative in appearance, and blends well with the interior background of the establishment.
- (6) For all Business, Industrial, and Warehouse zoned areas shown on the Wilson Study Area map (see Appendix I, p.28), Section 5.2.6Q(5) shall apply.

5.2.6 (Continued)

R

Limited outdoor sales conducted in a tent or other temporary structure are subject to the following:

- (1) All retail sales shall comply with all applicable provisions of Section 5.2.2 C;
- (2) Any tent or other temporary structure shall require a Building Permit and shall meet all applicable requirements of the current building and life-safety codes;
- (3) To prevent premature failure of parking lot pavement, stakes to support a tent or other temporary structure shall not be driven directly into parking lot pavement;
- (4) Adequate protection from traffic shall be required where necessary;
- (5) No further sales shall be permitted unless lawn areas used for erecting tents or other temporary structures have been restored (if necessary) at the conclusion of a sale;
- (6) Sales shall be limited to two weeks per calendar year per site;
- (7) The sale of fireworks, sparklers, or other pyrotechnics are prohibited.
- (8) All signs shall conform to the special event sign standards of Sections 13.10;
- (9) To ensure compliance with this Section, a Site Plan modification indicating the location and limits of outdoor sales areas, including tents or other temporary structures, as well as the size and location of all signs shall be required.
- (10) The provisions of this Section shall not apply to a farm stand, nursery or other horticultural sales establishment approved under these Regulations.

5.3 B-3 BUSINESS ZONE

A B-3 Business Zone is a Business Shopping Center Zone and is primarily intended to permit the construction of an integrated group of stores and/or establishments planned and built as a unit, as well as certain types of nonintegrated stores and establishments to serve a community or particular neighborhood, and to provide a location where business facilities may be provided to serve the traveling public. Required features of such groups of stores are:

Well-placed attractive buildings of appropriate design;

Well-designed parking areas which will minimize hazards due to traffic congestion;

Attractive landscaping.

5.3.1 Minimum Area Requirements

No B-3 Business Zone shall contain less than ten acres and all areas or parcels shall be contiguous, except that they may be separated by existing streets and highways.

5.3.2 Merchandising Restrictions

New merchandise only shall be sold by said stores except that collector's items, antiques and objects of art may also be sold.

5.3.3 Application Procedure

All applications for building permits for this Section shall be accompanied by plans, maps, drawings, etc., clearly indicating the required features in accordance with Section 5.3. Before a building permit may be issued, said maps, drawings, etc. must be approved by the Commission.

5.3.4 Sales Procedure Restrictions

Stores which form part of the integrated development shall conduct sales entirely within an enclosed building, and no prepared meals or refreshments shall be dispensed through an open window or hatch or be carried by any employee of the business to a parked vehicle for consumption within the parking lot.

5.3.5 Permitted Uses for Business Which Form Part of the Integrated Development

A

Retail stores such as: art, bakery, clothing, decorating, department store, dressmaking, drugstore, dry goods, electrical, fish, florist, fruit, furniture, gifts, grocery, haberdashery, hardware, jewelry and watch repair, meat, millinery, music, optical, package store, paint, photographic, plumbing, shoes, sports equipment, stationery, tailoring, vegetables and other business of a similar nature, but excluding adult-oriented establishments, as defined in Section 16.2.1.

B

Service establishments such as: bank, barber or beauty shop, dry cleaning employing not more than ten persons, offices and agencies, self-service laundries and other establishments of a similar nature.

5.3.6 Height and Area Requirements - Integrated Group of Stores

Minimum lot area - 10 acres
Minimum lot width - 200 feet at the street line
Minimum front yard - 100 feet
Minimum side yard - 30 feet unobstructed
Minimum rear yard - 50 feet unobstructed
Minimum building area - 80,000 square feet
Maximum coverage - 25% of the site
Maximum building height 45 feet

5.3.7 Parking Requirements

A

The provision for vehicle parking shall be in accordance with Section 3.4.

B

Vehicle parking areas including driveways and landscaped areas shall not be used for any other purpose.

5.3.8 Parking Lot Construction

All parking areas in B-3 zones shall be constructed in accordance with the Town of Windsor Highway Engineering Standards and Specifications (1978), as amended.

5.3.9 Permitted Uses for Nonintegrated Stores and Establishments

A

Motel - in accordance with the requirements of Section 5.2.6F.

B

(This Section was deleted.)

C

Bowling Alley:

Minimum lot area - 4 acres
Minimum lot width - 200 feet
Minimum front yard - 60 feet
Minimum side yard - 30 feet
Minimum rear yard - 30 feet
Maximum coverage - 25% of the site
Maximum building height - 35 feet

Restaurant facilities may be included as per Section 5.2.6D. Vehicle parking shall be provided in the ratio of seven parking spaces for each bowling lane, plus additional spaces in the ratio of one space for each employee.

5.3.9 (Continued)

D

Horticultural Sales:

- Minimum lot area - 15,000 square feet
- Minimum lot width - 100 feet
- Minimum front yard - 40 feet
- Minimum side yard - 20 feet
- Minimum rear yard - 20 feet
- Minimum building area - 2,400 square feet
- Maximum coverage - 25% of the site
- Maximum building height - 35 feet

Out-of-door display and sales are permitted for horticultural establishments. Vehicle parking shall be provided in the ratio of one parking space for each 100 square feet of building floor area, and one parking space for each 100 square feet of area devoted to outside display.

E

Automobile Agency:

Primarily for the sale of new automobiles.

- Minimum lot area - 40,000 square feet
- Minimum lot width - 200 feet
- Minimum front yard - 40 feet
- Minimum side yard - 30 feet
- Minimum rear yard - 30 feet
- Minimum building area - 3,000 square feet
- Maximum coverage - 25% of the site
- Maximum building height - 35 feet

F

Theater - Indoor Seating Only:

- Minimum lot area - 4 acres
- Minimum front yard - 60 feet
- Minimum side yard - 30 feet
- Minimum rear yard - 30 feet
- Maximum coverage - 25% of the site
- Maximum building height - 35 feet

5.3.10 Accessory Uses

As per Section 5.2.5.

5.3.11 Special Uses for Business Which Form Part of the Integrated Development

A

Restaurant - as per Section 5.2.6D.

5.3.12 Special Uses for Nonintegrated Stores and Establishments

A

Restaurant - as per Section 5.2.6D:

Minimum lot area - 22,500 square feet except as per Section 5.2.6D(3)(d)

Minimum lot width - 150 feet

Minimum front yard - 40 feet

Minimum side yard - 30 feet

Minimum rear yard - 30 feet

Minimum building area - 3,000 square feet

Maximum coverage - 25% of the site

Maximum building height - 35 feet

SECTION 6 - PROFESSIONAL ZONE

6.0 INTENT

The Professional Zone is intended to provide for neighborhood professional uses and services or to provide professional uses and services to the fringe areas of the Business Centers so that it clearly serves the transitional function between residential and more intensive business uses. The uses for the Professional Zone are intended to be low-intensity uses located in well-designed, attractively landscaped settings which do not produce excessive auto traffic, noise or other nuisances to surrounding areas.

6.1 AREA AND HEIGHT STANDARDS

Minimum lot area - 15,000 square feet

Minimum lot width - 100 feet

Minimum front yard - 40 feet

Minimum side yard - 30 feet if adjacent to a residential, AG or NZ zone, otherwise 10 feet

Minimum rear yard - 50 feet

Minimum building area - 3,000 square feet

Maximum coverage - 25% of the site

Maximum building height - 2 1/2 stories or 35 feet

6.2 MISCELLANEOUS STANDARDS

The miscellaneous standards for uses developed as part of this Section shall comply with the provisions of Section 5.1.2.

6.3 PERFORMANCE STANDARDS

6.3.1 Compliance with Intent

No use is permitted which is not in keeping with the intent prescribed in Section 6.0.

6.3.2 The performance standards shall be as per Section 5.1.3, except for Section 5.1.3E.

6.4 PERMITTED USES

The following uses are permitted, subject to compliance with applicable standards and requirements:

6.4.1 Professional Offices

6.5 ACCESSORY USES

A

Off-street parking and loading, signs, outdoor lighting, as provided in the appropriate sections of these Regulations.

B

Any activity customarily and directly related to the operation of the principal use provided it meets all standards and requirements.

6.6 SPECIAL USES

The following uses may be allowed by the Commission, subject to provisions of Section 2.4 and provided that the applicant shows and the Commission finds that the proposed use on the particular proposed site will comply with the intent of Section 6.0.

6.6.1 General offices such as: broker, consultant, publisher and stenographic offices.

6.6.2 Studios such as: art, barber shop, beautician, music, photographic, radio and television offices and studios.

SECTION 7 - RESTRICTED COMMERCIAL ZONE (RC)

7.0 INTENT

The Restricted Commercial Zone is intended to provide for uses to which higher development standards are customarily applied and to provide a transitional area between residential and more intensive uses and activities. In the 1973 Plan of Development, the areas appropriately corresponding to this zone are indicated as Restricted Business.

7.1 AREA AND HEIGHT STANDARDS

Minimum lot area - 5 acres
Minimum yard - 50 feet
Maximum coverage - 20% of the site
Minimum lot width - 250 feet
Maximum building height - 3 stories or 60 feet

7.2 MISCELLANEOUS STANDARDS

No parking is permitted within any required yard.

7.3 PERFORMANCE STANDARDS

A

As per the applicable subsections of Section 8.1.3, excluding 8.1.3M.

B

No use is permitted which is not in keeping with the intent prescribed in Section 7.0.

7.4 PERMITTED USES

Professional offices, research-laboratory type facilities, business services (such as computer software establishments) and corporate offices.

7.5 ACCESSORY USES

A

Uses in accord with relevant accessory use provisions for the RC zone.

B

Manufacturing or processing operations clearly accessory and supplementary to the primary use, using no more than 25 percent of the total floor area.

7.6 SPECIAL USES

The following uses may be allowed subject to the provisions of Section 2.4 and as hereunder specified:

A

Residence inns and their accessory uses as per Section 5.2.6L, full service hotels (which include guest rooms, as well as adequate amenities and services including, but not limited to, restaurants; lounges; recreation facilities, banquet facilities and meeting rooms) and conference centers (which are facilities providing guest rooms, meeting rooms, restaurant and other accommodations and services) which support the needs of the surrounding developments. The proposed facility must be found by the Commission to be

Section 7.6A (Continued)

(a) significant in size, (b) conveniently located to both the surrounding development and other amenity facilities, and (c) of a high quality in terms of building and landscape design standards. The minimum total required parking for any facility shall be the sum of the required parking for each use within it. On-site restaurants shall comply with Section 5.2.6D(2). The site shall be within 500 feet of an interchange of an interstate highway. The minimum standards of the RC zone shall apply except for those specified in Section 8.1.6N.

B

General Offices.

SECTION 8 - INDUSTRIAL ZONES

8.0 INTENT

Industrial Zones are intended to provide suitable, well-designed industrial areas in accord with the Plan of Development, to promote and maintain a well-balanced land use pattern and to provide employment and an appropriate tax base for the Town of Windsor.

8.1 I-1 INDUSTRIAL ZONE

This district is intended to provide for low-intensity industrial uses in well-designed buildings and attractively landscaped sites.

8.1.1 Area and Height Standards

Minimum lot area - 2 acres, except that for I-1 lots having frontage on Day Hill or Prospect Hill Roads, the minimum lot area shall be 4 acres.

Minimum front yard - 50 feet (exceptions as per Section 2.2.4)

Minimum front yard - 35 feet for lots less than 2 acres (exceptions as per Section 2.2.4)

Minimum side yard - 35 feet

Minimum rear yard - 35 feet

Maximum coverage - 33 1/3% of the site

Minimum lot width - 180 feet

Maximum building height - 4 stories or 60 feet (See also Section 8.1.6Q)

8.1.2 Miscellaneous Standards

A

Parking within the front yard is prohibited.

B

Paving for any vehicular use within ten feet of any side or rear property lines except for access drives and walks connecting parking areas, drives and buildings within the site with streets or adjoining sites is prohibited.

C

For areas other than the Day Hill Road Industrial Area and the Northfield Drive Industrial Area (as described in Sections 2.2.4 E(1) and 2.2.4E(2), respectively) the following exterior building material requirements for the total area of the front and two side elevations shall apply:

- (1) There shall be a minimum of 70% of any combination of masonry, brick, cut stone, pre-cast concrete and for office buildings smooth skin metal panels; and
- (2) The minimum amount of glass shall be no less than 3% of the total area.
- (3) In order to provide for design flexibility, to account for unforeseeable conditions, the Commission may, by special use, reduce the minimum standards above by up to 10% (e.g. if the minimum standard is 70% it may be reduced to no less than 63%). The criteria for this evaluation shall include:
 - (a) Uniqueness of site, building and building location within the site;
 - (b) Uniqueness of the use and its value to the community; and

Section 8.1.2C(3)

- (c) Relationship and impact to adjacent developments.
- (4) The roof of the largest part of the building shall appear to be flat from the front and the two sides.

8.1.3 Performance Standards

The following standards are intended to permit, to the extent possible, factual and objective measurements of potential industrial nuisances and hazards to insure that all industries will provide methods to protect the community in general, and adjacent uses in particular, from hazards and nuisances which may be prevented by processes of control and nuisance elimination as well as to protect industries from arbitrary exclusion or prosecution based solely on the hazard and nuisance production by any particular type of industry in the past. Notwithstanding the provision of Section 17.1 (Minimum Regulations), the standards under this Section affected by State or Federal regulations shall be superseded by the most recent standards promulgated by the relevant State or Federal agency, whether stricter or more lenient.

A

Fire and Explosion Hazard

In order to protect against fire or explosion hazards, uses within the I-1 zone shall comply with the standards and requirements of the Windsor Fire Prevention Code, the National Fire Codes and any other relevant Town, State or Federal code or requirements - whichever are judged by the Director of Public Safety to provide the greatest protection to life and property - including the following:

- (1) All bulk flammable or explosive liquids, solids or gases shall be stored in underground tanks or vaults or in a manner approved by the Director of Public Safety;
- (2) The manufacture of explosive materials, the storage of such materials in excess of ten pounds or the storage of such materials closer than 50 feet of any property lines other than the street line, or closer than 100 feet of any street line or residential, AG or NZ district line are prohibited. This is not intended to preclude on-the-job storage (for daily use) of up to 50 pounds of explosive material for which a permit has been received;
- (3) The manufacture of solid materials ranging from active burning to intense burning or of flammable liquids or gases, or the storage of such materials closer than 50 feet of any property lines other than the street line, or closer than 100 feet of any street line or residential, AG or NZ district line are prohibited. The bulk storage of all such material shall be as provided in (1);
- (4) The storage, utilization or manufacture of solid material or products ranging from incombustibles to moderate burning are permitted.

B

Air Pollution

In order to minimize the pollution of air, uses within the I-1 zone shall comply with the following standards and requirements:

- (1) Smoke - No discharge into the atmosphere from any single source of emission for a period or periods aggregating more than five minutes in any one hour of smoke or other air containment which is as dark as or darker than that designated as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines.

8.1.3B (Continued)

- (2) Particulate Matter - The maximum emission into the atmosphere of particulate matter shall be as follows:
 - (a) Related to incineration - at a concentration of 0.08 grains per standard cubic foot from any one source;
 - (b) Related to process (not to incineration) - 0.55 pounds per hour per 100 pounds of processed weight.
- (3) Toxic Matter - The release of any airborne toxic matter crossing any property line shall not exceed 1/30th the fractional quantities permitted for those toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists, except that at residential, AG and NZ district lines the fraction shall be reduced to 1/40th. The measurement of toxic matter shall be at ground level or habitable elevation and shall be any three-hour sampling.
- (4) Odor - Odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond any property line, measured at ground level or habitable elevation.

C Water Pollution

No emission of materials which may contaminate any water body or aquifer.

D Heat

No heat from any equipment or operation shall be sensed at any property line to the extent of raising the ambient air temperature 5 degrees Fahrenheit for a period exceeding three continuous minutes except that at residential, AG and NZ district lines, no temperature rise is permitted.

E Glare

Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of 1.0 footcandles across any property line, except that no glare shall be caused across any street line or residential, AG or NZ district line.

F Humidity

Any activity producing steam or moist air shall be controlled so as not to produce visible condensation at ambient temperature on any property line at ground level or habitable elevation.

G Noise

In compliance with the Town of Windsor Code. In addition to the provisions of the town code, no truck engine shall be allowed to idle for a period in excess of 10 minutes when such vehicle is parked in any parking lot, loading area, or other location adjoining a residential zone.

8.1.3 (Continued)

H Vibration

No operation shall produce vibrations at or above human perceptibility at any property line.

I Radiation

No operation shall emit radiation under any condition above the levels prescribed for an unrestricted area as defined in Title 10, Code of Federal Regulations, Part 20.

J Animal Matter

No use is permitted any operation of which involves slaughter or the rendering of animal fat.

K Ores, Petroleum and Coal

No use is permitted which involves the smelting of primary ores or the refining or distillation of petroleum, coal, refuse, grain, wood or bones as the primary process or operation.

L Outdoor Storage

No use is permitted which requires the storage of materials, supplies or products outdoors, except as provided in Section 8.1.6B.

M Compliance with Intent

No use is permitted which is not in keeping with the intent described in Section 8.1.

8.1.4 Permitted Uses (Exceptions as per Subsection 2.2.4E(1), (2), and (3))

A Offices and Research Laboratories.

B Manufacturing, fabricating, compounding, assembling, packaging, storage or treatment of articles or their wholesaling and distribution.

8.1.5 Accessory Uses

Uses in accordance with relevant accessory use provisions for the I-1 zone. In addition to the outdoor parking of commercial vehicles which are accessory to the principal use, the overnight parking of up to two additional commercial vehicles of no more than a 15-ton maximum-rated capacity each is allowed, provided that: they are screened year-round from any street line or residential, AG or NZ district line, are parked no closer than 20 feet from any such street or district line and do not interfere with the normal use of any required parking space or drive.

8.1.5 (Continued)

A

Permits for no more than two mechanical amusement devices available to the general public may be granted for a one-year period by the Zoning Enforcement Officer provided that:

- (1) the location and use of proposed devices will not adversely affect the operation of the primary use on the premises and not impair required public safety functions;
- (2) the days and hours of operation of the mechanical amusement devices shall be only during the operating times of the primary use;
- (3) the operation of such devices shall not adversely impact abutting properties and their uses (such as by providing bicycle racks, etc.); and
- (4) adult supervision is continually provided over the operation of these amusement devices.

Permit applications shall be submitted annually accompanied by information and plans as required by the Zoning Enforcement Officer, along with a \$25 permit fee per machine. Failure to comply with any of these conditions shall be cause for the Zoning Enforcement Officer to issue a notice of noncompliance; and, if correction is not made within 30 days of such notice, the permit shall be rescinded.

8.1.6 Special Uses (Exceptions as per Subsection 2.2.4E(1), (2), and (3))

The following uses may be allowed by the Commission subject to the provisions of Section 2.4 and as hereunder specified:

A

Industrial development on lots with lot area less than that required under Section 8.1.1, provided that:

- (1) All other standards outlined in Section 8.1.1 are met;
- (2) The Commission finds that for this particular location and for the particular topography and geometry of the land involved, the reduced lot size would result in a more appropriate development; and
- (3) The reduced lot development will not negatively affect adjacent development.

B

Uses requiring limited outdoor storage of material or products, provided that: no part of said storage area shall be located within any front or side yard, it shall be screened from any street view and view from the front and side yards of the adjacent side properties by buildings or masonry screen walls no less than six feet high.

C

Sales agency of new automobiles, provided that:

- (1) The outdoor storage or display of vehicles does not occur on the front yard.
- (2) An area no larger than one-half the gross area of the building shall be used for the outdoor storage or display of vehicles visible from any street.

8.1.6 (Continued)

D

Oil distribution, provided no oil tanks are above ground and at least one-half of the trucks are garaged (garage door not to be visible from any street and trucks not parked in any side yards).

E

Commercial recreational and cultural buildings and facilities (e.g., indoor theaters, bowling alleys, etc.)

The facility may include retail and restaurants per section 5.2.6D as an accessory use to the main use for clients/customers of the main use, except that if the main use is found to be of value to the development of the town, and is new and unique to the Town, Region and/or State, the Commission may, in order to promote its success, approve up to 30% of the total building area of retail and restaurant uses for walk-in customers. Changing general habits regarding alcohol consumption has resulted in decreases in annoyances and/or nuisances connected with this consumption. If the Commission finds that no substantial evidence exists of annoyances and/or nuisances associated with these types of facilities, the Commission may eliminate the 400-foot distance requirement between the center of the main entrance of the facility and either a daycare facility, playground or sports field. The Commission must additionally find regarding the above considerations that:

- (1) the proposal provides site and building development that is compatible with that of the surrounding area;
- (2) it demonstrates a response to a public need; and
- (3) it will enhance economic development in the town.

By unique it is intended here to mean that the use is singularly unique to the Town, the Capitol Region and possibly the State.

The facility shall not include arcades for mechanical amusement devices, which are herein defined as establishments housing more than six mechanical amusement devices. However, establishments housing from three to six mechanical amusement devices, available to the general public, may be permitted for a one-year period, provided that:

- the location and use of proposed devices will not adversely affect the operation of the primary use on the premises and not impair required public safety functions;
- the days and hours of operation of the mechanical amusement devices shall be only during the operating times of the primary use;
- the operation of such devices shall not adversely impact abutting properties and their uses (such as by providing bicycle racks, etc.); and
- adult supervision is continually provided over the operation of these amusement devices.
- Applications shall be accompanied by a fee of \$25 per machine. The Commission may rescind said permit due to noncompliance with any imposed conditions as per Section 2.4.9.

F

Limited repair and service of motor vehicles or the conversion of previously approved limited repair facilities to general repair facilities provided that:

8.1.6F (Continued)

- (1) no activity takes place in front or side yards;
- (2) no service or repairs on tractor-trailer trucks, farm equipment, construction vehicles, snowmobiles or motorcycles are permitted;
- (3) no bodywork or painting is permitted;
- (4) if towing operations are approved, the Commission may limit the number of tow trucks and determine the size and location of the storage area for tow trucks and towed vehicles;
- (5) the Commission shall establish a time limit not to exceed two years.
- (6) For existing general repair facilities which currently operate with a Repairer's License (not to include a Limited Repairer's License), as defined in Section 14-51 of the Connecticut General Statutes, the Commission may allow by special use as an extension of general repair facilities the sale of no more than six used cars at any one time provided that:
 - (a) Sections 8.1.6F(1) to 8.1.6F(5) shall apply;
 - (b) used cars are displayed in approved parking spaces, which shall be provided at a ratio of one space per used car, in addition to any other required parking spaces;
 - (c) all activity shall be adequately screened from adjacent properties;
 - (d) no signage or other advertising (flags, signs, etc.) is permitted on-site or on the vehicles

G

Commercial kennels and animal hospitals, subject to all applicable codes and regulations of local and State agencies, provided that:

- (1) the parcel be located a minimum of 500 feet from any residential or NZ zone;
- (2) all exercise areas for animals shall be screened from roadways and adjoining properties; and
- (3) operating MDC sewers and water are available to the site.

H

Private-use heliport, incidental to a permitted use, used for the landing and takeoff of helicopters and restricted to use by the owner or by persons authorized by the owner provided that:

- (1) the design of the heliport shall meet the criteria provided in the Federal Aviation Administration's Heliport Design Guide, Advisory Circular No. 150/5390-1B dated August 22, 1977, as revised or amended;
- (2) the heliport receives any and all licenses required for such facilities by applicable State or Federal law or regulation;
- (3) no heliport shall be located less than 500 feet from a residential or AG zone as measured from the center of the heliport to the residential or AG district line;

8.1.6H (Continued)

- (4) helistops located at least 500 feet but less than 1,000 feet from a residential or AG zone shall be restricted to use by helicopters in the following categories:
 - (a) single-engine, turbine-powered helicopters having maximum gross weights not exceeding 4,500 pounds;
 - (b) twin-engine, turbine-powered helicopters having maximum gross weights not exceeding 10,500 pounds;
- (5) helistops located at least 1,000 feet but less than 1,500 feet from a residential or AG zone shall be restricted to use by helicopters in the following categories:
 - (a) all helicopters listed in (4) above;
 - (b) single-engine, piston-powered helicopters having maximum gross weights not exceeding 4,500 pounds;
 - (c) single-engine, turbine-powered helicopters having maximum gross weights not exceeding 8,000 pounds;
- (6) helistops located at least 1,500 feet from a residential or AG zone shall be restricted to use by helicopters in the following categories:
 - (a) all helicopters listed in (4) and (5) above;
 - (b) all helicopters having maximum gross weights not exceeding 22,000 pounds;
- (7) the entire helistop facility shall be located entirely on the applicant's site and shall be at least 100 feet from any property line;
- (8) no maintenance or supply facility or facility for the storage of fuel shall be permitted on the site;
- (9) a helistop facility for landings and takeoffs shall be graded and designed to prevent volatile levels of flammable liquids or the vapors of such liquids from entering buildings, spreading onto automobile parking areas, roads or drives, or from entering the drainage systems of the site, roads or adjoining properties;
- (10) fire protection measures and equipment shall meet NFPA recommendations as enumerated in the FAA Heliport Design Guide and all expense associated with such measures and equipment shall be borne by the helistop owner;
- (11) the requirements and restrictions in Sections (4), (5) and (6) and any limitations imposed on the number of flights between the hours of 10 P.M. and 7 A.M. pursuant to Section 13 hereof may be waived on a temporary basis only by the Chief of Police of the Town of Windsor or his/her designee and only in conjunction with a special event such as an athletic contest, holiday celebration, parade, civic activity or similar public activity and after reasonable advance notice has been given to the Windsor Police Department of the request for waiver, or when necessary for law enforcement purposes, medical emergencies and natural disasters;
- (12) the requirements and restrictions in Sections 8 and 10 may be waived on a temporary basis only by the Fire Marshal of the Town of Windsor or his/her designee;

8.1.6H (Continued)

- (13) in addition to establishing the hours of operation pursuant to Section 2.4.5D, the Commission may also limit the number of flights at any authorized helistop;
- (14) the sound pressure level of helicopters landing or taking off from helistops shall not exceed the decibel level of 90 measured at any residential or AG property zone line nearest to the helistop. Sound pressure level shall be measured with a standard "A" scale sound level meter (slow response) manufactured according to the United States of America National Standards Institute (USANSI) standards S 1.4-1961, as revised, which has been calibrated in accordance with USANSI standards.

The microphone used to measure the loudness of a noise shall be placed at any point on the residential or AG property zone line, but no closer than five feet from any wall and not less than three feet from the ground.

The Commission shall require the submission of such sound test data as it deems appropriate to support any application for a helistop; and

- (15) each year the applicant shall appear at a Special Use public hearing for the purpose of reviewing the operation of any helistop authorized pursuant to this Section to insure the applicant has conformed to all conditions of approval and that the representations made by the applicant in his/her application and at any public hearing attendant thereto were accurate. The Special Use shall be re-approved if the Commission finds it in compliance with the terms and conditions of its initial approval.

I

Funeral homes.

J

Sale of nursery stock and related products provided that:

- (1) nursery and related products as referred to in this Section shall be: shrubs, trees, plants, seeds and landscape material such as mulch, stones, etc. This shall not allow the sale of gardening/farming implements such as rakes, shovels, lawn mowers or vehicles;
- (2) compliance with the applicable site development requirements of Section 3;
- (3) no parking shall be allowed within the required front yard;
- (4) a small office may be allowed as incidental to the operation of this use; and
- (5) the Commission may require that any and all storage of bulk material and the overnight parking of vehicles be inside a building; otherwise, these shall not occur within 100 feet from any street or property line and shall be screened from abutting properties.

K

The garaged or open storage of currently registered school buses may be allowed subject to the following requirements:

- (1) The storage area shall be set back at least 200 feet from roadways providing access to the site, with trees, shrubs and/or fencing to provide sufficient screening.

8.1.6K (Continued)

- (2) A landscaped buffer not less than 35 feet wide consisting of trees, shrubs and/or fencing, around the rest of the perimeter of the site shall be provided except as provided in Section 3.1.2.
- (3) Existing streets shall be capable of accommodating the increased traffic generated by the use.
- (4) Wholesaling or retailing activities shall not be permitted.
- (5) The special use granted hereunder shall be granted only for the period of time that the owner of the school buses using the site is a holder of a current contract with the Windsor Board of Education for the providing of school bus transportation in the Town of Windsor.
- (6) Maintenance and/or repair work of vehicles used to transport school children or owned by the school bus operator only shall be permitted, provided no activity takes place within the buffer areas set forth hereinabove in Subsections (1) and (2). Outside maintenance of vehicles adjacent to AG, residential and NZ zones shall occur only between 7 A.M. and 5 P.M. Monday through Saturday, except for unforeseen circumstances.
- (7) Garaging or storage of school buses shall be limited to those buses providing school bus transportation for the Town of Windsor.

L

Wholesale and distribution and warehouse facilities having one parking space for each 800 square feet of building provided that:

- (1) the exterior of the facility is compatible with existing development;
- (2) the minimum size of the facility is 50,000 square feet, the minimum clear ceiling height for the wholesale and distribution or warehouse space is 16 feet, and the facility has at least 15 percent of its building area for office uses;
- (3) the provisions of Section 3.4.2F(1) shall apply to all office and manufacturing uses within such facility;
- (4) any part of the building is located more than 500 feet from either Day Hill Road, from its terminus at Poquonock Avenue, to its terminus at Prospect Hill Road, or Prospect Hill Road from its intersection with Day Hill Road to its intersection with Blue Hills Avenue, including the lots on the north and east corner of the latter intersection (see Appendix I, page 29);
- (5) the minimum lot size is five acres.

M

Limited retail sales may be allowed provided that:

- (1) the retail sales shall be accessory to the primary use of the facility; retail sales area shall occupy no more than the lesser of ten percent of the total building floor area or 2,000 square feet, and retail sales area shall be limited to existing floor area;
- (2) retail sale hours shall not be allowed prior to 9 A.M. or after 9 P.M. and may be further restricted by the Commission;

8.1.6M (Continued)

- (3) all goods to be sold must be produced or warehoused on site or on a site under same ownership within 400 feet;
- (4) the proposed development to be in compliance with applicable requirements of the Zoning Regulations; such as for signs and parking;
- (5) window signs or signs that can be seen through windows are not allowed;
- (6) the property does not have any frontage on Day Hill Road, Prospect Hill Road or Blue Hills Avenue Extension;
- (7) conducting retail sales at that location will not create excessive traffic or nuisances to other properties;
- (8) the first special use permit for any site shall be for a one-year period. Subsequent permits will be for one to five years at the discretion of the Commission; and
- (9) no approval shall be granted for any proposal on a lot, any portion of which is within 1000 feet of a residential zone; provided however that if the proposed retail use is at least 500 feet from any residential zone and the Commission finds that the proposal will not have an adverse impact on any residential zone then it may approve such proposal.

N

Full Service Hotels and Conference Centers

Subject to the provisions of Section 2.4, and as hereunder provided, the Commission may allow full service hotels (which include guest rooms, as well as adequate amenities and services including, but not limited to, restaurant(s); lounge(s); recreation facilities; banquet facilities and meeting rooms) and conference centers (which are facilities providing guest rooms, meeting rooms, restaurant and other accommodations and services) which support the needs of the surrounding I-1 development. The proposed facility must be found by the Commission to be (a) significant in size, (b) conveniently located to both the surrounding I-1 development and other amenity facilities, and (c) of a high quality in terms of building and landscape design standards. The minimum total required parking for any facility shall be the sum of the required parking for each use within it. On-site restaurants shall comply with Section 5.2.6D(2). The minimum standards of the I-1 zone shall apply except for those specified below:

Maximum building height - 75 feet

Maximum building coverage - 20%

Maximum impervious surface coverage - 40%

Minimum number of hotel guest rooms or suites - 100 units

Maximum density of hotel guest rooms or suites - 17 units per acre

Minimum size of each hotel guest room or suite - 300 square feet

Minimum size of each unit in an all-suite facility - 500 square feet

O

Mini-warehouse and outside storage facilities

- (1) Mini-warehouse facilities shall meet the following requirements:
 - (a) No building of the facility shall be closer than 500 feet from any street or residentially zoned area and closer than 1,000 feet from Day Hill Road;

8.1.6O(1) (Continued)

- (b) To limit visibility from the streets, adequate landscaping screening with evergreen trees (5-6' in height) planted at a distance of 10 feet on center may be provided for the facility. If provided, a fence shall be a maximum of 8 feet in height, with no barbed wire. The fencing shall be no closer than 5 feet to any driveway; and if required, landscaping shall be on the outside of the fencing;
 - (c) The minimum width of internal drives shall be 24 feet. Drives, parking and pavement shall be a minimum of 20 feet from any property line;
 - (d) The highest point of the structures shall be 15 feet for one-story and 24 feet for two-story. If two-story the structures shall be constructed of decorative block and brick. All buildings shall have integral downspouts and gutters;
 - (e) The minimum area of the overall site on which this use is located shall be 5 acres;
 - (f) There is no undue concentration of similar facilities in the area;
 - (g) At the time of application, the applicant shall submit a copy of the proposed lease to show that hazardous materials are not to be stored on the property;
 - (h) There shall be no storage of radioactive, explosive, flammable, toxic, perishable, or any other hazardous materials nor occupancy by any animals, nor by any persons including owners and employees;
 - (i) Facilities are to be used only for storage (i.e. repairs, retail activity, etc. are not allowed);
 - (j) In order to have a clean and sanitary environment, adequate trash receptacles shall be provided.
- (2) Outside storage of boats, campers, trailers, recreational vehicles, seasonal vehicles, or similar items may be permitted provided:
- (a) No area used for storage shall be located within 400 feet from any street and within 1,000 feet of Day Hill Road;
 - (b) The paved surface material may be a gravel surface capable of supporting a fire truck, if it does not present environmental hazards. If the area is gravel, it will be considered paved for purposes of section 3.1.14;
 - (c) An outdoor storage facility must be on the same site as a mini-warehouse facility;
 - (d) Security fencing and screening shall be provided as described in Section 8.1.6 O (1) (b);
 - (e) The minimum driveway shall be 24 feet wide;
 - (f) The coverage by all paved areas shall be no more than 50% of the entire outdoor storage facility site;
 - (g) The area of the outside storage facility shall be no greater than one-half of the total site;
 - (h) Shall comply with Section 8.1.6O(1)(f), (g), (h), (i), and (j);

8.1.6O(2) (Continued)

- (i) With the exception of fuel stored in the fuel tanks of the vehicles, there shall be no storage of radioactive, explosive, flammable, toxic, perishable, or any other hazardous materials nor occupancy by any animals (including humans);
- (j) There shall be no storage of commercial trucks or construction equipment (i.e. bulldozers, backhoes, cranes, etc.);
- (k) The maximum height of the stored material shall be 14 feet.

P

Residence Inns

Subject to the provisions of Section 2.4 and as hereunder provided, the Commission may allow residence inns which support the needs of the surrounding I-1 development. The proposed facility must be found by the Commission to be: (a) significant in size, (b) conveniently located to both the surrounding I-1 development and other amenities, (c) of a high quality in terms of building and landscape design standards, and (d) located on a site served by roads with adequate traffic capacity. The minimum standards of the I-1 zone shall apply except for those specified below:

- (1) No part of the development shall be occupied for permanent residential use.
- (2) Minimum noise attenuation between suites in accordance with Section 11.2.4A(7).
- (3) Parking areas or drives shall be no closer than fifteen feet to any wall.
- (4) No building shall be within 40 feet of any property line.
- (5) A minimum of one parking space per suite shall be provided.
- (6) At a minimum, 75% of all exterior walls shall be of glass or brick veneer or brick construction.
- (7) For the front and rear elevation of the major axis, the exterior wall design shall be in accordance with Section 11.2.4A(5).
- (8) Exterior stairs, porches and landings to be of steel and/or concrete construction.
- (9) Approval of building elevations.
- (10) Accessory facilities available to lodgers, such as for eating and recreational purposes, may be provided. However, the inclusion of restaurants, recreational or other facilities open to the general public, other than lodgers, will only be permitted if the Commission finds that adequate additional site area is available to accommodate said facilities and their generated parking needs.
- (11) The maximum building height shall be 75 feet. However, for the approval of a height greater than 60 feet, the site shall be located not less than 100 feet from any residential zone of AG zone and either the layout of the site shall be such that fire apparatus shall be able to access all areas of all floors and all of the roof; or the layout of the site shall be such that fire apparatus can access some point of each floor and the roof and the building is built to high rise standards.
- (12) The minimum room size shall be 400 square feet.

8.1.6 (Continued)

Q

Buildings with 7 stories or less and a height between 60 and 80 feet.

While tall buildings provide opportunities to reduce land coverage and create aesthetically impressive developments, they have unique characteristics, which must be evaluated on a case-by-case basis to evaluate and mitigate potential negative impacts on surrounding uses and the provision of town services. For these reasons, the Commission may allow the construction of a building with a height between 60 and 80 feet provided the Commission shall find that:

- (1) The building is located at least 100 feet from a residential zone or AG zone.
- (2) The proposed development is served by roads with adequate capacity.
- (3) At a minimum, 75% of all exterior walls shall be of glass or brick or a combination thereof.
- (4) Either the layout of the site shall be such that fire apparatus shall be able to access all areas of all floors and all of the roof; or the layout of the site shall be such that fire apparatus can access some point of each floor and the roof and the building is built to high rise standards.

8.2 I-2 INDUSTRIAL ZONE

This district is intended to provide for general higher intensity industrial uses in well-designed buildings and on attractively landscaped sites.

8.2.1 Area and Height Standards

Minimum lot area - 4 acres
Minimum front yard - 50 feet
Minimum side yard - 35 feet
Minimum rear yard - 35 feet
Minimum lot width - 180 feet
Maximum building height - 4 stories or 60 feet
Maximum coverage - 33 1/3% of the site

8.2.2 Miscellaneous Standards

The following are prohibited:

A

Paving for any vehicular use within ten feet of any side or rear property lines, except for access drives and walks to and from the site.

B

Parking within the front yard.

8.2.3 Performance Standards

The performance standards for the I-2 zone shall be the same as specified in Sections 8.1.2 and 8.1.3, except that:

A

The provision of Section 8.1.3M shall not apply.

B

The prohibition in Section 8.1.3L shall not apply if adequate screening is provided by masonry wall, fence or evergreen planting and if no storage occurs in any front or side yard.

C

No use is permitted which is not in keeping with the intent described in Section 8.2.

8.2.4 Permitted Uses (Exceptions as per Subsection 2.2.4E(1), (2), and (3))

The following uses are permitted subject to compliance with all applicable standards or requirements:

A

All uses permitted in Section 8.1.4.

B

Automobile, commercial and recreational vehicle (snowmobile, motorcycle, etc.) sales, general repair and service, and storage provided that no activity takes place within the front yard and provided that construction and farm vehicles are excluded.

8.2.5 Accessory Uses

Uses in accordance with relevant accessory use provisions for the I-2 zone. In addition to the outdoor parking of commercial vehicles which are accessory to the principal use, the overnight parking of up to two additional commercial vehicles of no more than a 30-ton maximum-rated capacity each is allowed, provided that: they are screened year-round from any street line or residential, AG or NZ district line, are parked no closer than 20 feet from any such street or district line and do not interfere with the normal use of any required parking space or drive.

8.2.6 Special Uses (Exceptions as per Subsection 2.2.4E(1), (2), and (3))

A

Uses permitted in Section 8.1.6, except that developments may be permitted on lots less than four acres but not less than one acre.

B

(This Section was deleted)

C

Uses or operations producing vibrations at any property line up to the maximum levels indicated below, provided that such uses are located in areas where noise and vibration impact already exists (e.g., areas under the influence of Bradley Field, railroads or highways), except that no perceptible vibrations shall be permitted at any district lines.

A three-component measuring system shall be used for measurements.

Maximum Permitted Steady-State Vibration

<u>Frequency (Cycles per Second)</u>	<u>Displacement in Inches</u>
10 and below	.0008
10 - 20	.0005
20 - 30	.0003
30 - 40	.0002
40 - 50	.0001
50 - 60	.0001
60 and over	.0001

Maximum Permitted Impact Vibration

<u>Frequency (Cycles per Second)</u>	<u>Displacement in Inches</u>
10 and below	.0016
10 - 20	.0010
20 - 30	.0006
30 - 40	.0004
40 - 50	.0002
50 - 60	.0002
60 and over	.0002

"Steady-state vibrations" are earth-borne oscillations that are continuous. Discrete pulses that occur more frequently than 100 times per minute shall be considered to be steady-state vibrations.

8.2.6C (Continued)

"Impact vibrations" are earth-borne oscillations occurring in discrete pulses at or less than 100 pulses per minute.

A "frequency" is the number of oscillations per second of a vibration.

A "three-component measuring system" is a device for recording the intensity of any vibration in three mutually perpendicular directions.

D

Car washes, provided no paving is constructed within the required front and side yards, except for access drives and walks to and from adjacent streets and sites, and necessary screening is provided. In order to minimize traffic hazards, a car stack-up area of at least 100 feet in length shall be provided within the site for each car wash bay.

E

Construction and farm equipment sales, general repair and services and storage provided no paving or operation occurs within the front yard and provided that any area utilized for storage or repairs is not located within 500 feet of any residential, AG or NZ district line.

F

The experimental conversion of coal into other fuels for energy, provided that all applicable pollution regulations and safeguards are complied with.

G

Commercial kennels and animal hospitals, subject to all applicable codes and regulations of local and State agencies, provided that:

- (1) the parcel be located a minimum of 500 feet from any residential or NZ zone;
- (2) all exercise areas for animals shall be screened from roadways and adjoining properties; and
- (3) operating MDC sewers and water are available to the site.

H

(This Section was deleted; see Section 8.1.6J.)

I

Conference Centers - Subject to the provisions of Section 2.4, and as hereunder provided, the Commission may allow conference centers which are facilities providing hotel, meeting, restaurant and other accommodations and services, and which support the needs of the surrounding I-2 development. The proposed facilities must be found by the Commission to be (a) significant in size, (b) conveniently located to both the surrounding I-2 development and other amenity facilities and (c) of a high quality in terms of building and landscape design standards. The minimum total required parking for any facility shall be the sum of the required parking for each use within it. For on-site restaurants the provisions of only Section 5.2.6D(2) shall apply. The minimum standards of the I-2 zone shall apply except for those specified below:

Maximum building height - 60 feet

Maximum building coverage - 20% of the site

Minimum number of hotel guest rooms or suites - 100 units

Maximum density of hotel guest rooms or suites - 15 units per acre

Minimum size for each hotel guest room or suite - 225 square feet

8.2.6 (Continued)

J

Restaurants - Subject to the provisions of Section 2.4 and as hereunder provided, the Commission may allow restaurants in the I-2 zone. The proposed restaurant must be found by the Commission to be (a) significant in size, (b) conveniently located to both the surrounding I-2 development and other amenity facilities and (c) of a high quality in terms of building and landscape design standards. The provisions of Section 5.2.6D(2) shall apply. The minimum standards of the I-2 zone shall apply except for those specified below:

Maximum building height - 35 feet

Maximum building coverage - 20% of the site

Minimum restaurant seating - 100 seats

K

Residence Inns - Subject to the provisions of Section 5.2.6L and providing the Commission finds that within a half-mile radius of the site's boundaries the predominant uses are existing office buildings and that retail shopping, eating and meeting rooms be available within a reasonable distance from the site.

SECTION 9 - WHOLESALE AND STORAGE ZONE (W)

9.0 INTENT

The intent of this zone is to provide suitable areas for wholesale and/or storage activities which are compatible with neighboring uses, which have adequate community services, roads, utilities, etc. and which will not have a deleterious effect on the neighborhood in which they are proposed.

9.1 AREA AND HEIGHT STANDARDS

Minimum lot area - 4 acres

Minimum front yard - 50 feet

Minimum side yard - 35 feet

Minimum rear yard - 35 feet

Minimum lot width - 180 feet

Maximum coverage - 33 1/3% of the site

Maximum building height - 4 stories or 60 feet (Also See Section 9.6.2)

9.2 MISCELLANEOUS STANDARDS

Miscellaneous standards shall be in accordance with Section 8.1.2.

9.3 PERFORMANCE STANDARDS

Performance standards shall be in accordance with Section 8.1.3 of these Regulations, except Section 8.1.3M.

9.4 PERMITTED USES

9.4.1 Wholesale and Storage Uses

9.5 ACCESSORY USES

Uses in accordance with relevant accessory use provisions for the W Zone.

9.6 SPECIAL USES

The following uses may be allowed by the Commission subject to the provisions of Section 2.4 and as hereunder specified:

9.6.1 As per Sections 8.1.6B, D, or O.

9.6.2 Trucking terminals and accessory operations such as the emergency repair and refueling of trucks including terminals that are up to 110 feet in height provided that:

- (1) No occupiable floor area exists above 50 feet;
- (2) The proposal meets all applicable relevant federal, state and town requirements;
- (3) The development will not detract from the value of development in surrounding areas; and

9.6.2 (Continued)

- (4) Any part of a building higher than 60 feet shall be situated away from any Residential, AG or NZ zone boundary, a distance of not less than 150 feet for each 10 feet, or fraction thereof, of additional height above 60 feet. In no event, however, shall this provision require a location greater than 750 feet from any Residential, AG or NZ zone boundary.

9.6.3 Developments on lots less than four acres but not less than two acres, provided that:

A

The size of the development (including building and paved areas for parking, loading and unloading) does not overcrowd the land.

B

All other standards outlined in Section 9.1 are met.

C

The Commission finds that for this particular location and for the particular topography and geometry of the land involved, the reduced lot size would result in a more appropriate development.

D

The reduced lot development will not negatively affect adjacent development.

9.6.4 Uses permitted in Section 8.1.4, provided that:

A

The performance standards for the proposed use shall be in accordance with Section 8.1.3 of these Regulations, except 8.1.3M.

B

Where performance standards in Section 8.1.3 vary according to the adjacent zone, the stricter standards shall apply, regardless of the actual adjacent zone(s) of the proposed site.

9.6.5 Commercial kennels and animal hospitals, subject to all applicable codes and regulations of local and State agencies, provided that:

- (1) The parcel be located a minimum of 500 feet from any residential or NZ zone;
- (2) All exercise areas for animals shall be screened from roadways and adjoining properties; and
- (3) Operating MDC sewers and water are available to the site.

SECTION 10 - AGRICULTURAL ZONE

10.0 INTENT

The intent of this zone is to provide for the retention of suitable areas for agricultural uses because of the singularly primary role of agriculture in the socio-economic chain, because of its value in the community's cultural heritage and as visual open space, and to provide, where appropriate, for low-density transitional residential uses.

10.1 AREA AND HEIGHT STANDARDS

Density of occupancy - 0.3 families per acre
Minimum lot area allocated to one family - 3 acres
Minimum lot width - 150 feet
Minimum front yard - 40 feet
Minimum side yard - 15 feet
Minimum rear yard - 25 feet
Maximum coverage - 15% of the site
Maximum building height - 2 1/2 stories or 35 feet

10.2 MISCELLANEOUS STANDARDS

10.2.1 Living area requirements and allowable lot reductions shall be those prescribed for the AA zone.

10.2.2 The applicable requirements of Section 4.2 shall apply to any residential use or structure.

10.2.3 Easements, as per Sections 2.1.4 and 2.1.13.

10.3 PERMITTED USES

10.3.1 Field crop growing; flower gardening; livestock and poultry raising, excluding the commercial raising of pigs and the keeping of more than three pigs over six months old for any purpose; nurseries and greenhouses; orchards; seed growing; tobacco growing; truck or market gardening; and offices for the practice of veterinary medicine.

10.3.2 Dwellings occupied by the owner, a member of the owner's family employed on the farm or by a permanent paid employee.

10.3.3 Residential subdivisions with ten lots or less which conform to the requirements of Section 10.1.

10.4 ACCESSORY USES

The following accessory uses are allowed subject to conditions specified below, including that, for Sections 10.4.1 through 10.4.4, no building shall be located closer than 50 feet of any property line:

10.4.1 All types of buildings which are customarily a part of the use such as barns, sheds, silos, stables, chickenhouses, garages for motor vehicles and farm machinery.

10.4.2 Greenhouses, hothouses and other facilities for vegetables or flower-growing; pumping stations and water lines for irrigation purposes and private roads for access to all parts of the cultivated land and for fire protection.

10.4.3 Warehouses, processing plants, refrigeration plants and other secondary uses frequently a part of the primary agricultural use.

10.4.4 Housing for permanent workers and camps or living quarters for workers, not exceeding the ratio of two workers per cultivated acre. Nothing shall prohibit cooperative action by a group of farm owners or an association representing farm owners from jointly providing housing for temporary (seasonal) workers, provided that the ratio of two workers per cultivated acre shall be maintained.

10.4.5 Accessory uses associated with single-family dwellings, as per applicable provisions of Section 4.4.

10.5 SPECIAL USES

The following uses are allowed subject to the applicable provisions of Section 2.4 and as hereunder provided:

10.5.1 Single-Family Residential Developments with More than Ten Lots

Single-family residential developments with more than ten lots in compliance with the following standards and requirements:

A

As per Sections 10.1 and 10.2.

B

As per Section 4.5.2, except that operating MDC sewers are not required.

10.5.2 Single-Family Cluster Subdivisions

At the discretion of the Commission, a subdivider may be allowed to reduce lot requirements in the AG zone, provided that the following conditions are met:

A

The Commission shall find that the plan is designed appropriately in relation to soil types, wetland areas or watercourses, topography, natural features, scenic vistas and that there is land on the site deemed desirable for open space or other public purposes.

B

All standards of Section 10.1 shall be met except that the density of occupancy shall be 0.6 families per acre and that a minimum lot area of one acre shall be required.

C

For a subdivision to be developed in accordance with this Section, the developer must dedicate to the Town for public purposes at least the same percentage of the entire tract as that by which the lot area has been reduced.

D

The dedication of land for public purposes, as per Section 2.1.12.

10.5.2 (Continued)

E

Scenic or conservation easements may be required as per Section 2.1.13.

10.5.3 Hospitals, Sanatoriums or Nursing Homes

Hospitals, sanatoriums and nursing homes in accordance with the standards of the State Department of Health, but not correctional institutions or hospitals for the mentally ill.

10.5.4 (This Section was deleted; see Section 2.4.15P.)

10.5.5 Commercial Kennels or Animal Hospitals

Commercial kennels and animal hospitals, but only if located not less than 500 feet from a residential or NZ zone and subject to all applicable codes and regulations of local and State agencies.

10.5.6 Riding Clubs or Stables

Provided that the site is at least ten acres.

10.5.7 Cemeteries

Cemeteries subject to the following requirements:

A

A 20-foot wide, thickly planted buffer shall be provided along all property lines except for the frontage of the parcel abutting a public right-of-way.

B

The parcel shall have a minimum frontage of 50 feet on a public right-of-way.

10.5.8 Clubs, Social or Fraternal Organizations

Clubs, social or fraternal organizations, including those utilizing hardware or paraphernalia (e.g., guns, racing or show automobiles, snowmobiles, motorcycles) on premises, and including those serving alcoholic beverages for on-premises consumption, subject to the following requirements:

A

The Commission shall find that a need exists for the proposed facility and that it will be in harmony with adjacent uses and will not threaten the health, welfare and safety, create excessive nuisances or downgrade property values in the neighborhood.

B

Structures and outdoor activity areas shall be at least 250 feet from any property line. This requirement shall not apply where a structure or outdoor activity area is located within, and at its closest point at least 250 feet from, the Connecticut River Stream Channel Encroachment lines. This exception shall not apply when these structures or outdoor activity areas are within 250 feet of a residence.

C

The site shall be provided with appropriately paved accessway(s) (hard-surfaced) for at least the 50 feet closest to the street and shall be appropriately screened. This requirement shall not apply where the street providing access to the site is not paved.

10.5.8 (Continued)

D

If approval of the serving of alcoholic beverages for on-premises consumption is requested, it may be granted provided it meets the requirements outlined in Section 2.4.15G(4).

10.5.9 Garaged or Open Storage of Commercial Vehicles

The garaged or open storage of commercial vehicles may be allowed subject to the following requirements:

A

The storage area shall be set back at least 200 feet from roadways providing access to the site, with trees, shrubs and/or fencing to provide sufficient screening.

B

A landscaped buffer not less than 50 feet wide consisting of trees and shrubs and/or fencing, around the rest of the perimeter of the site shall be provided.

C

Existing streets shall be capable of accommodating the increased traffic generated by the use.

D

The site shall be provided with appropriately paved accessway(s) (hard-surfaced) for at least the 50 feet closest to the street.

E

No major maintenance and/or repair work of vehicles shall be permitted.

F

Wholesaling or retailing activities shall not be permitted.

10.5.10 Antenna Towers Greater than 100 Feet in Height

This section was deleted on 7/8/97.

10.5.11 Transfer of Residential Density

As per Section 4.5.8.

10.5.12 Farmers' Stands of Permanent Construction, Intended for the Roadside Sale of Farm Produce

Subject to the following conditions:

A

Stands shall be located on only those farms producing one-half or more of the total produce being sold at the stand at any one time.

B

Stands shall be allowed to operate only from the beginning of May through the end of November.

C

Compliance with the applicable site development requirements of Section 3.

Section 10.5.12 (Continued)

D

No parking shall be allowed within the required front yard.

E

Upon any change of zone of the property from AG, such structure shall be razed within a two-year period.

10.5.13 Sale of Nursery Stock and Related Products

A

Nursery and related products as referred to in this Section shall be: shrubs, trees, plants, seeds and landscape materials such as mulch, stones, etc. This shall not allow the sale of gardening/farming implements such as rakes, shovels, lawn mowers or vehicles.

B

Compliance with the applicable site development requirements of Section 3.

C

No parking shall be allowed within the required front yard.

D

A small office may be allowed as incidental to the operation of this use.

E

The Commission may require that any and all storage of bulk material and the overnight parking of vehicles be inside a building; otherwise, these shall not occur within 100 feet from any street or property line and shall be screened from abutting properties.

10.5.14 Congregate Housing

As per Section 4.5.12.

10.5.15 Active Adult Subdivisions

Definition of Active Adult Subdivisions: Active Adult Subdivisions are limited to households with at least one person 55 years of age or older. No resident shall be under 18 years of age.

The Commission may allow development of Active Adult Subdivisions, in the Agricultural Zone as provided below:

A

Overall Requirements

- (1) The site must contain a minimum of 10 acres and have frontage and a means of access on an arterial street. The Commission may, if it determines that the resulting traffic pattern is superior to the traffic pattern resulting from a direct connection to the arterial street, approve an alternate means of access.
- (2) The maximum number of lots permitted shall be determined by multiplying the acreage of the entire tract, less those areas excluded from density calculations by Section 4.2.1, by a density factor of 1.3.

Section 10.5.15A (Continued)

- (3) The site shall contain existing wooded areas of sufficient density and size and of appropriate species to provide adequate screening and privacy between proposed dwellings and any other use within the subdivision and any use within the subdivision and existing surrounding development. Active Adult Subdivision applications shall clearly outline the method to reasonably ensure the survival of natural site features critical to the provision of screening and privacy (e.g., tree wells, mounds, root area drainage systems, retaining walls, etc.) and/or the species to be planted to provide equivalent screening.
- (4) All streets, roads, drives, parking areas, walks and pedestrian ways shall be built in accordance with both the Town of Windsor Engineering Standards and Specifications and the Town of Windsor Subdivision Regulations, except that sidewalks may be provided in alternative pedestrian travel locations through the open space as acceptable to the Commission.
- (5) The Commission shall find that the plan is designed appropriately in relation to soil types, wetland areas, watercourses, topography, scenic vistas and other natural features.
- (6) Because of the reduction of lot sizes allowed, building and site design become critical elements in ensuring compliance with the intent of this Section. Therefore, as part of its review and evaluation of any Active Adult Subdivision application, the Commission shall consider landscaping and the design and location of all buildings.
- (7) The minimum amount of land dedicated to the Town or to a private association of the residents of such a subdivision shall be determined by multiplying the acreage of the entire tract by the percentage by which the required minimum lot area is to be reduced from the AA lot area standard. The Commission shall determine whether or not said land will be dedicated entirely to the Town, entirely to the homeowners' association, or to a combination of the two. Portions of dedicated land may exist as appropriately landscaped, oversized islands within the proposed cul-de-sacs. The Commission may allow the area required for dedication to be reduced as provided for in Section 4.5.3A(5). The characteristics of the land dedicated shall be as per Section 4.7.2(E) of the Subdivision Regulations. The following standards and requirements shall also be complied with:
 - (a) The dedication of land shall be as per Section 2.1.12.
 - (b) The plans of the subdivision shall contain warning language approved by the Town attorney advising the future residents of the subdivision that agricultural use of the property may continue and may create noise or other conditions that are typical of conventional agricultural practices.
 - (c) The dedication of land, including that within street(s), to a private homeowners' association shall be included in a written program submitted as part of the subdivision application. The program shall include, among other items which the Commission deems necessary to protect the interests of the subdivision residents and the Town, the fee structure for use of the facilities and areas involved and on whom the responsibility falls for maintenance thereof. It shall also demonstrate, after review by the Town Attorney, how the responsibility will be legally bound upon that party (e.g., by covenant or deed).
 - (d) The land dedicated to the Town or the private homeowners' association may be used for purposes such as recreation, open space, and/or agriculture as approved by the Commission, with appropriate regard to buffers to minimize the health and quality of life

Section 10.5.15A(7)(d) (Continued)

impacts on existing surrounding and proposed housing units from noise, dust, use of chemicals, etc. The commission may require improvements such as walkways, walkway seating areas, extra lighting, gazeboes, etc., to facilitate the use and enjoyment of common areas.

- (e) Maintenance of association-owned properties--the maintenance of all common areas not intended to be individually owned shall be provided by an organization organized under Chapter 828 of the Connecticut General Statutes (CGS 47-200 et seq) and formed for that purpose.

(8) Additional scenic or conservation easements may also be required as per Section 2.1.13.

B Lot/Building Requirements

(1) Lot Requirements:

Minimum area - 12,750 square feet;
No building shall be closer than 25 feet from a sidewalk or 35 feet from a curb;
Minimum side yards - 10 feet;
Minimum rear yard - 40 feet; and
Lawn sprinkling system or 10 inches of topsoil.

(2) Building Requirements:

Minimum living area - as per Section 4.2.2A(1);
All dwelling units shall be handicapped-adaptable;
Maximum building height - 2 1/2 stories, or 35 feet; and
All Active Adult Subdivisions shall be single-family detached units; and
All dwelling units shall have:

- (i) Full basement;
- (ii) Central air conditioning;
- (iii) Electric garage door openers;
- (iv) Brick encased chimneys, or a construction that provides equal or better fire protection as determined by the Fire Marshal, where chimneys are required;
- (v) Protection by automatic sprinklers designed and installed in accordance with the applicable National Fire Protection Association Standards; and
- (vi) Thermal insulation as per Section 11.2.4C(1).

10.5.16 Places of Assembly and Congregation

As per Section 4.5.18 C, D, and E (Also see Section 10.5.8).

SECTION 11 - DESIGN DEVELOPMENTS

11.0 INTENT

Conventional development typically controlled in zoning regulations is single uses in single principal detached buildings on single lots. It shall be the intent of Design Developments to permit groups of principal buildings or uses as a unified development on a single lot or parcel and to permit flexibility from conventional zoning requirements only under strict control and design review to assure that the intent of these Regulations is carried out. Design Developments are established to facilitate the most harmonious relationship possible between the development, the site and the surrounding area than is possible under conventional regulations, while maintaining the protection to the community and abutting properties. A Design Development is an optional development which may be permitted instead of development under the requirements of the underlying zone(s). An applicant may, at any time prior to actual construction and after appropriate notification in writing to the Commission, revert to development as per the requirements of the underlying zone(s).

11.1 GENERAL PROVISIONS

In recognition of the potential complexities of development under this Section, and to provide the Commission with timely and appropriate information, data and plans to insure adequate control, review and compliance with the intent of the Plan of Development and these Regulations, the following is established for all Design Developments:

11.1.1 Application Procedure

A Concept Plan Application and a Detailed Plan Application shall be submitted for review and consideration for any Design Development. In considering both the Concept Plan Application and the Detailed Plan Application, the Commission shall:

A

Hold a public hearing for each Plan Application in accordance with the procedure for zone changes as per the Connecticut General Statutes.

B

Consider reports and recommendations from relevant Town, State and Federal agencies including but not limited to relevant Town departments, Inland Wetlands and Watercourses Commission, Conservation Commission, State Department of Environmental Protection and Department of Transportation and the U.S. Soil Conservation Service.

C

Render a decision within 95 days of the public hearing. The Commission may approve, disapprove or approve with modification the proposed plan. If a decision is not rendered within 95 days of the public hearing, the proposal shall be considered denied; however, the Commission may, with the written concurrence of the applicant, extend the time for its decision an additional 95 days.

D

Prescribed rules and forms as it deems necessary for the filing of Design Development applications, postponement, extension of time, rehearing and any other matters. The Commission shall not be required to hear the same application more than once during any period of 12 consecutive months.

11.1.2 Application Approval

In order to approve any Design Development application, the Commission shall make the following determinations:

A

That the proposal is in harmony with the overall objectives, spirit and intent of the Plan of Development and these Regulations.

B

That the proposal will not detrimentally affect development in the surrounding area nor excessively impact existing roads, schools and other municipal facilities, public utilities, drainage systems, soil and other natural resources.

C

That the proposed development is superior to that possible under the conventional standards and requirements of the underlying zone(s).

11.1.3 Application Modifications

Any proposed non-technical modification to an approved application shall be considered by the Commission at a public hearing unless it finds that the proposed modification is minor in nature, in which case a public hearing will not be required. When unforeseen field conditions require technical modifications, such as material changes or pipe locations, etc., an amended plan shall be submitted to the relevant Town department for consideration and approval, and a copy shall be filed in the Commission file.

11.1.4 Plan Requirements

A

Concept Plan

The applicant shall submit an appropriate application, including but not limited to maps, sketch plans and other relevant data to adequately describe and illustrate the proposed development and its appropriateness for the proposed location; to indicate its effects and impact on the surrounding area and development, roads, schools and other municipal facilities, public utilities and transportation, drainage systems, soil and other natural resources; and to indicate compliance with the intent of the Plan of Development and these Regulations. The requirements of the Concept Plan are:

- (1) Locality map, no smaller than one-inch-equals-1000-feet, showing zone(s) of parcel and surrounding area.
- (2) Map at appropriate scale, no smaller than one-inch-equals-200-feet, showing property lines, names of adjacent owners, existing and proposed contours at two-foot intervals, special flood hazard areas (as per Federal Flood Hazard Maps), Designated Inland Wetlands and Watercourses, streambelt soils (as per U.S. Soil Conservation Service designations), and any heavily forested or steep-sloped portions of the site, existing public utility lines and public facilities (schools, firehouses, etc.), existing street widths, street classifications, mass transit systems and stops and sketch layout of proposed buildings, roads, parking areas, open spaces, etc., as well as any proposed improvements to existing facilities which might be overburdened by the proposed development and thereby endanger the public health, safety and welfare.

11.1.4 (Continued)

B

Detailed Plan

The applicant shall submit an appropriate application including detailed drawings, including but not limited to site and landscaping plans, site sections, elevations and sections of buildings, models and renderings. The requirements of the Detailed Plan are:

- (1) There shall be an approved Concept Plan.
- (2) The Detailed Plan shall be substantially in harmony with the approved Concept Plan. If the Commission finds that the Detailed Plan is substantially varied from the approved Concept Plan, the Detailed Plan shall be disapproved. The applicant shall have one year in which to bring the Detailed Plan into harmony with the Concept Plan.
- (3) A complete Detailed Plan application shall be submitted for review within one year of the approval of the Concept Plan. If the Detailed Plan is not submitted for review within one year of the approval of the Concept Plan and if an extension is not granted as provided in (9), the Concept Plan approval shall be null and void.
- (4) Drawings shall be stamped by relevant design professionals licensed in the State of Connecticut (i.e., Land Surveyor, Engineer, Landscape Architect and Architect). The drawings shall show in detail all data relevant to the design of the site and buildings including site and building working drawings, elevations, sections, models, etc. Unless otherwise specified, the standards established for Site Development (Section 3) shall be considered minimal standards.
- (5) The land proposed for a Design Development may be owned by one or more persons or corporations but shall be presented as a single, contiguous parcel of land at the time the Detailed Plan application is filed. The application shall be jointly filed by all owners and, if approved, shall be jointly binding on all of them as well as on any additional and/or future or partial owner.
- (6) Prior to final approval all documents (e.g., agreements, deeds, bonds) shall be submitted in a form which is acceptable to the Town Attorney.
- (7) The Commission shall choose a major building or buildings for which building permits shall be issued within one year of the approval of the Detailed Plan. If a building permit has not been so issued for such building(s) and if an extension has not been granted as provided in (9), the Concept Plan and Detailed Plan approvals shall be null and void.
- (8) If the approved development is not completed within five years of Detailed Plan approval and if an extension has not been granted as provided in (9), the Concept Plan and Detailed Plan approvals shall be null and void, and construction shall cease until the Commission reviews and reapproves the project to insure compliance with current standards.
- (9) The Commission may extend for up to one year the time period requirements of Subsections (3) and (7), and for up to five years the time period requirement of Subsection (8).
- (10) Phasing of the development shall be established to clearly specify the sequence of construction of buildings and areas to insure that amenities, recreation facilities, public facilities and utilities are installed according to a specific development schedule and to insure against excessive excavation and damage from erosion.

11.1.4B (Continued)

- (11) Prior to the issuance of any building permits, an appropriate performance bond shall have been received and accepted by the Commission in order to insure to the Town of Windsor the construction and installation of all site improvements such as streets, storm drainage, water and sewer systems, landscaping, open space and recreation improvements, and any other items on the plan deemed for the benefit of public health, safety and convenience. The amount and time period of the bond shall be established by the Commission and may be related to the phasing of the development as approved by the Commission. A maintenance bond in the amount of ten percent of all bonded or bondable improvements shall be submitted and held for a period of one year after completion of all bonded improvements.
- (12) Prior to the start of excavation or construction, a bond shall be posted to insure compliance with a certified Soil Erosion and Sediment Control Plan developed according to the minimum standards outlined in "Connecticut Guidelines for Soil Erosion and Sediment Control (1985)," as amended, to prevent excessive erosion and sedimentation and to guarantee grading and seeding of rough-graded, unsightly areas if construction ceases for an extended period of time.
- (13) Notwithstanding the requirements and provisions of Subsection 11.1.4B(11), no building permit shall be issued until sewer and water system plans have been approved by the Metropolitan District Commission (MDC), and all other requirements of the MDC have been met. All Design Developments shall be served by MDC water and sewer. All utility lines shall be underground.
- (14) The Detailed Plan shall conform to applicable standards outlined in Sections 11.2 or 11.3 and other applicable sections of these Regulations.

11.2.1

Purpose

The purpose of New Neighborhood Design Development regulations is to:

A

Permit a variety of housing styles and environments within a planned residential complex, affording the maximum opportunities for people of different economic and social characteristics to find a housing and living style suitable to their needs and desires.

B

Provide for usable, suitably located recreational facilities and other public and common facilities.

C

Preserve, to the greatest extent possible, the existing landscape features, amenities and natural resources of the Town and promote a distribution of structures and open areas to prevent environmental and flood damage.

D

Permit greater flexibility and, consequently, more varied creative and imaginative architecture, and site design more harmoniously related to the land than would otherwise be possible under conventional land development procedures.

E

Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.

11.2.2

General Requirements and Provisions

The following general requirements and provisions shall apply to New Neighborhood Design Developments:

A

Seasonal recreational facilities shall be provided consisting of at least: a graded and seeded area of at least three acres for informal ball play and recreation; a swimming pool; four tennis courts; where topography permits, a gently sloped area sufficient for sledding; and where waterways exist, skating ponds. Planted areas around all multi-family buildings shall be arranged so that their maintenance and enjoyment by residents for individual flower and vegetable gardens is encouraged.

B

The Commission may permit retail, commercial and service facilities (excluding adult-oriented establishments, as defined in Section 16.2.1) which are clearly accessory to and primarily serve the proposed and immediately surrounding residential development. Approval shall be granted only if the Commission finds that a need exists for the proposed uses and if the buildings and site layout are well-related to roads and adjacent development. In no event shall the commercial and service development contain more than 15,000 square feet of gross floor area. Unless otherwise specified or specifically changed, the requirements of the B-1 zone shall be met.

C

The Commission may allow buildings up to three stories, but no more than 45 feet in height, when in its judgment such height is in keeping with the overall project design, is not detrimental to surrounding areas and preserves valuable open space land.

11.2.2 (Continued)

D

Specific parking areas for recreational vehicles and boats may be required.

E

To the extent possible, pedestrian ways and bicycle and handicapped accessways shall be uninterrupted by at-grade road crossings and by abrupt changes in grade (e.g., curbs and steps). The Commission may require bridges and tunnels and ramps to buildings or at curbs to achieve this.

11.2.3 Location and Site Standards

A

Location Standards

New Neighborhood Design Developments shall comply with the following location standards:

- (1) The development shall be considered only in single-family residential zones.
- (2) The development shall be located within one and one-half miles of an operating fire station.
- (3) All residential units shall be within one and one-half miles (walking distance) of at least one existing elementary school.
- (4) All residential units shall be within one-mile walking distance of a stop on an existing Greater Hartford Transit District-franchised bus route. This entire distance shall be by means of a paved pedestrian walkway.
- (5) The development shall have frontage of at least 100 feet on a primary highway or standard secondary highway, and an additional 50 feet of frontage located at least 500 feet from the 100-foot frontage.

B

Site Standards

New Neighborhood Design Developments shall comply with the following site standards:

- (1) The site shall include no more than 120 acres or less than 80 acres of developable area (as per Section 16.2.4).
- (2) The gross density may not exceed three families per acre for land as described in Section 4.2.1 of these regulations.
- (3) The developer must show that at least ten percent, but no more than 15 percent of the proposed dwelling units will be constructed or managed by the Windsor Housing Authority or conform to the latest guidelines established by the Department of Housing and Urban Development Sales or Rental Schedule for lower-income families, including the elderly.

As a substitute for the construction of any number of these units, the developer, with the concurrence of the Windsor Housing Authority and the Commission, may deed to the Authority an equivalent amount of developable land at the rate of one acre per four dwelling units, if a deed is provided for this land prior to approval. However, such a substitution shall not alter the gross density on the remainder of the site.

11.2.3B (Continued)

- (4) The Commission may permit development at a gross density of four dwelling units per acre if it determines that it would be desirable to provide more than 15 percent, but no more than 20 percent of the dwelling units for lower-income families. In this case, the substitution provision of Section (3) shall not be applicable.
- (5) At least 25 percent of the overall site must be designated and preserved by deed restriction or public dedication as permanent open space or for sites for Town of Windsor municipal facilities. The Commission may require appropriate improvements to all designated open space or public dedications. The characteristics of the open space area shall be as per Section 4.7.2(E) of the Subdivision Regulations.
- (6) Unless changed by the Commission in order to achieve a more appropriate relationship of a development to the conditions existing on a particular site and to reduce impact on community facilities, the housing type distribution for New Neighborhoods shall be approximately as follows:
- 33.3% One-family detached dwellings
 - 33.3% One-family semi-attached dwellings on the same lot or on separate lots
 - 33.3% Multi-family attached dwellings

At least 50 percent of the multi-family attached dwellings shall be offered for sale, as a separate unit on a lot with no side yards or as condominiums (see Appendix 1, pages 9 and 10).

- (7) All streets considered part of the through circulation system, all utilities and all facilities related to the Town firefighting system must be constructed in accordance with all Town of Windsor specifications, including the Subdivision Regulations and the Town of Windsor Highway Engineering Standards and Specifications (1978), as amended, and any other applicable Town Code or Ordinance. All streets or drives considered part of the service circulation system, all pedestrian ways and all parking areas shall be constructed in accordance with the Subdivision Regulations and the Town of Windsor Highway Engineering Standards and Specifications (1978), as amended, or Section 3 of these Regulations, whichever is deemed most appropriate by the Commission.

A through street is generally defined as a street which serves as a collector of service streets; a service street or drive is generally a cul-de-sac or a street or drive giving access to multi-family housing, parking and recreation facilities. The Commission shall determine which portions of the circulation system are to be considered through and service.

- (8) Except as provided in Subsection (9), the lots for one-family detached and semi-attached dwellings shall conform to the minimum yard requirements of the R-8 district.
- (9) No building shall be located closer than 40 feet from the right-of-way of any proposed through street. No parking area of more than ten spaces, active recreation facility or building shall be built closer than 50 feet from any external property line. Through paths, common parking areas or drives shall not be closer than 20 feet to any window or door of a residential unit.
- (10) Two separate means of vehicular access shall be provided to New Neighborhoods from the existing street system. The primary vehicular access shall be provided over the required 100-foot street frontage.
- (11) Dedication of land, as per Section 2.1.12.

11.2.3B (Continued)

- (12) Scenic or conservation easements, as per Section 2.1.13.
- (13) The applicant shall submit a written program for the maintenance of all common areas such as open space, landscaping, recreational areas and facilities, lawns, walkways, streets, drives, parking areas and all utilities and facilities. The program shall indicate any fee structures associated with the use of common facilities and on whom the responsibility falls for the maintenance program (e.g., landlord, homeowners' association or a combination thereof) and shall demonstrate how the responsibility will be legally bound upon that party (for example, by covenant or deed).
- (14) Compliance with the Subdivision Regulations.

11.2.4 Building Design Standards

A

Multi-Family Dwellings

- (1) Except for any residential buildings requiring elevator service, all dwelling units shall have individual access doors and stairs directly to the outdoors.
- (2) At least one of the access doors to each unit shall have overhead protection from rain and snow.
- (3) Multi-family dwellings without individual basements shall be provided with individual dead storage areas (at least 100 square feet per unit) and indoor laundry facilities, both of which shall be accessible from within the dwelling without the need to go outdoors. For Assisted Living and Nursing Homes, storage shall be provided per Section 4.5.12C(17).
- (4) Except for Assisted Living and Nursing Homes, all dwelling units shall have at least one balcony or patio which shall afford relative privacy by architectural articulation or, in case of patios, by fencing, planting and paving; the fencing shall be integrated into the wall structure to avoid a "tacked-on" effect and to provide adequate strength. Orientation to parking areas or streets shall be avoided.
- (5) No exterior wall shall extend more than 50 feet on the same architectural plane. Articulation of entry ways, balconies, roofs and exterior walls of individual units by architectural forms, material and textures is encouraged, without substantially increasing costs.
- (6) Exterior wall surfaces of all multi-family dwellings within eight feet of grade and adjacent to activity areas where rapid deterioration might occur (entries, balconies, patios) shall have a veneer of brick.
- (7) The interior perimeter walls of all multi-family dwelling units shall be constructed to provide a sound transmission class (STC) rating of 55 or higher. Floors and ceilings separating dwelling units in multiple-story dwellings shall provide a sound transmission class (STC) rating of 55 or higher and an impact insulation class (IIC) rating of 78 or higher, except in bathrooms and kitchens, where the impact insulation class (IIC) rating shall be 55 or higher.
 - (a) Any construction that achieves this sound and impact performance can be used. Examples of constructions that comply with this regulation are in Appendix I, pages 30 and 31 of the Zoning Regulations. Irrespective of resulting higher than minimum ratings indicated herein, the construction of the floor and ceiling separation for bathrooms and kitchens shall have a resilient underlayment between the ¾" gypsum concrete slab and the subfloor (see Appendix I, page 31).
 - (b) During the review of the application, the Commission may require that the applicant provide airborne sound transmission and impact insulation test data for alternative constructions (other

11.2.4A(7)(b)

than that shown in Appendix I) to demonstrate compliance with this regulation. Submitted test data for the intended construction assembly shall be reported from an independent, NVLAP (National Voluntary Laboratory Accreditation Program) approved facility, performed in accordance with the ASTM standard E90-90 and E413-87 for STC ratings, and ASTM standard E492-90 and E989-89 for IIC ratings. Sound transmission or impact insulation data from field-tested constructions shall have a performance rating of no less than 5 STC or 5 IIC points below the laboratory test ratings otherwise required by the regulations to be acceptable; field test data must be taken in accordance with ASTM E336-90 and E413-87 for FSTC data and ASTM E1007-90 and E989-89 for FIIC data. Copies of the original independent laboratory or field test reports shall be submitted when requested.

(c) Test data from a manufacturer's laboratory or marketing literature is not acceptable.

- (8) Minimum dwelling unit sizes, exclusive of dead storage in basement: Efficiency - 450 square feet; one-bedroom: 750 square feet; two-bedroom: 950 square feet; 150 square feet of additional area for each additional bedroom. For Assisted Living and Nursing Homes, minimum dwelling unit sizes shall be as follows: Efficiency - 400 square feet; one-bedroom: 600 square feet; two-bedroom: 900 square feet. Where the Commission finds that patios or balconies meet the criteria and intent outlined in Subsection (4) it may allow their area to be used in calculating dwelling-unit size; but in no event shall more than 50 square feet be allowed for an efficiency unit; 100 square feet for a one-bedroom unit; or 150 square feet for a two- or more-bedroom unit.

B

One-Family Semi-Attached Dwellings

One-family semi-attached dwellings shall have only the garage wall as a party wall. If other parts of the dwellings share a common wall, it shall be constructed of eight-inch concrete blocks. The Commission may approve other party-wall construction if it is shown to provide equivalent noise insulation.

- (1) Any common or party wall other than a common garage wall shall be constructed to provide a sound transmission class (STC) rating of 55 or higher.
- (a) Construction of any common or party wall other than a wall separating garages, per section 11.2.4A(7)(a).
- (b) Verification of sound transmission class (STC) rating as per section 11.2.4A(7)(b) and (c).
- (2) The living area requirement of one of the two units shall be in compliance with Section 4.2.2A(2). The minimum living area of the other unit shall be 450 square feet.

C

All Residential Dwellings

- (1) All dwellings shall provide thermal insulation which is at least equivalent to the following in typical frame-housing construction:

3 1/2-inch batt or blanket for exterior walls (R/11)

6-inch batt or blanket for roofs (R/22)

Double-glass or storm windows for all window areas (R/1.64 min.)

All dwelling units shall also be served by a heating system which will provide a healthful interior room temperature of 70 degrees Fahrenheit when the outside is 0 degrees Fahrenheit. In order to

11.2.4C(1) (Continued)

prevent condensation damage to insulation materials, to the structure and to exterior and interior finishes, vapor barriers shall be appropriately installed within exterior walls. Unheated attic and crawl spaces shall be properly ventilated.

- (2) The maximum height of buildings is limited to two and one-half stories or 35 feet, unless otherwise approved by the Commission as per Section 11.2.2C.

11.2.5 Growth Management

In order to safeguard the public health, safety and welfare by providing a balanced and controlled urbanization rate and pattern commensurate with available community facilities as outlined in the adopted 1973 Plan of Development and in order not to detrimentally overburden community facilities and thereby excessively and detrimentally affect the quality of life and public health, safety and welfare, the rate of approval of New Neighborhood Design Developments shall be limited to the extent that the number of dwelling units in multi-family dwellings in Windsor shall not exceed 22 percent of the total number of existing and approved dwelling units in the Town. The multi-family percentage shall include only the 1,475 units approved as of 1970 in the five major apartment developments in the Town of Windsor (Arbor on the Farmington [formerly known as Four Seasons], Deerfield at Windsor [formerly known as Windsor Garden], Valley Village, Williamsburg and the PUD) plus all units in multi-family dwellings resulting from any approved New Neighborhood Design Developments. Each semi-attached dwelling shall be considered as a single-family dwelling for the purposes of this computation.

11.2.6 (This Section was deleted.)

11.3 CENTER DESIGN DEVELOPMENT

11.3.1 Purpose

The purpose and intent of the Center Design Development regulations are to:

A

Encourage rehabilitation and redevelopment in appropriate areas of Windsor Center and Wilson Center and provide flexibility of uses and design therein.

B

Provide, whenever possible, for the preservation of meaningful historic buildings; promote appropriate architectural and site design; and provide amenities which will encourage pedestrian use and enjoyment of the centers.

C

Promote an improvement to the vehicular circulation patterns, reduce curb cuts on main arterials and provide safer pedestrian, bicycle and handicapped accessways separate, wherever possible, from vehicular drives and streets.

D

Promote uniform and appropriate design theme for the centers through architectural and site design review as well as strict sign controls.

E

Promote a density distribution which maximizes the advantages of mass transit thereby promoting a reduction in traffic congestion.

F

Promote development in accordance with the intent of these Regulations and the Plan of Development.

11.3.2 General Requirements and Provisions

The following general requirements and provisions shall apply to Center Design Developments:

A

Provisions should be made for the integration of pedestrian, bicycle and handicapped accessways and vehicular circulation with adjacent sites.

B

The inclusion of garaged parking and facilities offered for public use such as landscaped courts, sitting areas and pedestrian bridges over arterials or railroad lines is encouraged.

11.3.3 Location and Site Standards

A

Location Standards

Center Design Developments shall comply with the following location standards:

- (1) Center Design Developments shall be considered only within Limit of Business Center and Redevelopment areas as shown on the 1973 adopted Plan of Development maps entitled

11.3.3A(1) (Continued)

"Windsor CBD" or "Wilson: A Study." For purposes of illustration and general information, these areas are shown on the maps contained in Appendix 1, pages 21 and 22.

B
Site Standards

Center Design Developments shall comply with the following site standards:

- (1) The uses which will be considered in Center Design Developments shall include but not be limited to the following: retail (excluding adult-oriented establishments as defined by Section 16.2.1), personal, business and financial services; professional and general offices; restaurants meeting the requirements of Section 5.2.6D; public and semi-public institutions; hotels, motels and residential uses. Any use considered by the Commission shall be found to be: harmonious with the goals and objectives of the Plan of Development; harmonious with center-type uses not disruptive of the general retail, service and residential character and function of the center(s) and its pedestrian orientation; not of a quasi-industrial or highway-oriented character or overly dependent on truck or auto traffic as a primary means of conducting business.
- (2) Height, Area and Yard Requirements:

Minimum lot area:	One acre
Maximum building height:	Three stories or 45 feet
Maximum coverage:	30% of the site; however, if underground or garaged parking is provided and appropriately designed so that it is not disruptive in character and is appropriately located, up to 50% of the site may be built upon, provided that the parking structure is covered with a roof which is totally landscaped and easily accessible to pedestrians (the 50% shall include any combination of buildings and garage structures).
Minimum ground-level paved, landscaped or planted area accessible only to pedestrians:	20% of the site.
Yards:	The Commission may require yards to a depth of 20 feet from any street or property line. This provision may be waived totally or in part if, in the judgment of the Commission, the overall development of the area is better served by the elimination of yards.
- (3) Required parking as per Section 3, except that the Commission may reduce the parking requirements up to ten percent if it finds that the proposed uses, location of the site and the related facilities existing or proposed by the applicant will result in the generation of pedestrian, bicycle and mass transit trips in sufficient volumes to warrant the parking reduction. Parking or vehicular access shall be avoided in front of the main building. All required parking is to be located within the Center Design Development area described as per Section 11.3.3A(1).
- (4) Signs as per Section 13, except that the Commission may impose stricter requirements when, in its judgment, the specific proposal and site so necessitates. All exterior lighting and signs shall be shown on the plan, and detailed design (e.g., material, illumination, etc.) shall also be provided.

11.3.3B (Continued)

- (5) Residential density may be approved up to 12 dwelling units per acre provided all requirements and standards for the proposed residential use and for other proposed uses are met. The parking requirements shall be 1.5 spaces per dwelling unit.

The Commission may allow housing (as defined below), with modification to the listed requirements as indicated below and subject to the provisions of Section 2.4 and those specified below:

- (a) The site is located in Windsor Center on the east side of the AMTRAK Railroad line; is within the area designated as “redevelopment” on the map entitled “Windsor Center Plan” on Page 27 of the illustration appendix to these regulations; more than 50% of the site is outside of the 100 year flood line as shown on the Federal Emergency Management Agency (FEMA) map;
- (b) Promotes the revitalization of Windsor Center and improves pedestrian and emergency vehicular access to and from land on the east side of the railroad track generally as outlined in the adopted Plan of Development;
- (c) A Town need is demonstrated;
- (d) The proposal would provide for the health, safety, welfare, and convenience of the occupants;
- (e) Is compatible with historical and architectural significance of surrounding area development and of the buildings on site;
- (f) For developments with age minimum restriction of 55:
 - (i) Maximum density - as deemed appropriate for the particular site and building but not to exceed 35 dwelling units per acre; however, if density exceeds 20 dwellings units per acre the applicant must show and the Commission must specifically find that the benefits of the proposed development and its promotion of the health, safety, convenience and general welfare of the community will likely outweigh any adverse impacts associated with the increased development density;
 - (ii) Maximum height of building – as deemed appropriate but not to exceed four stories;
 - (iii) Minimum parking space 1.0/DU;
 - (iv) In order to reduce hazards and improve access for general and emergency vehicles and pedestrians as outlined in the adopted Plan of Development, the Commission must find that prior to the issuance of a C.O. a new roadway will be in place meeting Town standards and providing direct and safe pedestrian and vehicle access between the existing improved segment of Mechanic Street, the proposed development, and Rt. 159 (north-east of the AMTRAK railroad bridge);
 - (v) In order to reduce hazards and improve pedestrian access as outlined in the adopted Plan of Development the Commission must find that prior to the issuance of a C.O. there will be in place an adequate bridge or tunnel to allow

11.3.3B(5)(f)(v) (Continued)

grade separated pedestrian crossing of the AMTRAK railroad tracks from an area on the west side of the railroad tracks to the area designated as “redevelopment”

as per subsection (5)(a) above or that the overall plan for pedestrian circulation, safety and access to the western side of the railroad tracks provides a reasonable alternative;

- (vi) The requirements of Zoning Regulations 4.5.12(D)(8) shall also apply to this development.
- (g) For developments with no age restrictions:
 - (i) Maximum density of 20 dwelling units per acre;
 - (ii) Maximum height (as per (f)(ii));
 - (iii) Minimum parking space; 1.5/DU;
 - (iv) Improved access for emergency response vehicles acceptable to the Fire Marshal and site design that promotes pedestrian traffic flow and safety.
- (h) The entire facility shall be protected by automatic sprinkler systems.

11.3.4 (This Section was deleted)

11.4.1 Purpose

The purpose of the Peripheral Neighborhood Design Development regulations is to:

A

Permit a variety of housing styles and environments within a planned residential complex, affording opportunities for people of different economic and social characteristics to find a housing and living style suitable to their needs and desires.

B

Provide for usable, suitably located recreational facilities and other public and common facilities.

C

Preserve, to the greatest extent possible, the existing landscape features, amenities and natural resources of the Town and promote a distribution of structures and open areas to prevent environmental and flood damage.

D

Permit greater flexibility and, consequently, more varied, creative and imaginative architecture, and site design more harmoniously related to the land than would otherwise be possible under conventional land development procedures.

E

Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.

F

Provide for a planned transitional residential buffer between single-family residential areas and industrial/warehouse areas.

11.4.2 General Requirements and Provisions

The following general requirements and provisions shall apply to Peripheral Neighborhood Design Developments:

A

Seasonal recreational facilities shall be provided consisting of a graded and seeded area of at least three acres for informal ball play and recreation; tennis courts; swimming pool; where topography permits, a gently sloped area sufficient for sledding; and where waterways exist, skating ponds. Planted areas around all multi-family dwellings shall be arranged so that their maintenance and enjoyments by residents for individual flower and vegetable gardens is encouraged.

B

The maximum height of buildings is limited to 2 1/2 stories or 35 feet, however, the Commission may allow buildings up to three stories, but no more than 45 feet in height, when in its judgment such height is in keeping with the overall project design, is not detrimental to surrounding area, and preserves valuable open space land

C

Specific parking areas for recreational vehicles and boats may be required.

11.4.2 (Continued)

D

To the extent possible, pedestrian ways and bicycle and handicapped access-ways shall be uninterrupted by at-grade road crossings and by abrupt changes in grade (e.g., curbs and steps). The Commission may require bridges and tunnels and ramps to buildings or at curbs to achieve this.

11.4.3 Location and Site Standards

A

Location Standards

Peripheral Neighborhood Design Developments shall comply with the following location standards:

- (1) The development shall be considered only in single-family residential zones adjacent to industrial/warehouse zones.
- (2) The development shall be located within one and one-half (1.5) miles of an operating fire station.
- (3) The development shall have frontage of at least 100 feet on a primary highway or standard secondary highway, and an additional 50 feet of frontage located at least 500 feet from the 100-foot frontage.

B

Site Standards

Peripheral Neighborhood Design Developments shall comply with the following site standards:

- (1) The site shall include not less than 80 acres nor more than 180 acres of developable area (as per Section 16.2.4).
- (2) The gross density may not exceed three families per acre for land as described in Section 4.2.1 of these Regulations.
- (3) At least 25 percent of the overall site must be designated and preserved by deed restriction or public dedication as permanent recreation or open space or for sites for the Town of Windsor municipal facilities. The Commission may require appropriate improvements to all designated open space or public dedications. The characteristics of the open space shall be as per Section 4.7.2(E) of the Subdivision Regulations.
- (4) Unless changed by the Commission in order to achieve a more appropriate relationship of a development to the conditions existing on a particular site and to reduce impact on community facilities, the housing type distribution for Peripheral Neighborhoods shall be approximately as follows:
 - 33.3% One-family detached dwellings;
 - 33.3% One-family semi-detached dwellings on the same lot or separate lots;
 - 33.3% Multi-family dwellings
- (5) All streets considered part of the through circulation system, all utilities and all facilities related to the Town firefighting system must be constructed in accordance with Town of Windsor specifications, including the Subdivision Regulations and the Town Engineering Standards and Specifications and any other applicable Town code or ordinance. All streets or drives considered part of the service circulation system, all pedestrian ways, and all parking areas shall be constructed

11.4.3B(5) (Continued)

in accordance with the Subdivision Regulations and the Town Engineering Standards and Specifications or Section 3 of these Regulations, whichever is deemed more appropriate by the Commission. A through street is generally defined as a street which serves as a collector of service streets; a service street or drive is generally a cul-de-sac or a street or drive giving access to multi-family dwellings, parking and recreation facilities. The Commission shall determine which portions of the circulation system are to be considered through and service.

- (6) Except as provided in Subsection (7), one-family detached dwellings shall be on lots which conform to minimum yard requirements of the A residential zone except as allowed under Section 11.4.4A(8); one-family semi-detached dwellings shall conform to the minimum yard requirements of the R-8 residential zone; multi-family attached dwellings as per Section 4.5.3B(3)(b)(iii).
- (7) No building shall be located closer than 40 feet from the right-of-way of any proposed through street. No parking area or active recreation facility shall be built closer than 50 feet from any external property line except that no such areas or facilities shall be located within 100 feet of any industrial/warehouse zoned land and no building shall be built within 150 feet of industrial/warehouse zoned land. The 100-foot buffer shall be landscaped to provide privacy from noise and visual intrusion in accordance with Section 3 of these Regulations. No one-family semi-detached or multi-family dwelling shall be built within 150 feet of an external property line abutting residential land. Through paths or common parking areas shall not be closer than 20 feet to any window or door of a residential unit.
- (8) Two separate means of vehicular access shall be provided to Peripheral Neighborhoods from the existing street system. The primary vehicular access shall be provided over the required 100-foot street frontage.
- (9) Dedication of land, as per Section 2.1.12.
- (10) Scenic or conservation easements, as per Section 2.1.13.
- (11) The applicant shall submit a written program for the maintenance of all common areas such as open space, landscaping, recreational areas and facilities, lawns, walkways, streets, drives, parking areas and all utilities and facilities. The program shall indicate any proposed fee structures associated with the use of common facilities and on whom the responsibility falls for the maintenance program (e.g., landlord, homeowners' association or a combination thereof) and shall demonstrate how the responsibility will be legally bound upon that party (e.g., by covenant or deed). The Commission shall refer such documents to the Town Attorney for review and comment.
- (12) Compliance with the Subdivision Regulations.
- (13) After approval of the Concept Plan, the applicant may apply for Detailed Plan approval in phases and the Commission may grant approval to build the development in phases. Such approval shall be dependent, however, on the applicant's ability to show that each phase can exist independently as to roads, water, sewer and other utilities.
- (14) The Commission may modify or waive any of the requirements of Sections 11.4.3B and 11.4.4A (except density and overall site area requirements) in cases where, in the opinion of the Commission, strict application of the requirements of this Section will result in an overall design which is less desirable than one permitted by a modification or waiver of the requirements of this Section. The Commission shall not grant a request for modification or waiver of the requirements of this Section

11.4.3B(14) (Continued)

unless the Commission deems it necessary because of adverse geographical conditions, difficult site configuration, or modifications to site design or layout requested by the Commission.

11.4.4 Building Standards

A

Multi-Family Dwellings

- (1) Except for any residential buildings of more than two stories, all dwelling units shall have individual access doors and stairs (or ramps if handicapped accessible) directly to the outdoors.
- (2) At least one of the access doors to each unit shall have overhead protection from rain and snow.
- (3) Multi-family dwellings without individual basements shall be provided with individual dead storage areas (at least 100 square feet per unit) and indoor laundry facilities, both of which shall be accessible from within the dwelling without the need to go outdoors.
- (4) All dwelling units shall have at least one balcony or patio which shall afford relative privacy by architectural articulation or, in case of patios, by fencing, planting and paving; the fencing shall be integrated into the wall structure to avoid a "tacked-on" effect and to provide adequate strength. Orientation to parking areas or streets should be avoided.
- (5) No exterior wall shall extend more than 50 feet on the same architectural plane. Articulation of entryways, balconies, roofs and exterior walls of individual units by architectural forms, material and textures is encouraged, if it can be done without substantially increasing costs.
- (6) The interior perimeter walls of all multi-family dwelling units shall be constructed to provide a sound transmission class (STC) rating of 55 or higher. Floors and ceilings separating dwelling units in multiple-story dwellings shall provide a sound transmission class (STC) rating of 55 or higher and an impact insulation class (IIC) rating of 78 or higher, except in bathrooms and kitchens, where the impact insulation class (IIC) rating shall be 55 or higher.
 - (a) Constructions per section 11.2.4A(7)(a).
 - (b) Verification of sound transmission class (STC) and impact insulation class (IIC) ratings as per section 11.2.4A(7)(b) and (c).
- (7) Minimum dwelling unit sizes, exclusive of dead storage in basement: Efficiency--450 square feet; one-bedroom--750 square feet; two-bedroom--950 square feet; 150 square feet of additional area for each additional bedroom. Where the Commission finds that patios or balconies meet the criteria and intent outlined in (4) above it may allow their area to be used in calculating dwelling unit size; but in no event shall more than 50 square feet be allowed for an efficiency unit or 150 square feet for a two- or more-bedroom unit.
- (8) The Commission may permit other types of dwellings (including one-family detached dwellings with one zero yard line land plans or similar plans) when, in the opinion of the Commission, such dwellings promote the purpose of this Section 11.4.
- (9) All multi-family garden-type apartment buildings will have an exterior of brick.
- (10) For multi-family attached dwellings the noise attenuation between party walls shall comply with the requirements of Section 11.4.4B(1).

11.4.4 (Continued)

B

One-Family Semi-Detached Dwellings

- (1) Any common or party wall other than a common garage wall shall be constructed to provide a sound transmission class (STC) rating of 55 or higher.
 - (a) Construction of any common or party wall other than a wall separating garages, per section 11.2.4A(7)(a).
 - (b) Verification of sound transmission class (STC) rating as per section 11.2.4A(7)(b) and (c).
- (2) The site and building design on one-family semi-detached dwellings shall be approved by the Commission.
- (3) The living area requirement of one of the two units shall be in compliance with Section 4.2.2A(2). The minimum living area of the other unit shall be 450 square feet.

C

All Residential Dwellings

All dwellings shall provide thermal insulation which is at least equivalent to the following in typical frame housing construction:

3 1/2 inch batt or blanket for exterior walls (R/11)

6 inch batt or blanket for roofs (R/22)

Double glass or storm windows for all window areas (R/1.64 min.)

All dwelling units shall also be served by a heating system which will provide a healthful interior room temperature of 70 degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit. In order to prevent condensation damage to insulation materials, to the structure, and to exterior and interior finishes, vapor barriers shall be appropriately installed within exterior walls. Unheated attic and crawl spaces shall be properly ventilated.

11.4.5 Growth Management

In order to safeguard the public health, safety and welfare and to provide a balanced and controlled urbanization rate and pattern commensurate with available community facilities as outlined in the adopted Plan of Development and in order to not detrimentally overburden community facilities and thereby excessively and negatively affect the quality of life, the rate of approval of Peripheral Neighborhood Design Developments shall be limited to the extent that the number of multi-family dwelling units in Windsor shall not exceed 22 percent of the total number of existing and approved dwelling units in the Town. The multi-family percentage shall include only the 1,475 units approved as of 1970 in the five major multi-family developments in the Town of Windsor (Arbor on the Farmington, Deerfield at Windsor, Valley Village, Williamsburg and the PUD) plus all units in multi-family dwellings resulting from any approved New Neighborhood Design Development or Peripheral Neighborhood Design Development. Each one-family semi-detached dwelling shall be considered as a single-family dwelling for the purpose of this computation.

11.4.6 (This Section was deleted.)

11.5 NEIGHBORHOOD DESIGN DEVELOPMENT

11.5.1 Purpose

The purpose of the Neighborhood Design Development regulations is to:

A

Permit within a planned residential community, opportunities for people of differing economic and social characteristics to find a housing and living style suitable to their needs and desires.

B

Provide for usable, suitably located recreational facilities and other public and common facilities.

C

Preserve, to the greatest extent possible, the existing landscape features, amenities and natural resources of the Town and promote a distribution of structures and open areas to prevent environmental and flood damage.

D

Permit greater flexibility and, consequently, more varied, creative and imaginative architecture, and site design more harmoniously related to the land than would otherwise be possible under conventional land development procedures.

E

Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.

F

Present to those with median income an opportunity to own a home and thus to realize a goal which has become out of reach for many in recent years.

11.5.2 General Requirements and Provisions

The following general requirements and provisions shall apply to Neighborhood Design Developments:

A

Seasonal recreational facilities shall be provided consisting of a graded and seeded area for informal ball play and recreation with such area not less than one acre; tennis courts; if topography permits, a gently sloped area sufficient for sledding; and where waterways exist within the development, ice skating areas.

B

The maximum height of buildings is limited to two and one-half stories or 35 feet, however, the Commission may allow buildings up to three stories, but no more than 45 feet in height, when in its judgment such height is in keeping with the overall project design, is not detrimental to the surrounding area, and preserves valuable open space land.

C

Specific parking areas for recreational vehicles and boats may be required.

D

Not less than ten percent nor more than 15 percent of the units shall be preserved as affordable housing (as defined in CGS 8-39a) for persons and families whose income is equal to or below the Windsor median, for at least 25 years after the initial occupation of the proposed development. These units shall be dispersed

11.5.2D (Continued)

throughout the site and shall not be distinguishable from the exterior from market-rate units. Affordable units shall be constructed at a rate proportional to the market units. The Windsor Housing Authority or its designate shall monitor whether a prospective tenant or purchaser of the median income housing meets the income requirements. The prospective tenant or purchaser shall submit such income and related information as the monitoring agency may request and shall also tender a fee as established by the monitoring agency to cover the administrative cost to review the information submitted. Preference for the units preserved as affordable housing shall be given first to Windsor residents, then members of the immediate family of Windsor residents, then to those employed in the town of Windsor and then to the general public.

E

To the extent possible, pedestrian ways and bicycle and handicapped accessways shall be uninterrupted by at-grade road crossings and by abrupt changes in grade (e.g., curbs and steps). The Commission may require bridges and tunnels and ramps to buildings or at curbs to achieve this.

F

The developer shall provide a traffic study and an analysis of the development's impact on municipal facilities such as schools. The Commission shall consider the environmental factors impacting the proposed site.

G

The Commission shall determine that the proposed development is compatible with the surrounding area and would not be detrimental to the area.

H

The Commission shall make a determination of the need for affordable housing in the town of Windsor.

11.5.3 Location and Site Standards

A

Location Standards

Neighborhood Design Developments shall comply with the following location standards:

- (1) The development shall be considered only in single-family residential zones serviced by Metropolitan District sewer and water services.
- (2) The development shall be located within one and one-half (1.5) miles of an operating fire station.
- (3) The development shall have frontage of at least 100 feet on a public highway and an additional 50 feet of frontage located at least 200 feet from the 100-foot frontage.

B

Site Standards

Neighborhood Design Developments shall comply with the following site standards:

- (1) The site shall consist of not less than 80 acres nor more than 120 acres.
- (2) The gross density may not exceed two and one-half families per acre for areas described in Section 4.2.1 of the Zoning Regulations.

11.5.3B (Continued)

- (3) At least fifteen percent of the overall site must be designated and preserved by deed restriction or public dedication as permanent recreation or open space or for sites for the Town of Windsor municipal facilities. The Town of Windsor may, but need not, require the developer to convey to it any of the open space or recreational areas. For all property conveyed to the Town, unless specifically waived by the Commission, the percentage of wetlands and steeply sloped areas (slopes in excess of 30 percent) contained within the conveyed areas shall not exceed the percentage of wetlands and steeply sloped areas for the entire site. The Commission may require appropriate improvements to all designated open space or public dedications. The characteristics of the open space shall be as per Section 4.5.7(E) of the Subdivision Regulations.
- (4) All streets must be constructed in accordance with Town of Windsor specifications, including the Subdivision Regulations and the Town Engineering Standards and Specifications and any other applicable Town code or ordinance.
- (5) One-family detached dwellings shall be on lots with minimum lot area of not less than 9,000 square feet, minimum lot width of not less than 65 feet, minimum front yard average throughout the development of 30 feet with no front yard less than 20 feet, no minimum side yard and a minimum rear yard of 30 feet. However, no building within the development shall be closer to a perimeter property line than allowed by the front, rear or side yard minimum, whichever is appropriate, of the zone in which that outside property lies. Detached accessory buildings shall be permitted only in accordance with Section 4.4.1A; swimming pools shall be permitted only in accordance with Section 4.4.2 and shall not be located within six feet of the lot's side boundary. Maximum lot coverage shall be 35 percent.
- (6) No building shall be located closer than 20 feet to any other building. No building shall be located closer than 35 feet from the pavement edge of any proposed street or private drive, or 25 feet from any sidewalk. No active recreation facility shall be built closer than 50 feet from any external property line. Through paths shall not be closer than 20 feet to any window or door of a residential unit.
- (7) Two separate means of vehicular access shall be provided to Neighborhoods from the existing street system. The primary vehicular access shall be provided over the required 100-foot street frontage.
- (8) Dedication of land, as per Section 2.1.12.
- (9) Scenic or conservation easements, as per Section 2.1.13.
- (10) The applicant shall submit a written program for the maintenance of all common areas such as open space, landscaping, recreational areas and facilities, lawns, walkways, streets, drives, parking areas and all utilities and facilities. The program shall indicate any proposed fee structures associated with the use of common facilities and on whom the responsibility falls for the maintenance program (e.g., landlord, homeowners' association or a combination thereof) and shall demonstrate how the responsibility will be legally bound upon that party (e.g., by covenant or deed). The Commission shall refer such documents to the Town Attorney for review and comment.
- (11) Compliance with the Subdivision Regulations.
- (12) After approval of the Concept Plan, the applicant may apply for Detailed Plan approval in phases and the Commission may grant approval to build the development in phases. Such approval shall be dependent, however, upon the applicant's ability to show that each phase can exist independently as to roads, water, sewer and other utilities.

11.5.3B (Continued)

- (13) Sidewalks shall be provided as desired by the Commission.

- (14) The Commission may modify or waive any of the requirements of Section 11.5.3B and 11.5.4A (except density and overall site area requirements) in cases where, in the opinion of the Commission, strict application of the requirements of this Section will result in an overall design which is less desirable than one permitted by a modification or waiver of the requirements of this Section. The Commission shall not grant a request for modification or waiver of the requirements of this Section unless the Commission deems it necessary because of adverse geographical conditions, difficult site configuration, or modifications to site design or layout requested by the Commission.

11.5.4 Building Standards

All dwelling units shall be constructed in accordance with the State of Connecticut Basic Building Code, shall comply with the living area requirements of Section 4.2.2A(2) and shall meet the following conditions:

A

All dwelling units shall be provided thermal insulation which is at least equivalent to the following in typical frame housing construction:

6-inch batt or blanket for exterior walls (R/19)

9-inch batt or blanket for roofs (R/30)

Double glass or storm windows for all window areas (R/1.64 min.)

B

All dwelling units shall be served by a heating system which will provide a healthful interior room temperature of 70 degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit. In order to prevent condensation damage to insulation materials, to the structure, and to exterior and interior finishes, vapor barriers shall be appropriately installed within exterior walls. Unheated attic and crawl spaces shall be properly ventilated.

C

All dwelling units shall be landscaped prior to the issuance of a Certificate of Occupancy and no less than two trees and nine bushes shall be required per dwelling unit. If due to seasonal weather conditions it is impractical to install the landscaping, then the Certificate of Occupancy may issue if assurances acceptable to the Windsor Building Department are given that the landscaping will be installed.

D

All dwelling units shall have exteriors which in form and materials have been approved by the Commission. No building permit shall issue unless such approvals for its exterior have been granted.

E

All dwelling units shall comply with the noise reduction levels as per Sections 11.2.4A(7) and 11.2.4A(8) of these regulations.

11.6 RECREATIONAL NEIGHBORHOOD DESIGN DEVELOPMENT

11.6.1 Purpose

The purpose of the Recreational Neighborhood Design Development regulation is to:

A

Permit within a planned residential community opportunities for people to find housing and an active recreational lifestyle suitable to their needs and desires.

B

Provide for usable, suitably located recreational facilities and other public and common facilities.

C

Preserve, to the greatest extent possible, the existing recreational and landscape features, amenities and natural resources of the Town and promote a distribution of structures and open areas to prevent environmental and flood damage.

D

Permit greater flexibility and, consequently, more varied creative and imaginative architecture, and site design more harmoniously related to the land than would otherwise be possible under conventional land development procedures.

E

Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.

11.6.2 General Requirements and Provisions

The following general requirements and provisions shall apply to Recreational Neighborhood Design Developments:

A

Recreational facilities shall be provided which may include but are not be limited to: a dedicated area of at least twenty-five (25) acres for recreational use; a health club; a swimming pool; tennis courts, golf course and clubhouse and other customary accessory uses; where topography permits, a gently sloped area sufficient for sledding; and where waterways exist, skating ponds. These facilities may be open to the general public.

B

The Commission may also permit retail, commercial and service facilities (excluding adult-oriented establishments, as defined in Section 16.2.1). Approval shall be granted only if the Commission finds that a need exists for the proposed uses and if the buildings and site layout are well-related to roads and adjacent development. In no event shall the commercial and service development contain more than 15,000 square feet of gross floor area. Unless otherwise specified or specifically changed, the requirements of the B-1 zone shall be met.

C

The Commission may allow buildings up to three stories, but no more than 45 feet in height, when in its judgment such height is in keeping with the overall project design, is not detrimental to surrounding areas and preserves valuable open space land. When covered parking is under a building and to accommodate existing topographic conditions, the average height of the building may be up to 50 feet.

11.6.2 (Continued)

D

To the extent possible, pedestrian ways and bicycle and handicapped accessways shall be uninterrupted by at-grade road crossings and by abrupt changes in grade (e.g., curbs and steps). The Commission may require ramps to buildings or at curbs to achieve this.

11.6.3 Location and Site Standards

A

Location Standards

Recreational Neighborhood Design Developments shall comply with the following location standards:

- (1) The development shall be considered only in single-family residential zones except that a maximum of 15% of the land proposed for development may be in the agriculture zone.
- (2) The development shall be located within one and one-half (1-1/2) miles of an operating engine company and two and one-half (2-1/2) miles of an operating aerial ladder company measured along existing roads.
- (3) The community shall be within one mile walking distance of a stop of an existing public transit district franchised bus route. This entire distance shall be accessible by means of a paved pedestrian walkway.
- (4) The development shall have frontage of at least 100 feet on an arterial highway or collector street, and an additional 50 feet of frontage located at least 500 feet from the 100 foot frontage.

B

Site Standards

Recreational Neighborhood Design Developments shall comply with the following site standards:

- (1) The site shall include no more than 120 acres or less than 50 acres of developable area (as per Section 16.2.4).
- (2) The gross density may not exceed three families per acre. The gross density calculation shall include only developable areas.
- (3) If the proposed streets are proposed to be public streets, all streets considered part of the through circulation system, all utilities and all facilities related to the Town firefighting system must be constructed in accordance with all Town of Windsor specifications, including the Subdivision Regulations and the Town of Windsor Highway Engineering Standards and Specifications (1978), as amended, and any other applicable Town Code or Ordinance. All streets or drives considered part of the service circulation system, all pedestrian ways and all parking areas shall be constructed in accordance with the Subdivision Regulations and the Town of Windsor Highway Engineering Standards and Specifications (1978), as amended, or Section 3 of these Regulations, whichever is deemed most appropriate by the Commission. A through street is generally defined as a street which serves as a collector of service streets; a service street or drive is generally a cul-de-sac or a street or drive giving access to multi-family housing, parking and recreation facilities. The Commission shall determine which portions of the circulation system are to be considered through and service.

11.6.3B (Continued)

- (4) Roads within the development may be private. All private roads, pedestrian walkways and parking lots shall be built to the structural specifications of the Subdivision Regulations of the Town of Windsor and the Town of Windsor Highway Engineering Standards and Specifications (1978), as amended, except for the following modifications may be allowed: a) Primary streets shall have a minimum road width of 28 feet; b) concrete sidewalks may be required, where appropriate, but only along one side of the street; c) Curbing, drainage, pavement width and Cul-de-Sac requirements may be modified by the Commission when such modifications will result in a superior plan than possible under the regular standards adopted by the Town; d) Any existing parking lots shall be considered non-conforming and may be modified to the extent that the non-conformity is not increased.
- (5) All buildings erected in a Recreation Neighborhood Design Development shall observe the following location requirements and shall be separated by at least: a) 20 feet from another building; b) 30 feet from another building, where one of the buildings includes more than 8 dwelling units; c) 25 feet from the edge of pavement of any road; d) 25 feet from any property line; e) 40 feet from any property line adjacent to a single family residential zone or equal to the height of the building, whichever is greater; f) Existing buildings to remain, if non-conforming, shall be exempt from these location requirements.
- (6) A landscape buffer strip of at least 25 feet in width shall be provided along the perimeter of the property that abuts a single family residential zone where buildings in the proposed development are located within 200' of the property line abutting that single family residential zone. However, where variations in topography or natural features, existing vegetation, landscape recreational amenities or compatible land uses obviate the need for a buffer, this requirement may be waived. The buffer strip requirement shall be waived to allow for existing recreational improvements and existing parking areas to remain.
- (7) Two separate means of vehicular access shall be provided to Recreational Neighborhoods from the existing street system. The primary vehicular access shall be provided over the required 100-foot street frontage. The secondary access may provide one way in and/or emergency access only and shall be a minimum of 18 feet in width. Both the primary and secondary access will be designed to support and accommodate fire apparatus.
- (8) Scenic or conservation easements, as per Section 2.1.13.
- (9) The applicant shall submit a written program for the maintenance of all common areas such as open space, landscaping, recreational areas and facilities, lawns, walkways, streets, drives, parking areas and all utilities and facilities. The program shall indicate any fee structures associated with the use of common facilities and on whom the responsibility falls for the maintenance program (e.g., landlord, homeowners' association or a combination thereof) and shall demonstrate how the responsibility will be legally bound upon that party (for example, by covenant or deed).
- (10) No building shall be located closer than 20 feet from the right-of-way of any proposed public through street. No active recreation facility such as swimming pools, tennis courts and clubhouses shall be built closer than 50 feet from any external property line. Through paths, common parking areas or drives shall not be closer than 20 feet to any window or door of a residential unit.
- (11) After approval of the Concept Plan, the applicant may apply for Detailed Plan approval in phases and the Commission may grant approval to build the development in phases. Such approval shall

11.6.3B(11) (Continued)

be dependent, however, on the applicant's ability to show that each phase can exist independently as to roads, water, sewer and other utilities.

- (12) The Commission may modify or waive any of the requirements of Sections 11.6.3B and 11.6.4A (except density and overall site area requirements) in cases where, in the opinion of the Commission, strict application of the requirements of this Section will result in an overall design which is less desirable than one permitted by a modification or waiver of the requirements of this Section. The Commission shall not grant a request for modification or waiver of the requirements of this Section unless the Commission deems it necessary because of adverse geographical conditions, difficult site configuration, or modifications to site design or layout requested by the Commission.
- (13) Compliance with the Subdivision Regulations where applicable.
- (14) Street lighting shall be located and constructed in accordance with Town of Windsor specifications.
- (15) In approving the mix of housing type, the Commission shall consider the following:
 - Appropriate relationship of the development to the physical conditions of the site including wetlands, topography and geologic forms;
 - The primary purpose of the development concept as an active recreational community which also serves the general public.

11.6.4 Building Design Standards

A

Multi-Family Dwellings

- (1) Except for any residential buildings of more than two stories, all dwelling units shall have individual access doors and stairs (or ramps if handicapped accessible) directly to the outdoors.
- (2) At least one of the access doors to each unit shall have overhead protection from rain and snow.
- (3) Multi-family dwellings without individual basements shall be provided with individual dead storage areas (at least 100 square feet per unit) and indoor laundry facilities, both of which shall be accessible from within the dwelling without the need to go outdoors. Where basements, which would typically be used for dead storage, provide for other uses such as covered parking, some storage may be provided for in the basement and the balance in individual residential units. Such storage may be configured as requested by the resident and or as required by application of the ADA (The Americans with Disabilities Act). All dwelling units shall have at least one balcony or patio which shall afford relative privacy by architectural articulation or, in case of patios, by fencing, planting and paving.
- (4) Structures shall be designed so as to avoid visually massive and monotonous building facades. In doing so, the proposed architectural design shall address scale and height compatibility, rhythm of recurring patterns of lines, shapes and forms, and articulation of entryways, balconies, roofs and exterior walls of individual units. In addressing design, the proposed development shall also take into account architectural forms, materials and textures.

11.6.4A (Continued)

- (5) The Commission shall be provided with information on the colors and materials to be used on the exterior of the building.
- (6) Exterior wall surfaces of all multi-family dwellings within eight feet of grade and adjacent to activity areas where rapid deterioration might occur (entries, balconies, patios) shall have a veneer of durable material of suitable color and texture compatible with the architectural theme of the community.
- (7) The interior perimeter walls of all multi-family dwelling units shall be constructed to provide a sound transmission class (STC) rating of 55 or higher. Floors and ceilings separating dwelling units in multiple-story dwellings shall provide a sound transmission class (STC) rating of 55 or higher and an impact insulation class (IIC) rating of 55 or higher.
 - (a) Any construction that achieves this sound and impact performance can be used. Examples of constructions that comply with this regulation are in Appendix I, pages 30 and 31 of the Zoning Regulations. Irrespective of resulting higher than minimum ratings indicated herein, the construction of the floor and ceiling separation in stacked flats for bathrooms and kitchens utilizing hard surface flooring (i.e. ceramic tile, stone or wood) shall have a resilient underlayment.
 - (b) During the review of the application, the Commission may require that the applicant provide airborne sound transmission and impact insulation test data for alternative constructions (other than that shown in Appendix I) to demonstrate compliance with this regulation.
 - (c) Test data from a manufacturer's laboratory or marketing literature is not acceptable. In such cases, the architect shall provide documentation that all party walls and floor/ceiling assemblies shall meet or exceed the STC, and IIC requirements of the International Residential Code as adopted by the State of Connecticut.
- (8) Minimum dwelling unit sizes, exclusive of dead storage in basement: one-bedroom: 800 square feet; two-bedroom: 1000 square feet; 150 square feet of additional area for each additional bedroom. Where the Commission finds that patios or balconies meet the criteria and intent outlined in Subsection (4) it may allow their area to be used in calculating dwelling unit size; but in no event shall more than 100 square feet be allowed for a one-bedroom unit; or 150 square feet for a two- or more-bedroom unit.

B

One-Family Semi-Attached Dwellings

For one-family semi-attached dwellings that have a garage wall as a common wall, no special sound insulation is required. If the dwellings share a common wall other than a garage wall, it shall meet the minimum STC and IIC standards required of multi-family dwellings. The Commission may approve other party-wall construction if it is shown to provide equivalent noise insulation.

- (1) Any common or party wall other than a common garage wall shall be constructed to provide a sound transmission class (STC) rating of 55 or higher.
 - (a) Construction of any common or party wall other than a wall separating garages, per section 11.6.4A(7)(a).

- (b) Verification of sound transmission class (STC) rating as per section 11.6.4A(7)(b) and (c).

C

All Residential Dwellings

- (1) All dwellings shall provide thermal insulation which is at least equivalent to the following in typical frame-housing construction:

- 3 1/2-inch batt or blanket for exterior walls (R 11)

- 6-inch batt or blanket for roofs (R 22)

- Double-glass or storm windows for all window areas (R 1.64 min.)

All dwelling units shall also be served by a heating system which will provide a healthful interior room temperature of 70 degrees Fahrenheit when the outside is 0 degrees Fahrenheit. In order to prevent condensation damage to insulation materials, to the structure and to exterior and interior finishes, vapor barriers shall be appropriately installed within exterior walls. Unheated attic and crawl spaces shall be properly ventilated.

11.6.5 Growth Management

In order to safeguard the public health, safety and welfare by providing a balanced and controlled urbanization rate and pattern commensurate with available community facilities as outlined in the adopted 1973 Plan of Development and in order not to detrimentally overburden community facilities and thereby excessively and detrimentally affect the quality of life and public health, safety and welfare, the rate of approval of Recreational Neighborhood Design Developments shall be limited to the extent that the number of dwelling units in multi-family dwellings in Windsor shall not exceed 22 percent of the total number of (Arbor on the Farmington [formerly known as Four Seasons], Deerfield at Windsor [formerly known as Windsor Garden], Valley Village, Williamsburg and the PUD) plus all units in multi-family dwellings resulting from any approved Recreational Neighborhood Design Developments. Each semi-attached dwelling shall be considered as a single-family dwelling for the purposes of this computation.

SECTION 12 - PUBLIC AND QUASI-PUBLIC ZONE (NZ)

12.0 INTENT

The intent of this zone is to provide areas for public and quasi-public land uses and associated activities which are in harmony with surrounding development and conform with the Windsor Plan of Development.

12.1 REQUIREMENTS

The minimum standards for development in this zone shall be in accordance with the AA zone height and area requirements and these Regulations, unless specifically modified by the Commission because of adverse geographical conditions, difficult site configuration, peculiarity of use, or to promote the health, safety, and general welfare of the community.

12.1.1 Any use of land shall comply with the applicable requirements of Section 3.

12.2 PERMITTED USES

12.2.1 Public and quasi-public uses and structures (e.g., educational, religious, governmental).

12.3 ACCESSORY USES

12.3.1 Accessory uses are permitted and shall be in accord with the standards established for residential zones and public and quasi-public uses.

12.4 SPECIAL USES

12.4.1 Nonpublic Uses of Public and Quasi-Public Properties

When changing technological, economic, social or demographic conditions cause the abandonment of public and quasi-public uses on public and quasi-public properties, the Commission may allow the re-use of such properties for activities that are not public or quasi-public, provided it finds that:

- (1) the existing character of any building involved will not be substantially changed;
- (2) the building(s) and/or site will be restored, renovated, rehabilitated or improved, as necessary and appropriate;
- (3) the exterior and interior of any structure involved is appropriately designed for the proposed re-use;
- (4) the proposed re-use and development is appropriate for the site and will not have excessive deleterious impacts on the surrounding area, and;

For all proposals, the Commission shall make a determination regarding the applicability of any requirement not specifically found in this Section.

SECTION 13 - SIGNS

13.0 INTENT

It is the intent of this Section to provide for appropriately designed signs which are suitable to perform designated functions within a particular zone, which are compatible with adjacent developments and land uses, and which do not detract from property values or impair the public health, safety and welfare.

13.1 SIGN FUNCTION - DEFINITIONS

13.1.1 Business

A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered upon the premises where such sign is located, or to which it is affixed. Such signs shall include those of individual retail, wholesale, industrial or commercial establishments.

13.1.2 Billboard

A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

13.1.3 Construction

A sign erected on a site which is to be developed or is being developed.

13.1.4 Directional

A sign which improves the flow and safety of vehicular and pedestrian circulation of a site through the use of messages such as "entrance," "parking," and "shipping and receiving."

13.1.5 Identification

A sign on the premises indicating only the name of a professional or office building; an occupied residential development, industrial area or park or commercial shopping center; or the name of a school, park, church, hospital or other public or quasi-public facility.

13.1.6 Nameplate

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

13.1.7 Special Event

A temporary sign which announces a business opening, special event, festival or bazaar.

13.1.8 Public Interest

A sign informing the public of matters of public interest associated with political, fraternal, social or service organizations.

13.1.9 Public Warning

A sign informing the public of danger, hazard, trespass, infringement or request.

13.1.10 Real Estate

A sign offering for sale or lease the property on which it is located. It may include a reference to owner or agent.

13.1.11 Roadside

A sign which directs attention to the sale of agricultural produce grown on the premises.

13.2 SIGN CONSTRUCTION - DEFINITIONS

13.2.1 Canopy

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

13.2.2 Changeable Copy Sign

A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign at intervals of less than once each ten seconds.

13.2.3 Wall

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

13.2.4 Freestanding

A sign placed on the ground or supported by a structure other than a building placed in or upon the ground.

13.2.5 Animated

A sign which involves motion or rotation of any part or which displays flashing lights, intermittent lights, creates an illusion of movement, or the copy or image of which changes at intervals of once each ten or more seconds.

13.2.6 Projecting

A sign supported solely by a building and projecting more than 18 inches.

13.2.7 Roof

A sign erected above roof level, but not including a sign which extends no higher than the eaves or the top of a parapet wall.

13.2.8 Temporary

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

13.3 SIGN LIGHTING - DEFINITIONS

13.3.1 Natural

A sign depending on natural light for illumination.

13.3.2 Indirectly Illuminated

A sign illuminated by devices which project artificial light from within (halo lighting) or outside (floodlighting) it and involves no translucent surfaces.

13.3.3 Internally Illuminated

A sign which has a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. This includes signs having a translucent and illuminated background and those with opaque background and translucent and illuminated copy, symbols, etc.

13.4 MISCELLANEOUS REGULATIONS

13.4.1 Signs other than public interest, and public warning signs, shall be considered accessory uses.

13.4.2 The Town of Windsor has established a rich and distinguished historical identity within the State and an aesthetic character and scale of development that is commensurate with that identity. This section is intended to limit visual clutter, prevent aesthetic harm, and protect the public health, safety, and welfare as related to billboard construction, in the manner provided below:

- (1). Billboards may be permitted in I-1, I-2, and W zones. Developments in these zones are of a scale more compatible with that of billboards than developments in other zones where billboards can become a source of aesthetic harm and visual clutter and can diminish the quality of life in those areas.
- (2). Any billboard structure shall be classified as the primary use of the site on which it is constructed. The relevant requirements of the zone on which the lot exists shall be adhered to for billboard use.
- (3). The sign area of any billboard shall be no larger than four hundred (400) square feet and the total height of both the sign and structure shall not exceed thirty-five (35) feet.
- (4). In order to take into account for the relationship of travel speed, distance, and comprehension of written messages and in order to minimize aesthetic harm, visual distractions and the traffic hazards that they may cause, the following locational standards shall be adhered to:
 - (a) The placement of any billboard structure shall not be within one thousand five hundred (1,500) feet (measured in a straight line) from any expressway (as defined in the Town's Plan of Development (POD)).

13.4.2.4. (Continued)

- (b) The placement of any billboard structure shall not be within two thousand (2,000) feet (measured in a straight line) from any major arterial (as defined in the Town's POD), and Archer Road.
- (c) Billboards shall not be constructed within one thousand five hundred (1,500) feet of one another.
- (5). The placement of any billboard structure shall not be such that it is visible during any time of the year from any residential zone, including residential zones in abutting towns, and shall not be within one hundred (100) feet of any property or Town line.
- (6). In order to protect the scenic beauty of two of our most important natural resources, the placement of any billboard structure shall not be within three thousand (3,000) feet (measured in a straight line) from the Connecticut River or Farmington River.
- (7). No more than thirty percent (30%) of existing trees fifteen (15) feet or higher shall be cut to accommodate any development under this section.
- (8). Applications under this section shall comply with the relevant provisions of Section 2.4.
- (9). There shall be a one year time limit for all developments under this section.
- (10). The fee for a billboard application shall be five (5) dollars per square foot of sign area.

13.4.3 Animated signs are prohibited, except as per Section 13.10.

13.4.4 Signs painted directly upon the surface of any wall are prohibited, except that the Commission may approve such signs (e.g., supergraphics) if it finds that the sign will be in harmony with surrounding developments; that the removal of the sign (if it should be necessary, for whatever reason) can be reasonably achieved without despoiling the surface of the wall; and that the sign conforms to sign area requirements.

13.4.5 Roof signs are prohibited, except that the Commission may approve such signs in Industrial, Wholesale and Storage, Business, and Agricultural Zones if it finds that the sign will not excessively detract from adjacent properties and that other type signs are unsuitable because of topography or other barriers to reasonable visibility. No roof sign shall be erected in a manner which prevents free passage from one part of the roof to any other part thereof. Roof signs shall provide not less than six feet clearance between the lowest point of the sign and the roof and not less than three feet clear passageway from other roof obstructions. The distance between the highest point of a roof sign and the roof of the supporting building shall not exceed one-half of the height of that building. The highest point of a roof sign shall be no higher than 45 feet above the ground.

13.4.6 No line of exposed lights (festooned lights) shall be erected, except during the month of December, unless approved by the Director of Public Safety (see Section 3.1.19).

13.4.7 Projecting signs shall provide not less than eight feet ground clearance or as specified by the Connecticut State Building Code if situated in an area where the public walks. No part of a freestanding sign shall be less than five feet from a public right-of-way. No freestanding sign shall be of a height greater than the eaves or the top of a parapet wall of the building to which it relates.

13.4.8 Except for corner lots and as provided in Sections 13.4.15 and 13.13, only one freestanding sign or one projecting sign shall be permitted for one lot, even if there is more than one use or business on such lot. However, the Commission may allow more than the permitted freestanding signs as a Special Use if the applicant demonstrates a need based upon the lot's configuration, size, location, topography or placement of buildings. For corner lots with combined frontages of 150 feet or greater, one freestanding sign per street front shall be permitted.

13.4.9 Nothing in these Regulations shall be construed as prohibiting or regulating the installation of emergency, street, public interest, or public warning signs by a governmental body.

13.4.10 Nothing in these Regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that the latter shall not occupy more than 33 1/3 percent of the total display window area, except as per Sections 5.2.6M(2) and (3).

13.4.11 Signs placed within three feet of a window and visible from the exterior of the building shall be included in sign area calculations.

13.4.12 All signs relating to a use or activity shall be removed within 30 days after termination of the use or activity.

13.4.13 No construction sign shall be displayed for a time period exceeding 18 months, unless the Commission grants an extension. Construction signs shall be removed immediately after a building project has been completed.

13.4.14 Real estate signs shall not be displayed after the property has been sold.

13.4.15 For nonresidential sites abutting limited access highways, the Commission may allow one freestanding business or identification sign oriented to be visible primarily from the limited access highway. In no case shall such sign have an area in excess of 200 square feet.

13.4.16 No site shall be allowed more than two types of construction for business signs.

13.4.17 For sites abutting limited access highways, wall signs shall be allowed only on the building elevation facing whichever street is utilized in the address except as provided below.

By special use the Commission may permit one wall sign visible towards a limited access highway upon finding that:

A

The freestanding sign provided under Section 13.4.15 is not feasible because of adverse conditions which visually obstruct the sign.

B

The sign is not unduly distracting to drivers, thus constituting a traffic hazard.

C

The sign is compatible with the building.

D

The sign is not too large for its intended viewer.

13.4.17 (Continued)

E

The sign will not despoil the Town's image for passing motorists because of its excessive size, its color or design.

F

The sign will not negatively affect abutting property values.

G

If the sign is internally illuminated it shall be turned on only during normal business hours.

13.4.18 The construction and erection of all signs shall conform to the requirements of Chapters 1 and 2 of Title 3 of the Town of Windsor Code, and the Connecticut State Building Code.

13.4.19 The requirements of Sections 13.4.1 through 13.4.18 shall apply to all signs in all zones, but shall not apply to Design Developments, Planned Urban Developments or to Special Uses, in which cases the Commission shall approve the appropriateness of all such signs.

13.4.20 A change of a site's or building's use will require the new use to bring all signs relating to the premises such use occupies into conformity with these Regulations.

13.4.21 Windsor and Wilson Center Areas

A

In order to protect the unique character of the Windsor and Wilson center areas (as outlined in Section 11.3.3A(1) of the Zoning Regulations) from the potentially negative impacts of signs, the following provisions supersede other relevant sign requirements for these areas:

- (1) Freestanding and projecting signs no greater than 9 square feet per face are allowed. Signs that are greater than 9 square feet, but no greater than 16 square feet per face, may be allowed as a special use. Signs that are internally illuminated are prohibited, except when the background is opaque and only the copy or symbols are illuminated. In the Windsor Center Area only, if a sign is positioned in an area where a remote light could potentially shine in a motorist's eyes, such as at a busy intersection, a provision is made to accept an internally illuminated sign that displays an opaque background and only the copy or symbols are illuminated. In this situation a sign up to 14 square feet per face maximum may be allowed at the discretion of the Commission. All such requests will be individually reviewed by the Commission based on location, position, and size of said sign. The above exception does not apply to sites as described in Section 13.5.2 for which the provisions of that section shall govern. The provisions of Section 13.6.2H shall not be applicable.
- (2) For non-residential developments or establishments abutting along the side yards of, or located across a public right-of-way from a residential zone, the maximum area of all wall signs shall be no greater than 10 square feet. The Commission may allow signs up to 20 square feet by Special Use provided it finds that this will not have an adverse impact on nearby properties. The above restrictions in this subsection (2) shall not apply to developments or establishments having a floor area greater than 10,000 square feet. The provisions of Section 13.6.2A shall not be applicable to any development in Center areas.
- (3) For corner lots where at least one of the front yards is across a public right-of-way from a residential zone only one freestanding sign shall be allowed and it shall be located in front of the front wall of the building and all wall sign(s) shall be located on the front wall of the building. The provisions of Section 13.4.8 shall not be applicable.

13.5 SIGN LIGHTING REGULATIONS

13.5.1 Sign illumination which simulates traffic lights or emergency warning lights is prohibited.

13.5.2 Internally illuminated signs shall not be permitted if the property on which the sign is proposed abuts a residential zone or is located across a public right-of-way from a residential zone except in such cases where the Commission determines by Special Use that there is no negative impact on the residential zone.

13.5.3 All indirect illumination sources shall be shielded so that the light will not shine in the eyes of any person external to the premises on which the sign is displayed.

13.5.4 Signs designed for viewing from one side shall be opaque on the side opposite that containing copy.

13.6 SIGN DESIGN AND AREA REGULATIONS

13.6.1 Design

A

Signs shall be designed in harmony with the building and established surrounding development. All store units in the same building or in separate buildings on the same lot shall have a uniform design and placement of signs (see Appendix 1, pages 17 and 18).

13.6.1 (Continued)

B

Signs, the geometry or location of which blocks the public's visibility of pedestrians, vehicular traffic, public information signs or traffic signals are prohibited.

13.6.2 Area

A

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

- (1) The maximum total area of all signs is the linear dimension of the front wall of any building or establishment multiplied by an area factor as indicated in (a), (b) and (c) below. The total maximum area of wall sign(s) is the resultant area minus the total area of any other type of sign(s) (e.g., roof, freestanding or projecting).
 - (a) one square foot for each linear foot of front wall for buildings located less than 100 feet from the street right-of-way;
 - (b) one and one-half square feet for each linear foot of the front wall of the building or establishment for signs located between 100 feet and 200 feet from the street right-of-way;
 - (c) two square feet for each linear foot of the front wall of the building or establishment for signs located more than 200 feet from the street right-of-way.
- (2) For a unified site that contains more than one building or establishment, each such establishment shall be entitled to the sign area attributable to the linear feet of that portion of the front wall which such establishment occupies irrespective of the total sign area of the development.

13.6.2A(Continued)

- (3) The front wall of a building or establishment shall be, for the purposes of this Section:
 - (a) the wall facing whichever street is utilized in the address, if the building or establishment is oriented to the street;
 - (b) the wall which contains the main entrance, if the building or establishment is not oriented to the street.
- (4) If a site contains no occupied principal building (e.g., a park or a future construction site), the maximum allowable area shall be that designated for the appropriate construction sign in the appropriate zone, as per Sections 13.8 through 13.16.

B

In single-family residential zones, the maximum allowable sign area shall be as per Section 13.9.

C

At or on no building, establishment, or site shall the total area of all signs exceed the maximum allowable sign area for that building, establishment or site.

D

Except as provided for in Section 13.6.2H, the total area of any individual wall or projecting sign shall not exceed the maximum allowable sign area for that sign function and construction, as per Sections 13.8 through 13.16.

E

The sign area shall be the area of the smallest rectangle which will encompass the extreme limits of the writing, representation, emblem, logo, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting structure, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

F

For the purposes of calculating total sign area, the area of roof signs or internally illuminated signs shall be considered to be twice the actual area except in the case of internally illuminated signs where the background is opaque and only the copy or symbols are illuminated, in which case the sign area shall be considered to be one and one-half times the actual area.

G

For freestanding and projecting signs, all sides that are utilized as a sign or part of a sign shall be included in the computation of the total sign area.

H

The maximum allowable sign area of a permitted freestanding sign may be modified utilizing either or both of the following sign area flexibility formulas if the commission finds that it will not have an adverse impact:

13.6.2H (Continued)

- (1) For a freestanding sign located between the building line and a building (when the building is located beyond the building line), the number of square feet by which the sign's maximum allowable area may be increased shall be calculated utilizing the formula:

$$D = (B/A - 1) \times C$$

Where A = the distance between the building line and the street line,
B = the distance between the sign location and the street line,
C = the maximum allowable freestanding sign area and
D = additional allowable freestanding sign area.

(See Appendix 1, Page 26, Example 1.)

- (2) For a freestanding sign located on a building lot, the actual width of which is greater than the minimum lot width required by the zone in which the lot is located, the number of square feet by which the sign's maximum allowable area may be increased shall be calculated utilizing the formula:

$$D = (Y/X - 1) \times C$$

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

(See Appendix 1, Page 26, Example 2.)

- (3) If both flexibility formulas are utilized for a sign, the total additional allowable area for that sign shall be the sum of the results of the individual calculations.
- (4) In no case, however, shall the maximum allowable area of signs exceed twice that of the permitted freestanding sign.

I

Directional signs shall not be subtracted from permitted sign allocation provided they do not exceed six square feet and not more than 25 percent of the area is used for business name and/or logo. However, a sign permit must be obtained, and the size and location of directional signs must be approved by the Building Official and Town Planner, or their designees per Section 3.9 of these Regulations.

13.7 APPROVAL AND VIOLATIONS

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

13.7.2 Prior to the installation of all signs, necessary permits and approvals shall be obtained as follows:

A

In cases where Site Development approval is required, the provisions of the applicable requirements of Section 13 and Section 3.1.19 shall apply.

13.7.2 (Continued)

B

Any sign requiring a sign permit but not Site Development approval shall comply with the applicable requirements of Section 13.

13.7.3 Noncompliance with any provisions of this Section shall be construed as a zoning violation subject to the full penalties and fines as noted in Section 15.3.

13.8 SIGNS PERMITTED IN ALL ZONES

Public Interest - The Director of Public Safety may grant permission for the temporary display of public interest signs of a size, construction and lighting and for such time periods deemed by him/her appropriate for the purpose. However, such signs must be removed three weeks after erection.

Public Warning - The Director of Public Safety may grant permission for the erection of public warning signs of a size, construction and lighting deemed by him/her appropriate for the purpose.

Business - A gasoline filling station may erect only one freestanding sign, not exceeding 80 square feet with an additional 30 square feet allowed for price information only.

13.9 SIGNS PERMITTED IN RESIDENTIAL ZONES

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

Identification - One wall or freestanding sign not exceeding 24 square feet.

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

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

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

Roadside - One freestanding sign not exceeding 16 square feet. Sign shall not be displayed during seasons of non-sale.

13.10 SIGNS PERMITTED IN BUSINESS ZONES

Construction - As per residential zones.

13.10 (Continued)

- Business - An establishment may erect only one projecting sign, not exceeding 16 square feet; or
- An establishment with less than 3,000 square feet of ground floor area in the main building (except gasoline filling stations) may erect only one freestanding sign, not exceeding 32 square feet; or
- An establishment with 3,000 square feet or more of ground floor area in the main building (except gasoline filling stations) may erect only one freestanding sign, not exceeding 50 square feet.
- Motels located adjacent to a limited access highway may erect only one freestanding sign not exceeding 100 square feet.
- Motels in other locations may erect only one freestanding sign not exceeding 50 square feet.
- A barber shop may erect one animated sign, not exceeding three feet in height and not projecting more than 12 inches from the building face.
- Other business signs not outlined above that may be erected shall be of the following construction: roof, wall or canopy. All such signs shall conform to the applicable requirements of Section 13 and Section 3.1.19.
- Identification - One wall or freestanding sign not exceeding 32 square feet.
- Shopping centers occupying less than ten acres: one freestanding sign not exceeding 50 square feet, solely to identify the center.
- Shopping centers occupying ten acres or more: one freestanding sign not exceeding 100 square feet, solely to identify the center.
- Nameplate - One wall, freestanding or projecting sign per office or establishment, not exceeding two square feet per side.
- Real Estate - As per residential zones, except that the sign may be of wall or freestanding construction. The area of a freestanding real estate sign may be increased in accordance with Section 13.6.2H except that the maximum area allowed shall be 32 square feet.
- Roadside - As per residential zones.
- Special Event - In order to promote the economic development and viability of Windsor businesses, especially during slow economic times, the temporary display of a special event sign(s) based on such factors as its size, the size of the site, its placement on the site, potential safety impacts and the degree to which the sign(s) compromise the character of the surrounding area, may be approved as follows:
- (1) By the Building Official and Town Planner for an initial period of three months if they find that the display has not created nuisances, hazards or excessively compromised the character of the area.

13.10 (Continued)

- (2) The Commission, by Special Use, may grant approval for up to an additional three months beyond any approval period granted by the Building Official and Town Planner, if it confirms the findings in (1) above, and further finds that approval will not create an undue competitive advantage for the applicant over other Windsor businesses that do not have temporary special event signs, and that the approval will not create or promote an undue concentration of special event signs.

Sandwich board signs may be allowed under Section 3.9 by Town staff if it is determined that:

- (1) It will not create visibility problems nor will it result in interference with or hazards to pedestrian or vehicular traffic.
- (2) The sign is no larger than six square feet per face and constructed such that it is structurally sound and does not create a safety hazard.
- (3) The sign shall be located within the premises to which it is related.

Such approval shall be for a total of 12 weeks per calendar year and may be used in one or more weekly increments throughout the year. The fee shall be \$50 per calendar year.

13.11 SIGNS PERMITTED IN PROFESSIONAL ZONE

- | | |
|------------------|--|
| Construction - | As per residential zones. |
| Business - | One freestanding sign not exceeding 50 square feet. |
| Identification - | One <u>freestanding</u> sign not exceeding 50 square feet. |
| Nameplate - | One <u>wall</u> or <u>freestanding</u> sign per office or studio, not exceeding one and one-half square feet per side. |
| Real Estate - | As per residential zones. |

13.12 SIGNS PERMITTED IN RESTRICTED COMMERCIAL ZONE

Signs located in a Restricted Commercial zone shall be governed by the same regulations as those which govern signs in business zones.

13.13 SIGNS PERMITTED IN INDUSTRIAL AND WHOLESALE AND STORAGE ZONES

- | | |
|----------------|---|
| Construction - | As per residential zones. |
| Business - | One <u>projecting</u> sign not exceeding 50 square feet; or one <u>freestanding</u> sign not exceeding 100 square feet. |
- Motels located adjacent to a limited access highway may erect only one freestanding sign not exceeding 100 square feet.

13.13 (Continued)

Motels in other locations may erect only one freestanding sign not exceeding 50 square feet.

For lots containing two or more buildings separated by a minimum of 70 feet and oriented to a common drive, one freestanding sign not exceeding 100 square feet for each building shall be permitted.

Other business signs not outlined above that may be erected shall be of the following construction: roof, wall or canopy. All such signs shall conform to the applicable requirements of Section 13 and Section 3.1.19.

Identification - One freestanding sign not exceeding 100 square feet.

For lots containing two or more buildings separated by a minimum of 70 feet and oriented to a common drive, one freestanding sign not exceeding 100 square feet shall be permitted in addition to the permitted freestanding business sign(s).

Nameplate - One wall, freestanding or projecting sign for each establishment, not exceeding four square feet.

Real Estate - One wall or freestanding sign not exceeding 16 square feet per side.

Special Event - The Zoning Enforcement Officer and Town Planner may grant permission for the temporary display of special event signs based on such factors as size, placement on the site, the appropriateness of the location of the site in relation to its surroundings, and potential safety impacts for such time periods deemed by him/her appropriate for the purpose subject to compliance with the standards of the Connecticut State Building Code. All such signs must be removed three weeks after erection. The Commission may grant as a Special Use the temporary display of special event signs for a time period greater than three weeks, but in no case in excess of three months.

13.14 SIGNS PERMITTED IN AGRICULTURAL ZONE

Construction - As per residential zones.

Business - One projecting sign not exceeding 16 square feet; or one freestanding sign not exceeding 50 square feet.

Other business signs not outlined above that may be erected shall be of flat or roof construction. All such signs shall conform to the applicable requirements of Section 13 and Section 3.1.19.

Identification - One freestanding sign not exceeding 50 square feet.

Real Estate - As per Industrial and Wholesale zones.

Roadside - As per residential zones.

13.15 SIGNS PERMITTED IN DESIGN DEVELOPMENTS

The location and design of all signs in a Design Development shall be approved by the Commission (see Section 13.4.19).

13.16 SIGNS PERMITTED IN PUBLIC AND QUASI-PUBLIC ZONES

- Construction - As per residential zones.
- Identification - One freestanding sign not exceeding 32 square feet.
- Business - As per business zones, except that the Commission shall approve the appropriateness of all signs.
- Special Event - The Zoning Enforcement Officer and Town Planner may grant permission for the temporary display of special event signs based on such factors as size, placement on the site, the appropriateness of the location of the site in relation to its surroundings, and potential safety impacts for such time periods deemed by him/her appropriate for the purpose subject to compliance with the standards of the Connecticut State Building Code. All such signs must be removed three weeks after erection. The Commission may grant as a Special Use the temporary display of special event signs for a time period greater than three weeks, but in no case in excess of three months.

13.17 SIGNS PERMITTED IN PLANNED URBAN DEVELOPMENTS

The location and design of all signs in a Planned Urban Development shall be approved by the Commission (see Section 13.4.19).

SECTION 14 - ZONING BOARD OF APPEALS

14.0 AUTHORITY

The Zoning Board of Appeals is duly constituted pursuant to Chapter 124 of the Connecticut General Statutes and Chapter 5, Section 5-8 of the Windsor Town Charter.

14.1 POWERS AND DUTIES

The Zoning Board of Appeals shall have the following powers and duties, all of which shall be exercised subject to appropriate conditions and safeguards in harmony with the purpose and intent of these Regulations, the Plan of Development and in accordance with the promotion of the health, safety, welfare and maintenance of property values in the Town of Windsor.

14.1.1 Appeals

To hear and decide appeals where it is alleged that there is an error in any order or decision made by the Zoning Enforcement Officer in the enforcement of these Regulations.

14.1.2 Variances

A

To vary the strict application of the requirements of these Regulations in cases of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions as a result of which strict application would result in exceptional difficulty and unusual hardship that would deprive owners of the reasonable use of land or buildings involved.

B

No variance in the strict application of any provision of these Regulations shall be granted by the Zoning Board of Appeals unless it finds:

- (1) that there are special circumstances or conditions, fully described in the findings of the Board, applying to the land or buildings for which the variance is sought and that these circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the zone in which they are situated and have not resulted from any act subsequent to the adoption of these Regulations whether in violation of the provisions hereof, or not;
- (2) that for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or buildings, that the granting of the variance is necessary for the reasonable use of the land or buildings and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (3) That the granting of the variance will be in harmony with the purposes and intent of these Regulations and the Plan of Development and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

C

The Zoning Board of Appeals shall not permit by variance any use of land or building not allowed by the provisions of these Regulations and shall not permit by variance in any zoning district a use of land or building not allowed in such zoning district.

14.1.3 Dimensional Exceptions

Front yard dimensional exceptions for certain residential lots; see Section 2.2.4B(3).

14.2 RULES AND PROCEDURES

14.2.1 Rules

A

The Zoning Board of Appeals shall adopt such rules and regulations as may be deemed necessary to carry out the provisions of this Section.

14.2.2 Procedures

A

All appeals and applications made to the Board of Appeals shall be in writing on forms prescribed by the Board. Each appeal or application shall fully set forth the circumstances of the case and, where applicable, shall reasonably illustrate with map(s) and other drawing(s) the location and nature of the appeal or request. Every appeal or application shall refer to the specific provision of the regulation involved and shall exactly set forth, as the case may be, the interpretation that is claimed, or the details of the variance that is applied for, and the grounds on which it is claimed that same should be granted.

B

The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement or decision of the Zoning Enforcement Officer, or to decide in favor of the applicant any matter upon which it is required to pass under any provision of these Regulations, or to vary the application of these Regulations.

C

The time limit for filing an appeal shall be as per Section 15.3.1.

D

All applications and appeals shall be accompanied by a fee as set by said Board.

SECTION 15 - ADMINISTRATION AND ENFORCEMENT

15.0 INTENT

It is the intent of this Section to provide for effective administrative procedures to facilitate the application and enforcement of these Regulations in order to promote the health, safety and general welfare of the community.

15.1 BUILDING PERMIT AND/OR CERTIFICATE OF USE AND OCCUPANCY

Before the construction or alteration of any building, structure or any part of either, or the use of any land, the owner or lessee thereof or the agent of such owner or lessee, or the architect or builder employed by such owner or lessee in connection with the proposed construction or alteration shall submit to the Building Official such plans, structural detail drawings and specifications of the proposed work as the Building Official may require. Such plans, drawings and specifications shall be filed along with an appropriate application for a building permit which, in turn, shall also constitute an application for a Certificate of Use and Occupancy.

15.1.1 Building Permits

A

Nothing in this Section shall require any change in the plans, construction, size or designated use of a building for which plans and application(s) were on file with the Building Official no more than six months prior to the effective date of these Regulations or any amendment thereto and the construction of which shall be diligently prosecuted within six months of the effective date of these Regulations. The entire building or alteration shall be completed according to such plans as filed within one year from the effective date of these Regulations.

B

Nothing in this Section shall require any change in the plans, construction, size or designated use of a building for which a building permit has been issued prior to the effective date of these Regulations or any amendment thereto, or the construction of which shall have been commenced prior to same. Said building shall be completed within one year from the effective date of these Regulations.

15.1.2 Certificate of Use and Occupancy

A

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose until a Certificate of Use and Occupancy shall have been issued by the Building Official stating that the premises or building complies with all the provisions of these Regulations. A Certificate of Use and Occupancy shall not be issued for any development not in compliance with these Regulations. Such certificate is also required for any change, extension or alteration in a use. After notification from the permittee that the premises are ready for occupancy or use, the Building Official shall have ten days within which to approve or disapprove the permittee's previously filed application for a Certificate of Use and Occupancy.

B

A record of all Certificates of Use and Occupancy shall be kept on file in the office of the Building Official and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or use affected. An appropriate fee shall be charged for each original Certificate of Use and Occupancy and for each copy thereof.

15.1.2 (Continued)

C

The Building Official may issue a temporary Certificate of Use and Occupancy in accordance with Section 15.5.1.

15.2 CERTIFICATION OF BUILDING LOCATION AND GRADING

Upon completion of the foundations of all buildings, a certified plan shall be submitted to the Building Official indicating the following:

- (a) the location of the foundation as constructed;
- (b) spot grades at the corners of the structure and the lot; as well as finished floor elevations and of at-grade openings;
- (c) certification that the rough grading is in substantial conformance with the approved plan;
- (d) certification that adjoining snow-shelf and driveways are at the grades indicated on approved plans so that sidewalks, where required, can be properly installed; and required yard drains are in place; and
- (e) the location of any required sidewalk to be installed and indication that the developer has rights to access onto lot to install sidewalks.

If any of the above requirements are not in conformance with the approved plan, the applicant shall undertake whatever measures are necessary to bring them into conformance. Any change in the grading or elevations that might affect drainage shall be approved by the Town Engineer. The above plan shall be stamped by a Registered Land Surveyor. In order to prevent unnecessary hardship in connection with small alterations and expansions, the Town Engineer and the Zoning Enforcement Officer may, if mutually agreeable, determine that compliance with any or all provisions of this subsection is not required.

The above provisions in (c) and (d) may be deferred by the Director of Public Works due to unusual weather or site conditions. However, these improvements must be accomplished by a specified time not to exceed the following July 1st or no new building permits shall be issued for that subdivision.

15.3 ENFORCEMENT AND PENALTIES

These Regulations shall be enforced by the Town Manager and/or his appointed designee who, as the Zoning Enforcement Officer, is hereby authorized by the Commission to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any conditions found to exist therein that are in violation of any provision of these Regulations. The procedure when Regulations are violated is set out in Chapter 124 of the Connecticut General Statutes as amended. The following range of fines may apply for violations of these Regulations: \$10 minimum to \$250 maximum per day for the duration of the violation.

15.3.1 Appeal of Decisions of Zoning Enforcement Officer

Any party or person aggrieved by a decision of the Zoning Enforcement Officer shall have a period of 15 days from the date of receipt of the Zoning Enforcement Officer's notice to appeal the decision to the Zoning Board of Appeals. The Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said 15 days.

15.4 UNAUTHORIZED CHANGES

All work shall be performed in compliance with approved plans. Unauthorized changes to approved plans may cause the approved plans to be declared null and void. If the Zoning Enforcement Officer finds that extensive unauthorized changes have occurred, he may declare the approved plans null and void and proceed in accord with Section 8-12 of the Connecticut General Statutes. No Certificate of Use and Occupancy shall be issued in cases where plans are declared null and void.

15.5 BONDING FOR IMPROVEMENTS

Site Development plan bonding shall conform to the following procedures:

15.5.1 Performance Bonds

When requested by the applicant, the Building Official may issue a temporary Certificate of Use and Occupancy for a structure or facility for which site work is not fully completed. Said Certificate of Use and Occupancy shall not be issued until the parking area serving the development is in a usable condition and until a performance or appropriate surety bond is submitted to and approved by the Town Planner upon the recommendations of the Town Engineer and/or Town Attorney. This bond shall guarantee the completion of the balance of the unfinished work within an established time period.

15.5.2 Maintenance Bonds

Prior to the issuance of a Certificate of Use and Occupancy, a maintenance bond shall be submitted to and approved by the Town Planner in connection with developments requiring Site Development approval. Unless otherwise specified, said bond shall be held for a period of one year after all site improvements have been completed to guarantee the survival of plantings and to insure the proper operation and maintenance of erosion and flood control facilities or any other relevant improvements. The amount of the bond shall be ten percent of all bonded or bondable improvements.

15.6 PROCEDURES, APPLICATIONS AND PERMITS

15.6.1 Procedures

Adopted procedures, copies of which are on file in the Planner's Office, shall be adhered to by all parties when engaging in matters governed by these Regulations or the Commission. Copies of adopted procedures are located in Appendix 2.

15.6.2 Applications

Official applications, copies of which are on file either in the Planner's or Building Official's Office, shall be used by all parties when making official application for any purpose. Copies of official applications are located in Appendix 2.

15.6.3 Building Permits

Building permits shall not be issued for plans which have not received Site Development approval.

15.6.4 Conditions of Approval

In addition to any other conditions specified in these Regulations that the Commission may attach to a Site Plan or Special Use Permit, the Commission may approve a Site Plan or Special Use Permit subject to Town Staff review and approval to protect the public health, safety, and welfare, and ensure compliance with these Section 15.6.4 (Continued)

Regulations. Such approval subject to Town Staff review and approval shall be limited to technical and minor changes as described in Section 3.9 that have a reasonable assurance of being approved by Staff. The Commission shall state the nature of each change in the conditions of the motion to approve.

15.7 AMENDMENTS

All proposed amendments to these Regulations (including changes to the Zoning Map) shall be submitted to the Commission in accord with adopted procedures and on official forms.

15.7.1 Zoning Map Changes

All changes to the Zoning Map shall be officially recorded on the GIS Generated “Town of Windsor Official Zoning Map”.

15.7.2 Text Amendments

All amendments or changes to the text of these Regulations shall be made in accordance with adopted procedures and shall hereinafter become affixed in the body of these Regulations. The section number involved, the public hearing date and the effective date of the change shall be listed on the Record of Amendments.

15.8 POSTING OF SIGNS

Whenever a public hearing is scheduled by the Town Planning and Zoning Commission or by the Zoning Board of Appeals, the appellant or applicant shall place a sign on the property which is the subject of the public hearing. The sign, to be placed at or near a street line or traveled way or in such other location, shall be clearly visible to the general public. Such sign, to be provided by the Town, shall, except for the wording thereon, be installed by the appellant or applicant not less than ten days before the hearing and shall be removed by said appellant or applicant within five days after such hearing.

SECTION 16 - INTERPRETATION AND DEFINITIONS

16.0 INTENT

In the construction of these Regulations, the interpretative rules and the definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise or where their strict interpretation would be contrary to the intent of these Regulations.

16.1 INTERPRETATION

16.1.1 Words used in the singular shall include the plural, and vice versa. Words used in the present tense shall include the future tense, and vice versa.

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

16.1.3 The word "may" is permissive.

16.1.4 The word "required," when used to modify a word or phrase (e.g., "required yard," "required planting," "required parking area") shall indicate mandatory compliance with appropriate requirements of these Regulations.

16.1.5 (This Section was deleted.)

16.1.6 The word "lot" shall include the words "piece," "parcel," "plot," "site," "property" and "premises."

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

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

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

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

16.1.11 The word "Commission" shall include the words "Windsor Town Planning and Zoning Commission."

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

16.1.13 The phrase "Plan of Development" shall refer to that planning document adopted by the Windsor Planning and Zoning Commission on June 26, 1973, or to any of its parts or amendments.

16.1.14 The word "plan" shall include any or all of, but not be limited to, the following: plot plans, landscaping plans, parking plans, grading plans, sections, erosion and flood control plans, elevations of buildings and all agreements and statements involved therewith. A "Site Development" shall include a "Site Plan" as per Chapter 124 of the Connecticut General Statutes.

16.1.15 Uses of land, buildings or structures not clearly permitted in the various zoning districts are hereby prohibited.

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

16.1.17 The word "semi-attached" shall include "semi-detached."

16.2 DEFINITIONS

16.2.1 "A"

ACCESSORY USE OR BUILDING: A use or building part of and customarily incidental and subordinate to the principal permitted use or building on the same lot or on a contiguous lot under the same ownership in all respects as to title and fractional interest. An accessory use other than required off-street parking shall be no more than 25 percent of the principal use or building, except in single-family residential zones as provided in Section 4.4.1A(3).

ADULT-ORIENTED ESTABLISHMENT: For the purpose of the special use provisions governing adult-oriented establishments the following definitions shall apply:

- (a) "Adult-oriented establishment", shall include, without limitation, an "adult live dancing establishment", "adult bookstores", "adult motion picture theaters", "adult mini-motion picture theaters" and further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member. An "adult-oriented establishment" further includes, without limitation, any "adult entertainment studio" or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

"Adult live dancing establishment" means an establishment where any employee displays or exposes any specified anatomical areas to a person regardless of whether the employee actually engages in dancing or wears any covering, tape, pastie, or other device which simulates or otherwise gives the appearance of the display or exposure of any specified anatomical areas, regardless of whether the employee actually engages in dancing;

- (c) "Adult Bookstore" means an establishment having a substantial or significant portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "proscribed sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith has facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies or live entertainment, for observation by patrons therein.

- (d) "Adult Motion Picture Theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "proscribed sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

- (e) "Adult Mini-motion Picture Theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

16.2.1 "A" (Continued)

- (f) "Employee" means any and all persons including an independent contractor who works or performs in an adult entertainment establishment, irrespective of whether said person is paid a salary or wage.
- (g) "Establishment" means a place of public accommodation to which the constitutional right of privacy is inapplicable.
- (h) "Commission" means the Windsor Town Planning & Zoning Commission.
- (i) "Official" means the person charged with zoning enforcement in the Town of Windsor or his or her duly designated representative.
- (j) "Entertainer" means any person who provides live entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.
- (k) "Adult Entertainment" means any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has a significant, or substantial portion of such performance any actual or simulated performance of "proscribed sexual activities" or exhibition and viewing of "specified anatomical areas."
- (l) Nude, nudity, or the state of being nude for the purpose of this ordinance shall mean the condition of any person where the "specified anatomical areas" are less than completely and opaquely covered.
- (m) "Minor" shall be deemed to refer to a person under the age of eighteen (18) years.
- (n) "Operator" means any person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment.
- (o) Permittee or Permit Holder shall mean the owner of the premises (land and/or building) and/or the applicant and/or agent of the owner and/or applicant who has received a special use approval.
- (p) "Proscribed Sexual Activities" means:
 - (1) Human genitals in a state of sexual stimulation, arousal or tumescence; or
 - (2) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zoerastia; or
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast; and
 - (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3).
 - (5) Specified anatomical areas, as herein defined, which are less then completely and opaquely covered.

16.2.1 "A" (Continued)

- (q) "Specified Anatomical Areas" means:
- (1) Human genitals, pubic region;
 - (2) Any portion of the anal cleft or cleavage of the human buttocks;
 - (3) Human female breasts below a point immediately above the top of the areola; and
 - (4) Human male genitals in a discernibly turgid state.
- (r) "Proscribed Sexual Activities" and "Specified Anatomical Areas" as used in this Article, are not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which devote at least 25 per cent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

ALCOHOLIC BEVERAGE: All spiritous and intoxicating liquors, all mixed liquors, all mixed liquors of which a part is spiritous and intoxicating, all distilled spirits, all Jamaica ginger, all wine, ale, porter and all beer manufactured from hops and malt or from hops and barley.

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

16.2.2 "B"

BASEMENT: That portion of a building which is partly underground and has less than half of its clear floor-to-ceiling height above the grade of the adjoining ground along all walls of the building (see Appendix 1, page 8). For the purpose of these Regulations, the words "basement" and "cellar" shall be synonymous.

BED AND BREAKFAST: A use conducted entirely within an owner-occupied one-family detached dwelling which is subordinate to the principal use as a residence and which involves the overnight renting of up to four rooms to paying guests and serving of breakfast to no more than five such guests.

BUILDING: An enclosed or semi-enclosed structure mounted on a permanent foundation which meets or exceeds all applicable standards of the Building Code currently in effect in the Town of Windsor for permanently sited structures.

BUILDING CONNECTOR: An enclosed walkway connecting separate buildings on separate lots.

16.2.1 "B" (Continued)

BUILDING HEIGHT: The vertical distance measured from grade to the highest point of flat roofs; to the deckline of mansard roofs; or to the average height between the eaves and ridge for gable, hip or gambrel roofs (see Appendix 1, page 8). A flat roof is one which pitch has a rise of less than three inches in one foot of run.

BUILDING LINE: A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise established by the Commission; a line shown to be a building line on a plan of subdivision signed by the Commission (see Appendix 1, page 3).

BUILDING, PRINCIPAL: A building in which is conducted the permitted use which is the main or principal use of the lot on which said building is located.

16.2.3 "C"

CELLAR: See "Basement"

CLUB: An organization of persons incorporated pursuant to the provisions of the membership corporation law or the benevolent orders law, 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. A club shall cater only to its members or guests accompanying them. A "member of a club" is a person who, whether as a charter member or admitted in agreement with the by-laws of the club, has become a bona fide member thereof, who maintains his/her membership by payment of his/her dues in a bona fide manner in accordance with such by-laws and whose name and address are entered on the list of membership.

CLUSTER SUBDIVISION: A subdivision wherein the developer is allowed to subdivide his/her tract of land into smaller lots than permitted by the zoning requirements of the area, provided that the density of occupancy is not increased and that the developer dedicates to the Town for public use or purpose specified rights over certain portions of the site.

CONGREGATE HOUSING: A form of residential environment consisting of independent living assisted by congregate meals, housekeeping, health and personal services, for households in which the household head is 62 years old or older and has temporary or periodic difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transferring.

HOUSEHOLD HEAD: Resident owner or lessee of a dwelling unit.

COURT: An unoccupied open space other than a yard, on the same lot with a building, which is bounded on three or more sides by the walls of such building or wall erected in continuance with building walls. An outer court extends to a street line or opens upon a front, side or rear yard. An inner court is enclosed on all sides by the walls of a building or by lot lines.

COVERAGE: That percentage of the plot or lot area covered by the building area.

16.2.4 "D"

DENSITY OF OCCUPANCY: The number of families or dwelling units allowed per unit of area.

16.2.4"D" (Continued)

DEVELOPABLE AREA OR LAND: That portion of a parcel of land deemed appropriate for development by the Commission, after deducting those portions of the parcel which contain wetlands found to be unsuitable for the erection of buildings or for the construction of roads or paved areas for parking or recreation (other than walks or bike trails) by the Inland Wetlands and Watercourses Commission.

DISH ANTENNA: An antenna the purpose of which is to receive any signals (e.g., radio or television) from earth-orbiting satellites.

DORMITORY: A building or group of buildings used for the purpose of accommodating students, faculty or members of religious orders with sleeping quarters, with or without communal kitchen facilities and administered by a bona fide educational or religious institution. The term dormitory includes convents, priories, seminaries and monasteries, but does not include clubs, fraternity houses or sorority houses.

DWELLING: A building designed or used exclusively for residential purposes, by human occupants and containing one or more dwelling units.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one family only.

DWELLING, ONE-FAMILY DETACHED: A dwelling containing one dwelling unit only, on one lot.

DWELLING, ONE-FAMILY SEMI-ATTACHED: A dwelling containing one dwelling unit only, attached at the side by a party wall to not more than one other similar dwelling. "On the same lot" indicates that both units occupy a single lot under one ownership. "On separate lots" indicates that the interior property line dividing the two lots runs along the wall at which the two units are adjoined (see Appendix 1, pages 9 and 10).

DWELLING, MULTI-FAMILY: A dwelling containing three or more dwelling units. "On the same lot" indicates that all the units occupy a single lot under one ownership; the units may be arranged as garden or terrace apartments or as townhouses or attached dwellings (see Appendix 1, pages 9 and 10). "On separate lots" indicates that the interior property lines dividing the lots run along the walls at which the units are attached (see Appendix 1, page 10).

16.2.5 "E"

EARTH STATION: See "Dish Antenna"

EFFICIENCY UNIT: A dwelling unit having only one room exclusive of bathroom, water closet compartment, kitchen, laundry, pantry, foyer, communicating corridor, closets or any dining alcove with less than 70 square feet of floor space.

16.2.6 "F"

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

16.2.6"F" (Continued)

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

FARMER'S MARKET: One or more vendors located on a common parcel of land for the purpose of selling agricultural products including value added farm goods such as jams, jellies, sauces and baked goods prepared in accordance with applicable state statutes and regulations, as well as hand crafted items. Farmer's Markets shall be sponsored by the Town of Windsor or a non-profit organization with an agricultural mission, such as Connecticut Farm Fresh. Farmer's Markets shall require a Special Use approval. To prevent long-term problems or nuisances such as traffic hazards, the approval shall be valid for a one-year period.

16.2.7 "G"

GASOLINE FILLING STATION: Buildings and premises where the primary activity is the retail dispensing of gasoline; where air and water shall be provided; where oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail; and where the following services may be rendered and sales made, and no other:

- a. Sale and servicing of spark plugs, batteries, distributors and distributor parts;
- b. Tire servicing and repair, but not recapping and regrooving;
- c. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
- d. Radiator cleaning and flushing;
- e. Greasing and lubrication;
- f. Providing and repairing fuel pumps, oil pumps and lines;
- g. Minor servicing and repair of carburetors;
- h. Emergency wiring repairs;
- i. Adjusting and repairing brakes;
- j. Minor motor adjustments not involving removal of the head or crankcase.

Uses permitted at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. Except for the primary activity of selling gasoline, and except for occasional emergency repairs, all other allowed activities as listed in (a) through (j) shall be contained within a building.

GRADE OR GROUND LEVEL: The average elevation of the finished surface of the ground adjacent to the midpoints of the exterior walls of a building or structure (see Appendix 1, page 7).

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

16.2.8 "H"

HOME OCCUPATION: An accessory use customarily conducted entirely within a dwelling and carried on by the residents thereof for compensation, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, have any exterior evidence of such secondary use other than a nameplate sign (as per Section 13.9) or involve retail sales. A home
16.2.8"H" HOME OCCUPATION (Continued)

occupation includes, but is not limited to, the following: dressmaking; millinery work; laundering; sewing. Home occupations shall not create interference with radio and television reception in the vicinity nor create a health or safety hazard.

HOTEL: See "Motel, All-Suite Hotel or Tourist Court"

16.2.9 "I"

16.2.10 "J"

16.2.11 "K"

16.2.12 "L"

LOT: A plot or parcel of land under the same ownership occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such yards and area as are required by these Regulations. In the case of public, institutional, commercial or industrial buildings, a group of buildings under the same ownership may be considered as occupying the same lot. A lot may or may not be the land shown as a lot on a recorded deed or plot.

LOT AREA: The actual area in square feet enclosed by the boundaries of the lot.

LOT, CORNER: A lot at the intersection of and abutting on two or more streets where the angle of intersection is not more than 135 degrees of where the intersection is rounded by a curve having a radius of less than 100 feet (see Appendix 1, page 1).

LOT, FLAG: A lot located to the rear of another lot, but with a narrow portion of the lot extending to a town street. No part of the narrow portion of the lot shall be less than 25 feet in width.

LOT, FRONT: A lot which is located between a flag lot and the street from which the flag lot gains access.

LOT FRONTAGE: The property line of a lot, measured along the street line. The lot frontage may or may not be equivalent to the lot width.

LOT LINE: The property line bounding the lot.

LOT, THROUGH: A lot, other than a corner lot, having frontage on two or more streets which do not intersect at the lot (see Appendix 1, page 1).

16.2.7 "L" (Continued)

LOT WIDTH: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch, but not be in front of, the building line. In the case of a corner lot, the width shall be similarly measured and, for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front lot line and the lot lines adjacent thereto shall be considered as side lot lines (see Appendix 1, page 3).

16.2.13 "M"

MECHANICAL OR ELECTRONIC AMUSEMENT DEVICE: Any mechanical pinball amusement device which is so constructed that the result of its operation depends upon chance, or upon the skill of

16.2.13 "H" MECHANICAL OR ELECTRONIC AMUSEMENT DEVICE (Continued)

the operator or upon both; or any mechanical device which in its operation shoots or propels an electric light, ray or impulse to a target; or any table bowling, shuffleboard or other mechanical table game or amusement device involving the propulsion of spheres or other projectiles, mechanically or by hand; or any coin-operated or coin-in-the-slot amusement device or game, be it table or otherwise and be it mechanical or electronic or both.

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

MOTEL, HOTEL, ALL-SUITE HOTEL OR TOURIST COURT: A building or group of buildings providing lodging for persons and intended, designed and used primarily for the accommodation of transients. An automobile parking space shall be provided on the premises for each unit. No room shall have a kitchen or cooking facilities, except in rooms occupied by the owner or manager.

16.2.14 "N"

16.2.15 "O"

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

16.2.16 "P"

PARKING AREA: An area of land, other than a street, used as an accessory use for the temporary parking of more than three motor vehicles. Parking areas shall include enclosed and semi-enclosed structures designed, intended and used in whole or in part for the parking of motor vehicles. That portion of such structures allocated to parking shall not be included as part of the gross floor area with which required parking is calculated as per Section 3.4.

PREMISES: That portion of a lot or structure or building actually in use for the specific purpose or use herein referred to.

PROFESSIONAL OFFICE: Offices of persons rendering professional services, limited to dentists, naturopaths, physicians and surgeons, doctors of dentistry, physical therapists, podiatrists, optometrists, veterinarians (as defined in Section 20-196-3 of the regulations of Connecticut state agencies), architects, professional engineers or jointly by architects and professional engineers, certified public accountants, land surveyors, psychologists, attorneys-at-law, enrolled agents, massage therapy per Section 4.5.15(7), licensed financial registered representatives, and mail order distributors of medical devices and related supplies as defined in Section 4.5.15(9).

16.2.17 "Q"

16.2.18 "R"

RESIDENCE INNS: A building or group of buildings providing lodging for persons, with or without meals, and intended, designed and used for the accommodation of transient lodgers in suites having one or more rooms exclusive of bathroom, water closet compartment, laundry, pantry, foyer, communicating corridor, closets or any dining alcove with less than 70 square feet of floor space. A kitchen area separate from the living or sleeping areas shall be provided and cooking may be done only in the kitchen area. The definition of residence inns shall not include dwelling units as defined in these Regulations.

16.2.18 "R" (Continued)

RESTAURANT, ACCESSORY: A food service establishment which is clearly an accessory use and subordinate to a principal use; is generally restricted to patrons or employees of the principal use; and is not overtly advertised to the public. Accessory restaurants shall include office cafeterias; theater snack bars; department store and drug store lunch counters or snack bars; grocery store delicatessens and similar food service establishments.

RESTAURANT, FAST-FOOD: An establishment characterized by high customer turnover; payment upon receipt of food; sales of foods and non-alcoholic beverages for on- or off-premises consumption, where foods and beverages are pre-prepared or available upon a short waiting time and are primarily served in or on disposable wrappers, containers or plates. Fast-food restaurants may include drive-in windows but may not provide entertainment facilities.

RESTAURANT, FULL-SERVICE: An establishment characterized by low customer turnover, sales of hot meals and alcoholic beverages for on-premises consumption, generally with table service and which may include limited entertainment facilities.

RESTAURANT, LIMITED-SERVICE: An establishment characterized by low to moderate customer turnover; sales of food and beverages, including alcoholic beverages limited to tap beer and/or wine only; and no entertainment facilities. Limited-service restaurants shall also include but not be limited to cafeterias, caterers serving a la carte meals, coffee shops, delicatessens, donut shops, ice-cream parlors, snack bars, and other similar food service establishments.

16.2.19 "S"

SIGN: Any device, banner, pennant, valance, fixture, placard, or structure that uses any color, material, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Signs shall not include any flag, badge or ensign of any government or governmental body; lettering or trademarks on registered vehicles in active use; or lettering on any equipment or contrivance which may be considered incidental to the main use of the business, such as gasoline pumps, tire and lubrication dispensing racks, provided such lettering or trademark is an integral part of the equipment or contrivance.

STORAGE FACILITY, OUTSIDE: Seasonal outside storage of boats, campers, trailers, recreational vehicles, or similar items.

STORY: That portion of a building, other than a half-story or a basement, between any floor and the ceiling or roof next above it. A story shall include that portion of a building which is partly underground and has half or more of its clear floor-to-ceiling height above the average finished grade of the adjoining ground along all walls of the building (see Appendix 1, page 8).

STORY, HALF-: That portion of a building between a gable, hip or gambrel roof and the floor below, provided that the floor is not more than two feet below the plate.

STREET: Any right-of-way used as a public thoroughfare including deadend streets, residential streets, feeder streets, traffic streets, limited access highways, road, drive, lane, avenue, place, boulevard, dedicated and accepted for public travel and any right-of-way recorded in the office of the Town Clerk if constructed and accepted before the passage of these Regulations.

STREET LINE: The property line dividing a street from other private or public land.

16.2.19 "S" (Continued)

STRUCTURAL ALTERATION: Any change in or addition to the supporting members of a structure such as bearing walls, columns, beams or girders or any substantial change in the roof or in the exterior walls, excepting such repair as may be required for the safety of the building.

STRUCTURE: Anything constructed or erected which requires location on the ground or attachment to something having location on or in the ground.

SWIMMING POOL: Any container of water whether in ground or aboveground, capable of holding 24-inches deep water at any point with a water-surface area of 250 square feet or more, which is designed or intended to be used for the customary usage by human beings.

16.2.20 "T"

TON: For the purposes of these Regulations, 2,000 pounds.

TRUCK TERMINAL: Land and buildings used as a quick relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks.

16.2.21 "U"

UNDERLYING ZONE: The zone in which the Commission may allow uses by Special Use or by Design Development.

USE: The purpose or activity for which the land or structure or building thereon is designed, arranged, intended, occupied or maintained, and includes any manner of performance of such activity with respect to the standards and requirements of these Regulations.

USE, PRINCIPAL: The permitted use which is the main or primary purpose of activity for which a building, other structure and/or lot is designed, arranged or intended, or for which they may be used, occupied or maintained under these Regulations.

16.2.22 "V"

VEHICLE, COMMERCIAL: Any over-the-road vehicle designed and used for the transportation of merchandise, freight or paying passengers, which is propelled or drawn by any power other than muscular. For the purposes of these Regulations, buses hired or leased for the transportation of school children shall be considered commercial vehicles.

VEHICLE, RECREATIONAL: A vehicular, portable structure built on a chassis and designed to be used as a temporary dwelling for travel and recreational purposes. For the purposes of these Regulations, recreational vehicles shall include campers and travel trailers, but shall not include mobile homes.

16.2.23 "W"

WAREHOUSE FACILITY, MINI: A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customer's goods or wares.

16.2.23 "W" (Continued)

WHOLESALE AND DISTRIBUTION OR WAREHOUSE FACILITY: A facility whose predominant use is the storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding truck terminals and bulk storage of materials that are explosive or that create hazardous or commonly recognized offensive conditions and whose structure is designed principally to accommodate such use.

16.2.24 "X"

16.2.25 "Y"

YARD: A space not occupied by a building or buildings, open to the sky, on the same lot as the principal building (see Appendix 1, pages 1 and 2).

YARD, FRONT: A yard extending across the full width of the lot and lying between the front property line (street line) of the lot and a parallel line at a distance therefrom as specified by these Regulations.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear property line of the lot and a parallel line at a distance therefrom as specified by these Regulations.

YARD, SIDE: A yard between the side line of the lot and a parallel line at a distance therefrom as specified by these Regulations, and extending from the front yard to the rear yard or, in the absence of either of such yards, to the front or rear lot line, as the case may be.

16.2.26 "Z"

SECTION 17 - VALIDITY, SEPARABILITY AND EFFECTIVE DATE

17.0 VALIDITY AND SEPARABILITY

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

17.1 MINIMUM REGULATIONS

In their interpretation and application, the provisions of these Regulations shall be held to be minimum regulations, adopted for the promotion of the public health, safety, morals or general welfare. Unless otherwise indicated, wherever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted ordinances, statutes, rules, regulations or deed restrictions, the most restrictive or that imposing the higher standards shall govern. Whenever the requirements of a section or subsection of these Regulations are at variance with any other section or subsection, the most restrictive or that imposing the higher standards shall govern.

17.2 SAVINGS CLAUSE

The enactment of these Regulations repealing the prior Regulations shall not operate as an abatement of any action or proceeding then pending under or by virtue of said prior Regulations.

17.3 REPEALER

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

17.4 EFFECTIVE DATE

These Regulations shall take effect on November 1, 1976.

17.4.1 A copy of these Regulations, including the Official Zoning Map of the Town of Windsor showing zones as herein described, are now on file at the office of the Town Clerk, Town Hall, Windsor, Connecticut.

SECTION 18 - PLANNED URBAN DEVELOPMENT ZONE

18.0 INTENT

It is the intent of this district:

- to establish a zone which is urban in character and which will contain business and residential uses. Within this zone no such uses shall be preassigned to a particular area within a PUD-zoned site, but shall be as set out in a plan of the developer and approved by the Commission;
- to achieve optimum harmony within a PUD-zoned site and the full protection of the public health, safety and convenience through control of the design of structures and other improvements within said site; and
- to permit and require the development of such zoned sites in regulated stages to insure that the proper and desired urban character will evolve in an orderly and positive manner, including the requirement of a balanced and proper first stage of development.

18.1 PERMITTED USES

The following uses are considered proper and are permitted in a PUD zone. Other uses may be permitted by the Commission if it finds that they are consistent with the intent of Section 18.0.

18.1.1 Integrated group of stores and nonintegrated stores of business use as permitted in Section 5.3 subject to the requirements of the plan of development as approved by the Commission. No Off-Price Shopping Center or adult-oriented establishment, as defined in Section 16.2.1, shall be permitted in a PUD zone.

18.1.2 Office buildings for general or professional business use subject to the height and area requirements of Section 6.1.

18.1.3 Churches and Religious Institutions

18.1.4 Playgrounds and Parks

18.1.5 Full-Service Hotel of no more than four stories or 50 feet in height, the provisions of Section 5.3 notwithstanding.

18.1.6 Banquet Facility and Conference Center

18.1.7 Factory Outlet Center

18.1.8 Residential: For PUDs for which previous approvals have been granted and construction has commenced, multi-family development at a maximum density of 7.26 dwelling units per acre for the residential portion of the site; for any other PUD four dwelling units per residential acre. The units in other than attached multi-family residential development shall be built in accordance with provisions of Section 11.2.4 of these Regulations. Attached multi-family residential developments shall conform to relevant standards of currently built attached multi-family residential development (e.g., garages, basements and central air conditioning). Site development shall be in accordance with Section 3 of these Regulations unless specifically waived by the Commission.

18.1.9 Limited Outdoor Sales as per Sections 5.2.2 C and 5.2.6 R.

18.2 MINIMUM AREA REQUIREMENTS

18.2.1 The minimum area of a PUD-zoned site shall be 60 contiguous acres.

18.2.2 An existing PUD-zoned site may be enlarged by the addition of contiguous parcels of not less than five acres when approved by the Commission according to the procedure for the existing site.

18.3 REQUIRED INITIAL DEVELOPMENT

18.3.1 Residential construction may proceed only after the completion of footings, foundation and structural framing for at least 60,000 square feet of commercial building floor area.

18.4 SANITATION

18.4.1 All development shall have public sanitary sewer and public water supply.

18.4.2 Incinerators, if any, shall be in accord with State and Town laws and standards, and shall be properly screened.

18.5 AUTOMOBILE PARKING

18.5.1 Automobile parking shall be provided in accordance with the standards of Section 3 of these Regulations.

18.6 LANDSCAPING

18.6.1 Landscaping shall be provided in accordance with Section 3 of these Regulations or as approved in the plan of development. Unless waived by the Commission, all commercial landscaped areas are to be provided with an automatic sprinkler system for irrigation.

18.6.2 Where the Commission determines that there exists a potential for conflict between uses and/or functions, screening consisting of plantings, walls or fences, may be required.

18.7 APPLICATION PROCEDURE

18.7.1 An application for development in a PUD shall be made to the Commission and shall include plans, maps, perspective drawings and other relevant documents which clearly indicate that the plan of development for the entire site satisfies the requirements and intent of this Section.

18.7.2 The Commission may require additional plans, maps and other relevant information in addition to that submitted with the application.

18.7.3 The Commission shall approve, modify and approve, or disapprove all applications for a plan of development in a PUD zone, including all stages thereof. The relevant department may approve minor changes which are consistent with an approved plan of development. Changes which the Town Planner deems major or inconsistent with an approved plan of development, must be approved by the Commission using the same procedures and criteria as are required for an initial application. The Town Planner shall report all changes to the Commission.

18.7.4 No building permit shall be issued for construction in a PUD zone unless the said construction is in accordance with an approved plan of development.

18.7.5 The term "plan of development" as used in this Section 18 shall mean a plan approved by the Commission for development of an entire PUD site or any portion of a PUD site which:

- (1) establishes the character of and overall design of that site or portion thereof;
- (2) establishes the uses and amount of square footage for each use made on that site or portion thereof; and
- (3) establishes the general locations of buildings, roads, drives, parking areas and other significant improvements on the site or portion thereof.

18.7.6 The Commission shall hold a public hearing meeting the criteria of Connecticut General Statutes Subsection 8-3(a) before approving a plan of development.

18.7.7 Following approval of a plan of development or revision to a plan of development, the applicant, or the applicant's successor, shall obtain site plan approval, in accordance with Section 3 of these Regulations, for improvements in each stage of development. No building permit shall be issued for construction in a particular stage until the Commission issues site plan approval for that stage.

18.8 ENGINEERING AND CONSTRUCTION

18.8.1 The engineering and construction of improvements such as public highways, roads, walkways and pathways, and fire-fighting provisions shall be in accordance with the "Town of Windsor Highway Engineering Standards and Specifications (1978)," as amended, and all pertinent laws and regulations of the Town of Windsor. Drainage design, grading, and protection against soil erosion and sediment control shall be as per Section 3.3 of these Regulations.

18.8.2 Prior to the issuance of a building permit, the applicant shall obtain from the Commission approval of the exterior design and the exterior material of each commercial building and signage. Prior to the issuance of a building permit for residential development, the applicant shall obtain the Commission's approval of the design of the residential buildings and their exterior materials.

18.9 BONDING

Before a building permit shall be issued for buildings in any phase of an approved plan of development, all improvements associated with sidewalks, access roadways, drainage systems, utilities, traffic controls, and systems to protect the environment which are required to support that phase of an approved plan of development or applicable site plan, shall be installed or, in lieu of installation, the Commission may accept a bond. The bond may be in the form of cash, a passbook with an irrevocable assignment to the Town of Windsor, an irrevocable letter of credit, the bond of a corporate surety company or the unconditional guarantee of a financially responsible person reasonably satisfactory to the Commission. The bond shall be in an amount and with surety conditions, securing to the Town of Windsor the construction, installation and maintenance of the improvements, within the time period specified by the Commission.

18.9.1 The bond shall be in an amount equal to the cost of completing the improvements as estimated by the Director of Public Works and approved by the Commission.

18.9.2 An irrevocable letter of credit shall be issued in a form approved by the Town of Windsor and shall be issued by a bank or insurance company satisfactory to the Town of Windsor and licensed to do business in the State of Connecticut.

18.9.3 The company providing a corporate surety bond shall be satisfactory to the Town of Windsor and shall be licensed to do business in the State of Connecticut. At least 25 percent of any bond of a corporate surety must be in cash, a passbook with an irrevocable assignment to the Town of Windsor, or an irrevocable letter of credit. The cash, passbook or letter of credit shall be the last portion of the bond to be released.

18.9.4 No bond shall expire until the Director of Public Works has certified that the improvements have been completed. Upon such certification the Town shall release 90 percent of the bond amount and shall hold ten percent of the bond amount for a period of one year as a fund to repair faulty construction.

18.10 OFF-SITE TRAFFIC AND TRANSPORTATION IMPROVEMENTS

18.10.1 The Commission may require off-site traffic and transportation improvements if it finds that these will help mitigate traffic impacts from any PUD development. This might include the payment of the Town's share for any currently programmed improvement(s) in which State or Federal participation is involved.

18.10.2 Level of Service "C" or better as defined in the most recent edition of the "Highway Capacity Manual, Special Report 209," published by the Transportation Research Board, Washington, D.C., will be required at the three most critical intersections as determined by the Town Engineer.

18.11 DEFINITIONS

18.11.1 Factory or Manufacturer's Outlet Store

A store leased or sublet to a manufacturing company or a parent, subsidiary or affiliate of a manufacturing company in which at least 50 percent of the merchandise offered for sale is first or second quality goods or surplus goods made in factories of the store's tenant or sub-tenant or its parent, subsidiary or affiliate or for the label of the store's tenant or sub-tenant or its parent, subsidiary or affiliate by other manufacturers and which is identified by a store sign which bears the name of one of the parent company's labels.

Quasi-Factory or Quasi-Manufacturer's Store

A store operated by a company or its parent or subsidiary which operates at least eight stores in other factory outlet shopping centers. For the purpose of this Section, "Factory Outlet Shopping Centers" shall be as listed in the Factory Outlet Directory of "The Book," published by Value Retail News. If the Factory Outlet Directory of "The Book" is no longer published, the best available information shall be substituted which is acceptable to the Commission. Listing in the year in which the lease for a store is executed shall be sufficient even if the company is no longer listed later.

18.11.2 Factory or Manufacturer's Outlet Center

An integrated group of stores of which at least 60 percent of its gross leaseable area (GLA) is leased for use as one or more factory or manufacturer's outlet stores and at least another 20 percent of its GLA is leased to one or more factory or manufacturer's outlet stores or quasi-factory or quasi-manufacturer's outlet stores. For the purpose of calculating the above percentages only, GLA shall not include the area of food courts or restaurant facilities.

18.11.3 Off-Price Shopping Center

An integrated group of stores of which more than 20 percent of the GLA is used as one or more off-price stores. For the purpose of calculating the above percentage only, GLA shall not include the area of food courts or restaurant facilities.

18.11.3 (Continued)

An off-price store is a store, other than a factory outlet store or manufacturer's outlet store or quasi-factory outlet store or quasi-manufacturer's store, used principally for the sale of second quality merchandise and surplus merchandise. Second quality merchandise consists of seconds, irregulars and returns. Surplus merchandise consists of merchandise purchased from retailers pursuant to a bulk sale and merchandise purchased in bulk as a result of the liquidation of a retail or manufacturing business.

APPENDIX 1 - ILLUSTRATIONS

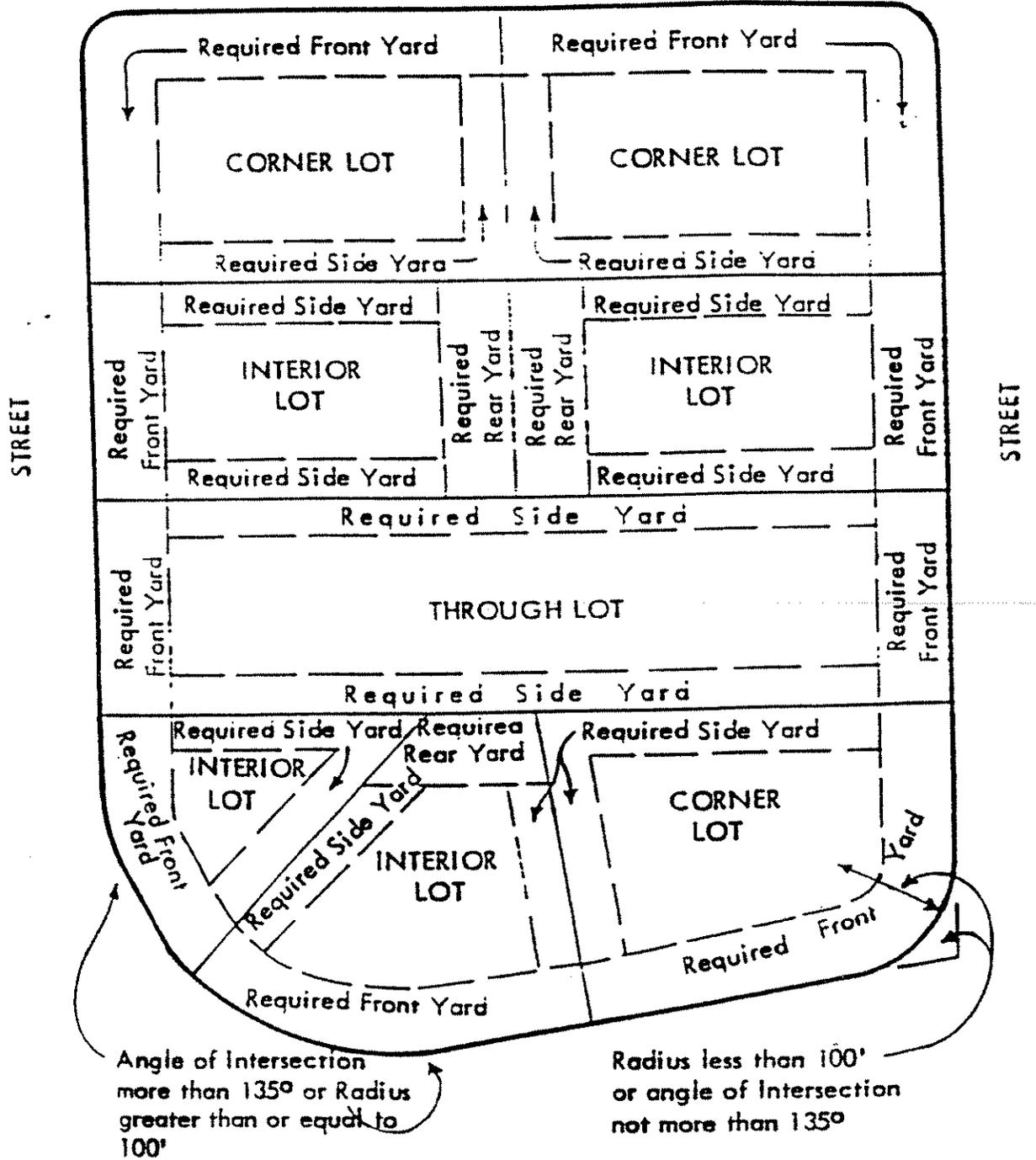
(Examples Only - Not Part of Zoning Regulations)

APPENDIX 2

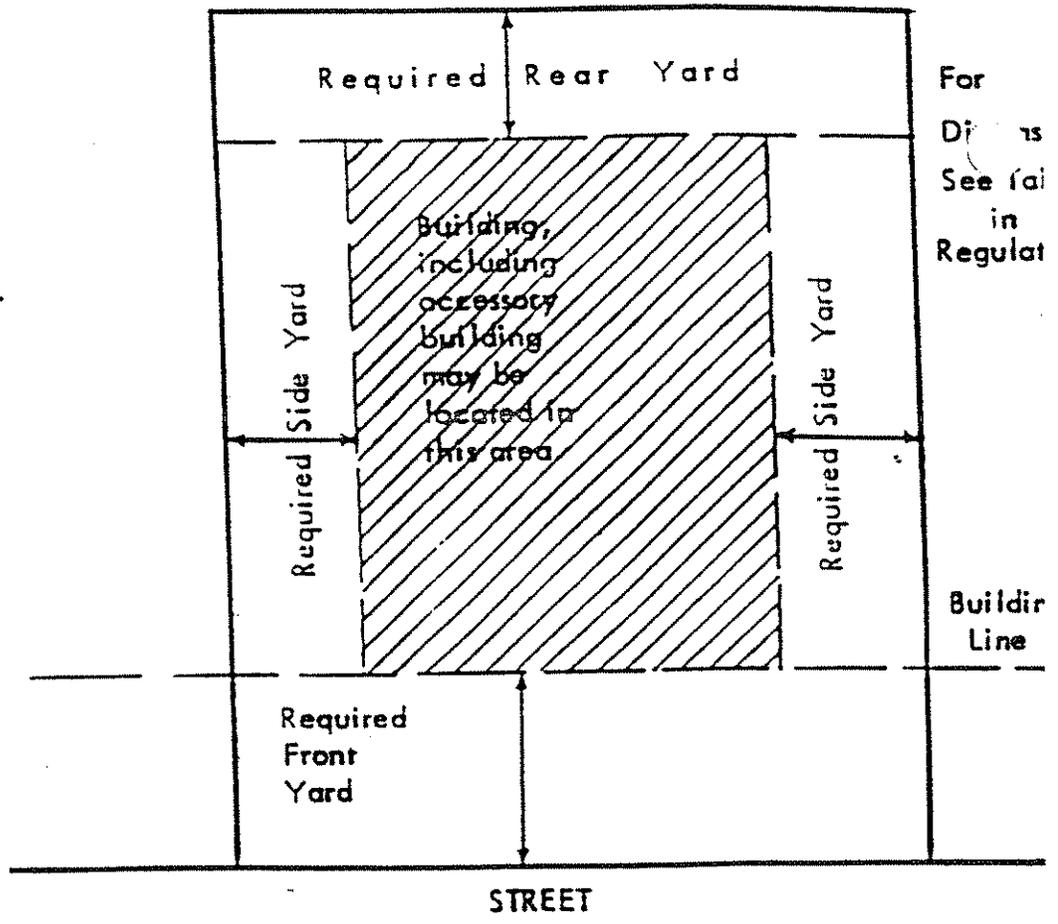
ADMINISTRATIVE AIDS
(APPLICATIONS AND CHECKLISTS)

(Examples Only - Not Part of Zoning Regulations)

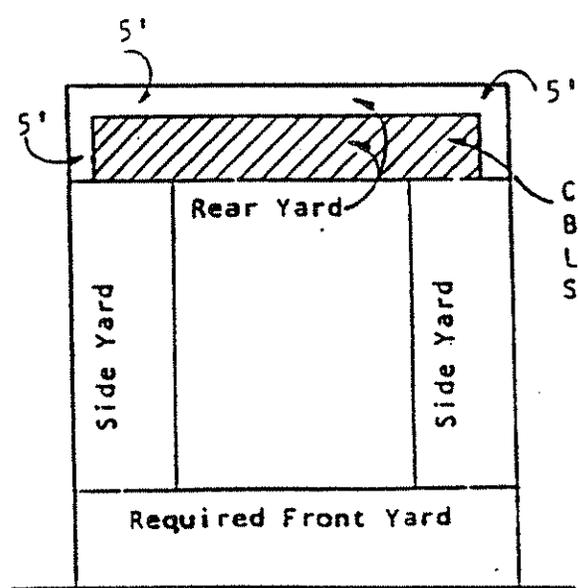
TYPICAL LOT TYPES



TYPICAL LOT

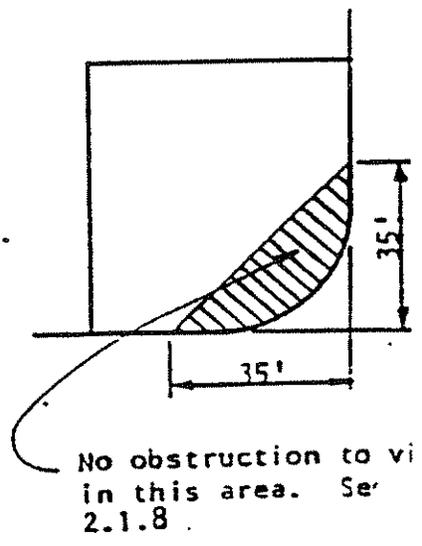


ACCESSORY BUILDINGS



Certain Accessory Buildings May Be Located in this Area. See Section 4.4.1

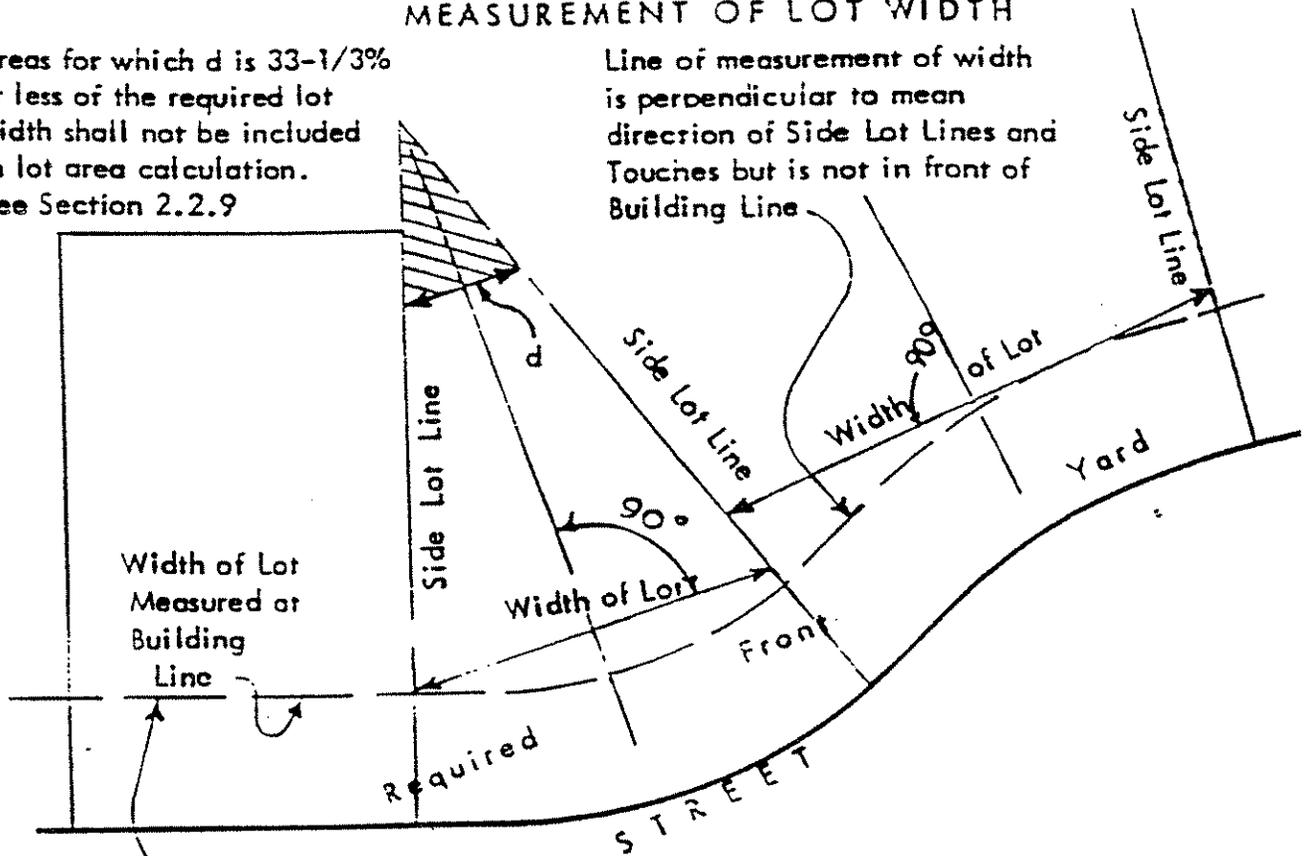
CORNER LOT VISIBILITY



MEASUREMENT OF LOT WIDTH

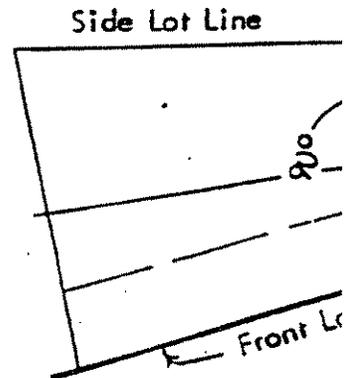
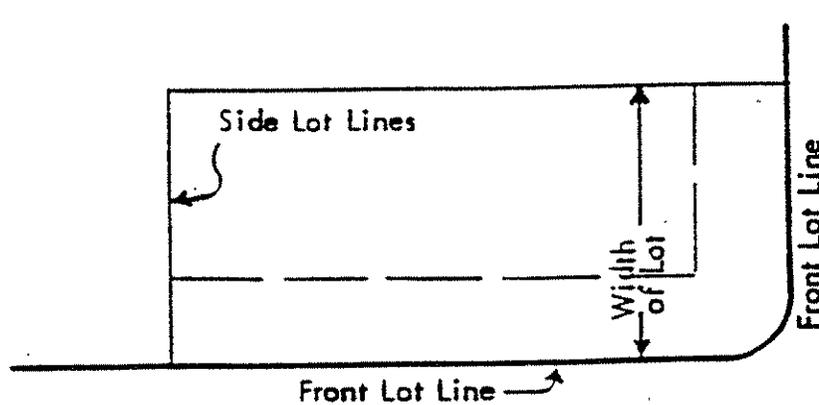
Areas for which d is $33\frac{1}{3}\%$ or less of the required lot width shall not be included in lot area calculation. See Section 2.2.9

Line of measurement of width is perpendicular to mean direction of Side Lot Lines and Touches but is not in front of Building Line

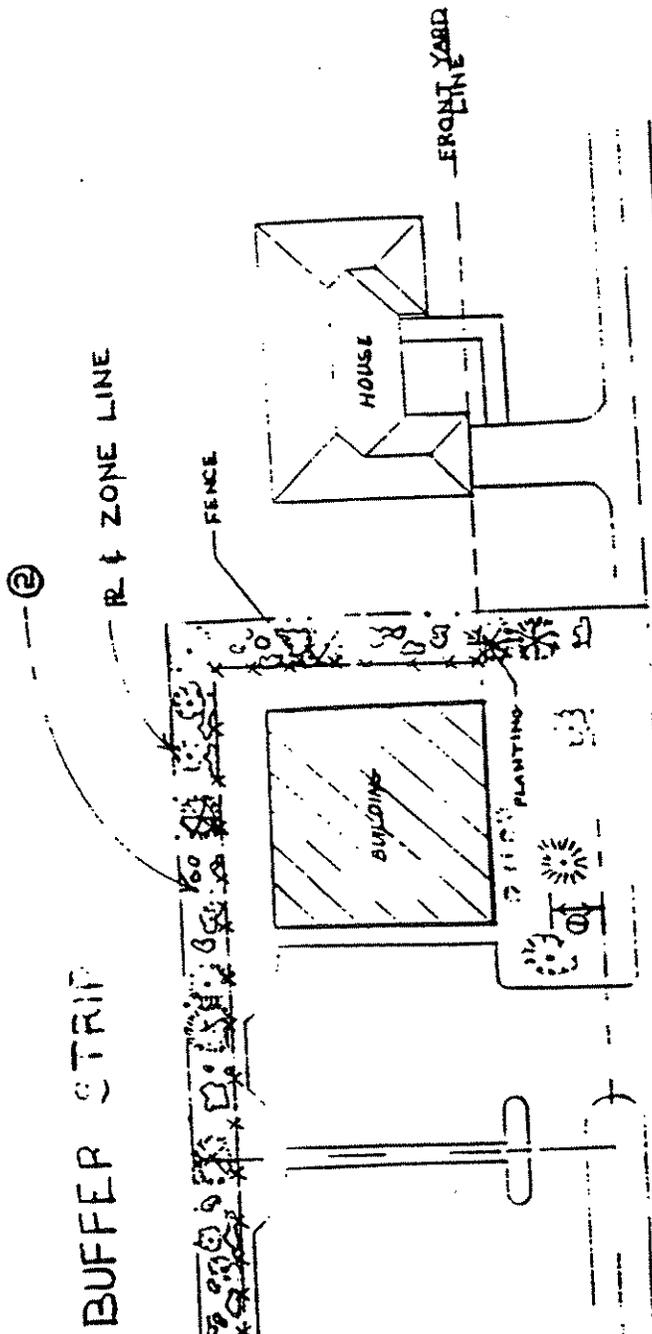


Building Line parallel to Street at Distance equal to Depth of Required Front Line

But Building Line may be Established at Greater Distance



Width of Corner Lot is Measured by Taking Longer Front Lot Line as Though a Side Line



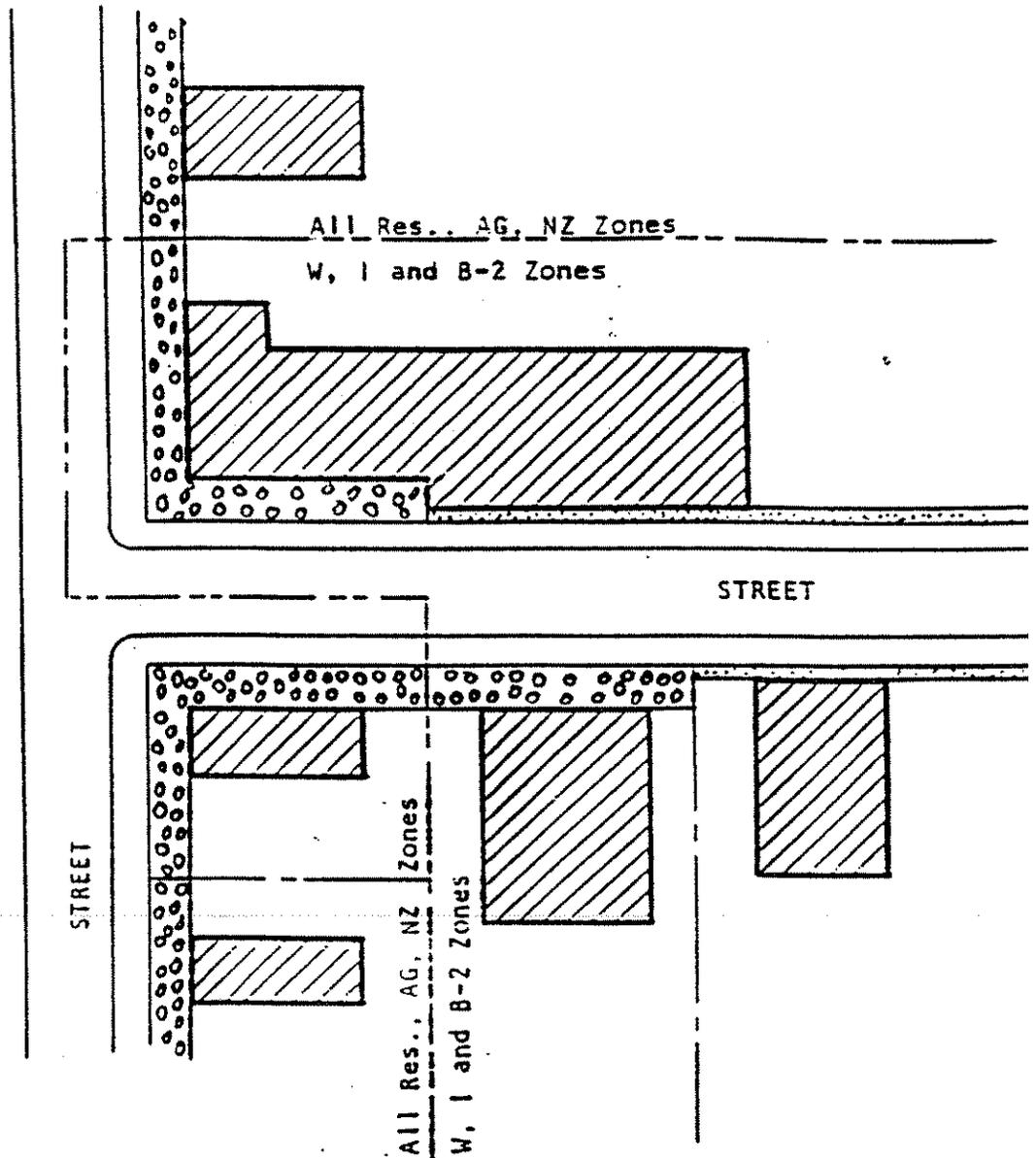
ALL RES., AG, & NZ ZONES
 RC, W, I, P & B ZONES

RC, W, I, P, B ZONES
 ALL RES., AG & NZ ZONES

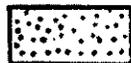
Notes

- ① When Residential, AG and NZ zones occur across the street from W, I, P, B and RC zones, a buffer strip will be provided between W, I, P and RC land and street and shall be measured from the property line. See Section 3.1.2.
- ② Required buffer strip.

FRONT YARD EXCEPTIONS FOR W, I, B-2 ZONES
 WHEN ADJACENT TO RESIDENTIAL, AG AND NZ
 ZONES (SEE SECTION 2.2.4B(1))



RESIDENTIAL ZONES FRONT YARD REQUIREMENT,
 OR 40' FOR AG & NZ ZONES



W, I, B-2 ZONES FRONT YARD REQUIREMENT

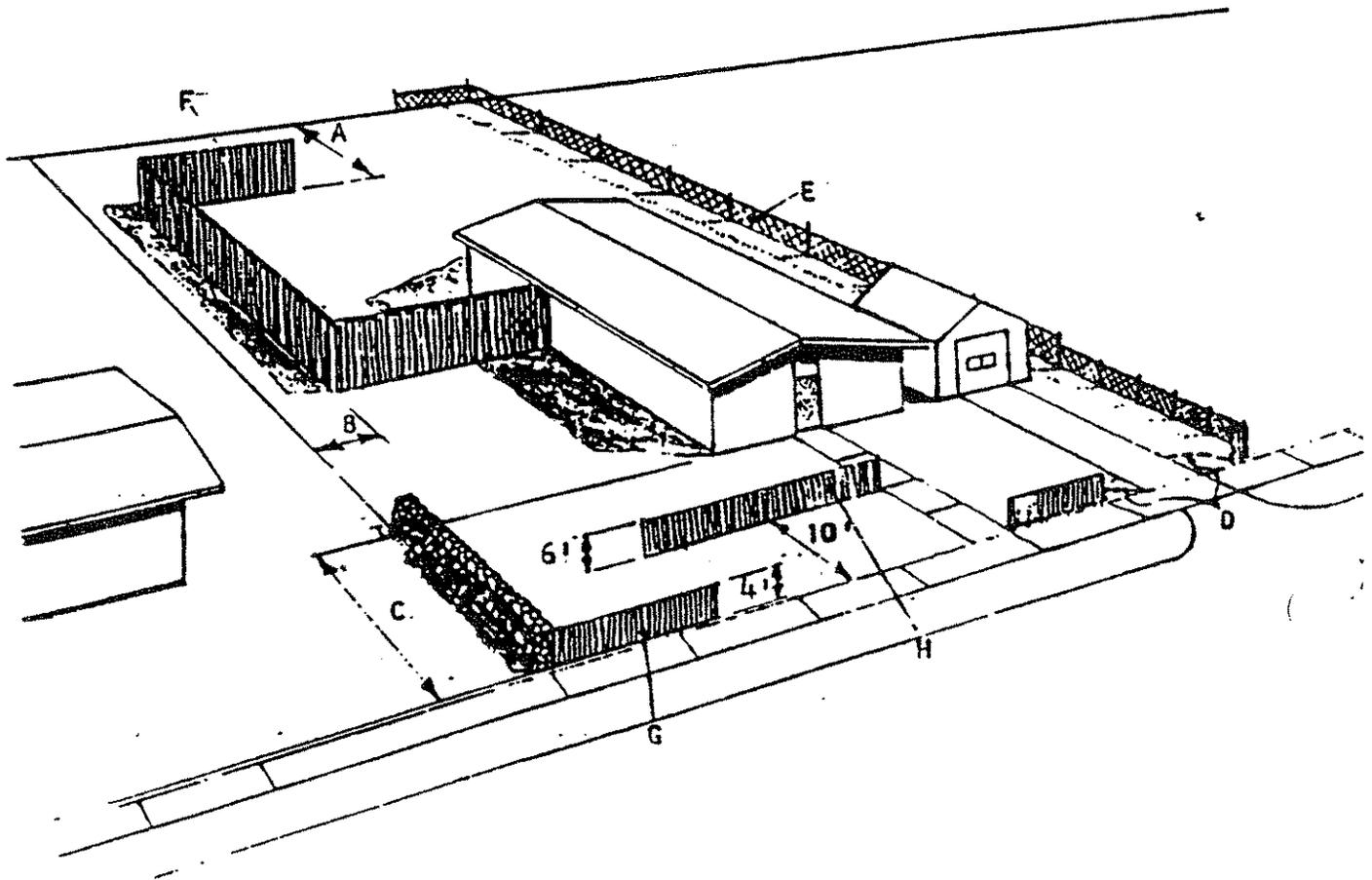


ZONE LINE



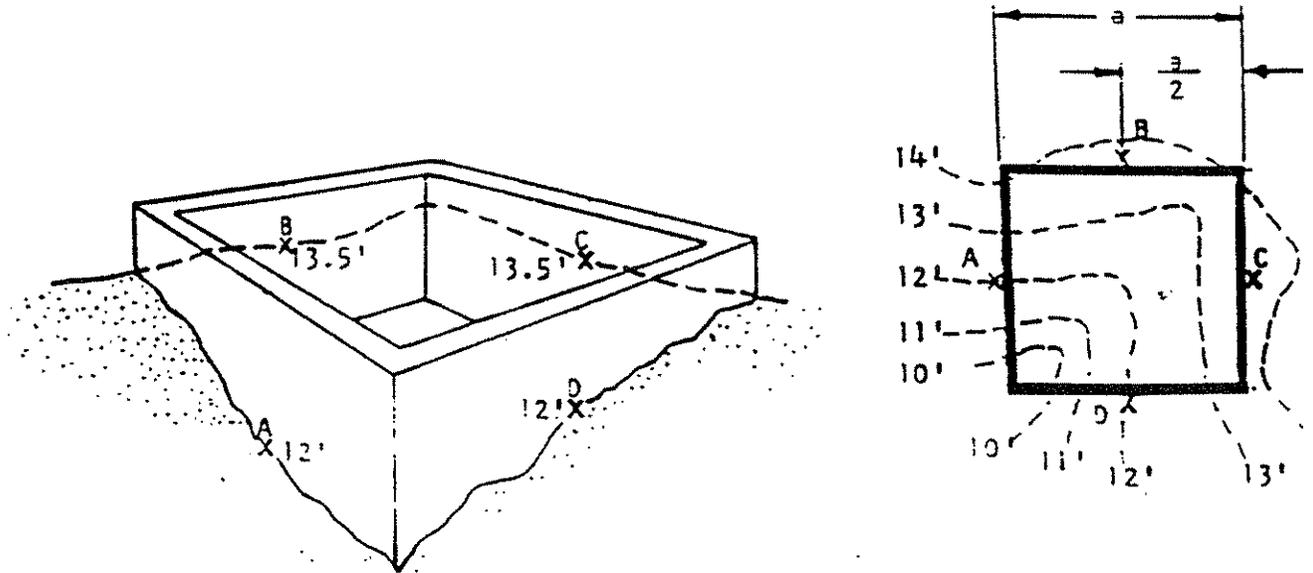
PROPERTY LINE

FENCES, FENCE WALLS AND HEDGES IN RESIDENTIAL ZONES
(See Section 2.2.14A)



- A. Required Rear Yard
- B. Required Side Yard
- C. Required Front Yard
- D. No fence, wall, or hedge, the gross area of which is 80% or less open, shall be located within a ten-foot radius of the intersection of any driveway edge and a street property line.
- E. No fence, hedge, or wall exceeding six feet in height may be erected within any required side or rear yard.
- F. Fences over six feet in height must be set back from the property line in the same manner as building walls.
- G. No fence, hedge, or wall exceeding four feet in height may be erected within five feet of any property line in the required front yard. Higher fences, hedges, or walls up to a maximum height of six feet may be erected within the front yard if they are set back five feet from the property lines for each additional one foot in height (H).

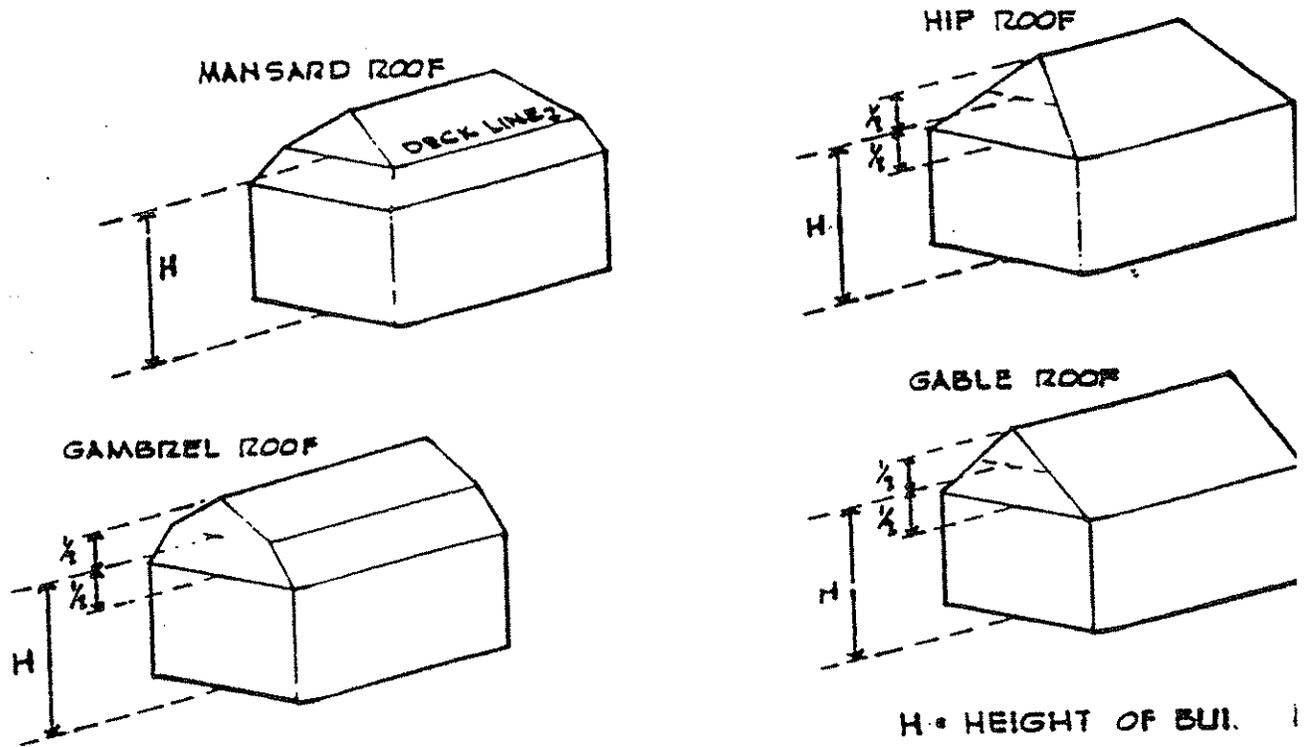
GRADE



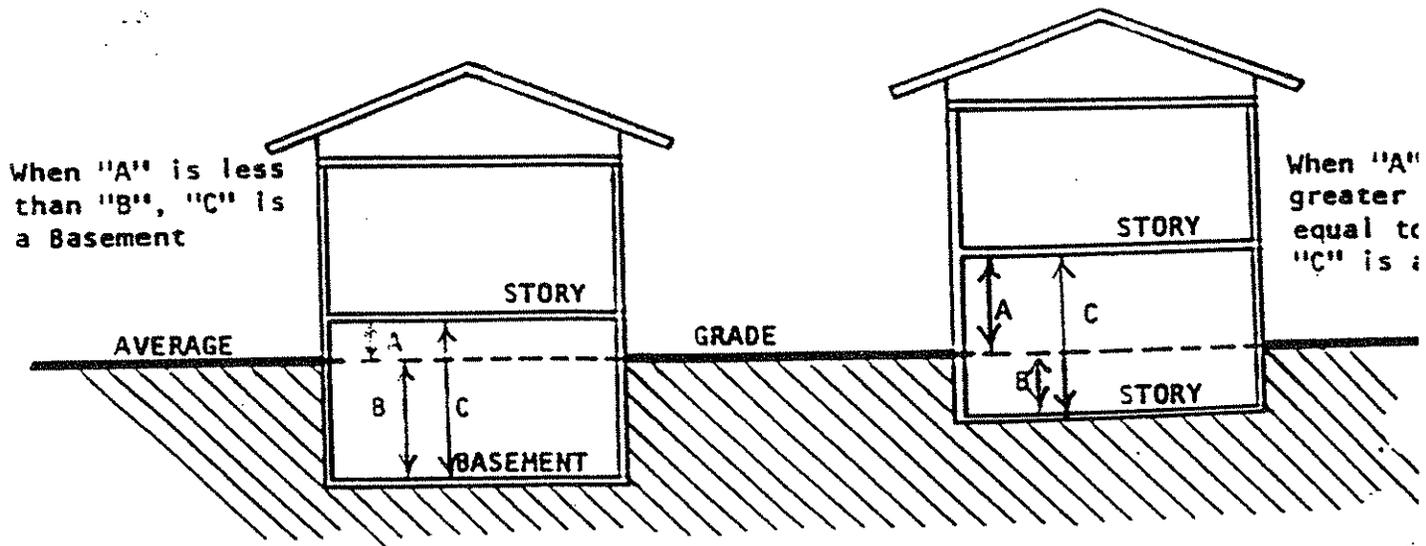
GRADE IN THIS EXAMPLE = 12.75'

GRADE: Average of Elevations of Finished Surface of the Ground at Points A, B, C, and D (Mid Point of the Walls)

Building Height: Is the vertical distance measured from grade to the highest point of flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.

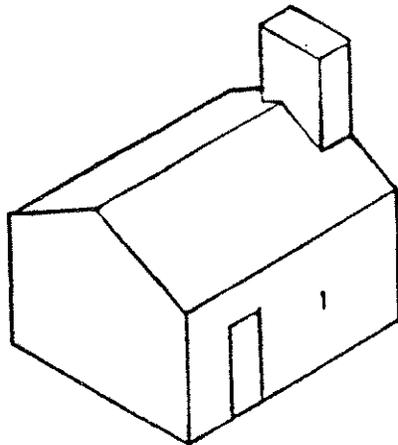


BASEMENT & STORY

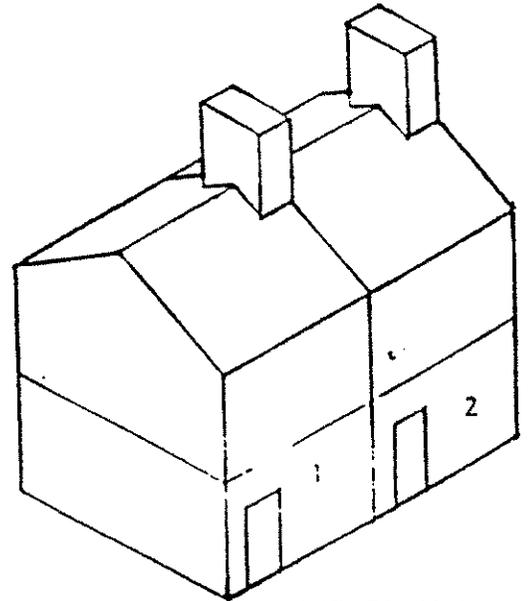


TYPES OF DWELLINGS

SEE SECTIONS 4.5 AND 11.2

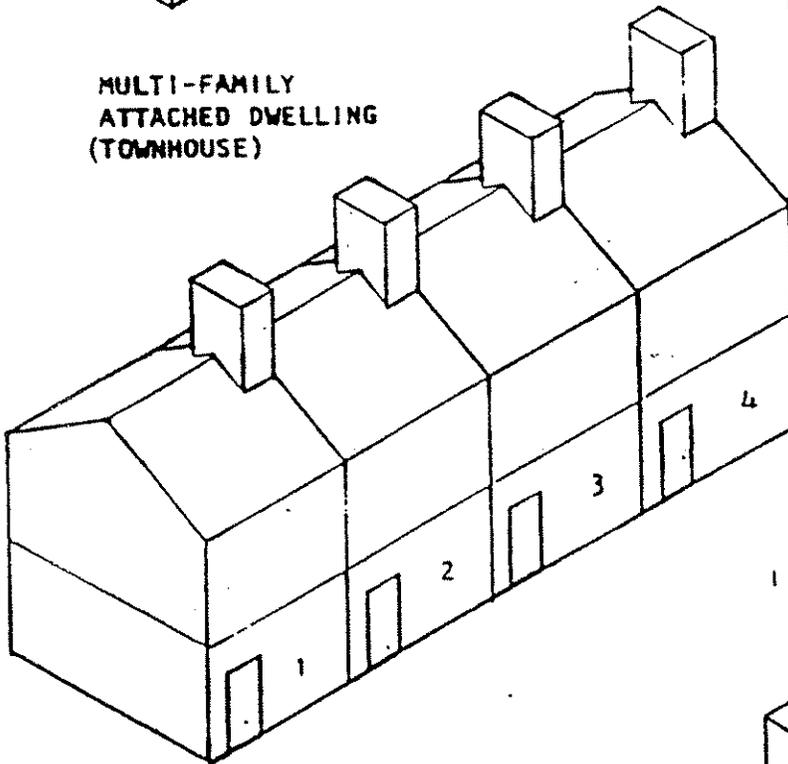


ONE-FAMILY
DETACHED DWELLING

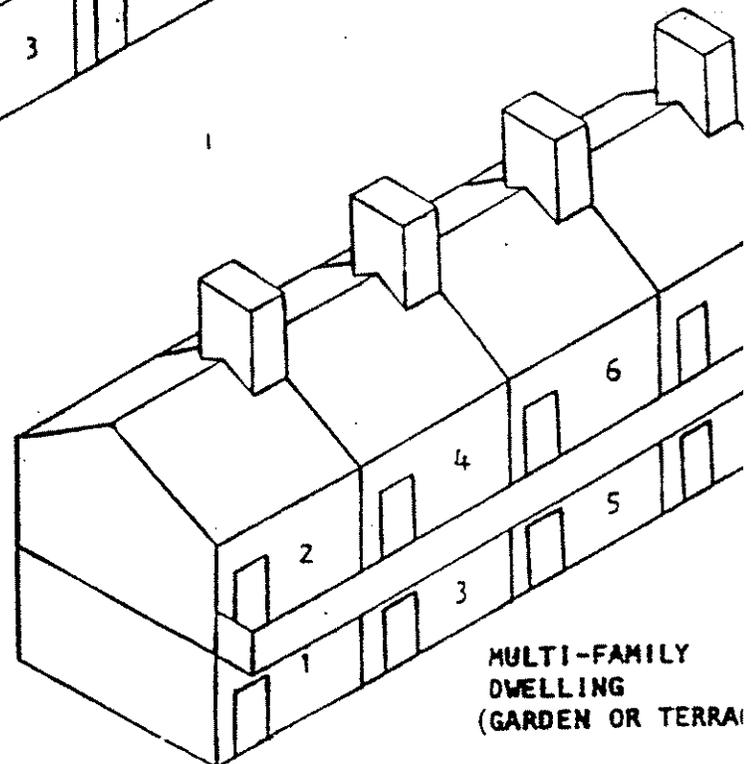


ONE-FAMILY
SEMI-ATTACHED DWELLING

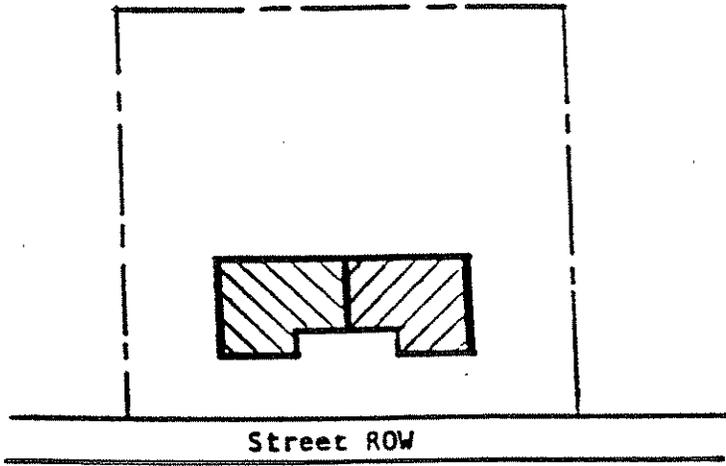
MULTI-FAMILY
ATTACHED DWELLING
(TOWNHOUSE)



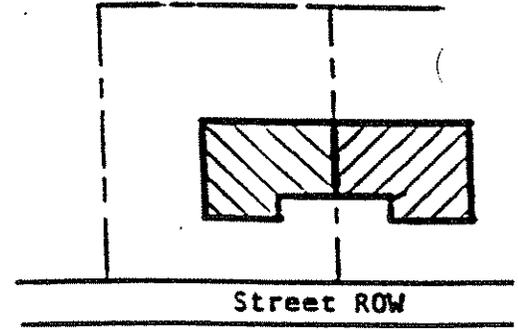
9 DISTRIBUTION OF
DWELLING UNITS



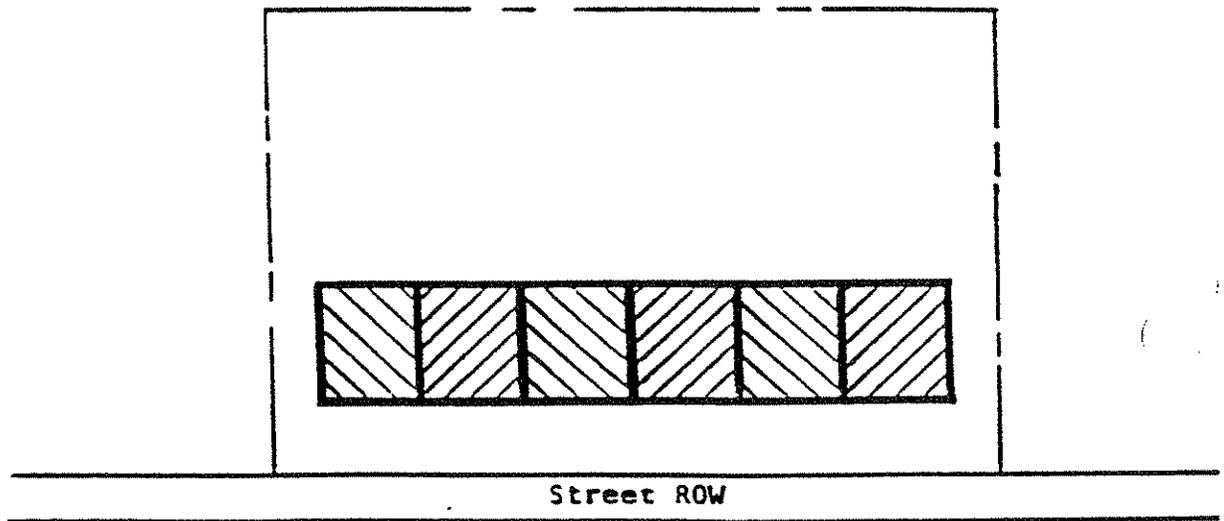
MULTI-FAMILY
DWELLING
(GARDEN OR TERRACE)



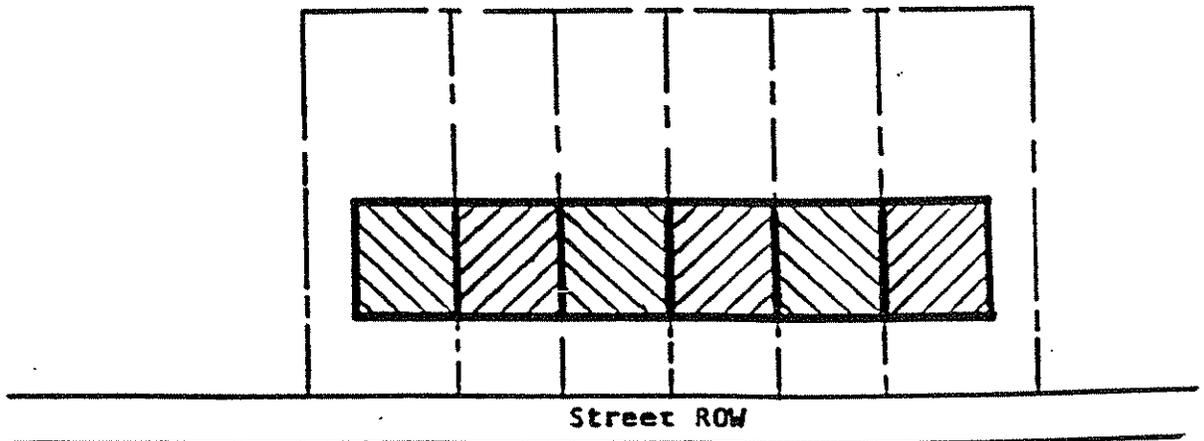
ONE-FAMILY SEMI-ATTACHED DWELLINGS
ON THE SAME LOT



ONE-FAMILY SEMI-ATTACHED DWELLINGS
ON SEPARATE LOTS



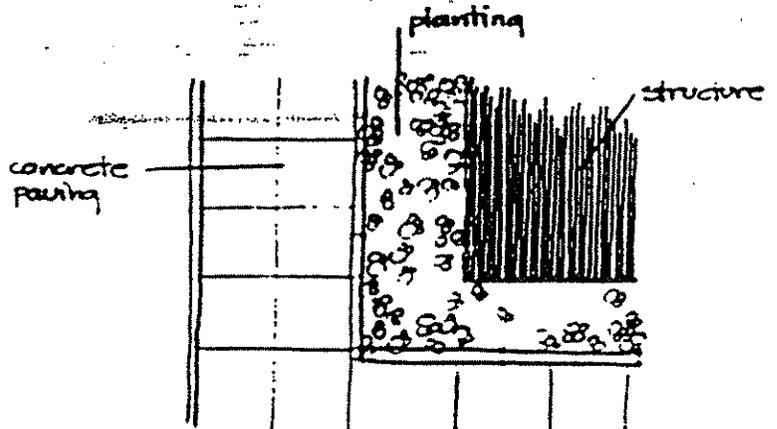
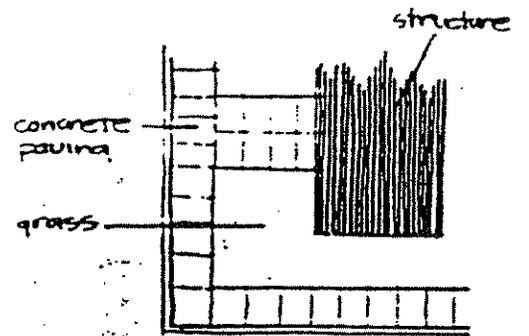
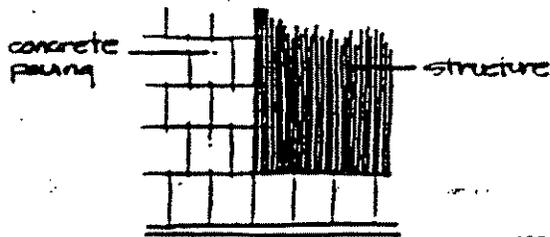
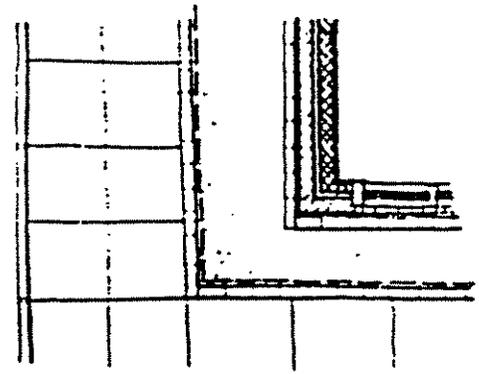
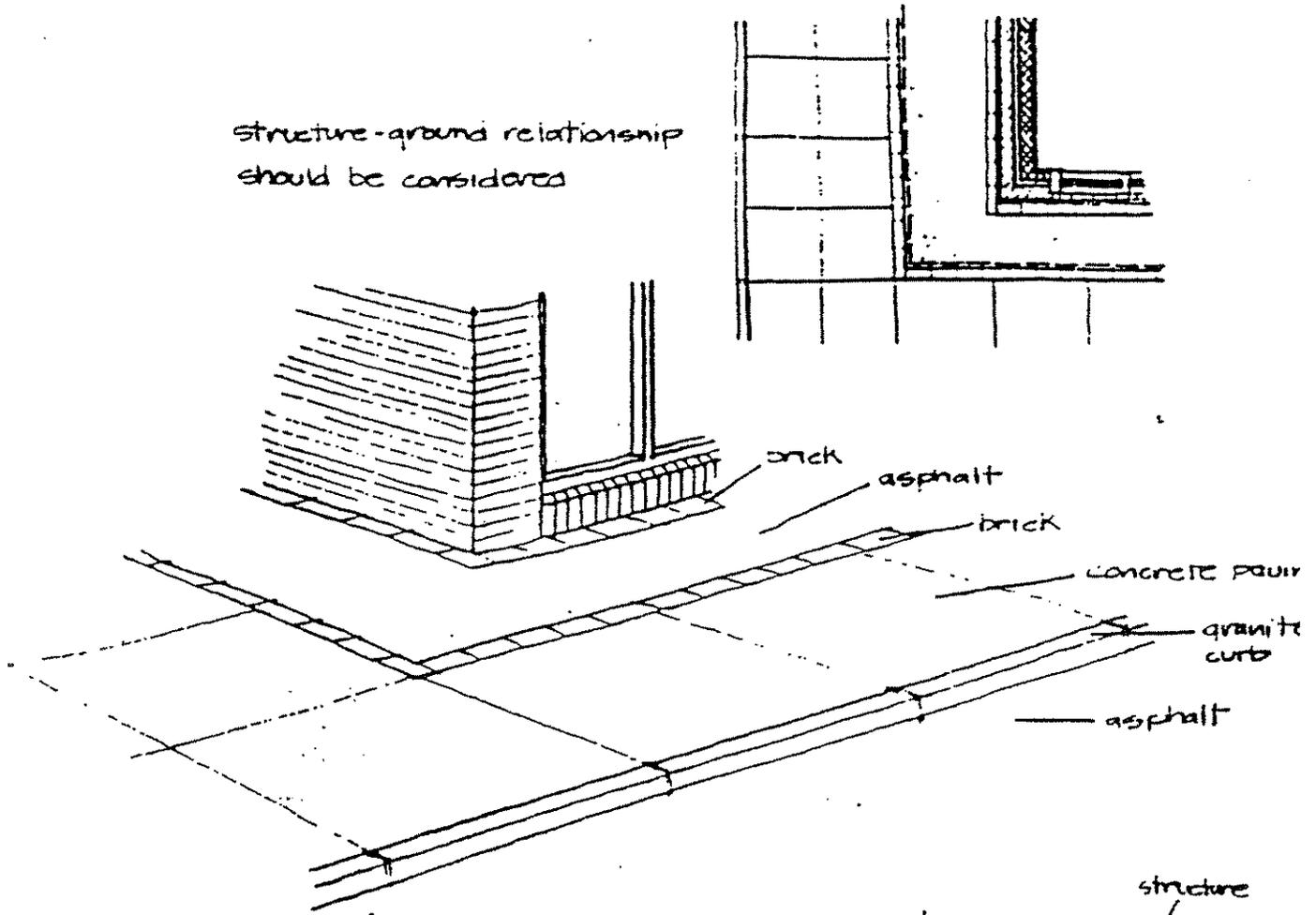
MULTI-FAMILY ATTACHED DWELLINGS OF THE SAME LOT



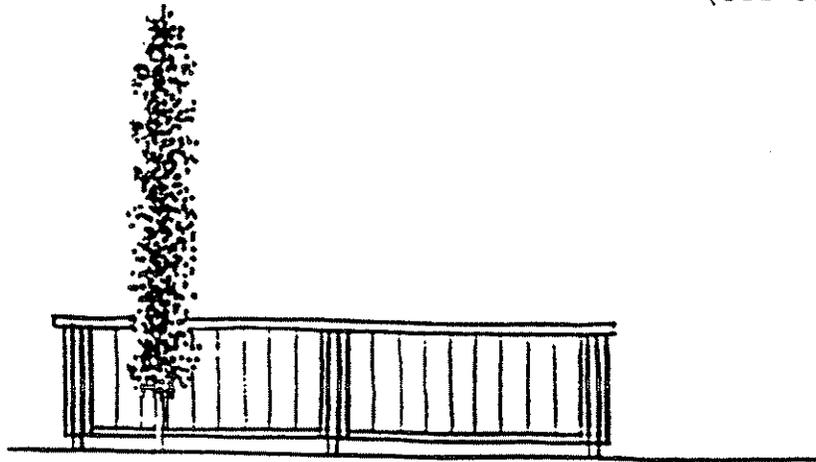
MULTI-FAMILY ATTACHED DWELLINGS ON SEPARATE LOTS
Types of Dwellings: See Sections 4.5.4 and 11.2.3

SITE DESIGN DETAILS (See Section 3)

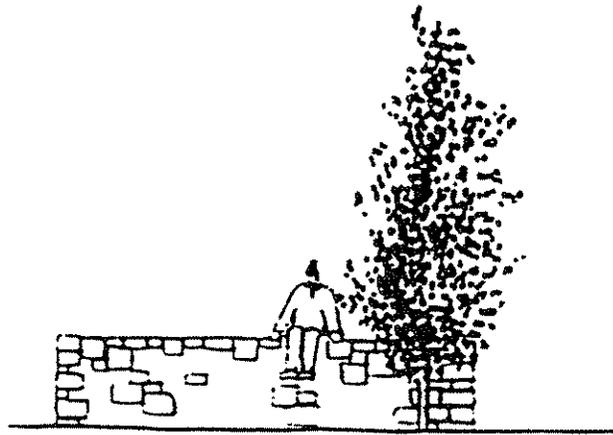
structure-ground relationship
should be considered



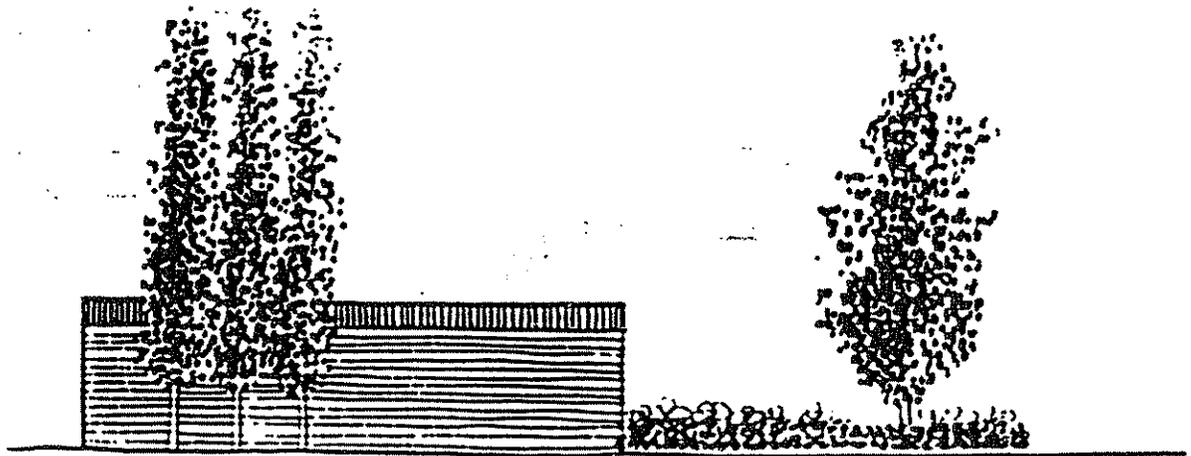
SITE DESIGN DETAILS
(See Section 3.1.4)



wood screen wall

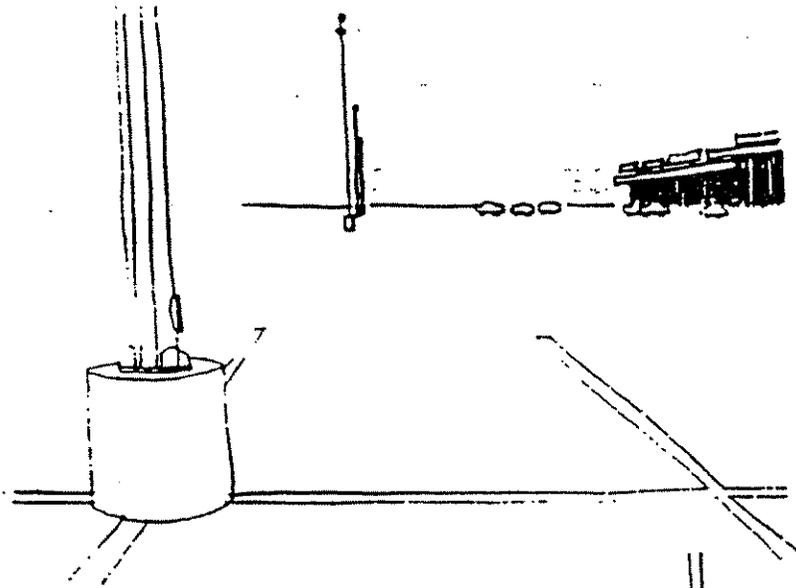


stone screen wall

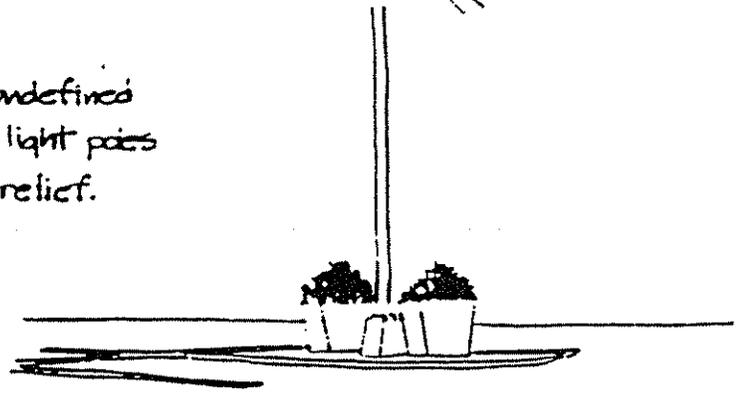


brick screen wall combined with planting screen

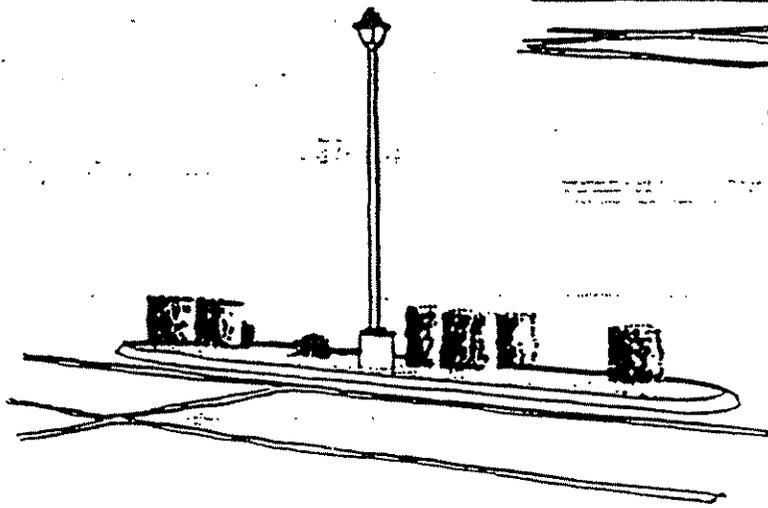
SITE DESIGN DETAIL (See Section 3)



A large unbroken, undefined parking area with light poles as the only visual relief.



Cast-concrete planting boxes help to define parking isles. This system is usually an afterthought.

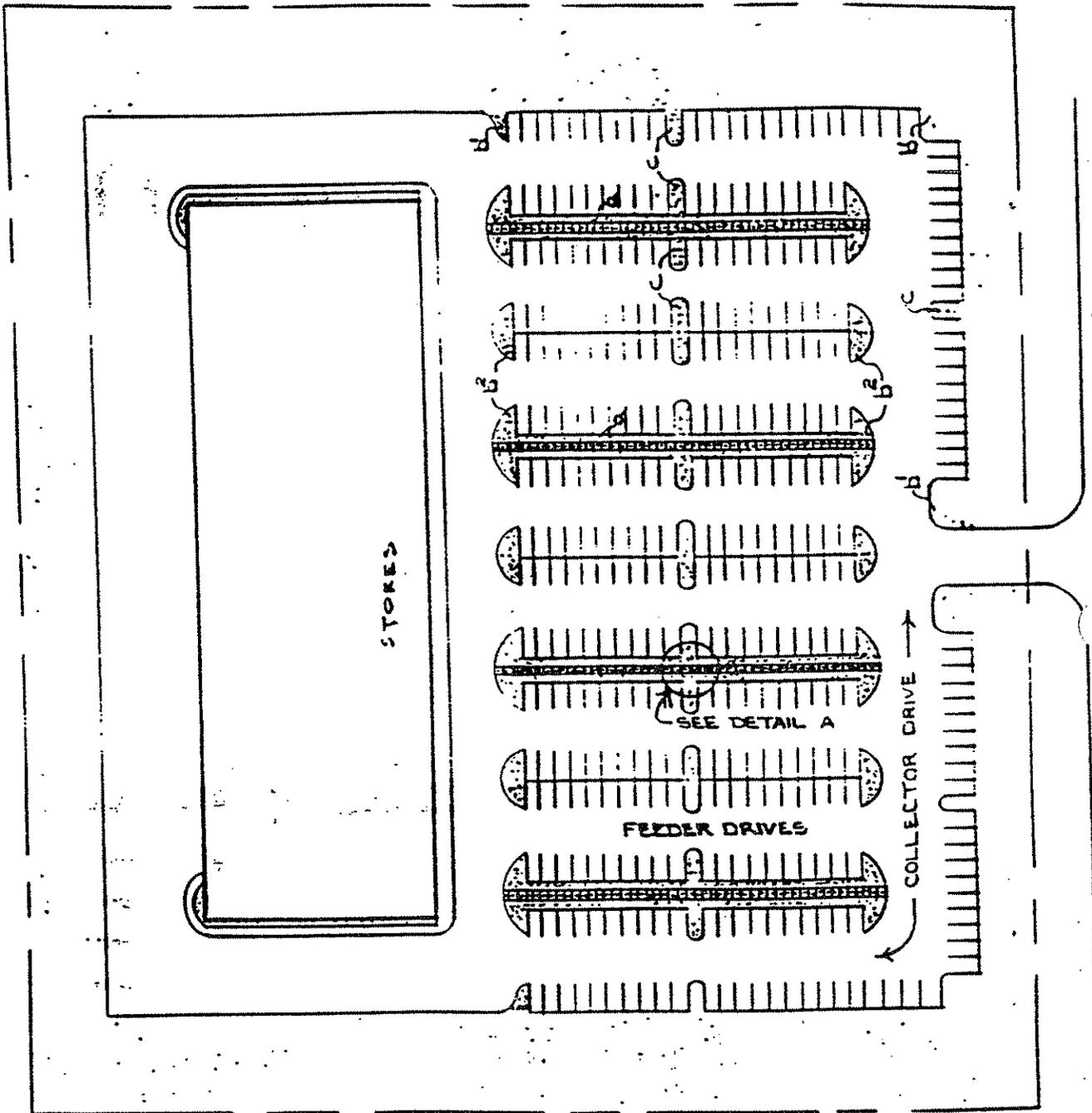


As designed parking isle terminus island with curbing, light standard and plantings. (See Section 3.1

PARKING LOT

100 SPACES OR MORE

See Section 3.1.9

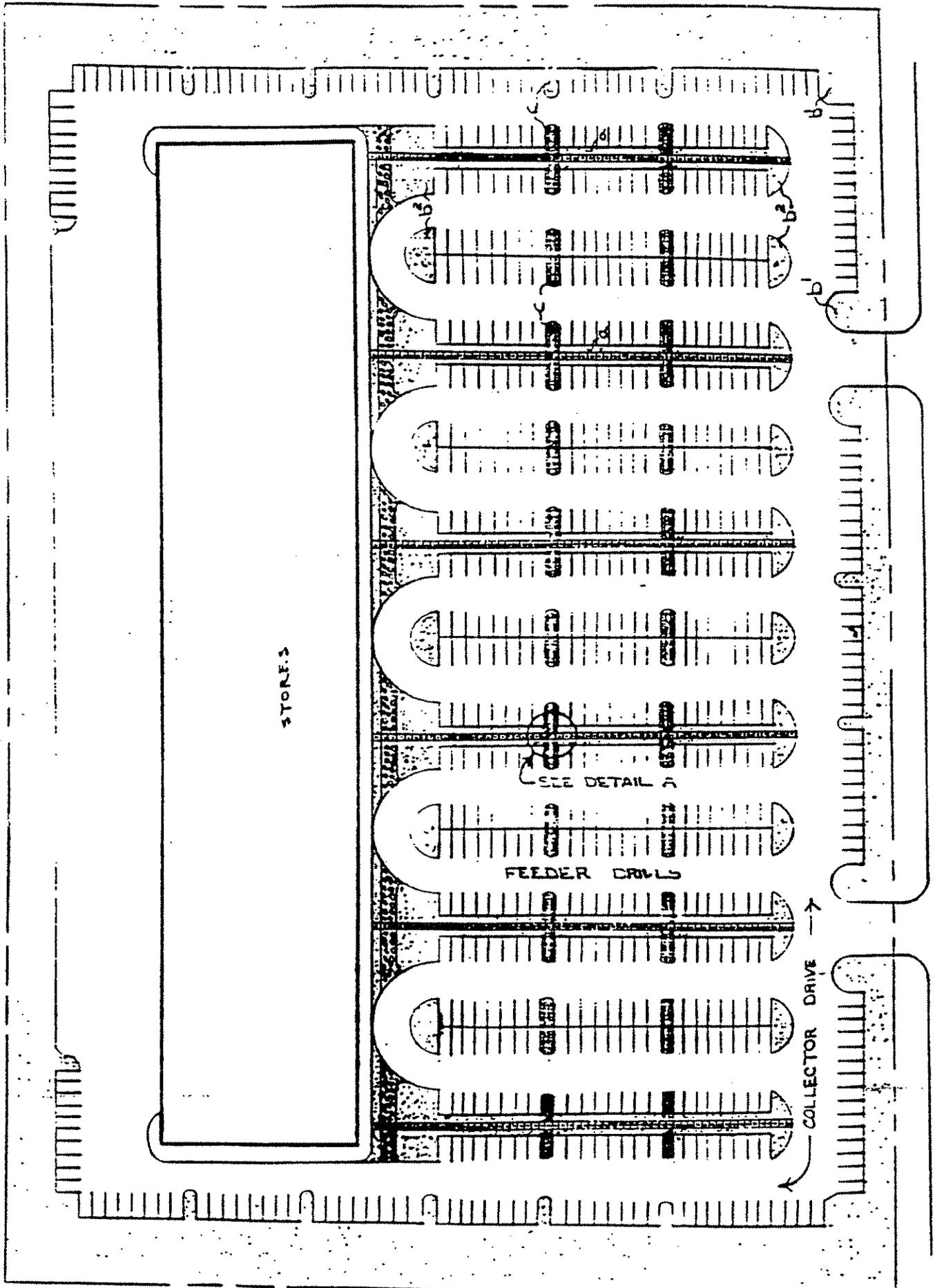


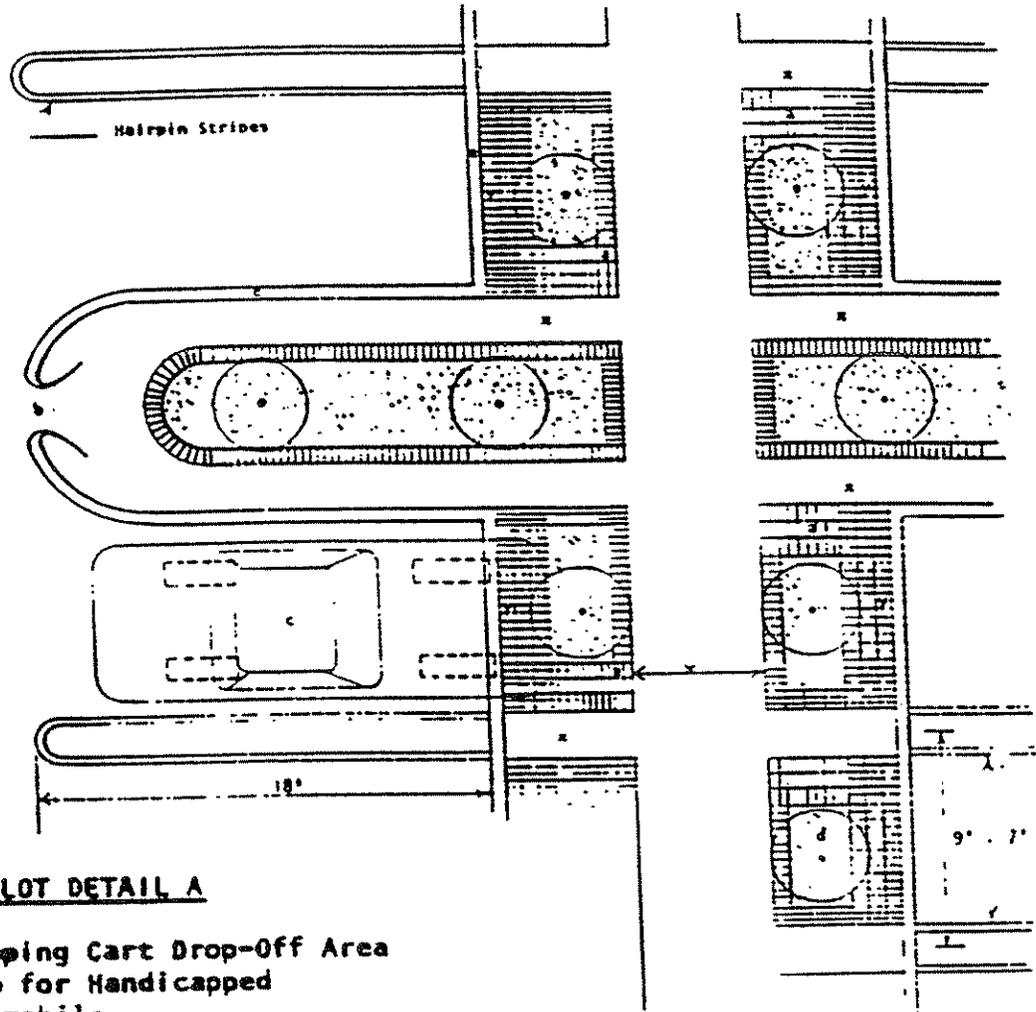
planted strips

pedestrian way

PARKING LO 1

500 SPACES OR MORE See Section 3.

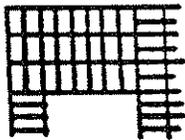




PARKING LOT DETAIL A

Legend:

- (a) Shopping Cart Drop-Off Area
- (b) Ramp for Handicapped
- (c) Automobile
- (d) Trees or Bushes
- (e) Curb



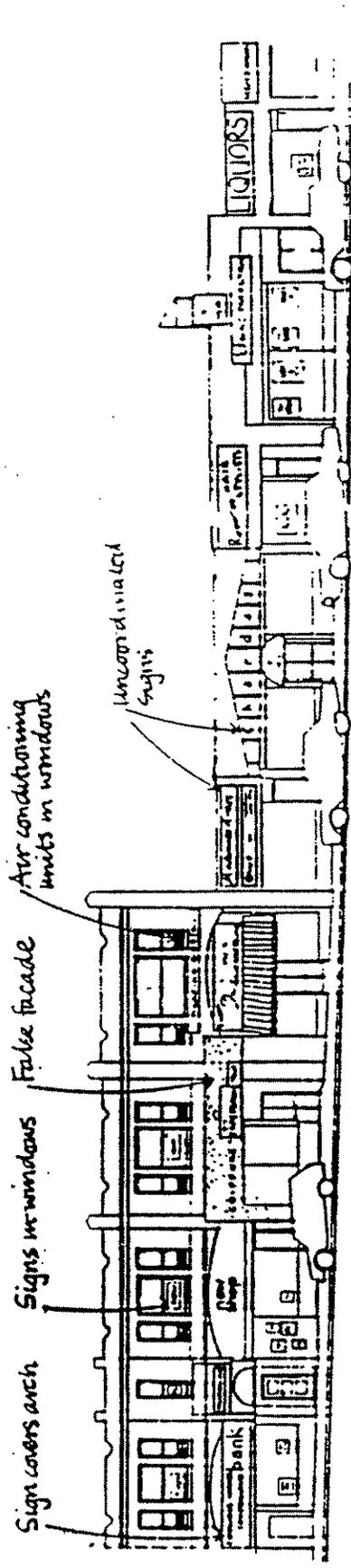
Decorative Paving



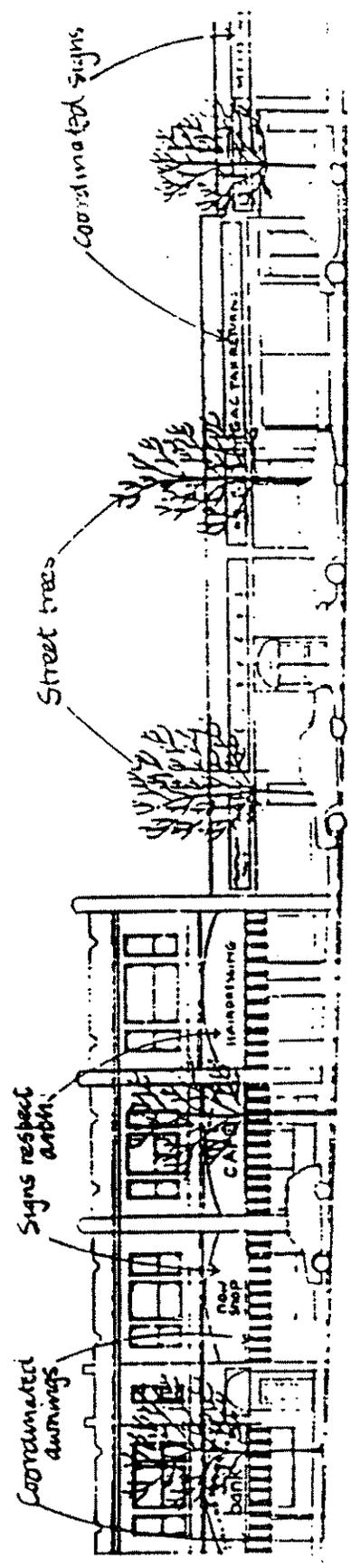
Grass or Mulch

NOTES:

1. Decorative paving (excluding areas under car overhang) and lateral walkway (x) leading to main walk (w) shall be considered as net planting area.
2. Main walkway (w) and 2' car overhang (y) not to be calculated as net planting area.



Existing elevation
Typical retail block, originally a series of stone arches over individual store-fronts, now largely obscured by a variety of signs which are not contained within the originally provided architectural frame.

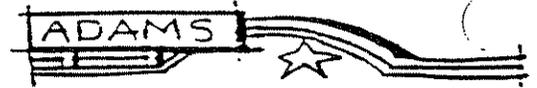


Preferred elevation
 Shows how coordinated awnings and signs improve the architectural appearance. The signs have been lined up but retain the original lettering style. Street trees contribute to the visual improvement of the street.

SIGN DESIGN GUIDELINES
See Section 13.6.1A



THIS

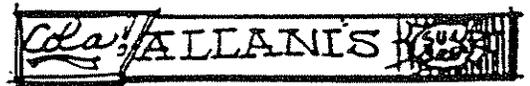


NOT THIS

The sign should serve to define or enhance architectural elements of the building, not obscure or obliterate them.

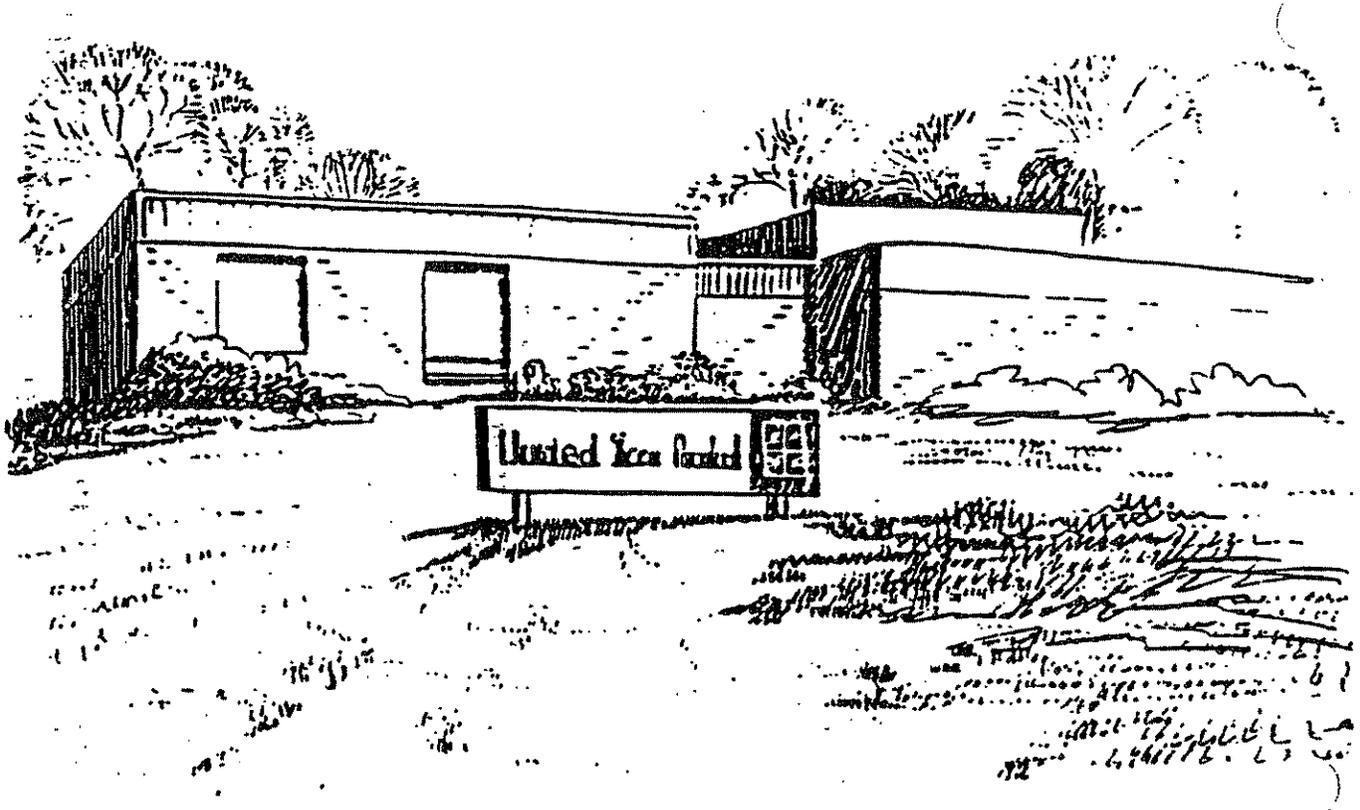


THIS

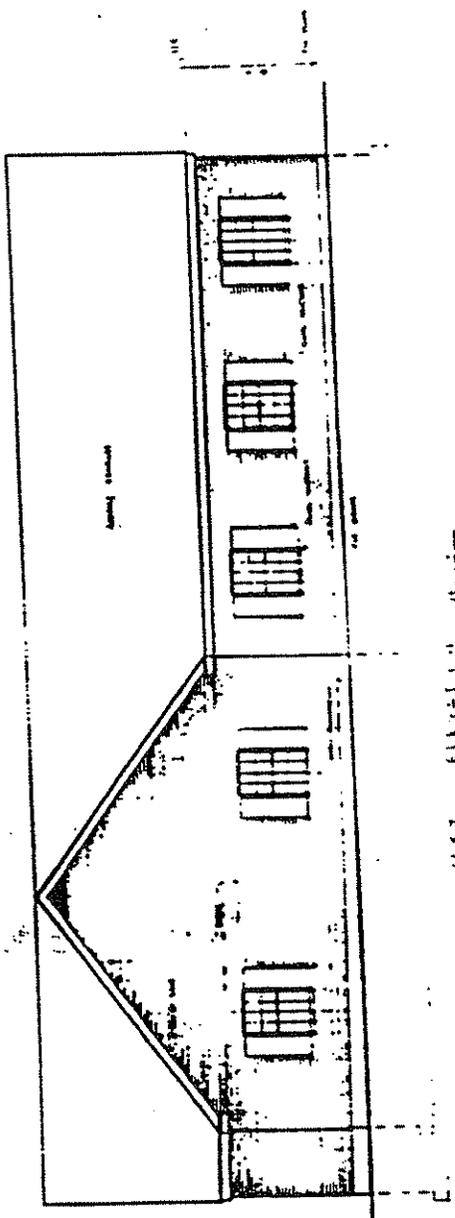


NOT THIS

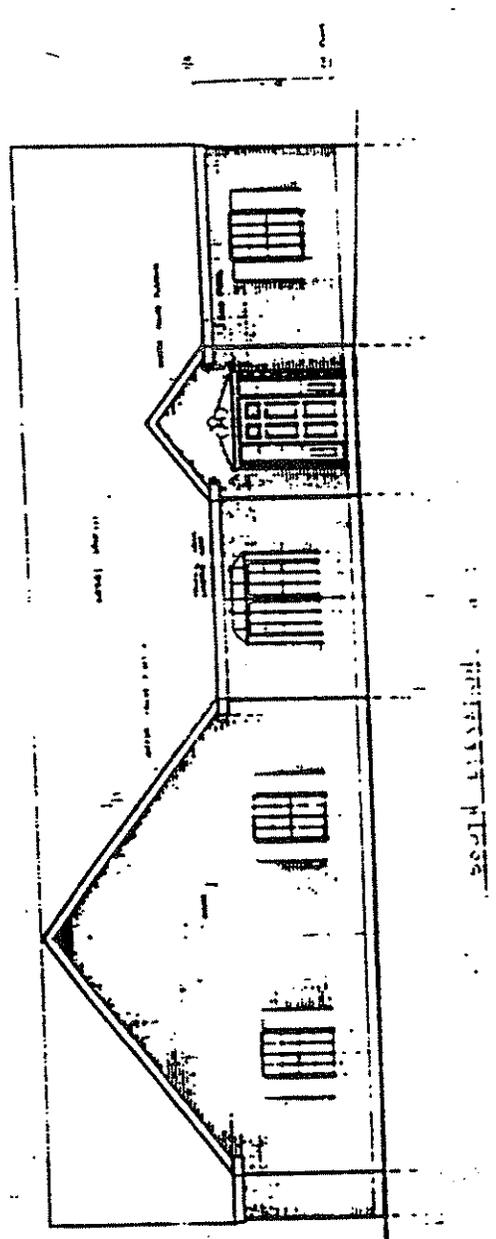
The sign should identify the name of the business, not advertise brand names.



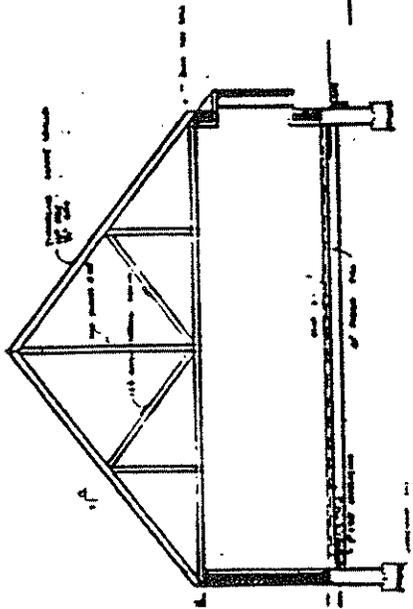
Small, tastefully designed industrial sign.



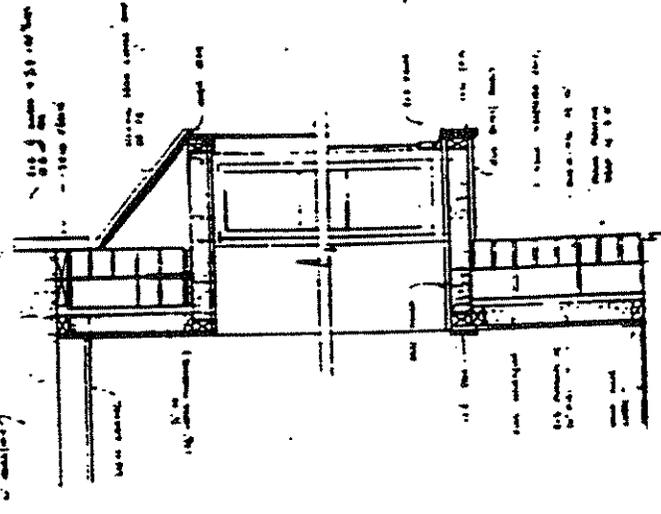
EAST ELEVATION



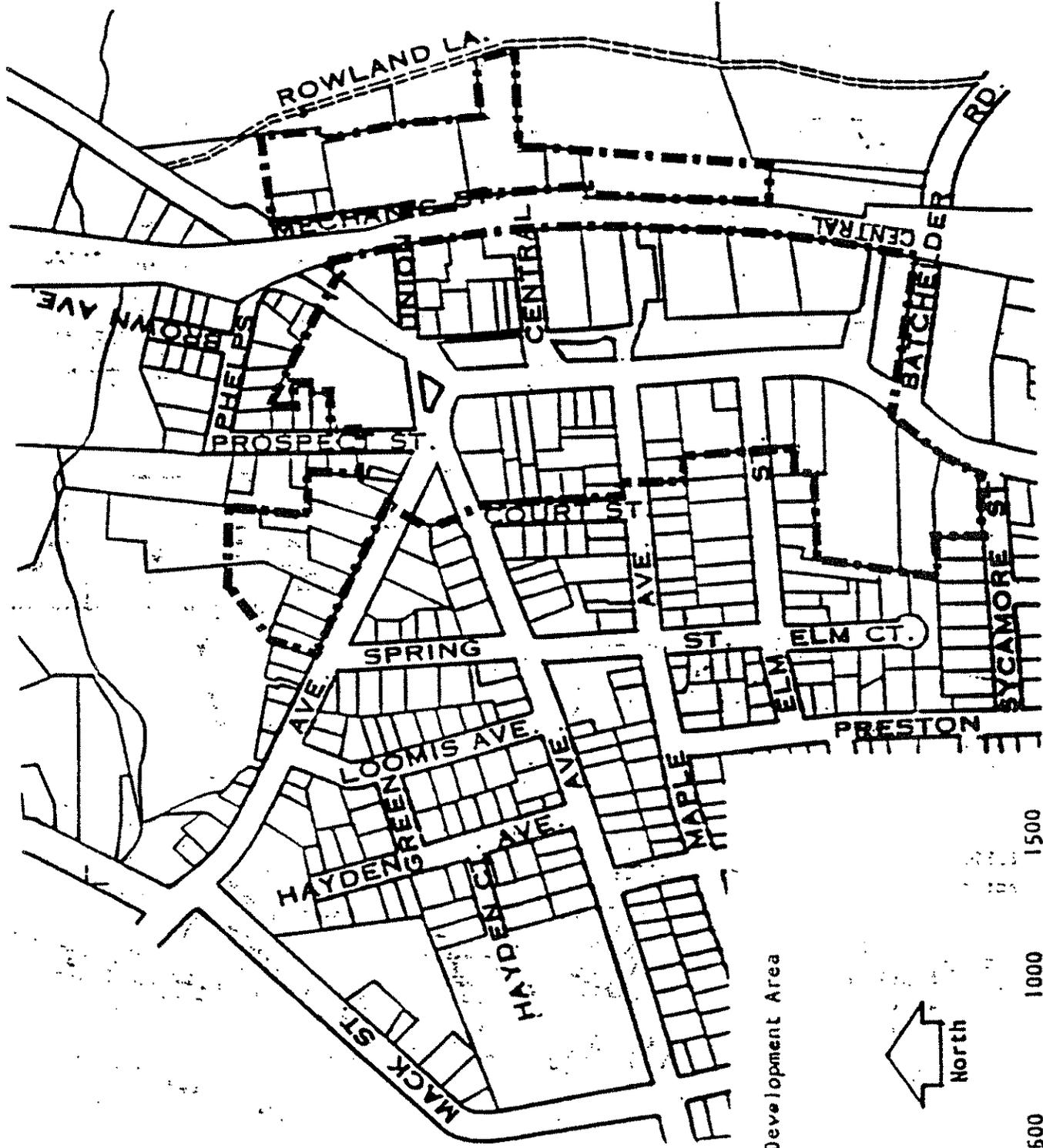
SOUTH ELEVATION



TYPICAL SECTION

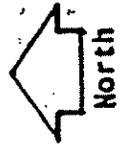


TYPICAL SECTION

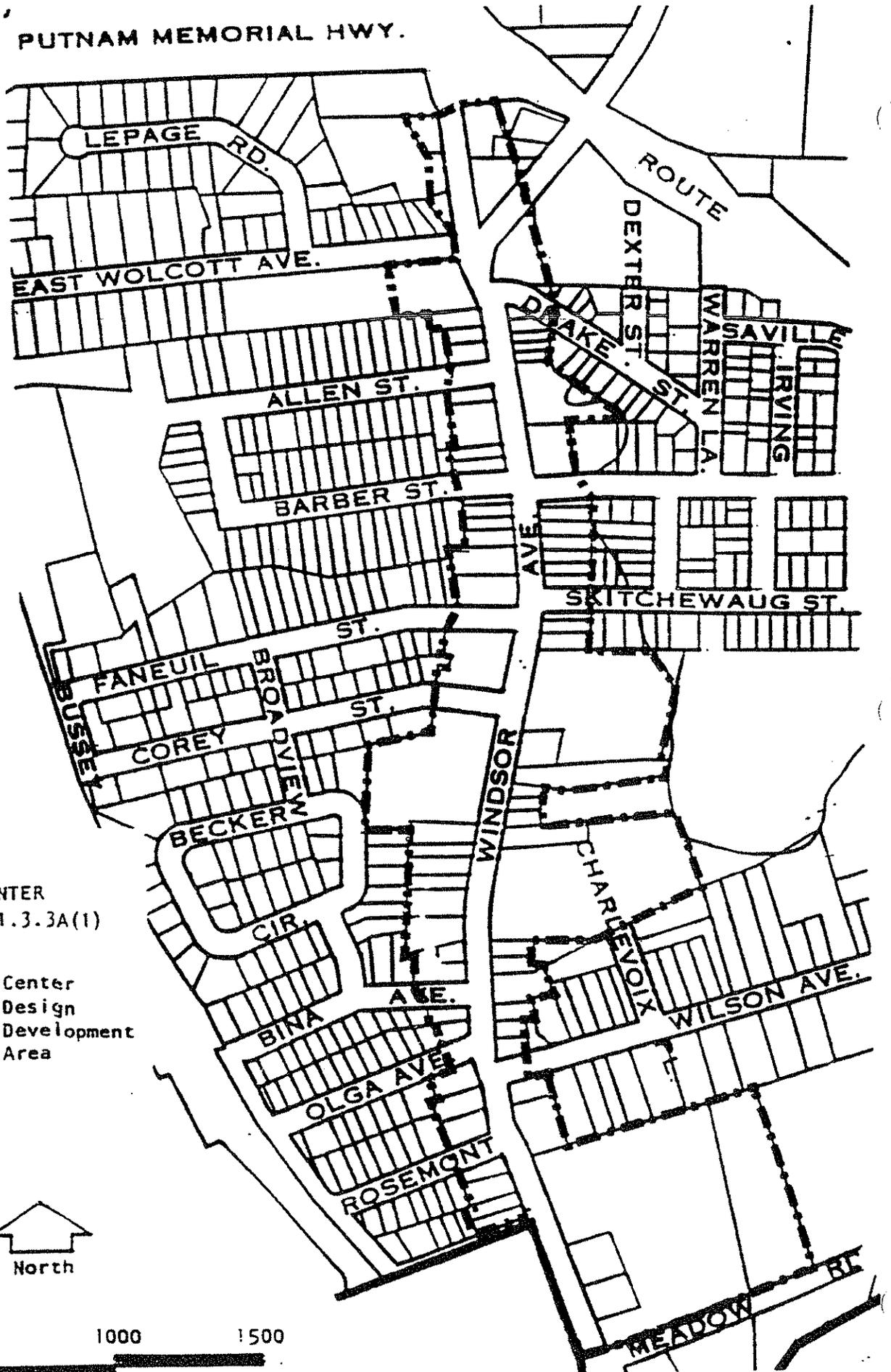


WINDSOR CENTER
 See Section 11.3.3A(1)

Center Design Development Area



PUTNAM MEMORIAL HWY.



WILSON CENTER
See Section 11.3.3A(1)

 Center
Design
Development
Area



North

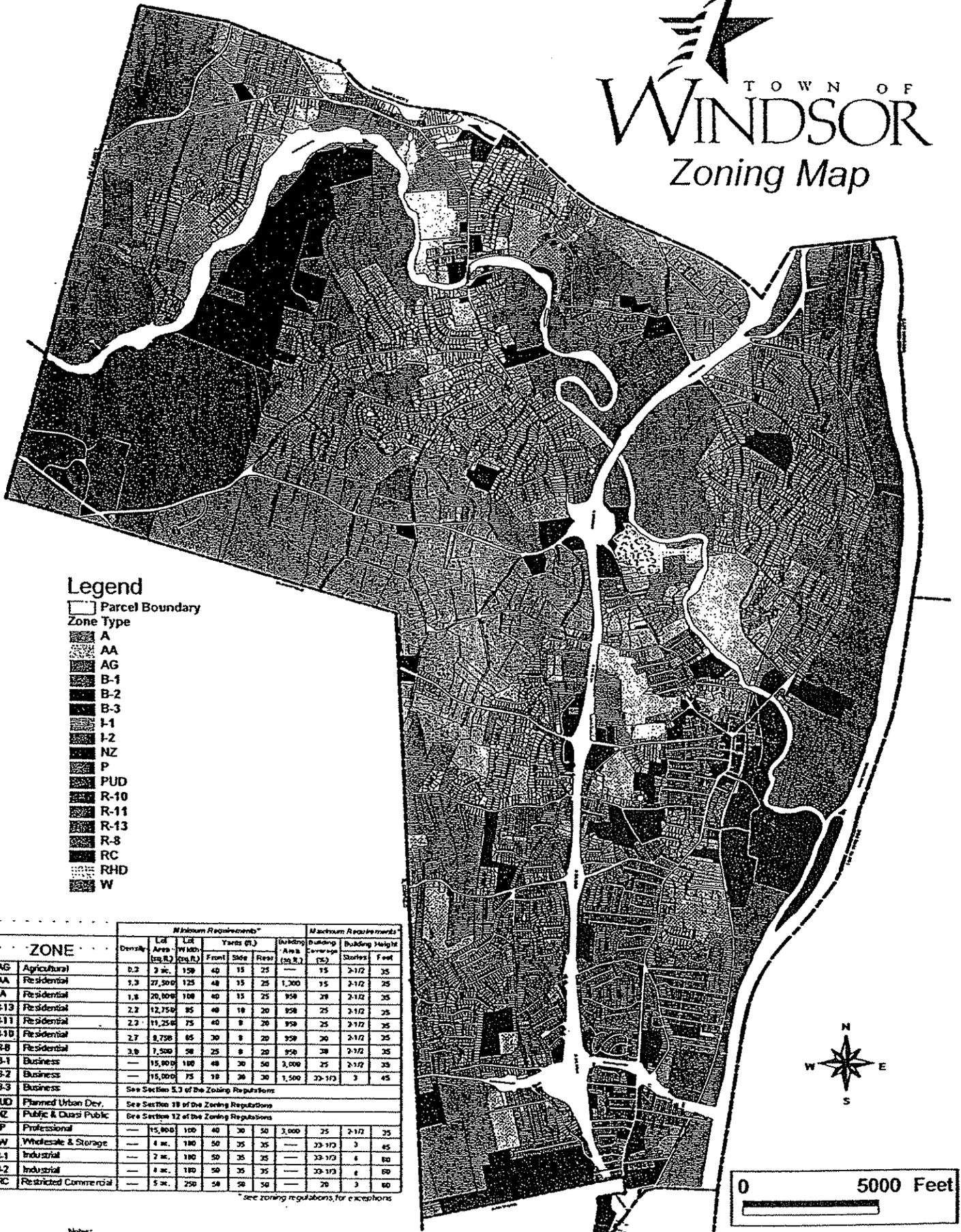
0 500 1000 1500

SCALE 1"=500'



TOWN OF WINDSOR

Zoning Map



Legend

- Parcel Boundary
- Zone Type**
- A
- AA
- AG
- B-1
- B-2
- B-3
- I-1
- I-2
- NZ
- P
- PUD
- R-10
- R-11
- R-13
- R-8
- RC
- RHD
- W

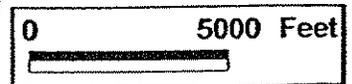
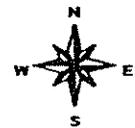
ZONE	Minimum Requirements*						Maximum Requirements		
	Density	Lot Area (sq. ft.)	Lot Width (ft.)	Yards (ft.)			Building Area (sq. ft.)	Building Coverage (%)	Building Height (Stories / Feet)
AG Agricultural	0.2	2 ac.	150	40	15	25	---	15	2-1/2 / 35
AA Residential	1.3	27,500	125	48	15	25	1,300	15	2-1/2 / 35
A Residential	1.8	20,000	108	40	15	25	950	28	2-1/2 / 35
R-13 Residential	2.2	12,750	85	48	18	20	950	25	2-1/2 / 35
R-11 Residential	2.3	11,250	75	40	8	20	950	25	2-1/2 / 35
R-10 Residential	2.7	8,750	65	30	8	20	950	20	2-1/2 / 35
R-8 Residential	3.8	7,500	58	25	8	20	950	28	2-1/2 / 35
B-1 Business	---	15,000	100	48	30	50	3,000	25	2-1/2 / 35
B-2 Business	---	15,000	75	18	30	30	1,500	27-1/3	3 / 45
B-3 Business	See Section 5.3 of the Zoning Regulations								
PUD Planned Urban Dev.	See Section 18 of the Zoning Regulations								
NZ Public & Quasi Public	See Section 12 of the Zoning Regulations								
P Professional	---	15,000	100	40	30	50	3,000	25	2-1/2 / 35
W Wholesale & Storage	---	4 ac.	180	50	35	35	---	27-1/3	3 / 45
I-1 Industrial	---	2 ac.	180	50	35	35	---	27-1/3	6 / 80
I-2 Industrial	---	4 ac.	180	50	35	35	---	27-1/3	6 / 80
RC Restricted Commercial	---	5 ac.	250	58	58	58	---	20	3 / 60

* See zoning regulations for exceptions

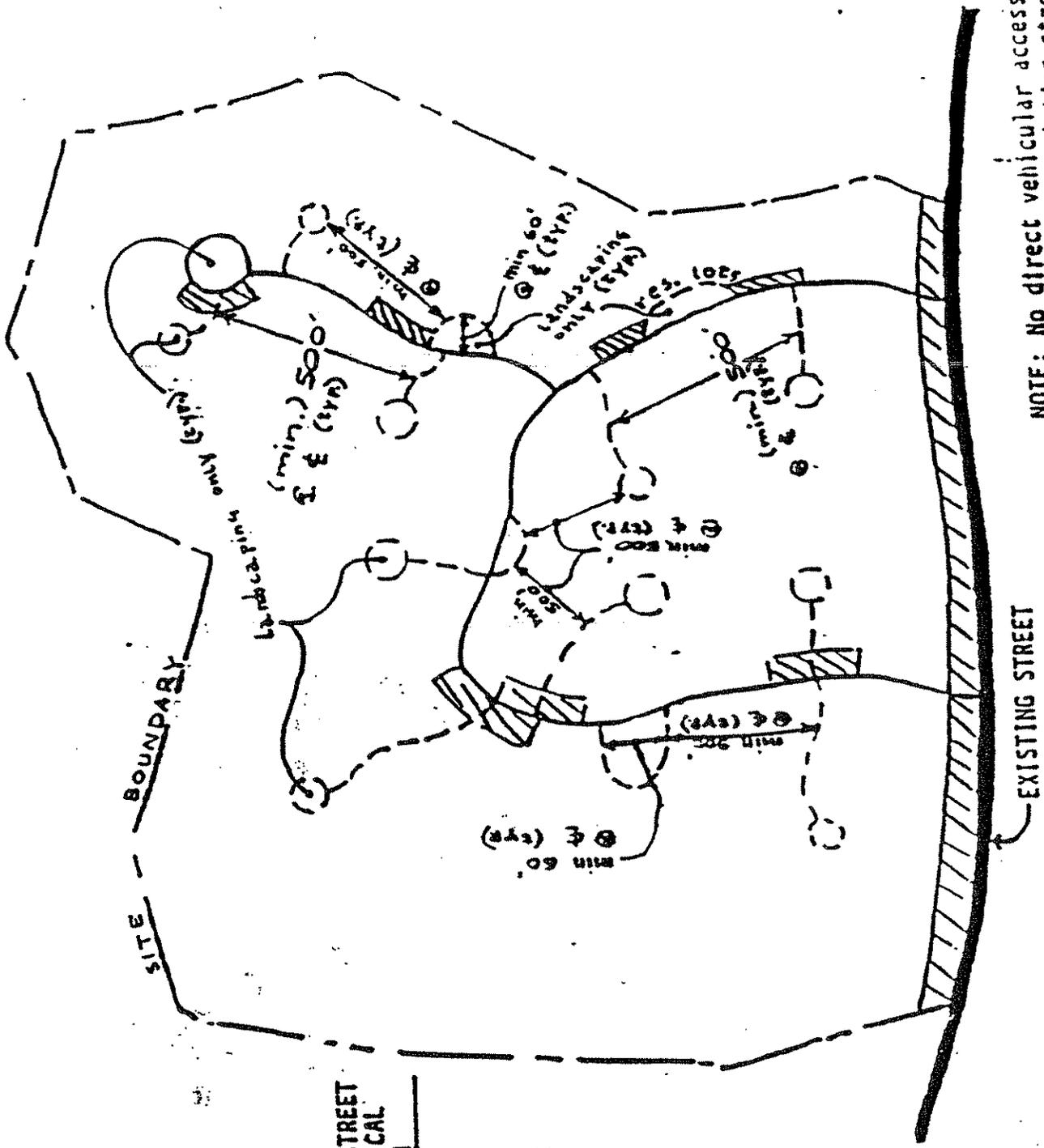
Notes:

This Zoning Map is intended for reference purposes only. The Official Zoning Map, set at a scale of 1 inch = 2000 Feet, is available at the Planning Department and Town Clerk's Office.

The Residential High Density (RHD) Zone was deleted from the Zoning Regulations.



Accepted by the Windsor TP&ZC on March 17, 2003

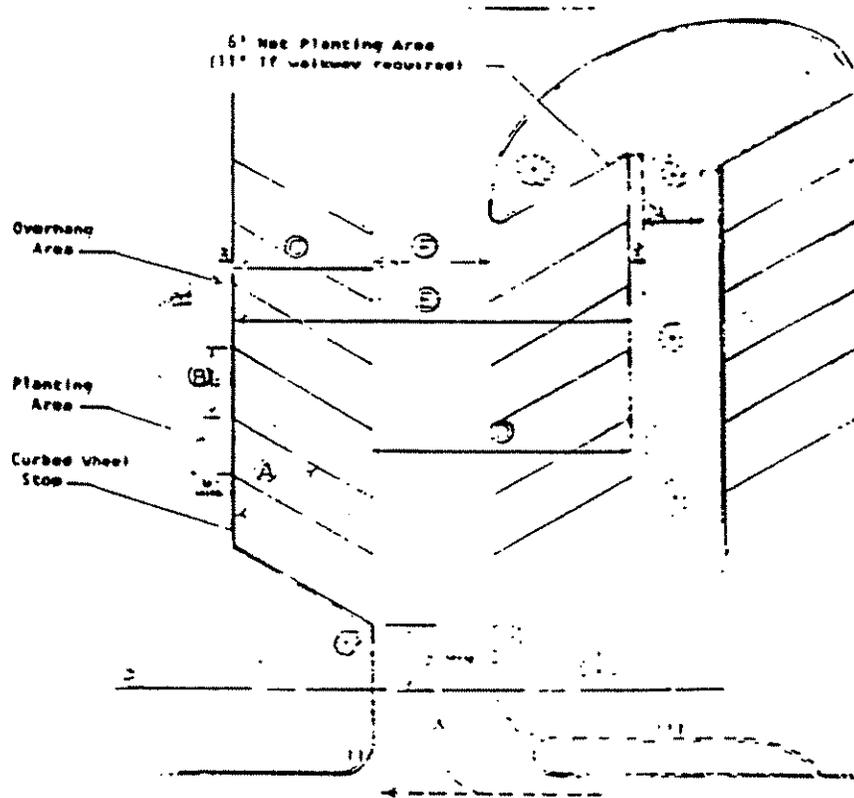


ILLUSTRATIVE SKETCH OF STREET LAYOUT FOR A HYPOTHETICAL CLUSTER SUBDIVISION

- Distributor Streets
- - - Cluster-Sac Streets
- ▨ Typical 50' Buffer

NOT TO SCALE

NOTE: No direct vehicular access to any lot from existing street and no dwelling units located within 50 feet of existing street right-of-way.



NOT TO SCALE

A. Parking angle	0°	45°	60°	90°
B. Curb length per car	23'	12'9"	10'5"	9'
C. Stall depth	9'	18'	19'	18'
D. Width for 1 row + driveway	21'	31'	37'	42'
E. Width for 2 rows + driveway	30'	40'	56'	60'
F. Feeder drive	14'	13'	18'	24'

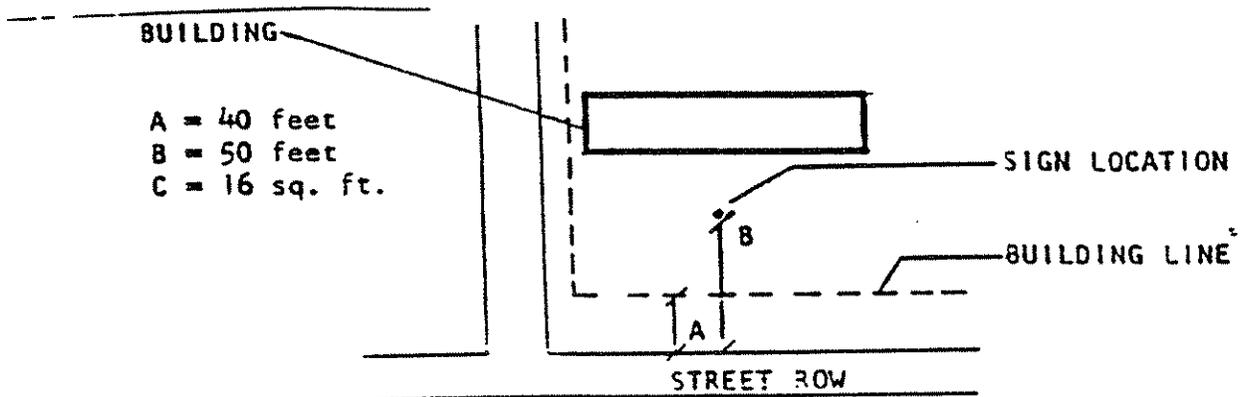
Notes:

1. 90° parking is encouraged; parallel parking (0°) should be avoided unless absolutely necessary. Extra width on end stalls or back up area required. Additional 6' width is necessary for collector drives.
2. The width of the feeder drive indicated for 90° parking is for two way circulation, the widths for 0°, 45°, and 60° parking are for one way circulation.
3. Parking lot drives at other than 90° must be open at both ends since it is required that cars must not back over street lines or sidewalks.
4. The curb cut radius closest to the on-coming traffic (I) should be greater than the one further (II), or a deceleration lane should be provided (III) to facilitate traffic flow and prevent excessive slowdowns on the street.

EXAMPLES OF SIGN FLEXIBILITY FORMULA (SEE SECTION 13.6.2H)

EXAMPLE 1

Locating a freestanding sign between the building and the building line serves to increase the number of square feet of allowable sign area:



A = 40 feet
 B = 50 feet
 C = 16 sq. ft.

$$D = \left(\frac{50}{40} - 1 \right) \times 16$$

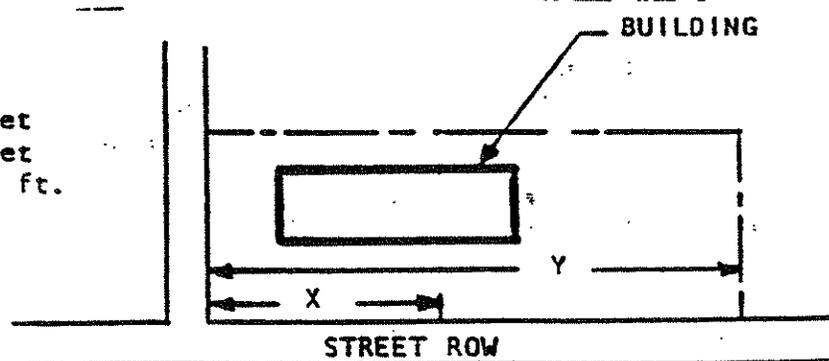
$$D = \left(1 \frac{1}{4} - 1 \right) \times 16$$

$$D = \frac{1}{4} \times 16$$

D = 4 square feet additional
 allowable sign area

EXAMPLE 2

Locating a freestanding sign on a building lot the actual width of which is greater than the required sign lot width serves to increase the number of square feet of allowable sign area:



X = 180 feet
 Y = 240 feet
 C = 16 sq. ft.

$$D = \left(\frac{240}{180} - 1 \right) \times 16$$

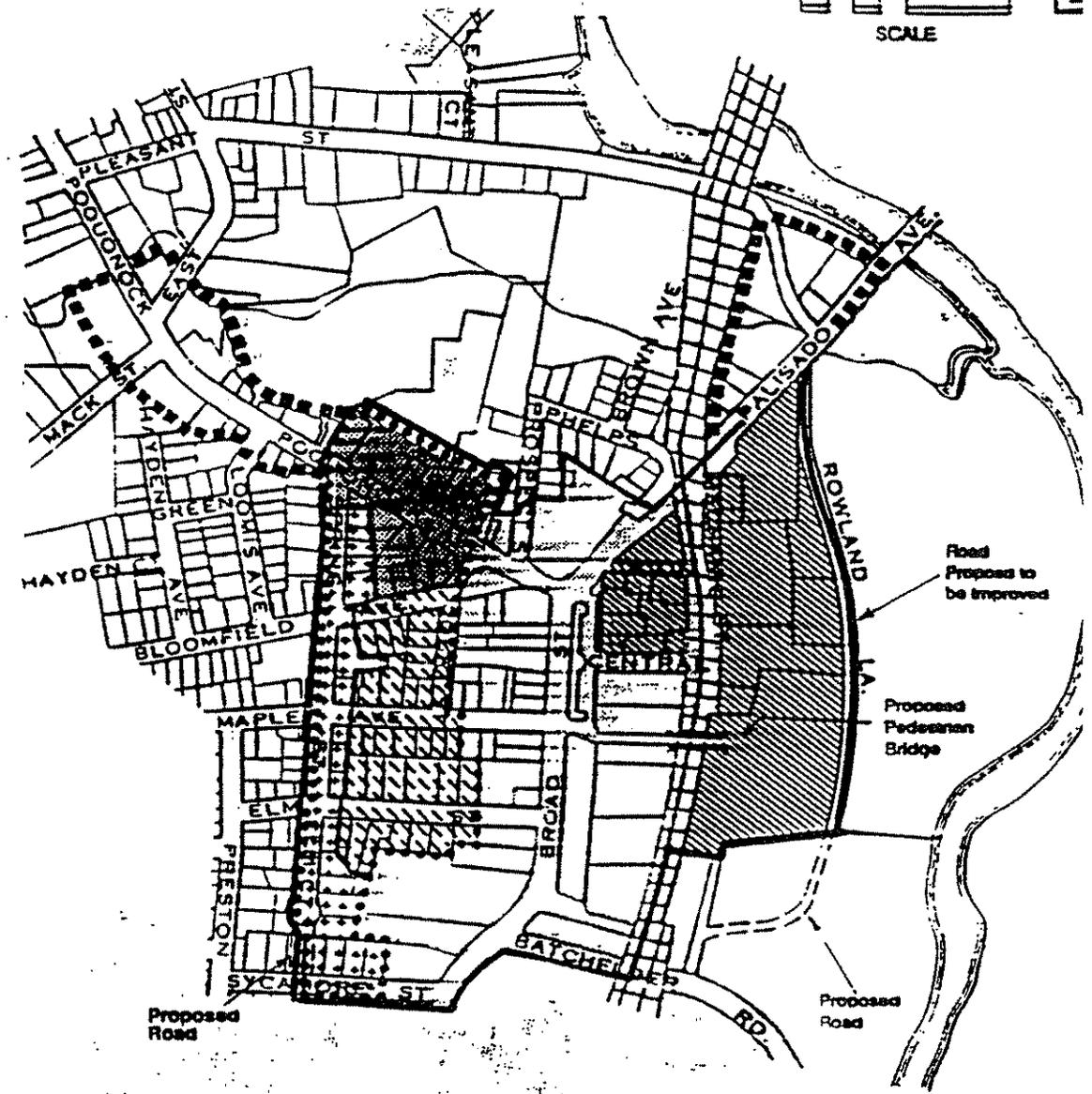
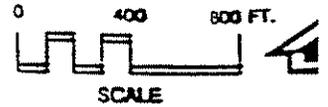
$$D = \left(1 \frac{1}{3} - 1 \right) \times 16$$

$$D = \frac{1}{3} \times 16$$

D = 5.3 square feet additional
 allowable sign area

WINDSOR CENTER PLAN

MAP VI



Road
Proposed to
be Improved

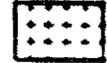
Proposed
Pedestrian
Bridge

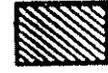
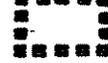
Proposed
Road

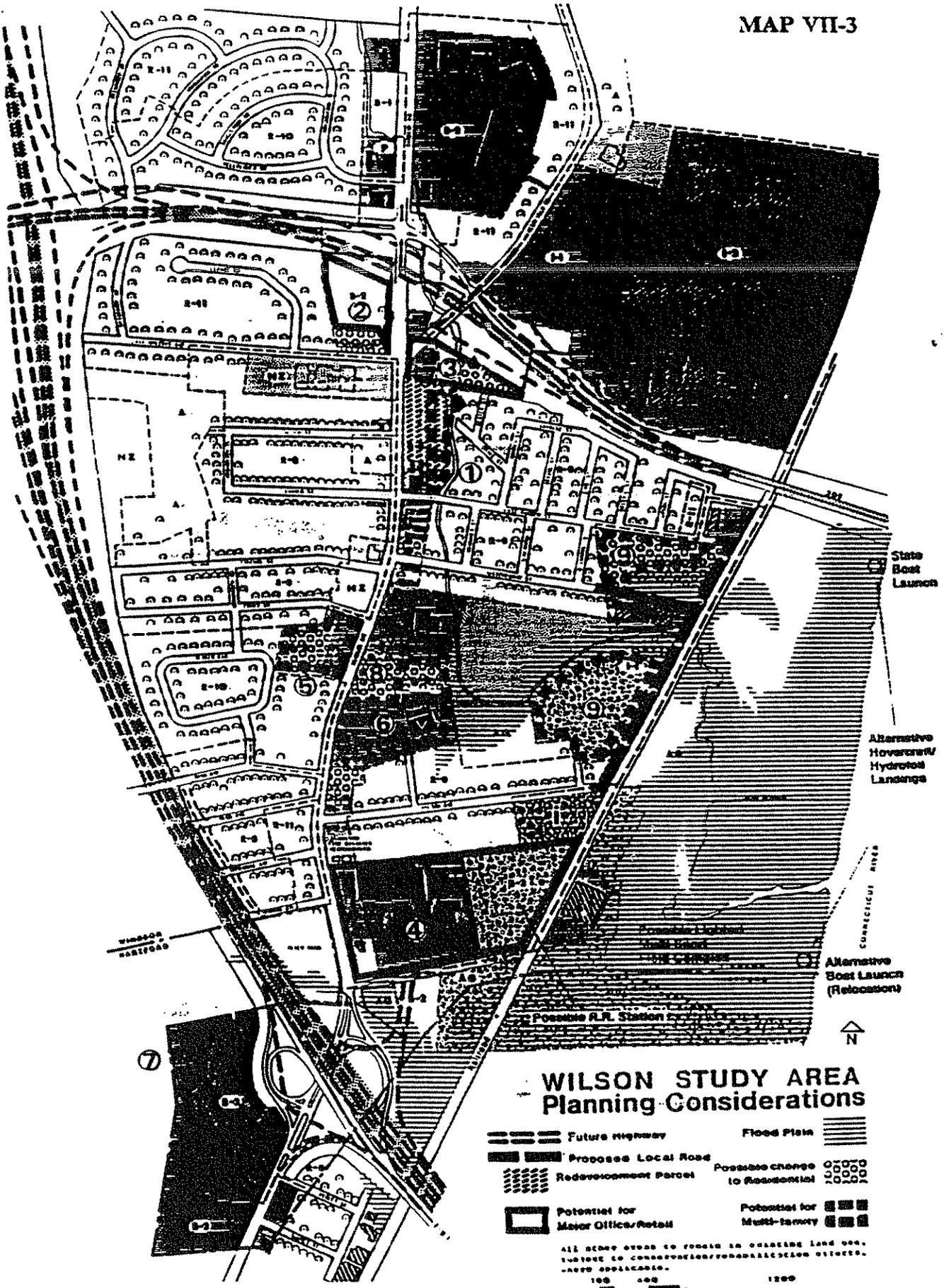
Proposed
Road

LEGEND

-  CENTER
-  CORE

-  TRANSITIONAL DISTRICT
-  BUSINESS / OFFICE
-  OFFICE / RESIDENTIAL

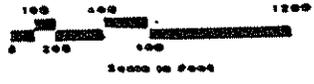
-  CONTROLLED BU...
-  REDEVELOPMENT
-  FRINGE AREA



**WILSON STUDY AREA
Planning Considerations**

- Future Highway
- Proposed Local Road
- Redevelopment Parcel
- Potential for Major Office/Retail
- Flood Plain
- Possible change to Recreational
- Potential for Multi-family

All other areas to remain in existing land use, subject to conservation/rehabilitation efforts, where applicable.



State Boat Launch

Alternative
Hoverscraft/
Hydrofoil
Landings

Alternative
Boat Launch
(Relocation)

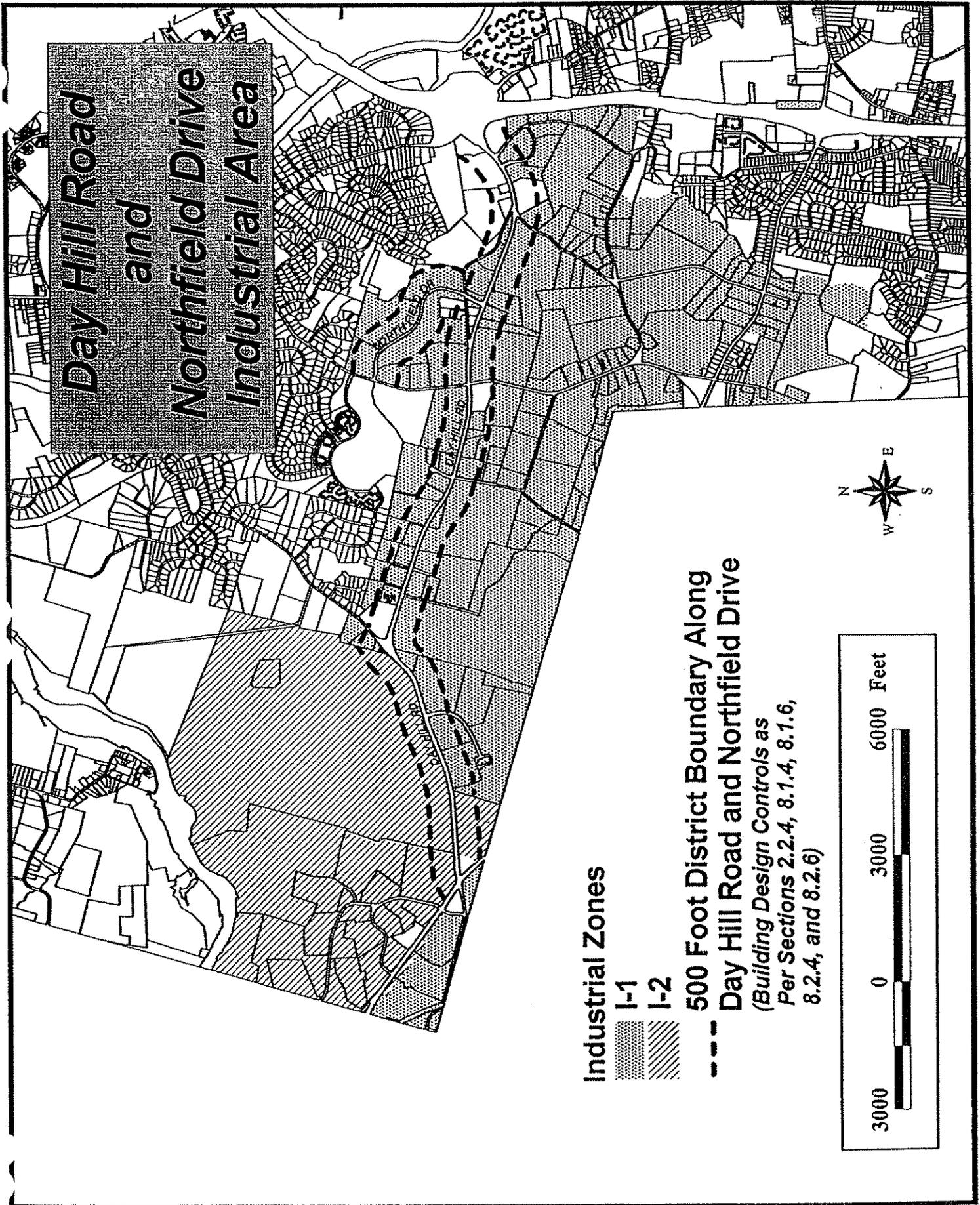


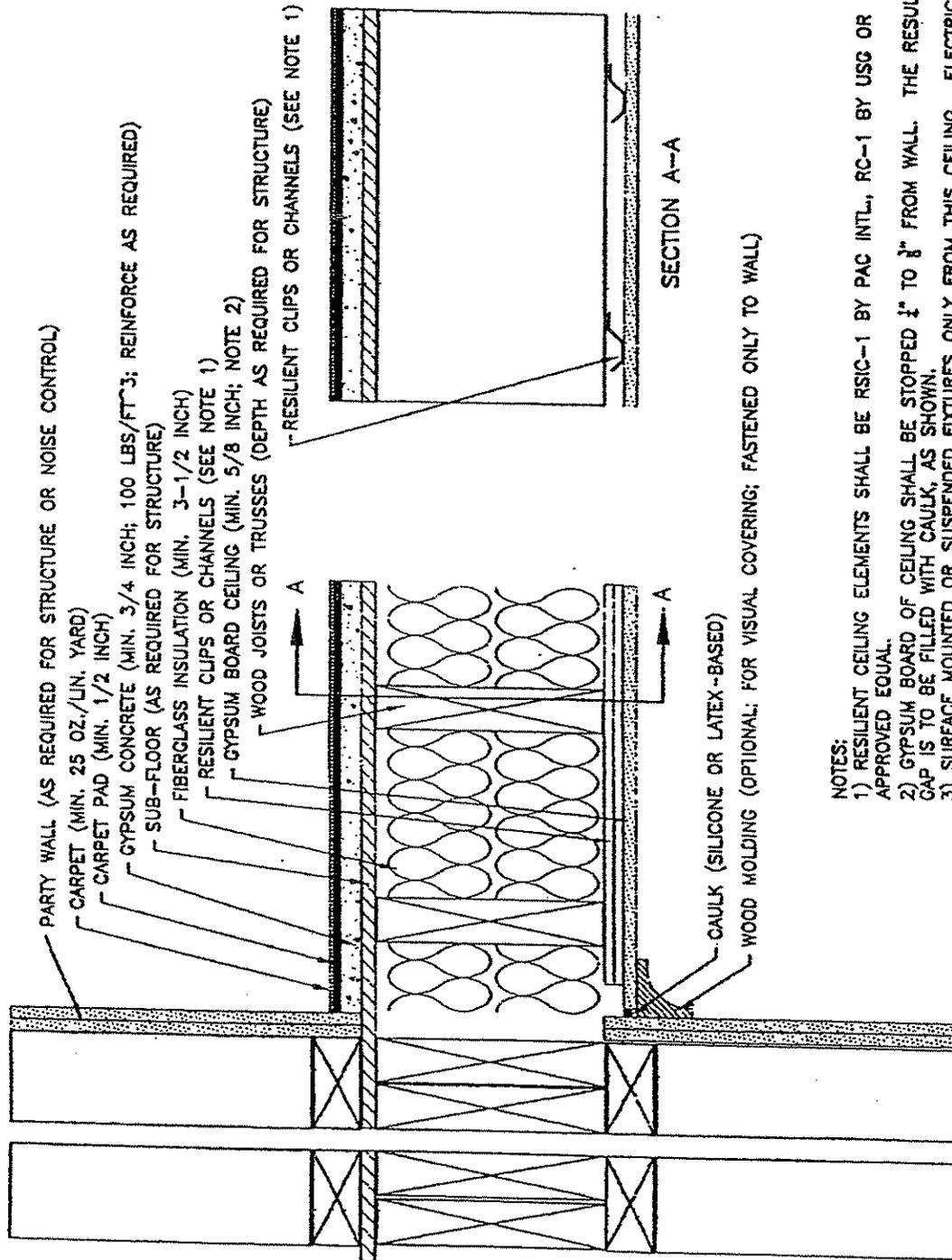
WINDSOR
BARRIAGES

CONNECTICUT RIVER

Possible R.R. Station

Possible District
Small Island
USE C-1 (IND)





PARTY WALL (AS REQUIRED FOR STRUCTURE OR NOISE CONTROL)

CARPET (MIN. 25 OZ./LIN. YARD)

CARPET PAD (MIN. 1/2 INCH)

GYPSUM CONCRETE (MIN. 3/4 INCH; 100 LBS/FT³; REINFORCE AS REQUIRED)

SUB-FLOOR (AS REQUIRED FOR STRUCTURE)

FIBERGLASS INSULATION (MIN. 3-1/2 INCH)

RESILIENT CLIPS OR CHANNELS (SEE NOTE 1)

GYPSUM BOARD CEILING (MIN. 5/8 INCH; NOTE 2)

WOOD JOISTS OR TRUSSES (DEPTH AS REQUIRED FOR STRUCTURE)

RESILIENT CLIPS OR CHANNELS (SEE NOTE 1)

SECTION A--A

CAULK (SILICONE OR LATEX-BASED)

WOOD MOLDING (OPTIONAL; FOR VISUAL COVERING; FASTENED ONLY TO WALL)

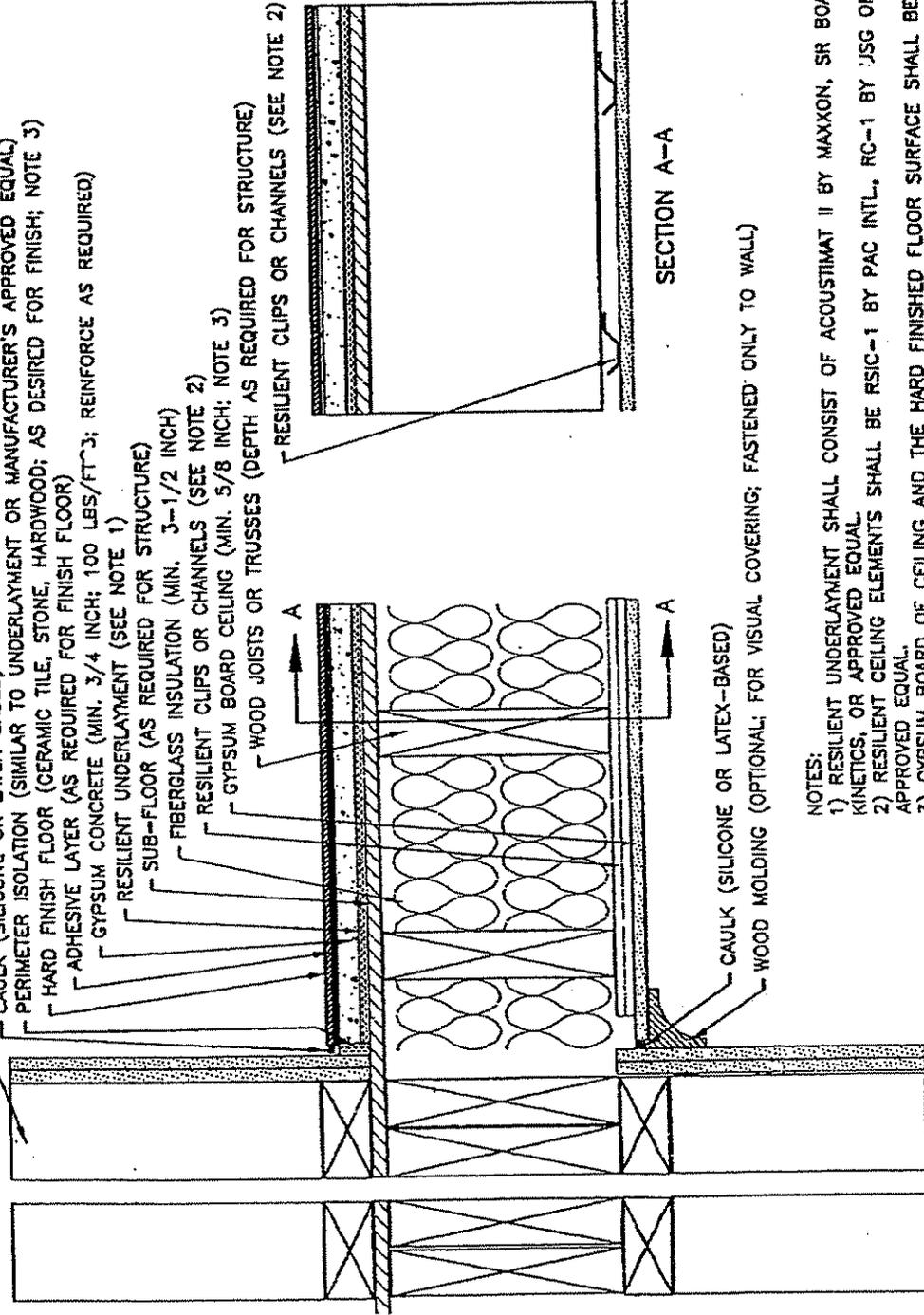
NOTES:

- 1) RESILIENT CEILING ELEMENTS SHALL BE RSIC-1 BY PAC INTL., RC-1 BY USG OR APPROVED EQUAL.
- 2) GYPSUM BOARD OF CEILING SHALL BE STOPPED 1/2" TO 3/4" FROM WALL. THE RESULTING GAP IS TO BE FILLED WITH CAULK, AS SHOWN.
- 3) SURFACE MOUNTED OR SUSPENDED FIXTURES ONLY FROM THIS CEILING. ELECTRICAL BOXES SHALL BE BACKED WITH FIRE-SAFING. RECESSED LIGHTING IS NOT ACCEPTABLE, UNLESS BACKED WITH A FRAMED GYPSUM BOARD ENCLOSURE.



CONSTRUCTION FOR TOWN OF WINDSOR ZONING STANDARDS -
 STC 55 AND IIC 78 PER SECTIONS 11.2.4.A.7 AND 11.4.4.A.6
 (LIVING SPACES, EXCEPT BATHROOMS AND KITCHENS)

PARTY WALL (AS REQUIRED FOR STRUCTURE OR NOISE CONTROL)
 CAULK (SILICONE OR LATEX-BASED)
 PERIMETER ISOLATION (SIMILAR TO UNDERLAYMENT OR MANUFACTURER'S APPROVED EQUAL)
 HARD FINISH FLOOR (CERAMIC TILE, STONE, HARDWOOD; AS DESIRED FOR FINISH; NOTE 3)
 ADHESIVE LAYER (AS REQUIRED FOR FINISH FLOOR)
 GYPSUM CONCRETE (MIN. 3/4 INCH; 100 LBS/FT³; REINFORCE AS REQUIRED)
 RESILIENT UNDERLAYMENT (SEE NOTE 1)
 SUB-FLOOR (AS REQUIRED FOR STRUCTURE)
 FIBERGLASS INSULATION (MIN. 3-1/2 INCH)
 RESILIENT CLIPS OR CHANNELS (SEE NOTE 2)
 GYPSUM BOARD CEILING (MIN. 5/8 INCH; NOTE 3)
 WOOD JOISTS OR TRUSSES (DEPTH AS REQUIRED FOR STRUCTURE)
 RESILIENT CLIPS OR CHANNELS (SEE NOTE 2)



SECTION A-A

CAULK (SILICONE OR LATEX-BASED)
 WOOD MOLDING (OPTIONAL; FOR VISUAL COVERING; FASTENED ONLY TO WALL)

- NOTES:
- 1) RESILIENT UNDERLAYMENT SHALL CONSIST OF ACOUSTIMAT II BY MAXXON, SR BOARD BY KINETICS, OR APPROVED EQUAL.
 - 2) RESILIENT CEILING ELEMENTS SHALL BE RSIC-1 BY PAC INTL., RC-1 BY JSG OR APPROVED EQUAL.
 - 3) GYPSUM BOARD OF CEILING AND THE HARD FINISHED FLOOR SURFACE SHALL BE STOPPED 1" TO 1" FROM WALLS. THE RESULTING GAP IS TO BE FILLED WITH CAULK, AS SHOWN.
 - 4) SURFACE MOUNTED OR SUSPENDED FIXTURES ONLY FROM THIS CEILING. ELECTRICAL BOXES SHALL BE BACKED WITH FIRE-SAFING. RECESSED LIGHTING IS NOT ACCEPTABLE, UNLESS BACKED WITH A FRAMED GYPSUM BOARD ENCLOSURE.

CONSTRUCTION FOR TOWN OF WINDSOR ZONING STANDARDS --
 STC 55 AND IIC 55 PER SECTIONS 11.2.4.A.7 AND 11.4.4.A.6
 (BATHROOMS AND KITCHENS)

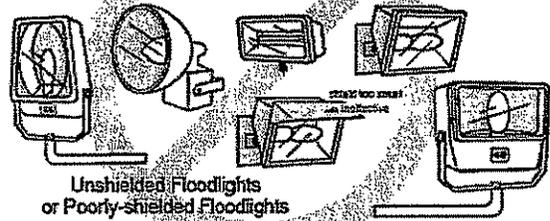


APPENDIX 1

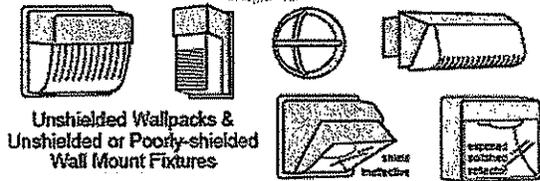
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

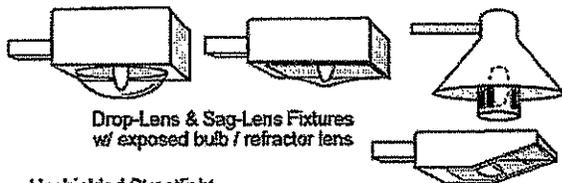
Fixtures that produce glare and light trespass



Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



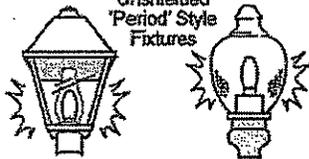
Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

Unshielded Streetlight



Unshielded Security Light

Unshielded 'Period' Style Fixtures



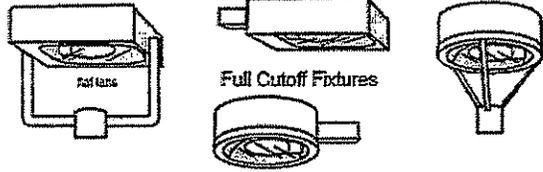
Unshielded PAR Floodlights



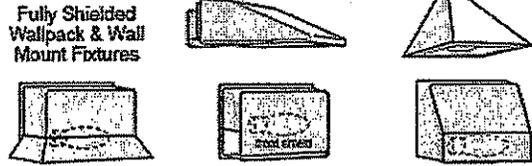
Drop-Lens Canopy Fixtures

Acceptable

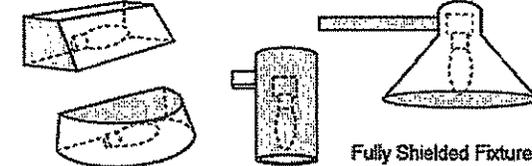
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



Fully Shielded Fixtures

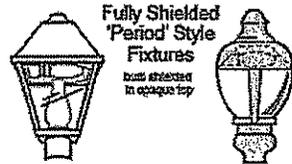
Full Cutoff Streetlight



Fully Shielded Security Light

Fully Shielded 'Period' Style Fixtures

bulb recessed in opaque top



Shielded / Properly-aimed PAR Floodlights

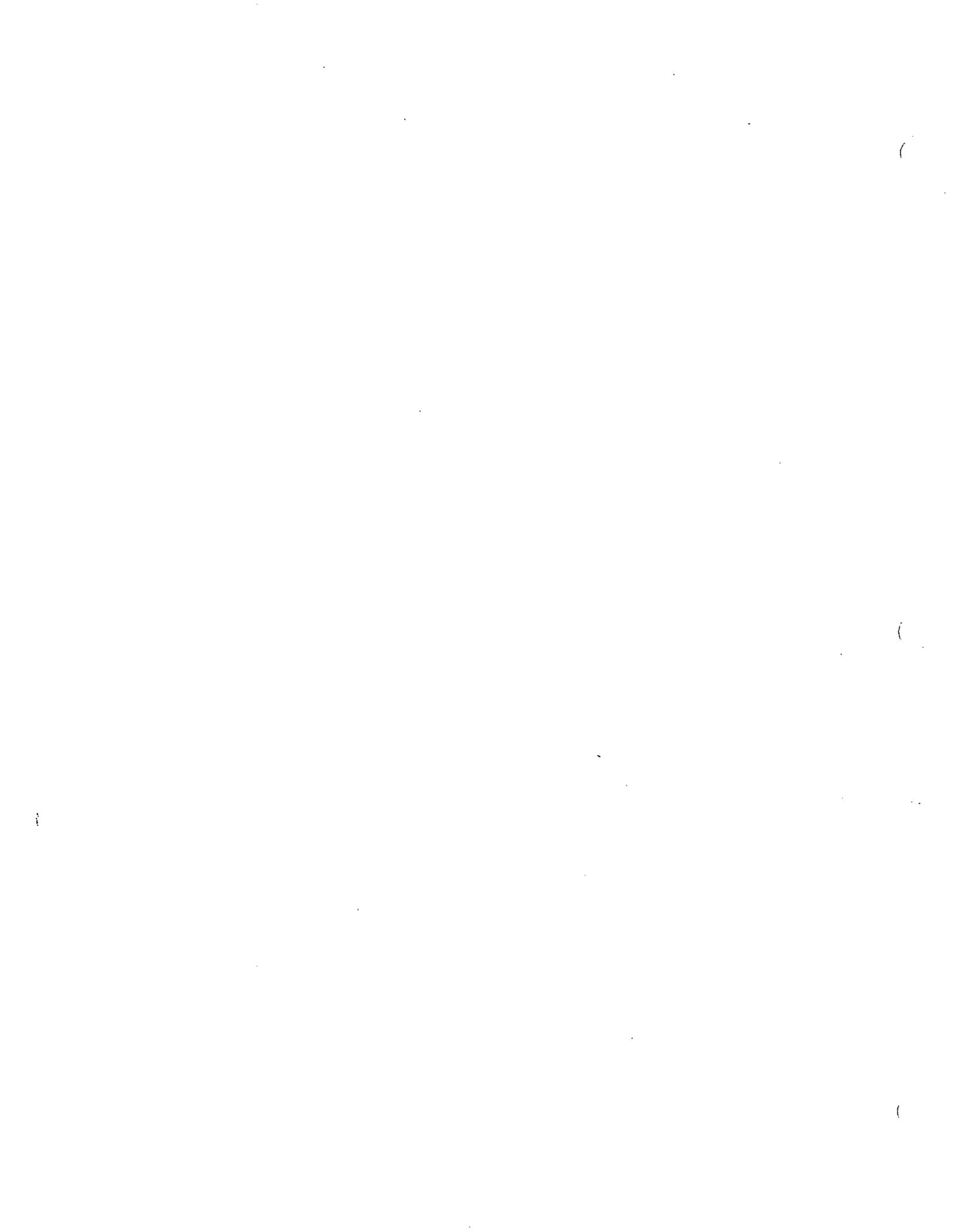


Flush Mounted Canopy Fixtures

APPENDIX 2

ADMINISTRATIVE AIDS
(APPLICATIONS AND CHECKLISTS)

(Examples Only - Not Part of Zoning Regulations)



WINDSOR TOWN PLANNING AND ZONING COMMISSION
ZONE CHANGE APPLICATION PROCEDURES

A formal petition for a Zone Boundary Change or Zoning Text Amendment must be delivered to the Planning Office no later than the Wednesday prior to the Town Planning and Zoning Commission meeting at which the applicant wishes the Commission to receive the application. Said petition shall include a completed application form, the required fee, and nine copies of all appropriate plans and drawings. The applicant may submit a draft of a Zoning Text Amendment for pre-application scrutiny. Pre-application submission to the Planning Office shall be made no later than fifteen (15) days prior to the Town Planning and Zoning Commission meeting at which the pre-application scrutiny is to be held.

The Zone Change petition shall be officially received by the Town Planning and Zoning Commission at its first meeting following the date of proper delivery of the application to the Planning Office. The Commission shall then schedule a public hearing on the petition.

Within 14 days after the Town Planning and Zoning Commission receipt of the application, a Staff Meeting will be scheduled with the applicant and/or his agent to discuss the proposed Zone Change. All Staff comments and recommendations made at the meeting will be sent to the applicant and to the Town Planning and Zoning Commission members. A further Staff Meeting with the applicant can be held, if deemed necessary by the Staff or the applicant.

No Staff Meeting relative to the proposed Zone Change shall take place within six days of the Town Planning and Zoning Commission meeting at which the public hearing on the Zone Change request is to be held.

Following the public hearing, the Town Planning and Zoning Commission shall take appropriate action on the Zone Change request.

Adopted on May 24, 1977, by the Town Planning &
Zoning Commission as part of its by-laws.

Effective: June 1, 1977
Revision 6/88
Effective date of Revision 12/1/90

)
(

)
(

)
(



**Petition for a Zone
Boundary Change**

TOWN PLANNING AND ZONING COMMISSION

Name of Applicant Phone #

Applicant's Address E-mail Address

Are you the..... Owner Optionee Buyer Agent Other

If other please explain: _____

Owner(s) of record (if other than applicant) Phone #

Owner's Address E-mail Address

Please Indicate Zone Change From: To:

Address of Subject Parcel (s) Assessor's Parcel Number(s)

Size of Subject Parcel (s) Minimum Area Requirement of Proposed Zone (s)

Please describe how the proposed Zone Change will relate to the Adopted Plan of Development _____

Please explain how this Zone Change will benefit the Town of Windsor _____

Applicant's Signature Date

Owner's Signature Date

Office Use Only*****
Fee \$ _____ App. rec'd by: _____ Comm. Action/Date: _____



**Petition for Text
Amendment to the
Zoning/Subdivision
Regulations**

TOWN PLANNING AND ZONING COMMISSION

This petition is for an amendment to the: Zoning Regulations () Subdivision Regulations ()

Name of Applicant Phone #

Applicant's Address E-mail Address

Please re-write the entire section with the proposed deletions in [brackets] and proposed additions underlined (you may attach the proposed amendments to this application form).

Please explain your reason(s) for amending the text. _____

Please explain how this change will improve the Zoning/Subdivision Regulations? _____

How will the change affect the Town's adopted Plan of Development? _____

Applicant's Signature

Date

Office Use Only*****

Fee \$ _____ App. rec'd by: _____ Comm. Action Date: _____

WINDSOR TOWN PLANNING AND ZONING COMMISSION
SITE PLAN APPLICATION AND REVIEW PROCEDURE

Attached are a Site Development Plan application to initiate the Site Plan Review and a Check List Sheet indicating the items which should be included on the Site Development Plan. The application is self-explanatory. However, it is recommended that the applicant arrange pre-application meetings with the Planning Department and the Building Official to discuss pertinent zoning and procedural requirements.

The completed application and Check List Sheet, required fee and nine copies of the Site Development Plan must be submitted to the Planning Office at least thirty (30) days prior to the Town Planning and Zoning Commission meeting at which the Commission's review of the plan is to be held. Copies of the plan will be distributed to the Town Staff Development Team for their review. Within 14 days after submission a Staff Meeting will be scheduled with the applicant and/or his agent to discuss the proposed Site Development Plan. This period may be extended beyond 14 days if the application is contingent upon approval of another application for the same piece of property. All Staff comments and recommendations made at the meeting will be sent to the applicant and to the Town Planning and Zoning Commission members. Further Staff Meetings with the applicant will be held, if deemed necessary by the Staff or the applicant.

In some cases, an application to the Inland Wetlands Commission may be required concurrently with this application. The Inland Wetlands Agent should be consulted regarding this requirement.

Any revised plans must be submitted to the Planning Office to allow sufficient opportunity for distribution and further staff review. The final plan to be reviewed and acted upon by the Commission shall be submitted no later than eight days prior to the Town Planning and Zoning Commission meeting. During that time, a final Staff Meeting may be held and the Staff may sign off on the Site Development Plan on an individual basis, if comments have been complied with.

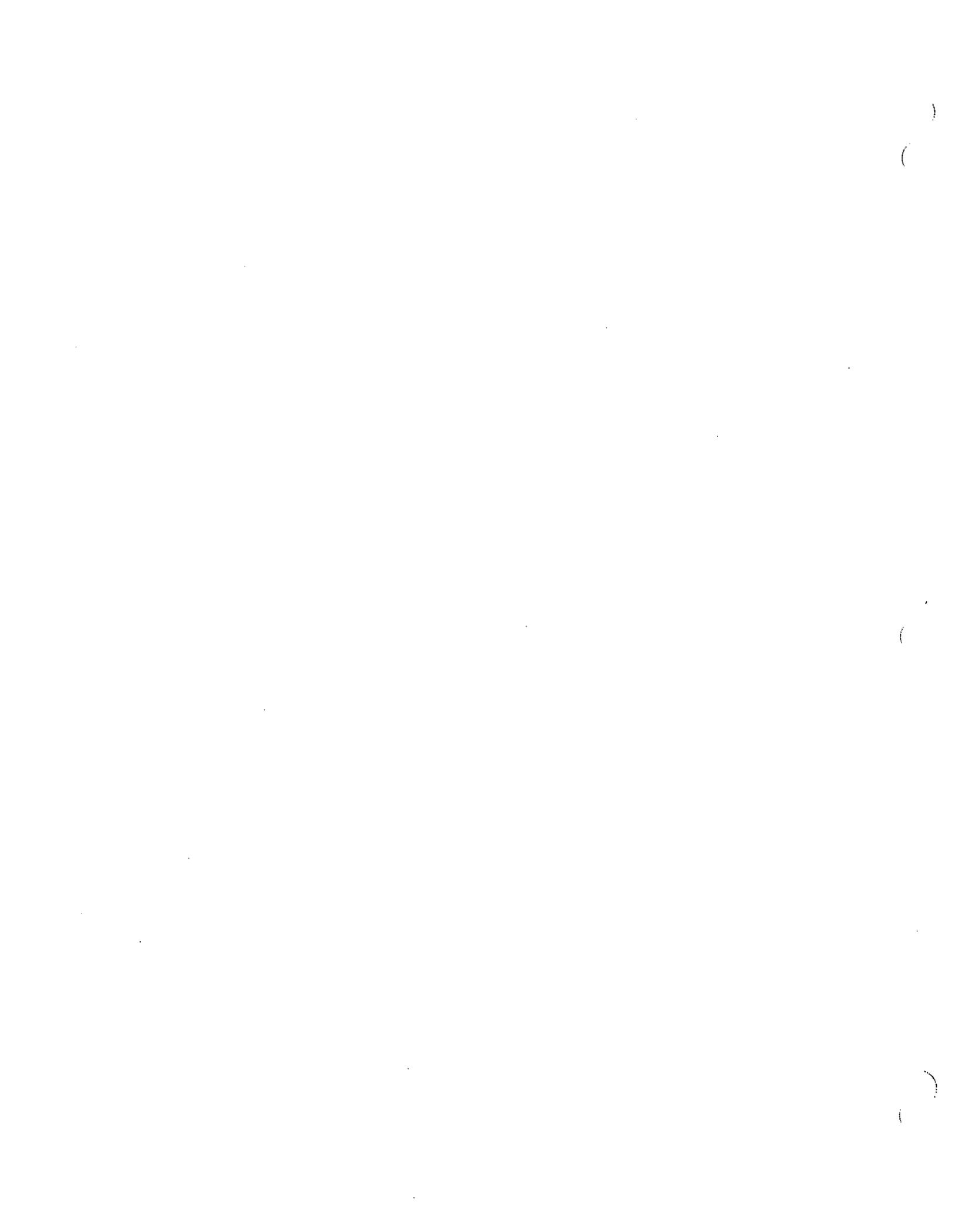
No Staff Meeting relative to the final Sited Development Plan shall take place within six days of the Town Planning and Zoning Commission meeting at which the plan is to be reviewed by the Commission.

The processing of a Site Development Plan does not involve a public hearing. Following Town Planning and Zoning Commission review of the Plan, the Commission will take appropriate action on

If the Site Development Plan is approved, an appropriate number of drawings of the final plan shall be submitted to the Planning Office for signature by the Chairman or Secretary of the Town Planning and Zoning Commission. If the Town Planning and Zoning Commission approves the Site Development Plan with conditions, the final plans submitted for signature shall incorporate said conditions.

Adopted on May 24, 1977, by the Town Planning
Zoning Commission as part of its by-laws.

Effective: June 1, 1977
Revision 2/89
Effective date of Revision 12/1/90





**Site Development
Application**

TOWN PLANNING & ZONING COMMISSION

Name of Applicant Phone #

Applicant's Address E-mail Address

Are you the... Owner Optionee Buyer Agent Other

If other please explain: _____

Owner(s) of record (if other than applicant) Phone #

Owner's Address E-mail Address

Address of Subject Parcel Assessor's Parcel Number

Zone of Subject Parcel(s) Size of Subject Parcel(s) # of Dwelling Units Gross Non-Residential Floor Area

The proposed use category of the property is for _____, which is a:

Permitted Use Special Use Non-Conforming Use

...in accordance with the following Section(s) of the Zoning Regulations: _____

Applicant's Signature Date

Owner's Signature Date

Office Use Only*****

Fee \$ _____ App. rec'd by: _____ Comm. Action/Date: _____



Town Planning and Zoning Commission

Checklist for Site Development Plans

To be filled out by the applicant or agent

Revised: September 20, 2006

This check list shall be completed by all applicants as a requirement of the Site Plan Application process. It is intended to serve as an aide in conforming to the applicable requirements of Section 3 of the Windsor Zoning Regulations. It is not intended as a substitute for, nor does it include all of the information and requirements in the Zoning Regulations and other applicable Town codes, ordinances, and procedures. This check list must be submitted with all application materials to the Planning Department at least (30) days prior to the Town Planning and Zoning Commission meeting at which the Commission's review of the plan is to be held.

Name of Development

Address of Development

Please check the appropriate item if the plan complies, or provide an explanation under "Additional Comments" on the last page of this checklist for items identified as not applicable (N/A) or left blank.

A. Basic Requirements

- 1. Title block showing: name of development (if any); land owner(s); developer(s).
- 2. Date of original drawing and all subsequent revisions; approximate true north point; and scale.
- 3. Name and seal (when appropriate and required) of: registered architect, landscape architect, professional engineer, and surveyor. All must be licensed to do business in the State of Connecticut.
- 4. Small key or location map showing relevant streets, zoning classifications and their boundaries.
- 5. Name of adjacent owners and location of any building 50 feet from applicant's property line.
- 6. Survey information including distances, angles and bearings. The survey shall conform to the Class A-2 Requirements of the "Standards for Surveys and Maps in the State of Connecticut" prepared and adopted by the Connecticut Association of Land Surveyors, Inc., September 26, 1996 or as amended (unless waived).
- 7. Dimensions and location of any existing and proposed easement or right-of-way, and supportive legal material for proposed easements or right-of-way.
- 8. Existing and proposed contours and/or spot grades at not more than two-foot intervals. Datum shall be clearly identified.

- ___ 9. Parcel numbers as per the Assessor of the Town of Windsor.
- ___ 10. Corner grades and floor elevations of proposed buildings and property lines.
- ___ 11. Distances on all sides between proposed buildings and property lines.
- ___ 12. Existing landmarks such as streams, ponds, swamps, rock outcrops, stone walls, and others, as well as any dominant vegetation and/or topographic features within 20 feet of the property line.
- ___ 13. Outside storage and refuse area, including appropriate containers for collection of recyclable materials, to be screened.
- ___ 14. Retaining walls (material and sizes).
- ___ 15. Proposed pedestrian walkways (materials, widths, and other details).
- ___ 16. A table indicating the relationship between relevant zoning requirements and compliance. This table must be completed in full where applicable (see page 6).
- ___ 17. Revision table (as applicable) clearly identifying plan revisions. In addition, highlight all plan revisions on the drawing.
- ___ 18. Listing of all required Federal, State and Local Permits (e.g. ACOE, STC, IWC).

B. Buildings and Structures

- ___ 19. Any existing structures or buildings on the property.
- ___ 20. Proposed buildings with dimensions, footprint area, total floor area, and number of stories (including usable basement area).
- ___ 21. Wall elevations of proposed buildings indicating material, signs, lighting, and other features.
- ___ 22. Building use or uses including floor area for each use and number of employees.

C. Parking and Loading

- ___ 23. Existing and proposed street right-of-ways, cartways, curbs, and sidewalks. Indicate construction material. Show intersection sight distances for all existing and/or proposed driveways.
- ___ 24. Existing and proposed curb cut widths and radii (both sides of street).
- ___ 25. Proposed parking areas showing stalls (numbered), curbing, driveways, landscaping and directional arrows (if one-way circulation).
- ___ 26. All parking spaces 9 feet by 18 feet with a minimum 24-foot travel aisle (for 90° parking, see Zoning Regulations for other configurations).

___ 27. Loading and unloading areas (screened from public areas and/or adjacent property where necessary).

___ 28. Proposed pedestrian walkways (materials, widths, and other details).

D. Utilities

___ 29. Location of fire hydrants, utility (such as electric and telephone) poles and lines, street signs, and well locations. All proposed utilities must be underground.

___ 30. Location, materials and sizes of existing and proposed gas and water lines.

___ 31. Locations, materials and sizes of existing and proposed sanitary sewer lines; locate manholes (show grade and invert elevations).

___ 32. Location of existing and proposed transformers, cooling towers, mechanical equipment, tanks, and other equipment - to be screened.

___ 33. Location of all septic tanks and leaching fields, including all pertinent soil test data.

___ 34. Locations, materials and sizes of existing and proposed storm drain pipes; locate existing and proposed manholes and catch basins (show grade and invert elevations).

E. Landscaping

___ 35. Location, size and species of existing trees 5 inches in diameter or greater in sparsely wooded areas, and 10 inches in diameter and greater in wooded areas. Indicate prevalent sizes and species of trees, bushes, and shrubs in heavily wooded areas which shall be shown by foliage lines.

___ 36. Proposed planting and landscaping with specific locations, sizes, species, and quantities. Proposed plantings shall be shown to scale in concentric circles at time of planting and at maturity. Species native to the northeastern United States are preferred. Species listed in CT Public Act 04-203 must be excluded.

___ 37. Irrigation systems to ensure the survival of lawns and landscaping in accordance with Section 3.1.3B.

___ 38. Buffer areas (where required) and specific landscape treatment.

F. Grading and Drainage

___ 39. Existing and proposed contours and/or spot grades at not more than two-foot intervals. A one-foot interval may be required for relatively level sites at the discretion of the Town Engineer.

___ 40. Show drainage for all roof, parking lot and driveway areas.

___ 41. Wetland boundaries with the total wetland acreage noted and show the 150-foot Regulated Area with the total regulated acreage noted. Include the following note within all lots containing wetlands: "There are wetlands on this lot. Any land disturbance may require a Wetlands Permit." This should also be placed on the property deed.

___ 42. Hydraulic calculations satisfying the Town's zero increase in runoff policy, unless said runoff policy is waived by the Commission per Zoning Regulations Section 3.3.1B.

G. Erosion & Sedimentation Control

___ 43. For sites larger than one-half of an acre, a Soil Erosion and Sediment Control Plan including a plan and narrative as per the Zoning Regulations.

H. Lighting

___ 44. Location and type of all outdoor lighting fixtures.

___ 45. A photometric plan illustrating conformance with the illumination standards of Section 3.1.18.

___ 46. Submit details of light standards (poles) and fixtures (lights shall not produce glare outside property lines and decorative post lights are required where visible from public areas).

I. Signage

___ 47. Location of freestanding signs and details of design including material, type of illumination (if any), color, height, area, and other details.

___ 48. Wall elevations of proposed buildings indicating proposed wall signs and details of design including material, type of illumination (if any), color, height, area, and other details.

___ 49. A table indicating compliance with the sign area regulations.

J. Environmental

___ 50. Check CT-DEP Natural Diversity Data Base and submit a copy of CT-DEP response letter to comply with Connecticut General Statutes 26-310.

51. Energy Conservation
In order to provide efficient use and generation of energy, the use of alternative energy, energy efficient building and home products is encouraged. Have you considered using energy efficient methods in your project?

Yes ___ No ___

If yes, please contact the Environmental Planner for suggestions. Use of items must comply with zoning regulations and building code in effect at the time of application.

Current products may be found at these websites:

www.greenbuilding.com

www.ebuild.com

www.energykinetics.com

www.energystar.gov

www.hometips.com/cs-protected/guides/heatpumps.html

K. Notification Requirements

52. So that an adjoining municipality can be notified in accordance with CGS Section 8-7d, please note whether: 1) any portion of the property is within five hundred feet of the boundary of an adjoining municipality; 2) a significant portion of the traffic to the completed project on the site will use streets within an adjoining municipality to enter or exit the site; 3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within an adjoining municipality; or 4) water runoff from the improved site will impact streets or other property within an adjoining municipality.

Yes _____ No _____

K. Submission Requirements

___ 53. Submit nine (9) full-size (24x36) copies of all plans and nine (9) copies of all other materials, including: existing conditions plan, site plan, grading plan, utilities plan and landscaping plan.

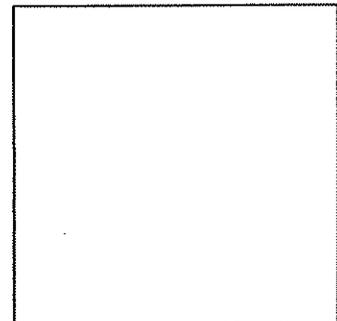
___ 54. Submit nine (9) reduced size (11x17) copies of the site layout plan, grading plan and landscaping plan no less than six (6) days prior to the Town Planning and Zoning Commission meeting at which the site plan application is to be presented. These copies will be provided to the Commissioners by the Planning Department prior to the meeting for their review.

___ 55. Submit the completed application form with the required application fee payable to the Town of Windsor.

Additional comments:

CERTIFICATION OF ACCURACY

I, the undersigned, do hereby certify that the information provided in this checklist and required as a prerequisite for the filing of an Application for Site Plan Approval, is true and accurate to the best of my knowledge.



Signature _____ Date _____
Applicant or Agent

Seal and Signature of Licensed Professional (if applicable)

ZONING COMPLIANCE TABLE

Standards (where applicable)	Required	Provided
Minimum Lot Area		
Maximum Lot Area (if any)		
Maximum Building Area		
Maximum Lot Coverage		
Maximum Building Height / Number of Stories		
Minimum Lot Width		
Minimum Front Yard		
Minimum Rear Yard		
Minimum Side Yard		
Distance to Railroad Tracks (if any)	150 ft	
Distance to Limited Access Highway Pavement (if any)	150 ft	
Depth of Required Buffers (if any)		
Floor Area		
Parking Spaces (provide calculations)		
Loading Spaces (if any)		
Maximum Height of Outdoor Lighting Fixtures		

WINDSOR TOWN PLANNING AND ZONING COMMISSION SUBDIVISION REVIEW PROCEDURES

Pre-Application Submission and Scrutiny

A pre-application review of a proposed subdivision plan by the Commission may be requested by an applicant in order to ascertain if the street layout, or any other proposal, meets with the requirements of the Subdivision regulations, or to ask for consideration of any variation of a requirement. If the applicant chooses to request such a review, pre-application submission to the Planning Office shall be made no later than fifteen (15) days prior to the Town Planning and zoning Commission (TP&ZC) meeting at which the pre-application scrutiny is to be held. Such submission shall consist of nine (9) copies of a preliminary subdivision sketch at a scale of at least 1" = 200". The sketch shall show property lines, existing contours (e.g., MDC sheets), all abutting land owned by the developer, a preliminary street pattern and lot layout, and landmarks for On-site identification. Copies of the sketch will be distributed to the Town Staff Development Team and, where appropriate, to other agencies such as the Conservation Commission, Flood and Erosion Control Commission, Inland-Wetlands and Watercourses Commission, and the Soil Conservation Service for their review.

Prior to the Town Planning and Zoning Commission pre-application scrutiny, a Staff meeting will be held with the applicant and/or his agent. The intent of this Staff meeting is to provide input at an early stage of the review process. All Staff comments and recommendations will be sent to the applicant and to the Town Planning and Zoning Commission members.

Formal Application

Following TP&ZC pre-application scrutiny of the subdivision sketch, the developer or his agent shall submit the required fee, a formal application, and nine (9) copies of detailed subdivision plans to the Planning Office for distribution to the Town Staff Development Team for their review. Plan requirements shall be in accordance with Section 5.02 of the Windsor Subdivision Regulations. The initial submission of detailed plans shall take place no later than the Wednesday prior to the Town Planning and Zoning Commission meeting at which the Commission is to officially receive the application. No staff meeting relative to the subdivision plans shall take place within six days of that TP&ZC meeting.

In some cases, an application to the Inland Wetlands Commission may be required concurrently with this application. The Inland Wetlands Agent should be consulted regarding this requirement.

Town Planning and Zoning Commission Receipt of Application

The application will be officially received by the TP&ZC at the first regularly scheduled meeting following pre-application scrutiny. If the Planner reports that the staff finds the

subdivision plans to be substantially complete, the TP&ZC shall schedule a public hearing on the subdivision application.

Prior to the public hearing, one or more Staff meetings shall be held with applicant and/or his agent to review and discuss the subdivision plans. All Staff comments and recommendations will be sent to the applicant and/or his agent and to the Town Planning and Zoning Commission members. Any revised plans must be submitted to the Planning Office to allow sufficient opportunity for distribution and further Staff review.

Because plans are of central importance in providing the public with information relative to public hearings on subdivision applications, at least one copy of the subdivision plan to be presented at the public hearing for TP&ZC action must be received in the Planning Office not later than 15 days prior to the public hearing. No Staff meeting on the final subdivision plan shall take place within 6 days of the public hearing; during this period, Staff may signoff on the subdivision on an individual basis, if comments have been complied with.

If the subdivision plan is approved, an appropriate number of paper and mylar copies of the approved plans shall be submitted to the Planning Office for signature by the Chairman or Secretary of the TP&ZC. A mylar of the plot plan after signature, shall be filed by the applicant with the Town Clerk within 90 days after Town Planning and Zoning Commission approval.

If the Town Planning and Zoning Commission approves the subdivision plan with modifications, the final plans submitted for signature shall incorporate the appropriate modifications. Please note that the Town Planning and Zoning Commission, at its discretion, may take action on a subdivision plan without holding a public hearing. However, a re-subdivision requires a public hearing.

Adopted on May 24, 1977, by the Town Planning & Zoning Commission as part of its by-laws.

Effective: June 1, 1977

Revision 2/89

Effective date of Revision 12/1/90



**Application for
Subdivision**

TOWN PLANNING & ZONING COMMISSION

Name of Applicant Phone #

Applicant's Address E-mail Address

Are you the... Owner Optionee Buyer Agent Other

If other please explain: _____

Owner(s) of Record (if other than applicant) Phone #

Owner's Address E-mail Address

Address of Subject Parcel(s) Assessor's Parcel Number(s)

MDC Sanitary Sewers Available Yes No MDC Water Available Yes No

_____ Size of Subject Parcel(s)	_____ Number of Lots Proposed	_____ Zone	_____ Zoning Density
------------------------------------	----------------------------------	---------------	-------------------------

Please describe passive solar energy design measures considered (see Sec 4.16): _____

Please describe reasons for waivers (if any) of the required Windsor Subdivision Regulations: _____

Applicant's Signature Date

Owner's Signature Date

Office Use Only*****

Fee \$ _____ App. rec'd by: _____ Comm. Action/Date: _____

Important Information for You

The following must accompany your Application:

9 copies of the surveyor's plot plan, property survey, or site plan showing existing structures.

9 copies of any supporting documents such as traffic studies, hydraulic reports and drainage flow diagrams which are likely to be the subject of a Commission directive for staff review.

1 completed copy of the "Check List for Subdivision" form.

***Fee:** In order to partially defray the public costs associated with the processing of the subdivision applications, all such applications shall, except as provided below, be accompanied by a base application fee,, a per lot fee and fee of one (1) percent of the cost of all public improvements (see Town Price Guide).

For residential subdivisions involving no more than one (1) additional lot that was not previously involved in a subdivision within five (5) years of the application date and does not involve any public improvements, the application fee shall be only the base fee.

Once you have completed your Application:

You will be notified by certified mail regarding the date of the public hearing.

Fifteen (15) days prior to the public hearing, a sign will be available from the Planning Department Office. This sign must be posted on your property in clear view from the street no less than ten (10) days prior to the date of the public hearing.

You must notify all of the abutting property owners who are within 100 feet of the subject parcel by mail. We will provide you with a letter of notification of Public Hearing from the Town Planner, a copy of the Legal Notice prepared by the Planning Secretary and a copy of the Citizen's Guide prepared by the Town Planning and Zoning Commission, which must be included in the notification to abutters. The mailing must be done no less than ten (10) days prior to the date of public hearing and proof of mailing in the form of a Certificate of Mailing Receipt(s) from the US Post Office must be returned to the Planning Department as proof of such mailing no later than the beginning of the public hearing.

All applications must be presented at a meeting of the Town of Windsor Development Review Team to be discussed with staff before the public hearing. After submission of a complete application, the applicant must schedule an appointment through the Planning Secretary. These review meetings are held every Tuesday morning beginning at 9:00 a.m. Your appointment must be scheduled no later than the week prior to the date of the public hearing. The Planning Secretary can be reached at 860-285-1980. Please feel free to call if you have any questions.

The applicant or someone familiar with the request must appear at the Town Planning Zoning Commission hearing to describe the proposal.

Follow-up:

You must remove the posted sign within 5 days following the public hearing.

Subdivision plans reflecting modifications by the Commission (if any), must be submitted to the Planning Department for sign-off by the Development Review Team. Upon sign-off, two (2) Mylar and four (4) paper copies of all plans must be submitted for signature by the Chairman or Secretary of the Commission and filed in the Town Clerk's Office within 90 days of the expiration of the appeal period following approval.



Town Planning and Zoning Commission

Checklist for Subdivision

To be filled out by the applicant or agent
Revised: September 20, 2006

This check list shall be completed and submitted with all Subdivision Applications. It is intended as an aid to applicant's and their design professionals to ensure complete applications that can be reviewed and approved in a timely manner. It is not intended as a substitute for, nor does it include all of the information and requirements in the Subdivision Regulations and other applicable Town codes, ordinances, and procedures.

Name of Development

Address of Development

Please check the appropriate item if the plan complies, or provide an explanation under "Additional Comments" on the last page of this checklist for items identified as not applicable (N/A) or left blank.

A. Plot Plan

- 1. Title block showing: name of development (if any); land owner(s); developer(s).
- 2. Date of original drawing and all subsequent revisions; approximate true north point; and scale.
- 3. Name and seal (when appropriate and required) of: registered architect, landscape architect, professional engineer, and surveyor. All must be licensed to do business in the State of Connecticut.
- 4. Name of all abutters as they appear in the most recent tax list and location of any building 50 feet from applicant's property line.
- 5. Survey information including distances with angles or bearings. The survey shall conform to the Class A-2 Requirements of the "Standards for Surveys and Maps in the State of Connecticut" prepared and adopted by the Connecticut Association of Land Surveyors, Inc., September 26, 1996 or as amended (unless waived).
- 6. Parcel numbers as per the Assessor of the Town of Windsor.
- 7. Streets with all control points, curve data, and right-of-way widths.
- 8. Show intersection sight distances for modifications to existing or proposed driveways.
- 9. Names of streets.
- 10. Existing and proposed easements for utilities and drainage, walks, and other rights-of-ways with dimensions and bearings.
- 11. Lot boundary lines including distances with angles or bearings in accordance with the Class A-2 Requirements of the "Standards for Surveys and Maps in the State of

Connecticut” prepared and adopted by the Connecticut Association of Land Surveyors, Inc., September 26, 1996 or as amended.

- ___ 12. Lot areas.
- ___ 13. Building lines in accordance with the Zoning Regulations.
- ___ 14. Wetland boundaries with the total wetland acreage noted and show the 150-foot regulated area with the total regulated acreage noted. Include the following note within all lots containing wetlands: “There are wetlands on this lot. Any land disturbance may require a wetlands permit.” This should also be placed on the property deed/documents.
- ___ 15. All monuments and markers in accordance with the Town of Windsor Engineering Standards and Specifications.
- ___ 16. Names of all abutters as they appear in the most recent tax list.
- ___ 17. Key Map. The first sheet of the Plot Plan shall include a plan of the entire subdivision drawn to a scale of not less than one inch equals four hundred feet. The Key Map shall show street intersections with existing streets, and shall contain information which correctly identifies and locates the site.
- ___ 18. Scale Layout Plan. If the subdivision contains 25 lots or more, a separate plan of the entire subdivision drawn to a scale of one inch equals one hundred feet shall also be provided.
- ___ 19. No lot numbers or any other identification numbers other than the house numbers shall be shown on the plan.
- ___ 20. Proposed open space complying with Section 4.7 of the Subdivision Regulations or a note placed on each building lot on the plan that a fee in-lieu of open space is required upon the initial sale of any building lot.

20. Energy Conservation

Sections 4.16 and 9.13 of the Regulations requires you to submit a solar access plan for each proposed lot. This can be accomplished by house orientation, street and lot layout, vegetation, natural and man-made topographical features, protection of solar access within the development. A description can also be found in CGS 8-25(b).

In order to provide efficient use and generation of energy, the use of alternative energy, energy efficient building and home products is encouraged. Have you considered using energy efficient methods in your project?

Yes ___ No ___

If yes, please contact the Environmental Planner for suggestions at 285-1987.

B. Grading and Utilities Plan

A grading plan shall be drawn to the same standard as a plot plan, and shall show the same information as a plot plan, plus the following:

- ___ 20. All existing structures with indication as to the proposed utilization or removal of the structures.
- ___ 21. All watercourses on the tract.
- ___ 22. Existing ground and rock formation contours at intervals of two feet with spot heights at relevant points, based on the Metropolitan District datum. Prominent isolations and depressions shall be indicated by spot heights.
- ___ 23. Proposed ground formation contours at intervals of two feet.
- ___ 24. Proposed retaining walls, to be constructed in accordance with the Connecticut State Building Code, as amended.
- ___ 24. All existing rights-of-ways.
- ___ 25. Proposed sanitary sewer system in accordance with Metropolitan District Commission standards.
- ___ 26. Soil test data and location for each lot proposed for private sewage disposal systems.
- ___ 27. A typical dwelling location and septic system layout, including design information for each lot to be served by a private on-site sewage disposal system as required per Section 19-13-B103 of the Public Health Code.
- ___ 28. Proposed water lines and sizes in accordance with Metropolitan District Commission standards.
- ___ 29. Proposed storm sewers, culverts, and headwalls in accordance with the Town of Windsor Engineering Standards and Specifications.
- ___ 30. Proposed house basement drains showing invert levels of the drain at the house connection and the storm sewer connection, which levels shall show that gravity flow from house to storm sewer is maintained. If basement drainage is intended to discharge to a natural watercourse, full details, and discharge elevation shall be shown on plan.
- ___ 31. Proposed basements requiring sump pumps.
- ___ 32. Provide arrows on the plan showing the drainage flow direction for each lot.
- ___ 33. Proposed hydrants in accordance with Section 4.13 of the Town of Windsor Subdivision Regulations.
- ___ 34. Proposed sidewalks in accordance with the Town of Windsor Engineering Standards.
- ___ 35. Proposed street lighting in accordance with the Town of Windsor Engineering Standards.
- ___ 36. Proposed street name signs with location and a detail of said sign demonstrating conformance with the Town requirements.
- ___ 37. Proposed traffic signs with location and a detail of said sign demonstrating conformance with the Town requirements.
- ___ 38. No less than two naturally growing trees in each front yard, or the planting of two trees in each front yard, with a caliper of not less than two inches in diameter in accordance with

Section 4.10.1. Provide a note on the subdivision plan regarding compliance with this requirement.

- ___ 39. Proposed lines or wires used for the transmission of electricity, communication, or intelligence located underground and at a minimum depth of 3 feet between street lines. Related equipment and accessories has been located so as to minimize hazards to the public.
- ___ 40. Water, gas, and/or sewer lines to buildings.

C. Engineering Profile Plan

The Engineering Profile Plan shall be a plan and profile of the proposed streets drawn on plan profile paper to a horizontal scale of one inch equals forty feet, and a vertical scale of one inch equals four feet, which plan shall show the following:

- ___ 41. Tangent directions, curve data and distances, to the nearest hundredth of a foot.
- ___ 42. Typical cross-section of the street and any other cross-section of the street, which may be required by the Director of Public Works or his authorized representative.
- ___ 43. Vertical curve elevations at the following points:
 - a. beginning of the curve (PVC.),
 - b. end of the curve (PVC.),
 - c. intersection of the tangent lines (PVI.), and
 - d. intermediate points at intervals of twenty five feet.
- ___ 48. Length of vertical curves.
- ___ 49. Street drainage facilities showing connections to existing drainage systems or watercourses.
- ___ 50. Sanitary sewer facilities with manholes.
- ___ 51. Cross-sections and profiles of all drainage ditches.

D. Stormwater Management Report

- ___ 52. **A map based on the Metropolitan District Geodetic and Topographical Survey 1:2400 scale maps, showing the areas of drainage which have been considered in the calculation of the sites drainage system, together with the relevant calculations satisfying the Towns' regulation of zero net increase in peak flow for a 25 year storm condition, or request of waiver of said regulation.**

E. Soil Erosion and Sediment Control Plan

- ___ 53. This plan shall include all of the information shown on the Grading Plan as well as additional information in a narrative and a map format as indicated below:

Narrative Format

- ___ 54. Description of the development.
- ___ 55. Schedule for grading and construction activities (including start and completion dates, sequence of grading and construction, sequence for installation and/or application of soil erosion and sediment control measures and sequence for final stabilization for the project site.)
- ___ 56. Design criteria and construction details for proposed soil erosion, dust control, and sediment control measures and storm water management facilities.
- ___ 57. Installation and/or application procedures as well as operation and maintenance programs for soil erosion and sediment control measures (including identification of person(s) responsible for each procedure or program.)

Map Format

- ___ 58. Proposed area alterations including cleared, excavated, filled or otherwise graded areas. The location, size and species of existing trees ten inches in diameter or greater in sparsely wooded and moderately wooded areas and the prevalent sizes and species of trees, bushes and shrubs in heavily wooded areas which shall be shown by foliage lines.
- ___ 59. Soil test locations and results.
- ___ 60. Location and design details of all proposed soil erosion and sediment control measures and storm water management facilities.
- ___ 61. Sequence of grading and construction activities, installation and/or application of soil erosion and sediment control measures and final stabilization of the project site.
- ___ 62. Soil types listed in tabular form and shown on the plan at the 1:20,000 scale as used by the Soil Conservation Service.

F. Other

- ___ 63. Revision table (as applicable) clearly identifying plan revisions. In addition, highlight all plan revisions on the drawing.
- ___ 64. Check CT Natural Diversity Data Base and submit copy of CT-DEP response letter to comply with Connecticut General Statutes 26-310.
- ___ 65. Submit twelve (12) reduced size (11x17) copies of the subdivision layout and grading plan no less than five (5) days prior to the Town Planning and Zoning Commission meeting at which the subdivision application is to be presented. These copies will be provided to the Commissioners by the Planning Department prior to the meeting for their review.

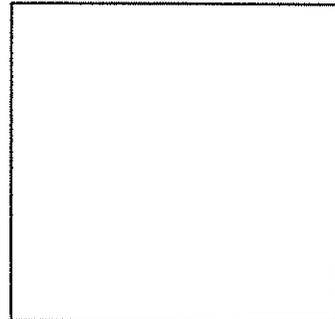
Have any variances been obtained for the purpose of the proposed subdivision?

___ Yes ___ No

Additional comments:

CERTIFICATION OF ACCURACY

I, the undersigned, do hereby certify that the information provided in this checklist and required as a prerequisite for the filing of an Application for Site Plan Approval, is true and accurate to the best of my knowledge.



Signature _____ **Date** _____
Applicant or Agent

Seal and Signature of Licensed Professional (if applicable)

WINDSOR TOWN PLANNING AND ZONING COMMISSION
SPECIAL USE APPLICATION AND REVIEW PROCEDURES

A formal application for a Special Use must be delivered to the Planning Office no later than the Wednesday prior to the Town Planning and Zoning Commission meeting at which the applicant wishes the Commission to receive the application. Said application shall include the completed application form, the required fee and nine copies of all appropriate plans and drawings.

In some cases, an application to the Inland Wetlands Commission may be required concurrently with this application. The Inland Wetlands Agent should be consulted regarding this requirement.

The Special Use application shall be officially received by the Town Planning and Zoning Commission at its first meeting following the date of proper delivery of the application to the Planning Office. The Commission shall then schedule a public hearing on the request.

Within 14 days after the Town Planning and Zoning Commission receipt of the application, a Staff Meeting will be scheduled with the applicant and/or his/her agent to discuss the proposed Special Use. This period may be extended beyond 14 days if the application is contingent upon approval of another application for the same piece of property. All Staff comments and recommendations made at the meeting will be sent to the applicant and to the Town Planning and Zoning Commission members. A further Staff Meeting with the applicant can be held, if deemed necessary by the Staff or the applicant.

No Staff Meeting relative to the proposed Special Use shall take place within six days of the Town Planning and Zoning Commission meeting at which the public hearing on the Special Use is to be held.

Following the public hearing, the Town Planning and Zoning Commission shall take appropriate action on the Special Use application.

These procedures shall also be applicable to requests for changes of nonconforming use.

Adopted on May 24, 1977, by the Town Planning &
Zoning Commission as part of its by-laws

Effective: June 1, 1977
Revision 2/89
Effective date of Revision 12/1/90



**Application for a
Special Use Permit**

TOWN PLANNING & ZONING COMMISSION

Name of Applicant Phone #

Applicant's Address E-mail Address

Are you the... () Owner () Optionee () Buyer () Agent () Other

If other please explain: _____

Owner(s) of Record (if other than applicant) Phone #

Owner's Address E-mail Address

Address of Subject Parcel(s) Assessor's Parcel Number(s)

Size of Subject Parcel(s) Number of Dwelling Units Proposed Zone

Applicable Section(s) of the Zoning Regulations: _____

Please describe the Special Use and how it will benefit the Town of Windsor: _____

Applicant's Signature Date

Owner's Signature Date

Office Use Only*****

Fee \$ _____ App. rec'd by: _____ Comm. Action/Date: _____

MEMBERS

The TPZC is appointed by the Town Council: five for five-year terms; three alternates for two-year terms; not more than bare majority of one party. List of current members available in Planning Department, Town Clerk's Office and Library.

POWERS AND DUTIES (Derived from Chapters 124 and 126 of the Connecticut General Statutes)

The TPZC prepares, adopts and amends the Plan of Conservation and Development, as well as the Subdivision and Zoning Regulations; hears and acts on all applications for zone changes, special uses, non-conforming uses, design developments, subdivisions and resubdivisions; reviews and approves site development plans; and advises the Town Council about planning and zoning impacts on public development projects or programs.

PLANNING DEPARTMENT (Town Hall, Top Floor)

All plans, applications, maps and information regarding TPZC business are on file and open to public inspection. The Planning Department prepares plans, reports and recommendations to guide and promote the development of land in an orderly, balanced fashion to insure the adherence to sound planning principles; serves civic groups, developers and the general public by giving information on development codes and policies; and provides professional advice and assistance to the TPZC and coordinates its work.

PLAN OF CONSERVATION AND DEVELOPMENT (POCD)

Also called the Master Plan, the POCD is adopted by the TPZC as a general guide to future conservation and development.

ZONING REGULATIONS

These are the written rules that govern land use in Windsor and are the primary tool for implementing the POCD.

ZONING

Zoning is the exercising of governmental powers to legally regulate the use of land and buildings in such a way as to protect public health, safety and general welfare and achieve a logical pattern of land development in accordance with the Plan of Conservation and Development. It consists of the Zoning Regulations, which includes the Zoning Map. Windsor's is divided into Residential, Business, Professional, Industrial, Restricted Commercial, Wholesale and Storage, Agricultural, Public and Quasi-Public, and Planned Urban Development districts (also generally referred to as zones). Zoning map and regulation changes can be made only by procedures prescribed by state and local regulations, including a public hearing. The specific requirements for each of the zoning districts are located in the Zoning Regulations.

TPZC MEETINGS

Meetings are held on the second Tuesday of each month, in the Town Hall Council Chambers at 7:00 P.M. except during August. (No regularly scheduled meeting in August). Special meetings are held as necessary. All meetings are open to the public.

NOTICE OF HEARING

Legal notices for public hearings are published twice prior to a regularly scheduled meeting, in a newspaper having substantial circulation in Windsor. Currently, publication is in The Windsor Journal, The Journal Inquirer or The Hartford Courant. Windsor's Zoning Regulations require the property which is the subject of a public hearing to be posted by a sign, clearly visible to the public, not less than 10 days before the hearing. Notices are sent to property owners within 100 feet of the subject site by the applicant not less than ten days before the hearing. Public hearings are held on all applications for re-subdivisions, zone changes, non-conforming uses, special uses, as well as zoning and subdivision regulation changes. The TPZC usually holds public hearings on subdivisions, but is not required to do so.

ZONING ENFORCEMENT OFFICER (Building Department, Town Hall, Top Floor)

He/she investigates zoning violation complaints and issues Cease and Desist Orders to those found in violation. Appeals from his/her decisions may be made to the Zoning Board of Appeals.

INFORMATION

Planning and zoning files, Plan of Conservation and Development, Zoning and Subdivision Regulations, the Official Zoning Map, minutes of meetings, etc. are available in the Planning Department. Recordings of public hearings on file in Planning Department can be reviewed by appointment. The Commercial Record is available in the Public Library. Land records, maps and zoning information are available in the Town Clerk's Office in Town Hall. Subdivision Regulations

Zoning Regulations, and the Zoning Map can be purchased at the Planning Department and are available online on the Town's website. Copies of the agenda, as well as the packet of information (applications, staff comments, correspondence, etc.) which is sent to TPZC members, will be available at the Planning Department the day before the meeting and also at the meeting, for public inspection.

CONDUCT OF MEETING

Display boards, visible to the public and TPZC, show plans and documents pertaining to agenda items and can be examined prior to a meeting. The Chairperson opens public hearings by having the legal notice of public hearing items read and by explaining procedures.

PUBLIC HEARING

Each applicant or his agent presents his proposal. This can include attorneys, architects, traffic engineers, etc. All those in favor are asked to speak, then all in opposition, and then those neither for nor against. Each side is permitted to proceed without interruption from the other. Citizens may present their own case or hire an attorney—. . . the Commission may receive letters, written statements, maps, charts, sketches, petitions, or tangible evidence . . ." (TPZC By-Laws). A petition is a concise statement giving reasons why the undersigned favor or oppose a proposal which should be described as to its nature, location and applicant. Signature should be in ink, numbered, on one side of the paper only and by each person as in a bank signature. A photocopy should be kept by the applicant. Citizens often have unique knowledge of safety hazards, traffic and drainage problems and other neighborhood conditions that are important to the TPZC members in making their decisions on the use of the land. After all speakers have been heard, letters received are read into the record. Then the Town Planner points out factors he/she deems pertinent for TPZC consideration. He/she may recommend approval, approval with modifications, disapproval, or make no recommendation. Comments of all other Town staff members are also discussed, including the Inland-Wetlands Agent. Rebuttal and summary by the applicant and/or a representative follows. At the discretion of the Chairperson, rebuttal may also be heard by representatives of the opposition on facts presented in applicant's rebuttal. The applicant always has final rebuttal.

CONSIDERATION OF PUBLIC HEARING

Usually follows immediately on each item. The TPZC may ask for additional information or clarification. In cases of special uses or non-conforming uses, the TPZC may table, approve with conditions, or disapprove with a majority vote (3-2) sufficient to pass on these items. In the case of subdivisions or zone changes, the TPZC may table, approve, approve with modifications, or disapprove, also with a majority vote. However, state law mandates that when a protest is filed in the form of a petition at or before the public hearing against a proposed zoning map change, signed by the owners of 20 percent or more of the area of the lots included in the proposal or of the lots within 500 feet in all directions, a two-thirds vote (4-1) is required for approval. Reasons are given for decisions and are recorded in the official minutes. Applications are usually acted upon within 65 days unless specifically extended. Applicants may ask for postponement and recessing of certain public hearings. Appeals from the TPZC decisions must be made to the court within 15 days from date of publication of the legal notice. An attorney is needed.

PUBLIC COMMUNICATIONS AND PETITIONS

Usually the first item in the Business Meeting. At this time, anyone may make a statement or ask a question on matters within jurisdiction of the TPZC except on items that will be or are still under consideration from a public hearing or are in litigation. Letters received by the TPZC or Planner are read aloud.

NEW BUSINESS

Not open to public participation unless special point of privilege is granted by the Chairperson. New Business includes review of site development plans for all development except single-family residences. As a courtesy, abutters are notified when a waiver of parking and landscape regulations has been requested and they are invited to give their comments. Items on which public hearings are required first appear on the agenda as a Pre-Application Scrutiny or Application Acceptance. The TPZC schedules a public hearing on these items for a subsequent date.

NOTE: This document is not a rule or regulation of the TPZC but merely an informational guide and in no way should be substituted for the advice of your personal attorney. The Town of Windsor does not guarantee that the Connecticut General Statutes, case law, or local regulations may not have changed any of the procedures and regulation requirements. Those concerned are urged to obtain further information from the Planning Department and other available sources such as the latest statutes, case law and local regulations.

SOURCES: Connecticut General Statutes, Title 8; Windsor Subdivision and Zoning Regulations; Town Charter; TPZC By-Laws; Planning Department; interested citizens.

11/24/92; Revised 3/18/06