

An ordinance regulating and restricting the use of land and the use and location of buildings and structures: regulating and restricting the height and bulk of buildings and structures and determining the area of yards, courts and other places surrounding them: regulating and restricting the density of population: dividing the town of Windsor Locks for such purposes: adopting maps of said town showing the boundaries and the classification of such districts: and prescribing penalties for the violation of its provisions:

be it ordained by the Planning and Zoning Commission of the Town of Windsor Locks.

DEFINITIONS

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein, when not inconsistent with the context; words used in the present tense include the future; words in the plural number, include the singular number; and words in the singular number, include the plural number. The word “shall” is always mandatory and not merely directory.

ACCESSORY USE OR BUILDING: Is a subordinate use, structure or building customarily incident to and located on the same lot with the main use, structure or building.

APARTMENT, MULTI-FAMILY OR GROUP BUILDING: Is any building or any integrated group of buildings under the same ownership arranged, intended or designed to be occupied by two (2) or more families living independently of each other and so designed as to give the maximum amount of open land area per family.

BOARDING HOUSE: Is a residence in which the owner rents rooms and furnishes meals for compensation to one (1) or more persons, but not in excess of six (6) persons; whereas, a rooming house only provides rooms.

BASEMENT: Is that portion of a building, the floor of which is at least two (2) feet below the finished grade at any point of the periphery of the building.

BUFFER: Is an area of open space or landscaped area containing fences, walls, berms or landscape materials, or any combination thereof, as approved by the Commission, used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

BUILDING AREA: Is the ground area enclosed by the walls of a building, together with the area of all covered porches and other roof portions.

BUILDING HEIGHT: Is the vertical distance from the finished grade at any point under consideration to the highest point of flat or mansard roofs, or to the mean level between the eave and the ridge for gable, hip, or gambrel roofs.

BUILDING LINE: Is a line running parallel to the street at a distance from the right-of-way equal to the required front yard. No building is permitted between the minimum building line and the right-of-way. Frontage shall be measured along the right-of-way.

CAMPER: Any motor vehicle designed or permanently altered in such a way as to provide temporary living quarters for travel, camping or recreational purposes.

CAMP TRAILER; Any trailer designed and used exclusively for camping or recreational purposes.

CERTIFICATION: Means a signed, written approval by the Planning and Zoning Commission, or its designated agent or the Hartford County Soil and Water Conservation District that a Soil Erosion and Sedimentation Control Plan complies with the applicable requirements of these regulations.

CLUB-NONPROFIT: Means an organization of persons incorporated pursuant to the provisions of 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 membership by the payment of his annual dues in a bona-fide manner in accordance with such by-laws, and whose name and address are entered on the list of membership.

COMMISSION: Means the Planning and Zoning Commission of the Town of Windsor Locks.

COMMISSION, THE: Means the Planning and Zoning Commission of the Town of Windsor Locks.

COUNTY SOIL AND WATER CONSERVATION DISTRICT: Means the Hartford County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

COURT: Is 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 the street line or opens upon a front, side or rear by lot lines. An inner court is enclosed on all sides by the walls of a building or yard.

DAY CARE: offers or provides a program of supplementary care to related or unrelated individuals outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week as follows:

- Child Day Care Center: more than twelve children
- Group Day Care Home: seven to twelve children
- Family Day Care Home: up to six children
- Adult Day Care Facility: any number of adult individuals.

DEVELOPMENT: Means any construction or grading activities to improved or unimproved real estate.

DISTURBED AREA: Means any area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DWELLING OR RESIDENCE: Is a structure intended for human habitation created on a closed solid foundation, equipped with at least one furnace or other customary form of heating apparatus, with an adequate healthful water supply, bathroom, and sewage disposal system, and constructed with ceilings and walls finished on the inside within the customary manner or finished in some acceptable substitute designed to give proper insulation and ventilation and capable of maintaining a healthful interior room temperature of 68 degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit.

DWELLING UNIT: Is one (1) or more rooms providing complete living facilities for one (1) family, including equipment for cooking or provisions for same, including room or rooms for living, sleeping and eating.

EROSION: Means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

FAMILY: Is any number of persons related by blood or marriage living in the same dwelling, or not more than five (5) persons unrelated by blood or marriage living together as a single housekeeping unit as distinguished from a group occupying a boarding house, club, fraternity or hotel.

FAMILY UNIT: Is a dwelling occupied or intended to be occupied by one (1) family.

FARM: Is a tract of land containing two (2) acres or more, used in whole or part for agricultural purposes, which may include the raising and keeping of domestic and other animals.

FLOOR AREA, FINISHED: Is all space within the exterior walls of a dwelling unit exclusive of garages, breezeways, unheated porches, cellars, heated rooms and basements having a window area of less than twenty percent (20%) of the square foot area of the room. Usable floor area shall include all spaces not otherwise excluded above such as: principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit. Finished areas shall have all electrical, heating, and plumbing installed and all floors, ceilings, in place. Ceiling heights shall have a minimum clearance of seven feet six inches (7'6") and where a second floor is included in computations, a minimum ceiling height of seven feet six inches (7'6") shall exist for fifty percent (50%) of the finished area. Attic space shall not be considered living space.

GARAGE, PRIVATE: Is a building or part thereof adjacent to a principal building and providing for the storage of private vehicles and in which no occupation, business or residential use is carried on.

GARAGE, PUBLIC OR STORAGE: Is a building or part thereof other than a private garage for the storage of motor vehicles and in which repairs or service station activities are or may be carried on.

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

GRILL: Is a place where alcoholic liquor is sold under a restaurant permit issued by the State Liquor Control Commission, and where music, dancing, or performances for the entertainment of customers may be allowed.

HOME OCCUPATIONS AND PROFESSIONAL OFFICES: The offices of a physician, surgeon and dentist provided no patient is hospitalized or housed overnight; the office of an architect, lawyer, registered surveyor or engineer, accountant, artist, musician, or teacher located in the same dwelling occupied by such person as his residence and any home occupation such as dressmaking, millinery, or similar service occupation which is customarily or may properly be carried on for compensation entirely within a dwelling by the occupant thereof which (a) is clearly secondary to the use of the dwelling for dwelling purposes, (b) does not change the residential character of the dwelling in any visible manner, (c) does not create objectionable noise, odor, vibrations, or unsightly conditions noticeable off the premises, (d) does not create interference with radio and television reception in the vicinity, and (e) does not create a health or safety hazard. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, antique shop, or similar use shall not be deemed to be a home occupation.

HOTEL, MOTEL OR RESIDENCE INN: Is a building designed and used for temporary occupancy by transients, which provides or offers accommodation for a consideration for five (5) or more persons exclusive of employees living on the premises, consisting of a non-housekeeping bedroom, private bath, and separate entrance, and may include limited kitchen facilities in Residence Inns, and which may provide rooms for public assembly and may include the serving of food.

INSPECTION: Means the periodic review of sediment and erosion control measures shown on the certified plan.

JUNK: Is any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

JUNK YARD: Is the use of more than one hundred (100) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk.

LANDSCAPED BUFFER STRIP: An area designed and maintained to furnish a natural visual and sound barrier between two different land uses. Where required, a landscaped buffer strip shall consist of a planting of dense growth (evergreen trees and planting) that will, within a reasonable time, provide the required barrier, with grass or other suitable ground cover material on the ground surface.

LOT: Is a plot or parcel of land occupied or capable of being occupied by one (1) building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance. In the case of public, institutional or commercial building, a group of buildings under the same ownership may be considered as occupying the same lot.

LOT AREA REQUIRED, DETERMINATION OF: In determining the required lot area, the depth used in multiplying the average width shall not be greater than three (3) times such average width, regardless of the depth of the lot.

LOT LINES, FRONT: Are all the lines dividing the lot from the street or streets.

LOT LINES, SIDE: Are all lines extending from the street which divide separate lots abutting the street.

LOT, CORNER: Is a lot having two (2) adjacent front sides facing a street or streets so that the interior angle of the intersection is not

more than one hundred-twenty (120) degrees.

LOT FRONTAGE: Is the distance between lot side lines measured along the street line. In the case of lots having all or part of the frontage on or adjacent to a street curve, required lot frontage shall be measured as arc length at the building line of such lots.

MOTOR HOME: A vehicular unit designed to provide living quarters and necessary amenities which are built into or an integral part of, or permanently attached to a truck or van chassis.

MULTI-FAMILY DWELLING: Is any building or any integrated group of buildings under the same ownership arranged, intended or designed to be occupied by two (2) or more families living independently of each other and so designed as to give the maximum amount of open land area per family. (Revised effective 2/1/03)

NONCONFORMING AND BUILDING USE: Is a use of land, building or premises which is not a use permitted by the provisions of this ordinance for the district in which such land, building, or premises is situated, but which was legally existing at the effective date of this ordinance July 26, 1959 or at the effective date of any amendment hereto which created the nonconformity.

OPEN SPACE: An unoccupied space open to the sky on the same lot as the building.

PARKING AREA: Is an open space used for parking motor vehicles exclusively, and in which no gasoline or motor vehicle accessories are sold or no other business is conducted.

PERMIT PREMISES: Shall mean only that area of a particular building that is actually used for the sale or storage of alcoholic beverages.

PREMISES: Is that portion of a lot, structure or building actually in use for the specific purpose or use under consideration.

REAR LOT: A lot which does not meet the frontage requirements of these Regulations for the underlying zone.

RECREATIONAL VEHICLE: This includes the camper, camp trailer and motor home classes of vehicles.

RESTAURANT: A space in a suitable permanent building, kept, used, maintained, advertised and held out to the public, serving food and beverages in an enclosed structure, providing seats for its customers either at a counter or at separate tables. If alcoholic beverages are served in any restaurant it shall be an adjunct to the primary function of serving food and operate under a Restaurant Liquor Permit as provided in Section 30-22A of the Connecticut General Statutes, as amended, and comply with all Liquor Control Commission regulations appertaining thereto.

ROOMING HOUSE: A dwelling, part of which is occupied by the owner of the building as his permanent residence, in which rooms are offered, or provided, for compensation, to no more than six persons.

SEDIMENT: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site by erosion.

SIGN: Is any letter, word, model, pennant, insignia, trade flag, device or representation used as, or which is in the nature of, an advertisement, announcement, attraction, directive, or identification.

SOIL: Any unconsolidated mineral or organic material of any origin.

SOIL EROSION AND SEDIMENT CONTROL PLAN: A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

SPECIAL USE PERMIT: Permission which allows a property owner to put his property to a use which the regulations expressly permit under the conditions specified in the zoning regulations themselves.

STREET: Is any public thoroughfare which affords the public a means of access to abutting property or a proposed public thoroughfare shown upon a subdivision plan duly approved by the Planning and Zoning Commission of the Town of Windsor Locks.

STREET LINE: Is the line separating the street right-of-way from adjoining property.

STRUCTURE: Is anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

SWIMMING POOL: A swimming pool is defined as a structure or container, designed or used primarily for bathing or swimming, capable of holding eighteen (18) inches or more of water depth regardless of whether the water level is above natural ground level.

TOURIST HOME: Is a residence in which the owner rents rooms to one (1) but not more than five (5) persons to provide or offer overnight accommodations to transients for compensation.

TRAILER: Any rubber-tired vehicle without motive power drawn or propelled by a motor vehicle and includes a utility trailer.

USE: Is the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

UTILITY TRAILER: A trailer designed and used to transport personal property, materials or equipment, whether on not permanently affixed to the bed of the trailer, with a manufacturer's GWVR of ten thousand pounds or less.

VALET PARKING: A parking activity whereby the customer's automobile is checked in and the customer is transported to a given destination. Upon completion of a journey or business engagement the customer is picked up and returned to the parking facility.

(Note: This definition was added on 3-9-1996)

VERANDA: An appendage to a residential structure having a floor on piers and a roof, but with vertical enclosures limited to protective railings and/or screens.

YARD, FRONT: Is an open unoccupied space between the building and the front lot line, extending the full width of the lot, or in case of a corner lot extending along all streets.

YARD, REAR: Is an open unoccupied space between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE: Is an open unoccupied space situated between the building and the side line of the lot and extending from the front yard to the rear yard or to a side yard.

**CHAPTER II
GENERAL REQUIREMENTS**

- 201** Except as herein provided, no land, building, or premises, or part thereof or other structure may be constructed, reconstructed, extended, enlarged, moved or altered except in conformity with the regulations herein prescribed for the zone in which it is located. No building or structure may be greater in height, nor occupy in the aggregate a greater percentage of the lot than is prescribed in the applicable sections of these regulations. No lot may be less in area or width nor have smaller yards, courts, or open spaces than is prescribed in the applicable sections of these regulations.
- 202** No lot may be diminished in area nor may any yard, court, or other open space be reduced except in conformity with the provisions of these regulations.
- 203** Nothing in this regulation shall prevent the construction of a one family dwelling on a lot owned separately from an adjoining lot as evidenced by a deed recorded in the land records of the Town at the time of the adoption of this regulation, on or before July 20, 1959 provided such lot is large enough to meet the health and sanitary requirements and Inland Wetlands and Watercourses Regulations.
- 204** Except as specifically provided herein, no part of any yard or other open space about any building, required by the provisions of this ordinance, may be included as part of a yard or other open space required for any other building.
- 205** **Dumps and Junkyards.** Maintaining a dump or junkyard and/or the processing and/or salvaging of junk or other waste materials is prohibited. The discarding or storage of same in or on a property is prohibited in the Town except by an official agency of the Town.
- 206** **Fences.** All fences, except those used for agricultural purposes, shall be erected so that the finished side of the fence faces the abutting property. In any residential district, fences shall not exceed six feet in height from ground level. In other districts, fences shall not exceed eight feet in height from ground level. In all residential districts no structure shall be erected between the building line and the street line, except a wall or fence not over four (4) feet in height and not more than one-half solid and except signs as provided in Chapter VI of these Regulations. *(Note: This section was modified on 12-5-1993 and on 3-9-1996)*
- 207** In the case of a lot lying in more than one district, the provisions of the less restrictive district may be applied for a distance of not over 30 feet into a more restrictive district, provided that such lot has frontage on a street in the less restrictive district.
- 208** **Corner Visibility.** No wall, fence, or other structure shall be erected and no hedge, shrub, tree, or other growth shall be maintained on a corner lot between the building line and the street line, so as to create a traffic hazard by obstructing the view. The minimum vision clearance shall require a height not exceeding two and one-half (2 1/2) feet above the street grade within fifteen (15) feet of the intersecting property lines bordering corner lots. See Appendix B, Sketch 3. On an inside curve, vision clearance shall be measured between the points of tangency along the property line (street line). *(Note: This section was revised effective 2/3/03)*
- 209** **Flood Prevention.** No structure shall be erected with any of its foundation closer to the center line of a normally running stream or its bed than the minimum side yard for the district in which it is located plus 35 feet.
- 210** **Building removal.** No building of any type shall be moved from one foundation to another within the Town unless the building in the new location meets all the requirements of this regulation and a permit for such removal shall have been issued by the Building Inspector and if a public street is to be traversed, the route is to be approved by the First Selectman and Chief of Police.
- 211** **Special Regulations for Subdivision.** In the case of the subdivision of land in any District in accordance with a plan for subdivision, the required lot area or width applicable may be reduced by not more than 10% provided that the total number of family units to be contained in such subdivision does not exceed the number otherwise permitted by this regulation for the District in which such parcel is located. This variation in lot dimensions is solely for the purpose of accommodating design considerations or problems.
- 212** **Residential Prohibitions.** In residential zones, agriculture forestry, tobacco, truck and nursery gardening and customary keeping of household pets are permitted. Expressly prohibited are commercial greenhouses, kennels, livery and boarding

stables, veterinary hospitals, the keeping of swine, the keeping and raising for other than domestic use and home consumption of any livestock, poultry, and fur-bearing animals.

- 213 Accessory Buildings.** In residential zones, no accessory building shall be used for residence occupancy. Accessory buildings may include private garages with space for not more than three non-commercial motor vehicles on one lot and for one additional such vehicle for each 10,000 square feet by which the area of the lot exceeds one acre. Not more than one such space may be used by a commercial motor vehicle owned by the owners of the premises of not more than 10,000 pounds GVW except when used primarily for agricultural or similar purposes on the premises. In residential zones, space for not more than one-third of the permitted number of vehicles may be let to persons other than residents for storage of non-commercial motor vehicles only.
- 214 Commercial Vehicles.** In residential zones commercial vehicles in excess of 10,000 pounds GVW shall not be garaged or stored on-street or off-street. In non-residential zones commercial vehicles shall be stored off-street only, and shall only be serviced and used in facilities specifically approved for such purposes under these Regulations.
- 215 Livestock for Domestic Use.** In residential zones, livestock for domestic use or home consumption but not for sale may be kept on any lot containing more than two acres in area, provided that no building housing such animals is located nearer than 100 feet to any street or property line, and provided further that no more than one horse or cow, or two goats or sheep, may be kept per acre of lot area. Poultry or rabbits, or similar small animals, for domestic use only and not for sale, are permitted in a building or enclosure, not less than 100 feet from any property line, or street line.
- 216 Swimming Pool Regulation.** In residential zones, a swimming pool is permitted as an accessory use to a residential use, providing the pool or the land area surrounding the pool shall be enclosed by a substantial fence of not less than four feet above ground level, with a locked gate sufficient to prevent entrance to the pool area of unauthorized persons.
- 217 Trailer, Recreational Vehicles or Other Temporary Accessory Structures.** In all zones, a trailer, recreational vehicle or other temporary accessory structure may only be stored behind the front foundation wall only by its owner on a lot occupied as his permanent residence. Said trailer, recreational vehicle or other temporary accessory structure may not be occupied for sleeping, living, cooking or for carrying on a business in any zone in Windsor Locks.

The Building Official, or designee, upon application to that office, may permit limited use of trailers, recreational vehicles or other temporary accessory structures anywhere on a lot and may establish reasonable requirements in respect to screening, time limits, hours of use and other factors, for the following purposes:

- A. for emergency purposes necessitated by natural disaster, special function or other good cause or,
- B. as an office to service a construction project, which may include facilities for a watchman.

The Commission, as a Special Use, after a public hearing, may permit the limited use of trailers, recreational vehicles or other temporary accessory structures for the following purpose:

- C. Temporary uses other than for residential purposes which, in the judgment of the Commission, warrant such special use permit.

Any special use permit granted pursuant to this section shall be subject to any and all general conditions applicable to special use permits including but not limited to reasonable requirements for screening, time limits, hours of operation, use and other conditions reasonably necessary, as determined by the Commission, to satisfy the requirements of section 1102 of these regulations.

Any such trailer, recreational vehicle or other temporary accessory structure approved under section 217 shall be removed and the area restored by the expiration of the period specified in the approval.

- 218** In all residential zones the parking of one boat or one unregistered vehicle will be permitted in a rear yard. Under no circumstances shall any boat or unregistered vehicle be occupied for living quarters.
- 219 Connecticut River Conservation Zone** *(Note: This section was added on 2-7-1993)*
In accordance with Connecticut P.A. 82-296, as amended, regulations are hereby established in the Town of Windsor Locks for

an area generally described as lying between the Connecticut River to the east and the centerline of the ConRail Railroad Line at the Suffield/Windsor Locks Town Line, extending southerly to the centerline of Main Street, thence southerly along Main Street to its intersection with the centerline of Interstate Route 91, thence southwesterly along said line to its northernmost intersection with the Windsor Locks/Windsor Town Line.

A. Purpose

The minimum standards for the preservation and usage of land within the conservation zone are designed to promote development practices which will support the following program goals:

1. protecting and improving the water quality of the Connecticut River;
2. preserving the flood storage capacity of flood plains;
3. preserving unique natural, historic and scenic areas and the natural topography of riverfront land;
4. encouraging the development of agricultural land uses which contribute to conservation of the area's soil and water resources and which increase long-term food producing capacity;
5. promoting the recreational potential of the river area and public access to the riverfront, which is consistent with the ability of the land and the river to support such use;
6. influencing the visual impact of riverfront development; and
7. encouraging the preservation and rehabilitation of the Connecticut River greenbelt.

B. Minimum Standards for the Preservation and Usage of Land Within the Conservation Zone.

The standards apply to land use within the conservation zone. They focus on measures to control non-point sources of pollution, such as erosion and sedimentation and limit destruction of the natural environment. All standards are not listed in this section since standards having universal application may be found under appropriate categories in other sections of these regulations (such as flood hazards, erosion control, etc.).

C. Flood Plain Use.

- a. Purpose. The purpose of this minimum standard for flood plain use is to preserve the necessary flood storage capacity of the Connecticut River Flood plain and its tributary flood plains; to promote public health, safety and general welfare through minimizing flood losses in flood plain areas; and to promote flood plain use which is compatible with beneficial flood plain values and goals of the Connecticut River Assembly Program.
- b. Activities Permitted As of Right. The flood plain use guidelines contained in Sec. d. below, shall not be deemed to restrict agricultural or farming uses, including the building of fences, provided that this section shall not apply to farm buildings and farm structures.
- c. Permitting of Regulated Activities. No obstruction or encroachment shall be placed in the flood plain by any person, firm or corporation, public or private, unless authorized by the Zoning Enforcement Officer who shall consider the use guidelines contained in Sec. d. below, when making a decision to deny or issue a permit. Nothing in Sec. d. shall be construed as constituting approval or disapproval of any activity prior to the decision on a permit.
- d. Use Guidelines For Regulated Activities:
 1. The following activities may be generally compatible with flood plain values under certain conditions.
 - (a) Conservation activities which do not require significant physical alteration of watercourses and flood plains (e.g. wildlife and nature preserves, game farms, fish hatcheries, etc.).
 - (b) Parks and recreation areas provided that:
 - (1) The placement of small piers, catwalks, floats, docks, piles and other similar structures including trails and pedestrian access routes:
 - a. do not involve dredging or filling of the watercourses and do not require significant physical alteration of flood plains;
 - b. are elevated on low-impact pile foundations;
 - c. do not interfere with or obstruct navigation;
 - d. do not restrict circulation.
 - (2) The repair, relocation and/or rearrangement of floating docks, open pile docks, and similar structures within an established marina or boat basin involve no disturbance of the watercourse or flood plain other than removing or relocating anchors or pilings.
 - (3) Accessory structures and amenities (such as picnic tables) are anchored and built to withstand flooding.
 2. The following activities are generally incompatible with flood plain values.
 - (a) Activities which require incremental filling of the flood plain, where incremental fill shall mean fill, including any material or structure, which would have the effect of displacing water or the flood storage capacity of the property. Shifting existing contours without the addition of new fill from off-site and which

- does not reduce the existing flood storage capacity of the subject property is not considered incremental fill.
- (b) Construction of any structure whose lowest floor, including basement, is lower than the flood elevation unless floodproofed.
- (c) Construction of any structure which is not anchored to prevent flotation, collapse, or lateral movement.
- (d) Construction of waste disposal systems which are not floodproofed to avoid impairment to them or contamination from them during flooding.
- (e) Construction of industrial facilities using, producing or storing hazardous or toxic substances (nuclear power plants, chemical factories, oil storage tanks, etc.) which are not protected against a flood of rare occurrence.

D. Cutting of Timber.

No trees, shrubs or ground cover shall be destroyed, cut or removed within the 100 year flood hazard area unless dead or diseased. Within the Conservation area no trees over 10 inches in caliper, unless dead or diseased, shall be removed until a cutting plan has been provided and approved.

220 Obstructions In Yards. No structures or projections from structures shall be permitted in any yard except as follows:

- A. Minor projections of structures, such as window or door frames and sills, belt courses, cornices or other architectural features may project no more than one (1) foot into any required yard.
- B. Major projections of structures such as chimneys, bay windows not larger than 25% of the wall from which they project, eaves, roofs over doorways, hatchways, areaways and fire escapes may project not more than four (4) feet into any required yard, provided that they shall not be closer than four (4) feet to any lot line. Exception: A veranda may encroach upon the front yard in Residence AA, A, and B Zones up to a maximum of eight (8) feet in front of the required building line.
- C. In any rear yard only accessory buildings or structures shall be permitted, provided that they shall not occupy more than 25% of the required rear yard.
- D. An attached solar greenhouse on the southerly side of the main structure may project up to ten (10) feet into a required yard.
- E. Satellite dishes may be located in rear or side yards (behind the building line) provided that they are screened from the street.

221 Home Occupations and Professional Offices. Traditional professional offices and home occupations which are clearly accessory to the primary use of a building as a single-family dwelling are permitted in all single-family residential districts. The following standards shall apply: *(Note: This section was added on 12-5-1993)*

- A. Traditional professional office proposals shall require submission of a site plan for approval by the Commission.
- B. Traditional professionals may have two non-resident employees.
- C. Office use or home occupation is restricted to the resident thereof.
- D. Adequate off-street parking shall be provided on the premises.
- E. The Commission may, in its discretion, waive the requirement for a site plan or it may require a public hearing as a special use if it is determined that a proposed use might have an effect on abutters.

222 INDUSTRIAL USES EXPRESSLY PROHIBITED IN ALL DISTRICTS *(Note: This section was added on 12-5-1993)*

- A. Abattoir, meat packing, distillation of bones, offal or dead animals rendering or dumping.
- B. Blast furnaces or smelting of copper, iron, lead, tin or zinc.
- C. Coal or petroleum distillation or derivation of by-products.
- D. Manufacture of cement, lime, gypsum or plaster of paris, or chlorine, or carbolic, hydrochloric, nitric, picric or sulfuric acid.
- E. Manufacture or storage of explosives.
- F. Fertilizer manufacture.
- G. Fat rendering in the manufacture of tallow, grease and oil.
- H. Refining and recovery of products from fish, animal refuse and offal.
- I. Petroleum gas manufacture and storage by other than a public utility.
- J. Similar uses to the above which are dangerous by reason of fire or explosion or injurious, noxious or detrimental to an area because of emission of dust, fumes, odor, smoke, wastes, noise, vibrations or because of other objectionable features.

223 Special Flood Hazard Area Regulations *(Note: This section was added on 2-7-1993)*

(Note: Section 223 is lengthy and is included as an appendix to these regulations. This section applies to all special flood

hazard areas within the jurisdiction of the Town of Windsor Locks.)

224 Projecting Features Above the Roof Level. The height limitations of these Regulations shall not apply to chimneys, antennas, church spires, air conditioning equipment and enclosures, solar panels, or other usual accessory features carried above the roof. Free standing structures such as towers or tanks not intended for human habitation, which exceed the height limits of these regulations, may be permitted by the Commission under a special use permit. Said requirements shall not pertain to amateur radio antennas.

- A. Satellite dishes of up to 18 inches in diameter may be permitted on roofs of buildings containing up to three residential units. Multi-family and commercial buildings may carry larger units provided that such units are completely screened from ground level up to horizontal observation level.
- B. Other rooftop structures shall be screened from view from ground level up to horizontal observation level.

225 Driveways *(Note: This section was added 6-1-2006 and amended effective 11-10-2008.)*

For the purposes of this section, a driveway shall be defined as any area used for vehicular ingress or egress to any building, structure, use, or lot, or any area used for outdoor parking of vehicles. No driveway shall be constructed, reconstructed, or resurfaced, without a permit issued by the Town of Windsor Locks Building Department. Any creation or relocation of a curb cut or any work required within a Town street right-of-way shall also require a permit from the Town of Windsor Locks Department of Public Works. Driveways shall conform to the following standards:

- A. Location: Driveway entrances to a street (curb cuts) shall be located so as to provide maximum visibility and safety to the general public. No obstructions will be permitted near a driveway, which interfere with the visibility of the driveway to those using the driveway or those passing by. The Town Engineer may require a sight line plan stamped by a licensed land surveyor and professional engineer to demonstrate adequate intersection sight distance (ISD) is provided by a proposed driveway.

No driveway shall be located within 10 feet of a property line, except where it crosses a property line at its entrance. In zones where detached garages (accessory structures) are permitted closer than 10 feet to a sideline, the driveway setback may be reduced to match the setback of an existing or proposed detached garage. Driveway openings shall be located as far from intersections as possible and the nearest edge of the driveway shall be no closer than 25 feet from the nearest intersecting street right-of-way line. This requirement shall also apply to rights-of-way designated for future roadways. Driveways shall be located on the street frontage with the lowest traffic volume wherever possible.

- B. Construction: Driveway shall be at least 10 feet in width and no more than 30 feet in width, unless otherwise approved by the Town Engineer. Driveways shall be paved for at least the first 10 feet beyond the edge of street pavement. The first 10 feet beyond the street right-of-way line shall be no greater than 5% grade. The next 10 feet shall serve as a grade transition to a maximum grade of 15% for paved driveways and 10% for unpaved driveways. The driveway pavement section shall include a minimum of 2" compacted bituminous concrete pavement on 6" processed aggregate base. All materials shall conform to the Connecticut Department of Transportation Standard Roadway Specifications, Form 816 as amended. Other materials may be approved by the Town Engineer.
- C. Drainage: Generally, driveways shall be graded to direct runoff away from abutting properties. The applicant must demonstrate that the proposed driveway runoff will not adversely impact downstream properties. Driveways shall be graded so as to prevent runoff from the Town right-of-way draining onto private property. Drainage culverts may be required to convey runoff under the driveway. Culverts shall be a minimum of 15 inches in diameter unless otherwise approved by the Town Engineer. The driveway or access shall be designed so as not to interfere with the function of existing culverts or drainage systems.

This page of the Zoning Regulations is reserved for future revisions.

**CHAPTER III
DISTRICTS**

301 For the purposes of promoting the health, safety, morals and welfare of the community; of securing safety from panic, fire and other dangers; of lessening congestion in the streets; of providing adequate light and air; of avoiding undue concentration of population and preventing the overcrowding of land; of facilitating adequate provisions for transportation, sewerage, water, schools, and parks; of providing for the public health, comfort and general welfare in living and working conditions, and for the purpose of restricting the location of trades and industries and the location of buildings designed for specific uses; of regulating and limiting the height and bulk of buildings, of regulating and determining the area of yards, courts and other open spaces for buildings hereafter erected, the Town of Windsor Locks is hereby divided into the following districts:

- Residence AA Zone
- Residence A Zone
- Residence B Zone
- Multiple Family Special Development Zone (MFSD)
- Business Zone 1
- Business Zone 2
- Industrial Zone 1
- Industrial Zone 2
- Industrial Zone 3
- Residence - Downtown Renewal District (R-DRD)
- Business - Downtown Renewal District (B-DRD)
- Airport Interchange Overlay Zone (AIOZ)

302 The boundaries of such districts are shown on a map entitled “Zoning Map of the Town of Windsor Locks, Connecticut”, which is filed in the office of the Town Clerk. Such map with all explanatory matter thereon is hereby declared to be a part of the regulation as fully as if set out herein, and changes in the boundaries of such districts as shown on said map may be made by the Commission.

303 Where uncertainty exists with respect to the boundaries of any of the districts shown on the Zoning Map, the following rules shall apply.

- A. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.
- B. Where the district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- C. Where district boundaries are indicated as approximately following the center of a street, highway, brook or stream, such lines shall be construed to be such district boundaries.

This page of the Zoning Regulations is reserved for future revisions.

**CHAPTER IV
USE REGULATIONS**

401 EXPLANATION OF TABLES (note – this section was modified, effective June 1, 2005)

No structure shall be used, erected, or expanded and no land use shall be established or expanded except in accordance with the Zoning Regulations. The schedule contained in Section 402 lists permitted uses of land and buildings, and Section 403 lists the maximum height of buildings, the required yards, open space, area of lots and other requirements for the various districts in the Zoning Regulations.

Any use marked "SP" in the following tables is a permitted use subject to Sections 1102 and 1103B (Site Plan and Design Review) and the issuance of a building and/or zoning permit.

Any use marked "SU" in the following tables is a permitted use subject to Sections 1102 and 1103A (Special Use Permit) and the issuance of a building and/or zoning permit.

Any use marked "P" in the following tables is a permitted use subject to the issuance of a building and/or zoning permit.

Any use marked "X" is prohibited.

Uses that are not permitted are prohibited unless the Commission determines that a proposed use is sufficiently similar to a listed use.

The Commission may determine that a use not expressly prohibited is a similar use in a given district and that it will otherwise be in harmony with permitted uses in the zone; and that granting permission for such use will be subject to the same procedures as the comparable similar use; and provided further that the Commission may make the granting of such permission subject to such conditions as it may determine to be necessary for the protection of the health, safety and general welfare of the public.

A. As specifically authorized by Section 8-6 of the Connecticut General Statutes, none of the following uses shall be permitted by variance of the Zoning Board of Appeals in the zoning districts as indicated:

A, AA and B Districts: dwellings for two-families;
Multi-family dwellings or group buildings

BUS 1, BUS 2, BDRD, IND 1, IND 2, and IND 3:
Off-premise signs;
Flashing, rotating or intermittent signs.

402 PERMITTED USES

	Res AA & A	Res B	M F S D	R D R D	B U S 1	B U S 2	B D R D	I N D 1	I N D 2	I N D 3
Single family dwelling.	P	P	X	X	X	X	X	X	X	X
Multi-family dwelling. <i>(Note: this use was amended on 3-6-1996 and 2-1-03)</i>	SU Res A only. Sec. 407	SU Sec 407	SU Sec 407, 409	SU Sec 404, 407	SU Sec 412	SU Sec 412	SU Sec 407	X	SU Sec 410	X
Philanthropic, educational, and religious use as a duly incorporated non-profit body or governmental unit excluding correctional and mental institutions. Child day care center, group day care home, adult day care facility, nursery schools.	SU	SU	X	SU	SP	SU	SU	X	X	X
A bona-fide club not operated for profit, provided that no activity is carried on which results in objectionable noise, audible off the premises.	SU	SU	X	X	SU	SU	X	X	X	X
Retail stores, retail service or personal service shops, and research laboratories, including only that fabricating, processing, or manufacturing which is secondary and incidental to such service provided it creates no objectionable noise, vibration, or odor noticeable off the premises, but excluding the use of any explosives or inflammable material which may create a hazard.	X	X	X	X	SP	SU	SU	X	X	X
Restaurants other than dining car types. Dairy bars. <i>(Note: this use was amended on 6-7-90)</i>	X	X	X	X	SP	SU	SU	X	X	X
Hotel, Inn, Motel or Residence Inn, provided that the lot area is equal to one thousand square feet per unit	X	X	X	X	SU	X	X	X	X	SU
Theaters for indoor motion picture projection or dramatic or musical productions. <i>(Note: amended on 6-7-90)</i>	X	X	X	X	SP	X	SU	X	X	X

1 Applies to Residence A zone only

2 See Section 407

402 PERMITTED USES (continued)

	Res AA & A	Res B	M F S D	R D R D	B U S 1	B U S 2	B D R D	I N D 1	I N D 2	I N D 3
Amusement enterprises similar to an assembly hall, bowling center, billiard or pool room, but excluding shooting galleries and arcades. <i>(Note: This use was added on 9-3-1993 and amended effective 11-30-2007)</i>	X	X	X	X	SU	SU	X	X	X	X
Outdoor recreation area operated for profit (excluding amusement park activities and drive-in theaters.)	X	X	X	X	SU	X	X	X	X	X
Retail package store for the sale of packaged or bottled alcoholic liquors.	X	X	X	X	SU	SU	SU	X	X	X
Motor vehicle service station for dispensing at retail of motor fuel, lubricants, minor servicing.	X	X	X	X	SU	X	X	X	X	X
Washing machine rental establishments, Laundromats.	X	X	X	X	SP	SP	X	X	X	X
Funeral homes, taxidermist.	X	X	X	X	SU	X	X	X	X	X
Enterprises where facilities for betting are the principal attraction.	X	X	X	X	SU	X	X	X	X	X
New automobile sales rooms including the sale and exchange of used cars. Automobiles for sale may be parked in required yards. No parking area may be within 10 feet of any parcel line. The parking of motor vehicles is prohibited within 15 feet of any residential zone. Automotive repairs as an accessory use, provided that all mechanical and repair operations are carried out within a building. <i>(Note: this use was amended on 6-7-90)</i>	X	X	X	X	SU	X	X	X	X	X
Business offices, professional offices, and financial institutions.	X	X	X	X	SP	SU	SU	SP	SP	SP
Car washing facility. (see section 406)	X	X	X	X	SU	X	X	X	X	X

402 PERMITTED USES (continued)

	Res AA & A	Res B	M F S D	R D R D	B U S 1	B U S 2	B D R D	I N D 1	I N D 2	I N D 3
Repair garages and shops, including welding and tire recapping, provided that unregistered motor vehicles will not be parked or stored nearer to the street than the building line and all mechanical and repair operations are carried out within a building. <i>(Note: this use was amended on 6-7-90)</i>	X	X	X	X	X	X	X	SU	SU	X
A fire station, a telephone exchange transformer substation or railway waiting room or passenger station, with no outside service yard or outside storage of supplies.	SU	SU	X	X	SU	SU	SU	SU	SU	SU
Wholesale trade carried on entirely within a building or solid enclosure not less than eight feet high.	X	X	X	X	X	X	X	SU	SP	SP
Newspaper and printing plant.	X	X	X	X	X	X	X	SU	SP	SP
The bulk storage of, or a warehouse for any materials not expressly prohibited, or any materials which will not constitute a public hazard or create an obnoxious odor.	X	X	X	X	X	X	X	SU	SP	SP
The furnishing of any service such as cleaning, repairing, cold storage, bottling and distributing, including freight terminals, railroad yards, truck terminals and transfer stations.	X	X	X	X	X	X	X	SU	SP	SP
The fabrication, manufacturing, or industrial or research operation of any kind which will not constitute a public hazard or create obnoxious odor.	X	X	X	X	X	X	X	SU	SP	SP
Hospitals, sanitorium and convalescent homes, except for correctional, contagious, mental, alcoholic, or drug cases, provided that the lot area is not less than 1/10 acre for each person accommodated including patients and employees and provided further that all buildings so used shall be not less than fifty feet from any street or property line.	X	SU	X	X	SU	X	X	X	X	X

402 PERMITTED USES (continued)

	Res AA & A	Res B	M F S D	R D R D	B U S 1	B U S 2	B D R D	I N D 1	I N D 2	I N D 3
Banquet and catering facilities and conference centers <i>(Note: this use was amended on 8-2-90)</i>	X	X	X	X	SU	X	X	SU	X	SU
Indoor sports facilities, Indoor Valet Parking <i>(Note: this use was added on 3-6-1996)</i>	X	X	X	X	X	X	X	SU ¹	SU ¹	SU ¹

1 See Section 408

402A PERMITTED ACCESSORY USES* (Note: this section was added on 12-5-93)

	AA	A	B	M F S D	R D R D	B U S 1	B U S 2	B D R D	I N D 1	I N D 2	I N D 3
Keeping of not more than two (2) non-transient roomers or boarders in any dwelling unit.	P	P	P	X	X	X	X	X	X	X	X
Home occupation (see Section 221).	P	P	P	X	X	X	X	X	X	X	X
Family day care home.	P	P	P	X	X	X	X	X	X	X	X
Private garage for motor vehicles (see Section 213).	A	A	A	A	A	A	A	A	A	A	A
Off-street parking and loading	A	A	A	A	A	A	A	A	A	A	A
Swimming pools in accordance with all applicable State and Local regulations (see Section 216).	P	P	P	P	P	A	A	A	A	A	A
Non-commercial greenhouses, storage sheds, solar facilities.	A	A	A	A	A	A	A	A	A	A	A
Signs as specified in Chapter VI.	A	A	A	A	A	A	A	A	A	A	A
Livestock for domestic use (see Section 215).	A	A	X	X	X	X	X	X	X	X	X
Accessory uses customary with and incidental to a permitted use on the same lot, subject to all other special conditions contained in these regulations.	P	P	P	P	P	P	P	P	P	P	P

- * "P" means this is a permitted accessory use.
- "A" means this is a permitted accessory use subject to the same permits and reviews as the main use to which it is accessory.
- "X" means this is a prohibited accessory use.

403 Required Lot Area, Yards, Coverage, Height, Frontage

(footnote e. of this section was modified effective 3-8-06, footnote f. of this section was added effective 11-30-2007)

No lot shall have an area, width, or front, side, or rear yards less than given in the following table and no building or buildings, including accessory buildings, shall cover a greater percentage of the lot area nor exceed in height the figures given below. All yards in business or industrial zones which abut a residential zone shall contain a landscaped buffer strip as defined in these regulations. Where appropriate, in the judgement of the Commission:

- A. Suitable walls or fencing may be used for part or all of the buffer strip;
- B. Existing trees may be retained and interplanted, as required for planting areas;
- C. The above requirements may be modified where two different but compatible uses abut a common lot line.

	RES AA	RES A	RES B	BUS a 1	BUS b 2	B DRD	IND 1	IND 2	IND 3
Minimum lot area, square feet	28,000	21,000	15,000	50,000	7,500	----	40,000	15,000	5 acre
Minimum frontage, feet	140	120	100	200	50	----	150	50	400
Minimum lot dimension, feet, minimum width x minimum depth	140 x 200	120 x 175	100 x 150	200 x 250	50 x 100	----	----	----	----
Front yard, feet	50	40	40	60	NR	10	60	40	60
Each side yard, feet	15	12	10	15	NR	10*	25	25	25
Rear yard, feet	25	25	25	40	NR	10*	25	25	50
Maximum coverage, percent	20	20	20	20	NR	50	60	80	50
Maximum impervious area <i>(added on 4-1-1999)</i>	----	----	----	66%	66%	----	75%	75%	75%
Maximum height, stories	2 1/2	2 1/2	2 1/2	----	3	3	2	2	2
Maximum height, feet	35	35	30	30	50	40	50	50	60
Minimum floor area, 1-story, square feet c	1250	1100	900	NR	NR	NR	NR	NR	NR
Minimum floor area required, 2-story, 1 st floor, square feet c	1000	860	720	NR	NR	NR	NR	NR	NR
Minimum floor area, 2-story, 2nd floor, square feet c	500	450	400	NR	NR	NR	NR	NR	NR
Buffer Requirement d	25	15	15	25	25	10	35	35	35

Explanation of Footnotes:

- a. An open passageway for motor vehicles, no less than twenty feet wide and extending across the rear yard, the total length of any building, shall be maintained and kept free of parked vehicles or truck loading zones.
In Business 1 Zone, on two adjoining lots having a frontage of one hundred feet or more, and upon agreement of the owners recorded in the land records of the Town of Windsor Locks, one side yard may be omitted from each lot provided that the buildings are built on the common lot line, and the party walls separating each building are of masonry construction.
- b. In Business 2 Zone, no side yards are required for business buildings, but where a side yard is maintained, it shall be not less than four feet.
- c. Minimum floor area shall be computed from the outsides of building walls and may include bay windows when built over a cellar or closed foundation, but may not include garages, space for heating or other utilities, vestibules, porches, basement rooms and storage space other than normal room closets.
- d. A buffer of the indicated width is required in Residential Districts whenever a Special Permit use is approved in a Residence

District and directly abuts or is located across the street from another residence district parcel. And a buffer of the indicated width is required in the non-residential districts where they directly abut or located across the street from a residentially zoned parcel or developed with a residential use.

- e. For Business 1 (B-1) properties in the airport corridor on Ella Grasso Turnpike (Route 75) not abutting single-family residentially zoned property and in compliance with FAA runway approach height limitations, the maximum building height shall be five (5) stories or a maximum of 60 feet. By Special Permit, for applications showing excellence in design, the Commission may allow additional building height for a parapet and/or other architectural elements that may include atrium glass, signage, or other such features.
- f. For Industrial 1 (I-1) and Business 1 (B-1) properties in excess of 10 acres and located within 2,500 feet of the Bradley Connector (Route 20) and in compliance with FAA runway approach height limitations, a maximum building height of four (4) stories may be permitted by Special Permit for corporate office buildings exhibiting, in the opinion of the Commission, excellence in building design, where maximum impervious area does not exceed 50%, and where the site design provides landscaping in excess of the minimum requirements as set forth in these Regulations.

*50 feet from residential property lines. Side yards are not required for buildings whose front wall is parallel to and within 50 feet of Main Street.

NR=No requirements.

404 Required Lot Area MFSD and R-DRD

Zone	MFSD	R-DRD
Minimum lot area	3 acres	15,000 square feet
Density	5 dwelling units or 10 bedrooms per acre, whichever is less	10 dwelling units per acre
Minimum frontage	200 feet ^a	100 feet ^a
Front yard	50 feet ^a	20 feet ^a
Each side yard	25 feet ^a	15 feet ^a
Rear yard	25 feet ^a	20 feet ^a
Building Coverage	20 %	30 % ^c
Building Height ^b	30 feet	2 1/2 stories or 30 feet
Off-street parking ^d	2 spaces per dwelling unit	2 spaces per dwelling unit
Number of dwelling units per structure	Not more than 12	No requirement
Floor area required per dwelling unit	4 rooms: 700 square feet 3 rooms: 550 square feet minimum: 425 square feet	4 rooms: 700 square feet 3 rooms: 550 square feet minimum: 425 square feet

- a. Applies to total acreage, not to individual units.
- b. As measured from finished grade at the highest point of the building's perimeter. Neither the basement nor the half-story shall be occupied as living or sleeping quarters.
- c. Usable Open Space in R-DRD Developments. For every dwelling unit, other than one-family attached dwellings, there shall be provided at least two square feet of usable open space for every three square feet of dwelling unit area. Such open space, the minimum dimension of which shall be forty (40) feet, shall consist of an unenclosed portion or portions of the ground of a parcel which is not devoted to driveways or parking spaces and is free of structures of any kind; of which not more than twenty percent (20%) is roofed for shelter purposes only; and which is available and accessible to all occupants of the building or buildings on the lot for purposes of active or passive outdoor recreation. Not less than twenty percent (20%) of such open space shall be devoted to suitable paved and landscaped recreation areas. (This paragraph was revised effective 11/10/08.)
- d. Off-street parking spaces or garages shall be provided in a ratio of 2 spaces for every dwelling unit. All parking areas shall be screened from the street by means of a substantial screen consisting of any combination of hedges, walls or trees, having a minimum height of five feet above the finished grade of the parking area. No parking area may be located within ten feet of any parcel line or within any required front yard. The parking of motor vehicles is prohibited within fifteen (15) feet of any wall of a residential building.
- e. Dwelling unit floor areas required shall be computed from the inside plaster of the outer walls, but may not include the net areas of stairs or halls giving access to a dwelling unit.
- f. The density of the development in a MFSD Zone shall be computed from the "gross acreage" of the parcel. Gross acreage shall exclude the following: areas within a 100 year flood line, wetlands, water courses, waterbodies, detention areas, utility easements, rights of way, or areas with slopes at or in excess of fifteen percent (15%). Computations of density and gross acreage shall appear on the site plan. (This paragraph was revised effective 11/10/08.)

- g. Density of seven (7) dwelling units per acre shall be permitted provided the applicant imposes residency requirements that run with the land limiting occupancy to rental units by at least one (1) person sixty-two (62) years of age or older, and provide further that required side and rear yards shall be increased from twenty-five (25) feet to thirty-five (35) feet.”

(Note: This section was modified on 6-7-1990; footnote g was added 7-1-2004)

405 Accessory buildings. Accessory Buildings whose front walls are more than ten feet behind the main rear wall of the principal building whether attached to the principal building or not, and which are not more than 12 feet in height, but excluding buildings used for human habitation, or for housing of animals, may be located in the required rear yard provided that such accessory buildings are not nearer than 5 feet to any side or rear lot line, and provided that such accessory buildings occupy not more than 20 percent of the area of such required rear yard, provided further that upon the written agreement of adjacent property owners, recorded in the land records of the Town of Windsor Locks, accessory buildings within the limitations of height, use and area provided in this paragraph may be located in any side or rear yard on the common lot line provided that the party or other walls separating them are of masonry construction. In the case of a corner lot or any other lot not having a rear lot line, the required rear yard for the purposes of this paragraph shall be the space lying in a required side yard which is in the quarter of such required side yard farthest from the street. Such buildings shall not be used as a residence.

406 CAR WASH REGULATIONS. A car washing facility as a principal use may be permitted by the Commission only as a Special Permit after a public hearing. Plans for a proposed facility shall be submitted and the following shall apply:

- A. Vehicular circulation shall be controlled for safe entrance and exit, and all vehicles awaiting service or being serviced shall be parked or stacked behind the Building Line. Entrance and exit driveways shall be not over 15 feet wide each between the street line and the building line, shall have adequate radii for junction with existing travelled ways, and shall be separated by a landscaped median not less than 8 feet wide.
- B. All front yards shall be at least 25 feet in depth from the street line and covered with a natural landscape material such as turf, ground cover or stone or slate paving, but not bituminous material. Each street yard shall have at least one deciduous shade tree of not less than 2-1/2 inch caliper for every 50 feet of frontage on a street.
- C. All side and rear yards shall have a landscaped buffer strip, 20 feet wide, conforming to the requirements of Chapter I of the Regulations.
- D. All operations, except final hand polishing, shall be confined within a building.
- E. All waste water and liquids used in car wash operations shall be collected by a self-contained treatment system on the property. Said system shall be so designed as to remove all sand and other solids from the used wash water. In addition, water to be discharged into a public sewer shall receive a primary treatment so as not to form residues, foam or other objectionable matter prior to disposal. Said treatment and discharge system shall be subject to approval by the Town Engineer.
- F. All proposed plans for a car wash facility shall be submitted to the Water Pollution Control Authority for approval to discharge its treated water into the Town's sewer system.

407 Adaptive Reuse Regulations. In the Residence A, Residence B, B-DRD, and R-DRD zones only, the Commission may permit by Special Permit after a public hearing the rehabilitation or adaptive reuse of vacant, deteriorated or underutilized buildings in accordance with the following regulations:

- A. Criteria
 - 1. Substantial benefit to the Town.
 - 2. Compatibility with the surrounding area.
 - 3. Substantial inability to develop the property under the provision of any other zoning district. *(This section was modified 2/1/03.)*
- B. Special Permit Use. Multi-family use provided that the Commission finds that the above criteria are met. *(This paragraph was modified on 3-9-1996)*
- C. Procedure
 - 1. Site plan review
 - a. A site plan shall be submitted and reviewed in accordance with Chapter XI of these regulations except as modified by section C.1.b. below. The parking requirements of Chapter IV and VII of these regulations shall apply.
 - b. If a planned residential development is the proposed use for a part or all of the property, the site requirements of Chapter 4, Section 404 R-DRD of these regulations shall apply to those portions of the property proposed for such planned residential development, with the following exceptions:
 - (i) The minimum parcel area, maximum density, and building height (including proposed additions increasing the height of the building(s)) requirements shall not apply. Increases in building height shall not exceed one additional story. *(This paragraph was revised effective 5/6/06)*
 - (ii) The existing front, side, rear yard, and coverage of the building or buildings to be converted, as well as the existing open space, shall be considered to be the required front, side, rear yard, coverage and open space,

unless they exceed the minimum area requirements of the immediately preceding zoning district classification of the site, in which case the least restrictive requirements shall apply. However, the Commission may require some open space as appropriate for the proposed development and the specific site characteristics. *(This paragraph was revised effective 5/6/06)*

- (iii) The maximum overall density of dwelling units in the proposed development shall be as deemed appropriate by the Commission for the general vicinity of the proposed project. In making said determination, the Commission shall give consideration to the size of the building being converted and the location of the building in relation to retail, medical and transportation facilities, and the unit mix within the building.. To aid in this determination, the applicant shall supply a vicinity map showing all parcels of land within 500 feet of the subject property and shall include all land uses, numbers of dwelling units and the overall density of each parcel of land.
- (iv) All buildings shall be connected to public water and public sanitary sewer systems or to private systems that meet the minimum requirements of the Town and State Departments of Health.

D. Buildings and Conformity

No new buildings shall be constructed until all existing structures have been fully rehabilitated in accordance with approved plans, and certificates of occupancy have been issued for all such rehabilitated structures. Accessory buildings incidental to a proposed use or uses within structures undergoing rehabilitation may be constructed as the rehabilitation process is taking place. Additions, including increases in building height, to existing buildings may be permitted, but only as part of and in conformity with the overall rehabilitation design of the project. All exterior renovations, modifications and additions shall be done in a manner that is compatible with the historic character of the existing buildings. *(This paragraph was revised effective 5/6/06)*

E. Applicability of Ordinances and Regulations

The Town of Windsor Locks' Zoning Regulations (except as otherwise noted in this Section), Inland Wetlands and Watercourses Agency Rules and Regulations, Ordinance to Prevent Flood Damage and Subdivision Regulations are, where applicable, in full force and effect with respect to any application for Special Permit hereunder. No final Site Plan shall be approved until the applicant has complied fully with all of the above ordinances and regulations. *(This section was revised effective 2/1/03)*

408 Adaptive Reuse Regulation - Industrial *(Note: this section was added on 12-9-1990)*

In the Industrial 1, 2 and 3 zones only, the Commission may permit by Special Permit after a public hearing the rehabilitation or adaptive reuse of vacant, deteriorated or underutilized buildings in accordance with the following regulations:

A. CRITERIA

- 1. One or more contiguous parcels with vacant, deteriorated or underutilized buildings containing combined gross floor area in excess of 150,000 square feet.
- 2. Average monthly or annual vacancy of 50 percent or more of the existing gross floor area for a period of twenty four (24) months or more immediately preceding the date of application.
- 3. Substantial benefit to the Town.
- 4. Compatibility with the surrounding area.
- 5. Substantial inability to utilize the property under the provisions of the industrial zoning districts.

B. SPECIAL PERMIT USES. For the purpose of this section, the Commission may permit the following uses in industrial districts upon determination by the Commission that such uses are consistent with the criteria set forth above. Philanthropic and educational facilities, retailing, restaurants, theaters, new and used automobile sales and service, indoor valet parking, and indoor sports facilities. *(Note: This paragraph was modified on 3-9-1996)*

C. PROCEDURE

- 1. Site Plan
 - a. A site plan shall be submitted and reviewed in accordance with Chapter XI, Section 1102 of these Regulations.
 - b. The existing front, side and rear yards of the building or buildings to be converted shall be considered to be the required front, side and rear yards, unless they exceed the minimum area requirements of the immediately preceding zoning district classification of the site, in which case the least restrictive dimensional setback requirements shall apply.
 - c. All buildings shall be connected to public water and public sanitary sewer systems or to private systems that meet the minimum requirements of the Town and State Departments of Health.
- 2. Special Permit

The applicant must comply with the Special Permit requirements set forth in Chapter 11, Section 1103 of these Regulations.

D. APPLICABILITY OF ORDINANCE AND REGULATIONS

The Town of Windsor Locks' Zoning Regulations (except as otherwise noted in this section), Inland Wetlands and Watercourse Agency Rules and Regulations, Ordinance to Prevent Flood Damage and Subdivision Regulations are, where applicable, in full force and effect with respect to any application for Special Permit hereunder. No final Site Plan shall be approved until the applicant has complied fully with all of the above ordinances and regulations.

409 STANDARDS FOR MULTI-FAMILY USE (Note: This section was added 12-5-1993, revised 2-1-03 and also revised 11-10-2008)

A. PERMITTED USES

1. Multiple family buildings, including garden apartments, town houses, apartments, group buildings, single family attached, clustered housing, or a combination thereof, for rental or for sale as individual dwelling units.
2. Occupancy shall not exceed one family per unit, nor exceed the limits established by the Windsor Locks Housing Code.
3. Accessory uses incidental to permitted uses, for the use of owners or tenants and their guests, including garages, carports, off-street parking areas, and laundry facilities are permitted. Community and recreational uses, including tennis, swimming, and community or club houses, shall be limited to residents and guests.

B. HOMEOWNERS' ASSOCIATION

A homeowners' association must be legally established where applicable if units are to be sold.

C. CRITERIA FOR BUILDINGS AND SITES

1. Buildings shall be located to provide for the amenities of clustered housing living, to assure the maximum of light and ventilation, to control the impact of traffic and parking on the site, and to integrate the development with the neighborhood.
2. Architectural elevations of all buildings including information on architectural style, materials and colors shall be provided. Floor plans shall also be provided. The scale of buildings shall be compatible with the residential scale of buildings within the town. No building facade or roof visible from public or private streets shall have a continuous surface exceeding 50 feet in length between horizontal offsets or a projecting roof gable.
3. A portion of a wall without openings in a principal building shall be at least fifteen (15) feet from another portion of a parallel or opposing wall without openings in another principal building on the same lot or six (6) feet to a wall without openings in an accessory building, provided that any openings to a garage shall not be less than ten (10) feet to the nearest window in a principal building. (See Appendix B, Sketch 4.)*(This section was amended effective 9-10-2004)*
4. Portions of a wall with openings in principal buildings shall adhere to the following distances (see Appendix B, Sketches 4 and 5);
 - A. more than fifty (50) feet to any portion of a parallel or opposing wall with openings in another principal building on the same lot;
 - B. more than fifty (50) feet minus the required side yard on the adjoining lot opposing such wall;
 - C. more than forty (40) feet to any portion of a parallel or opposing wall without openings in another principal building or accessory building on the same lot; and,
 - D. more than ten (10) feet to any portion of a wall without openings in an accessory building, the highest part of the roof of which is below the lowest windowsills of a habitable room in such principal building facing such accessory building.
 - E. At least (20) twenty feet to any portion of a parallel or opposing wall with openings in another principal building on the same lot for single family detached buildings in multi-family developments. *(This section added effective 9-10-2004)*
5. Courts enclosed by buildings on all sides shall be prohibited. In courts formed by two L-shaped buildings, the distance between the nearest corners of the buildings shall be not less than twenty (20) feet measured in a straight line between such corners.
6. The finished grades at front, side and street elevations of buildings shall be not more that twenty-four (24) inches below the first story level, except that the Commission may modify this requirement in the case of natural slopes in existing ground levels.

7. The minimum building setback from the street or drive shall be 20 feet, but where sidewalks are present, the setback shall be measured from the nearest edge of the sidewalk.
8. Driveways serving residential units shall be paved and shall be at least 10 feet wide and 25 feet long from the street edge, but where sidewalks are present, the distance shall be measured from the nearest edge of the sidewalk.

D. PUBLIC & PRIVATE IMPROVEMENTS

1. Any required public improvements, including streets, sidewalks, fire hydrants, sanitary sewers and storm drainage, shall conform to the applicable sections of the Subdivision Regulations and the Town of Windsor Locks Public Improvements Manual, as amended.
2. The owner(s) shall provide and maintain all private roads, driveways and parking areas, as may be required. Driveways shall include any vehicular accessway serving 1 or 2 dwelling units. All driveways shall conform to section 225 of the Zoning Regulations. Accessways serving more than 2 units shall be considered a road. All roads shall conform to the standards contained in Section VI of the Town of Windsor Locks Subdivision Regulations. Main roads shall be thirty (30) feet in width, while secondary roads may be twenty-six (26) feet in width. The Commission shall determine which roads are classified as main roads and secondary roads. All roads and driveways greater than 100 feet in length shall be equipped with a cul-de-sac, or other adequate turn-around acceptable to the Town Engineer and the Fire Marshal, and shall not be longer than 1200 feet.
3. The owner(s) shall provide and maintain all private streetlights and sidewalks, as may be required.
4. Sidewalks
 - a. Sidewalks shall be required on one side of streets or drives serving eight (8) or more dwelling units.
 - b. The Commission may require sidewalks on both sides of a street where in their opinion it provides a significant benefit to the public.
 - c. The Commission may also require sidewalks along existing road frontages to connect to existing or future town sidewalk systems.

E. MAINTENANCE AND OPERATION

1. The owner(s) shall be responsible for the proper operation and maintenance of the grounds, private roads and parking areas, and landscape buffers and buildings. Lack of proper operation or maintenance shall constitute a violation of these Regulations.
2. When an individual unit is sold, each deed of sale shall include suitable provisions requiring proportionate ownership of and responsibility for any community property owned in common with others. All such conditions and agreements shall be in a form satisfactory to the Town Attorney and shall be recorded in the Windsor Locks Land Records.

F. LANDSCAPING AND BUFFERS

Landscaping and buffer strips shall be provided in accordance with Section 417 E 4. A planting plan, with plant list and sizes, shall be a part of the plan of development and shall include buffer plantings, parking lot plantings, street trees and foundation plantings.

1. Where appropriate, in the judgment of the Commission, suitable walls or fencing may modify or waive the landscape buffer requirements.
2. Where two similar uses or accessory uses abut a common yard, the Commission may modify or waive the landscape requirements.
3. A parking area containing spaces for more than 3 cars shall be designed to include not less than 5% of the gross area for landscape treatment. Landscaped areas, planted to trees, shrubs, and/or flowering plants, shall be not less than three (3) feet wide and not less than four (4) feet from sidewalks. In general, there shall not be more than 10 contiguous car spaces without separation by a landscaped area, suitably planted.
4. At least two (2) canopy trees shall be planted or preserved within the front yards of each dwelling unit.

G. FILING REQUIREMENTS

An approved site plan shall be filed with the Commission and an approved plan not so filed within 90 days shall become null and void. For filing purposes said plan shall be submitted on "Mylar" or similar transparent material accompanied by three paper prints. Such filed plan may be declared null and void by the Commission unless construction of buildings is in progress and not less than 50% of building foundations are completed within one year of the date of approval of such plan, unless an extension of time is granted by the Commission. Upon completion of the project, the applicant shall submit a final as-built survey, acceptable by the Town Engineer, including roadway plan and profiles, prepared by a Connecticut licensed land surveyor showing all required improvements.

H. PERMITS

Building permits shall be issued only in conformance with the approved plan of record. A certificate of occupancy of any building or part thereof, or any use of the premises shall be issued only after completion of all public improvements and protective safeguards shown on the approved plan, unless the uncompleted improvements and safeguards are covered by a performance bond assuring completion within six (6) months.

I. RECREATION SPACE & OPEN SPACE

1. Recreation Space: The applicant shall provide designated areas suitable for active recreation by the residents of the development. Active recreation may include gardens, picnic areas, informal gathering areas or other uses deemed appropriate by the Commission. The Commission shall have discretion to determine the appropriate size, location and nature of the active recreation spaces, appropriate for the specific Development. Active recreation space,
 - 1) Shall be designated on the site plan;
 - 2) Shall be at least 25 feet from any dwelling unit;
 - 3) Shall be accessible by pedestrian walkways; and
 - 4) Shall not be encumbered by wetlands, floodplains, or slopes in excess of 20%.
2. Open Space: The applicant shall provide 20% of the total parcel area as open space to be preserved either by conservation easement, or dedication to the Town for public use as an active or passive recreation area, at the discretion of the Commission. The Commission shall determine the appropriate location and nature of the open space to insure it accomplishes the intended use. The site plan shall identify all areas dedicated for town open space and shall include any improvements to the open space that may be consistent with the intended use.

410 Mixed Uses in Underutilized Industrial Zones *(Note: This section was added on 12-5-1993)*

- A. Purpose. The purpose of this regulation is to allow a mix of uses, including commercial, business, and residential, within existing underutilized industrial multi-story structures, thereby permitting appropriate alteration and economically viable reuse of those structures as a Special Permit use.
- B. Applicable Zones. Mixed uses are permitted by Special Permit in Industrial 2 zones only.
- C. Permitted Uses: Multi-family dwelling units, business offices and mercantile uses; other uses may be considered by the Commission, subject to any further requirements the Commission deems appropriate (e.g. museums, galleries, or artist's studios.)
- D. Design Criteria
 1. Dwelling units must be located above commercial use; first floor commercial uses may not be converted to residential use. There shall be no mixture of uses on the same level.
 2. A maximum of two levels of dwelling units allowed. Units may be townhouse-style with more than one floor, but a maximum of two levels overall is allowed.
 3. A separate entrance is required for dwelling units; main entrance(s) for residents may not be located in close proximity to commercial loading/service areas.
 4. Storage space of 60 square feet per dwelling unit must be provided in addition to normal living quarters' storage space. Storage space may be outside of dwelling unit but must be indoors, readily accessible to residents, and each unit's storage space must be separately lockable .
 5. Minimum floor area of efficiency units shall be 450 square feet, one-bedroom units shall be at least 550 square feet, and two-bedroom units shall be at least 700 square feet, exclusive of cellars, attics or basement areas.
 6. Adequate lighting of both pedestrian and parking areas must be provided.
 7. Sound insulation must be provided between commercial and residential levels in conformity with FHA Guidelines.
 8. Maximum number of units allowed per site shall not exceed a density of seven (7) per acre.
 9. Units shall not exceed two bedrooms.
 10. Where dumpsters are proposed, dumpster locations shall be shown on the site plan. All dumpsters shall be placed on a concrete pad and suitably screened with trees, shrubs, fencing, or by other means (e.g. the building itself). Solid waste removal services shall be provided by the owners of the development.
 11. All building code and fire safety requirements must be met.
 12. All buildings shall be connected to public water and public sanitary sewer systems or to private septic systems that meet the minimum requirements of the Town and State Department of Health.
 13. All dwelling units shall have access to some form of outdoor living area. Where appropriate, these areas

may be attached to the unit, such as a balcony, or may be detached such as a common patio or picnic area. Areas located on the ground shall be screened by a combination of fencing and planting material from streets, parking areas, garages, and service areas; a minimum of 1 square foot of outdoor living area shall be required for every 3 square feet of unit interior area.

- 14. Vehicular parking shall be provided as follows:
 - a. Retail stores at ground level, or level most accessible to the street or parking areas: One space for each one hundred-fifty (150) square feet of gross floor area excluding utility and storage areas (as per Section 705 I, 4b.)
 - b. Retail stores on upper levels: One space for each three hundred (300) square feet of gross floor area excluding utility and storage areas.
 - c. Business offices: One space for each two hundred (200) square feet of gross floor area exclusive of basement storage, utility areas, stairs and halls (as per Section 705 I, 4a.) (*)
 - d. Multiple family dwellings: Two spaces for each dwelling unit. (*)
 - e. Joint use of parking facilities in a mixed use development shall be permitted between office and residential uses, only where those parking spaces are so designated and are segregated from mercantile parking area so that their use and availability may be controlled. If these criteria are met, the Commission may allow a reduction of parking requirements as it deems necessary.

(*) - Design Criteria 14.c and d are thereby modified where appropriate.

- E. Special Use Permit Criteria. The Commission may approve a Special Permit for mixed residential/commercial use only if it finds that, in addition to the Design Criteria, the following criteria are satisfactorily met:
 - 1. Section 408, Adaptive Reuse Regulations criteria must be met, including requirements for minimum structure size, vacancy, benefit to Town, compatibility with surrounding area, and substantial inability to develop under the other provisions of any other zoning district; except that residential uses shall be permitted if provided according to Section 410-D Design Criteria.
 - 2. There is a balance between neighborhood acceptance and community needs;
 - 3. The existing proposed business uses are compatible with residential uses;
 - 4. The internal circulation pattern is designed to minimize safety hazards for residents, particularly with respect to access into and out of the building(s) ;
 - 5. The proposed mixed use furthers the purpose stated in Section 410-A;
 - 6. Present and proposed utilities, streets, drainage system, and other improvements have adequate capacity to accommodate the proposed use.

The Commission shall grant all approvals subject to such conditions and safeguards as will carry out the expressed purpose of these regulations.

- F. Underlying Zone Requirements. All requirements of the underlying zone which are not expressly altered by the above requirements must be adhered to.
- G. Signs. Sign requirements of the underlying zone shall prevail.
- H. Procedure. Applicants shall apply for a Special Permit and Site Plan of Development in accordance with the requirements of Section 1102 and 1103 of these regulations. The Commission shall hold a public hearing on the application in accordance with the provisions of the Connecticut General Statutes, as amended.

411 TEMPORARY USES

Permits may be granted for seasonal uses by the Zoning Enforcement Officer for a period of up to three (3) months with no more than two thirty (30) day extensions for valid cause. A site plan shall be submitted for approval by the Zoning Enforcement Officer, which provides for adequate parking for the subject use, safe ingress and egress and an appropriate structure and any improvements necessary to meet the needs of the proposed use. The Zoning Enforcement Officer may confer with other Town departments or governmental agencies for advice in order to insure the safety, convenience, and welfare of the public. Upon termination of the temporary use, it shall be the responsibility of the applicant to restore the site, within fifteen (15) days, to its original state or to an appropriate condition that will not detract from the property.

The applicant shall post a \$500 cash bond with the Town to guarantee prompt cleanup and restoration following expiration of the permit.

412 Mixed Uses in Business Zones

- A. Purpose. The purpose of this regulation is to increase the options for rental dwelling units in Windsor Locks by allowing construction of dwelling units in existing commercial buildings in certain business zones as a Special

- Permit use.
- B. Applicable Zones. Mixed uses are permitted by Special Permit in Business I and Business II zones only.
- C. Permitted Uses: Multi-family dwelling units.
- D. Design Criteria
 - 1. Dwelling units must be located above commercial use; first floor commercial uses may not be converted to residential use. There shall be no mixture of uses on the same level.
 - 2. Only one level of dwelling units allowed. Units may be townhouse-style with more than one floor where height restrictions allow, but no unit may be located above another dwelling unit.
 - 3. A separate entrance is required for dwelling units; main entrance(s) for residents cannot be located in close proximity to commercial loading/service areas.
 - 4. Parking shall be provided at the rate of two (2) spaces for each unit.
 - 5. Storage space of 60 square feet per dwelling unit must be provided in addition to normal living quarters' storage space. Storage space may be outside of dwelling unit but must be indoors, readily accessible to residents, and each unit's storage space must be separately lockable.
 - 6. Minimum floor area of efficiency units shall be 450 square feet and one-bedroom units shall be 550 square feet exclusive of cellars, attics or basements area.
 - 7. Adequate lighting of both pedestrian and parking areas must be provided.
 - 8. Sound insulation must be provided between commercial and residential levels.
 - 9. Maximum number of units allowed per site shall not exceed a density of ten (10) per acre.
 - 10. Units may not exceed one bedroom.
 - 11. Where dumpsters are proposed, dumpster locations shall be shown on the site plan. All dumpsters shall be placed on a concrete pad and suitably screened with trees, shrubs, fencing, or by other appropriate means (e.g., the building itself). Solid waste removal services shall be provided by the owners of the development.
 - 12. All building code and fire safety requirements must be met.
 - 13. All buildings shall be connected to public water and public sanitary sewer systems or to private septic systems that meet the minimum requirements of the Town and State Department of Health.
 - 14. All dwelling units shall have access to some form of outdoor living area. These areas where appropriate can be attached to the unit, such as a balcony, or may be detached such as a common patio or picnic area. Areas located on the ground shall be screened by a combination of fencing and planting material from streets, parking areas, garages, and service areas.
- E. Special Use Permit Criteria. The Commission shall approve a Special Permit for mixed residential/commercial use only if it finds that, in addition to the Design Criteria, the following criteria are satisfactorily met:
 - 1. There is a balance between neighborhood acceptance and community needs;
 - 2. The existing/proposed business uses are compatible with residential uses;
 - 3. The internal traffic circulation pattern is designed to minimize safety hazards for residents, particularly with respect to access into and out of the building;
 - 4. The proposed mixed use furthers the purpose stated in Section 412-A;
 - 5. Present and proposed utilities, streets, drainage system, and other improvements have adequate capacity to accommodate the proposed use;
 - 6. There is no undue concentration of high-density residential development in any area/neighborhood.

The Commission shall grant all approvals subject to such conditions and safeguards as will carry out the expressed purpose of these regulations.
- F. Underlying Zone Requirements. All requirements of the underlying zone which are not expressly altered by the above requirements must be adhered to.
- G. Signs. Sign requirements of the underlying zone shall prevail.
- H. Procedure. Applicants shall apply for a Special Permit and Site Plan of Development in accordance with the requirements of Section 1102 and 1103 of these regulations. The Commission shall hold a public hearing on the application in accordance with the provisions of the Connecticut General Statutes, as amended.

413 Commercial Wireless Telecommunication Sites (Note: This section was added on 10-31-1997)

- A. **Definitions.** For the purpose of applying the provisions of this section the terms below shall be defined as follows:

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.

CO-LOCATION means locating wireless communication facilities from more than one provider on a single site.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public; but shall not include satellite dishes for receiving television transmissions for occupants of attached structures as regulated under Section 224 of these Regulations.

COMMERCIAL WIRELESS TELECOMMUNICATION SITE means a facility operated by a licensed commercial wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services; but shall not include satellite dishes for receiving television transmissions for occupants of attached structures as regulated under Section 224 of these Regulations.

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.

TOWER means a structure that is intended 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

B. Location Preferences. The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with commercial wireless telecommunication services are listed in 1 through 7 below, in order of preference.

1. On existing structures such as buildings, water towers and utility poles.
2. On existing or approved towers.
3. On new towers located on property occupied by one or more existing towers.
4. On new towers less than 75 feet in height located in business or industrial zones
5. On new towers less than 75 feet in height located in residential zones.
6. On new towers 75 feet or greater in height located in business and industrial zones.
7. On new towers 75 feet or greater in height located in residential zones.

C. Permitted Uses Subject to Site Plan Review. The following uses which generally pose minimum adverse visual effect subject to the standards in Subsection G.

1. Commercial wireless telecommunication sites located on nonresidential buildings and which are blended into the building's appearance in an architecturally compatible manner. The method and materials used must be approved by the Commission.
2. Commercial wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges, or other structures not classified as buildings provided the following standards are met:
 - a. No changes are made to the height of such structure.
 - b. No panel antenna shall exceed 60 inches in height and 24 inches in width.
 - c. No dish antenna shall exceed 3 feet in diameter.
 - d. All accompanying equipment buildings or boxes shall be screened and fenced as required by the Commission.
3. Commercial wireless telecommunication sites where a monopole tower is located on property occupied by one or more towers erected prior to the date of adoption of this regulation, provided the following standards are met:
 - a. The height of the tower to be constructed shall not exceed 175 feet and shall not exceed the height of the tallest tower on the property.
 - b. All accompanying equipment buildings or boxes shall be screened and fenced as required by the Commission.

D. Uses Allowed Only by Special Use Permit. In addition to specific requirements listed in Subsections G. and H., the standards provided in Sections 1102 and 1103 A. shall also apply to applications submitted under this section. Section 1102 A. shall also apply to application procedures, hearing and notice requirements.

1. In all zoning districts, commercial wireless telecommunication sites not otherwise permitted in Subsection C.

E. Site Plan Requirements. All proposals to develop a commercial wireless telecommunication site as a permitted use under Section C or special use permit use under Section D shall be subject to the site plan requirements listed in Section 1102 A. of these regulations. In addition the following information shall be submitted in accordance with each particular application where applicable.

1. Permitted Use Subject To Site Plan Review:
 - a. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

- b. Details of all proposed antenna and mounting equipment including size and color.
 - c. Elevations of all proposed shielding and details of materials including color.
 - d. An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.
 - e. A design drawing including cross section and elevation of all proposed towers. A description of the tower’s capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. The design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.
 - f. A report from an engineer, licensed in the State of Connecticut as prescribed in Chapter 391 of the Connecticut General Statutes, who also by experience and/or education shall be an expert in the area of electromagnetic fields, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Subsection G. of this regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications.
 - g. An analysis of the fall zone for the proposed tower prepared by a engineer licensed in the State of Connecticut as prescribed in Chapter 391 of the Connecticut General Statutes.
 - h. All applications shall include proof that either the applicant or co-applicant holds bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.
 - i. A report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for Bradley International Airport.
 - j. A map depicting the extent of the provider’s planned coverage within the Town of Windsor Locks, the service area of the proposed wireless telecommunications site, and the map indicating the search radius for the proposed wireless telecommunications site
2. Special Use Permit Use:
- a. All of the plans and information required for Permitted Uses in Section E.1 above.
 - b. Upon request of the Commission the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.

F. Height and Area Requirements For All Applications Submitted Under Section 413:

Acknowledging the need for a series of commercial wireless telecommunication sites, these regulations also acknowledge the need to provide a series of standards which include minimum lot area and setbacks to property lines that are unique to these uses and to the Town of Windsor Locks that will serve to achieve the following: (a) necessary separation distances from streets, property lines and other land uses to achieve a minimum level of desired safety in the event of a structural failure, whether resulting from man-made actions or by acts-of-god; and, (b) setbacks of potential tall structures from property lines and abutting existing or potential other land uses in order to achieve a sense of land use compatibility between potentially diverse uses. These area and setback requirements are based on and directly related to the height of the proposed structures which, while necessary to achieve their telecommunication role, are likely to be far in excess of the nominal height of other abutting land uses permitted in the Town of Windsor Locks.

- 1. Lot Size. Commercial wireless telecommunication sites containing a freestanding tower shall not be located on any lot less than 20,000 square feet in area. Where it is proposed that such a wireless telecommunication site occupy a lot as a principal use, the minimum lot size shall be equal to that required for the underlying zone or 20,000 square feet, whichever is greater.
- 2. Height. The maximum height of a tower proposed under this regulation shall be 150 feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances. The maximum height of any rooftop mounted equipment building or box shall be 15 feet.
- 3. Yards.
 - a. All freestanding towers shall comply with the following minimum property line setbacks:
 - (1) a minimum distance from any property line at least 100 feet or a distance equal to the height of the tower, whichever is greater.
 - b. All equipment buildings/boxes or equipment areas each 50 square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone. All equipment buildings/boxes or equipment areas each less than 50 square feet in area shall comply with the following minimum property line setbacks:
 - (1) Front Yard or Side Yard Along a Street - Same as for a principal building in the underlying zone.
 - (2) Rear and Side Yards - 20 feet.
- c. Applications proposed for the Flood Protection Zone shall comply with the lot and yard requirements of the Residence AA

Zone.

- d. The Commission, may approve an application under Section C.1, Permitted Uses Subject To Site Plan Review, where a proposed telecommunication site would be located on an existing building, structure or tower, which, due to pre-existing conditions, does not meet the standards as set forth in Sections F.1, F.2 and F.3, when the Commission finds that due to the unique features of the site, facility installation, location, proposed screening methods, and other factors presented in the application, that sufficient screening of the proposed facility is provided, that satisfactory separation of land uses has been achieved, and that the safety of abutting land uses is assured, such that the proposal is deemed to satisfy the intent of this Section.

G. General Requirements For All Applications Submitted Under Section 413:

- 1. No commercial wireless telecommunication site shall be located within 500 feet of a playground or school primarily attended by persons under 18 years of age.
- 2. No commercial wireless telecommunication site shall be located within 200 feet of a residence.
- 3. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting shall be avoided if possible.
- 4. Towers not requiring special FAA painting or markings shall be painted a neutral color complementing the surrounding area.
- 5. No tower shall be located on municipally owned land designated as open space or for recreation use unless approved by the Windsor Locks Conservation Commission.
- 6. All towers shall be a monopole design unless otherwise approved by the Commission. A monopole tower shall be designed to collapse upon itself.
- 7. The Commission may require that monopoles be of such design and treated with an architectural material so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part.
- 8. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is over 50 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- 9. Each tower site must be served by a driveway with parking for at least one vehicle.
- 10. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building or structure.
- 11. All dish antennas shall be of mesh construction unless otherwise approved by the Commission.
- 12. Dish antennas shall not exceed 3 feet in diameter. Panel antennas shall not exceed 5 feet in height nor 24 inches in width.
- 13. Proposed commercial wireless telecommunication site shall be designed, located or operated so as not to interfere with existing or proposed public safety communications.
- 14. All applications for commercial wireless telecommunication sites within the Flood Protection Zone shall comply with the standards found in Section 223. of these regulations.
- 15. The design of all commercial wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions. In the absence of such standards sites shall comply with standards set by the Institute of Electrical and Electronics Engineers for safe human exposure to radio frequency electromagnetic fields.
- 16. All utilities proposed to serve a commercial wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
- 17. All generators installed in conjunction with any commercial wireless telecommunication site shall comply with all State and local noise regulations

H. Additional Factors Upon Which Special Use Permit Decisions of the Commission Shall Be Based. In passing upon applications for commercial wireless telecommunication sites, the Commission, in addition to the standards found in Sections 1102 and 1103A, shall also find:

- 1. In the case where a commercial wireless telecommunication site is proposed to be located on a property designated on the National Historic Register or within an approved historic district that such proposal will preserve the historic and/or architectural character of the landscape or any structure.
- 2. In the case where an application for the proposed location of a commercial wireless telecommunication site is not a preference 1 through 3 location the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically, legally or economically feasible. The supplied documentation should evaluate the following factors:
 - a. The planned equipment would cause unacceptable interference with the operation of other existing or planned

equipment on an existing or approved tower as documented by an engineer licensed in the State of Connecticut as prescribed in Chapter 391 of the Connecticut General Statutes and that the interference cannot be prevented or eliminated at a reasonable cost.

- b. The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by an engineer licensed in the State of Connecticut as prescribed in Chapter 391 of the Connecticut General Statutes and that such deficiencies cannot be eliminated at a reasonable cost.
 - c. The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by an engineer licensed in the State of Connecticut as prescribed in Chapter 391 of the Connecticut General Statutes and that the interference cannot be prevented or eliminated at a reasonable cost.
 - d. Any restriction or limitation imposed by the FCC.
- I. **Abandonment.** A commercial wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal the site shall be restored to its previous appearance and where appropriate revegetated to blend with the surrounding area.
- J. **Expiration of Permit.** The approval of an application under Section 413 shall expire as set forth in Section 1104 of these Regulations.
- K. As specifically authorized by Section 8-6 of the Connecticut General Statutes, no variance shall be granted by the Zoning Board of Appeals of any of the height limitations of Section 413 F.2, and any of the Yard requirements of Section 413 F.3.a, or any of the separation requirements of Sections 413 G 1 or 413 G 2, where such variance would be necessary to permit said use.

Section 414 Special Permit for Recreational Vehicles in Industrial-2 Zones *(Note: This section was added 1-2-1999)*

Facilities for retail sales, display and storage of recreational vehicles and related recreational accessories shall be permitted by Special Use Permit in Industrial 2 zones on locations which can reasonably be defined as being highway-oriented and which shall be adjacent to or within 2000 feet of a ramp of a limited access highway.

Such facilities shall comply with the general requirements of Chapter 11 regarding Site Plan and Special Permits and with the following requirements:

The Commission must expressly find

- 1. that the development of the facility will not substantially impair traffic safety and congestion; and
- 2. that there is no undue concentration of similar facilities in the immediate area.

Section 415 Airport Valet Parking

A. Purpose

The Commission recognizes that the demonstrated and projected growth of the Bradley International Airport has increased the need for valet parking at locations with convenient access to the airport. The intent of this section is to provide flexibility in design and use for non-frontage areas of certain parcels of Business zoned land in the airport corridor which: 1) are less appropriate for other Business Uses; 2) are sufficiently screened and buffered from neighboring properties and public views; 3) are substantially setback from Route 75; and 4) adequately address traffic safety concerns.

B. Criteria

- 1. Parcel or parcels of land existing as of October 1, 2001 fronting on and possessing an existing direct access to Route 75 in a Business zone which contain existing buildings and improvements committed to uses which substantially under-utilize the parcel's parking capacity and due to unique characteristics are unlikely to fully utilize such capacity if and/or when developed as some other permitted use in the underlying zone;
- 2. Substantial benefit to the Town;
- 3. Compatibility with the surrounding area;
- 4. Setback a minimum of 200 feet from Rt. 75 and utilizing only that portion of the lot in excess of the minimum lot area required in the District;
- 5. Screening (natural or man-made) from Rt. 75 and neighboring properties in accordance with the standards set forth in Section C below.

C. Permitted Uses

Under this section, the Commission may permit valet parking as defined in Chapter 1, as an additional permitted use, by special permit.

D. Procedure

Applicants shall apply for a special permit and site plan of development in accordance with the requirements of Section 1102 and 1103 of these regulations. The Plan required as per section 1102 shall specifically identify the valet parking area, separate and distinct from other permitted and accessory uses on the site, and shall indicate the maximum number of valet parking spaces requested. The Commission shall hold a public hearing on the application in accordance with the provisions of the Connecticut General Statutes as amended.

E. Underlying Zone Requirements

All requirements of underlying zone shall prevail.

F. Standards

1. Surface Material- As per Appendix B, Sketch 2.
2. Drainage- As per Section 1102-A-8.
3. Landscape Buffer shall be provided in areas of the lot as determined by the Commission and such areas shall include - 2 canopy trees, 6 understory or evergreen and 9 shrubs per 100ft. The Commission may in addition to the buffer yards, require a berm between 3-5 ft in height with a maximum slope ratio of 3-1, and may require the substitution of evergreen trees for understory trees in those instances where it determines that it is necessary to screen a site from adjacent uses.

G. Prohibition of Approval or Modification by Variance

As a unique use that holds great implications for a well planned airport corridor, no valet parking facility shall be permitted by a use variance granted by the Zoning Board of Appeals; and, no provision of this section (Sec.415) shall be varied by the Zoning Board of Appeals.

Section 416 Airport Interchange Overlay Zone (AIOZ)**INTENT**

The intent of this section is to establish a legal framework for land use alternatives that will provide the applicant with a wide variety of development opportunities; to encourage the economic development and fiscal improvement of the community by providing flexible development opportunities and responsiveness to market trends for land having high visibility and access to the major intersections of the Bradley Airport Connector (Route 20) with Old County Road, Route 75, and South Center Street; to empower the Town with a measure of control over the type and quality of development to accommodate the transition from residential uses to commercial uses by providing for a variety of uses including single family dwellings, multi-family dwellings, mixed business and residential uses, and commercial uses; and to insure that such development is accomplished in an orderly manner with minimal negative impact to neighboring residential areas and critical natural resources. The AIOZ designation may waive and modify the underlying existing regulations to encourage a variety of uses, lot dimensions and coverages which best promote development at the interface of the airport corridor.

- A. Applications for designation as an AIOZ will be accepted for the following locations: (1) that area fronting on the easterly side of Old County Rd within 2500 feet of its intersection with Route 20; (2) that area on the westerly side of South Center Street and the northerly side of Route 20 currently zoned B-1, and (3) that area fronting on the Easterly side of Route 75, within 2500 feet of its intersection with Route 20.
- B. General Concepts -- In considering the appropriateness of the AIOZ, the Commission shall consider the following:
 - a. That the potential exists for the zone to accommodate a wide variety of land uses including business, office/business, hotel/motel, conference center, restaurant and residential. That there be minimal restrictions on the location of these uses within the zone provided that compatibility with an adjacent development (within the zone) or existing land use in an abutting zone, can be satisfactorily demonstrated.
 - b. That all development exhibits a high standard of quality in construction detail materials and appearance. That development reflects accepted professional standards of design and is consistent with the applicable state and local standards, codes and regulations.

- c. That site planning is an essential criterion of the AIOZ. Sites developed in the AIOZ are intended to be carefully planned, both within the sites own boundaries and in relation to surrounding properties.
 - d. That sites within the AIOZ be developed in a manner to encourage the reduction of the number of driveway cuts onto arterial streets in order to mitigate the deterioration of traffic flow generally caused by driveways on arterial streets. Shared driveways (or provisions for future shared driveways), interior service drives, and related techniques shall be encouraged.
 - e. That all development be sensitive to environmentally regulated areas within the AIOZ. That maximum effort is made to retain and integrate significant natural features into the development proposal wherever possible.
- C. Permitted Uses -- The following uses are deemed appropriate and permitted in the AIOZ but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use, and the Commission shall have the discretion to decide whether the mixing of uses is appropriate and should be required or maintained:
- a. Multiple single family and multi-family dwellings, which shall be subject to the requirements of the MFSD zone.
 - b. Business offices, professional offices, and financial institutions
 - c. Hotels and Motels
 - d. Banquet and catering facilities, and conference centers
 - e. Full service restaurants
 - f. Retail stores, retail service or personal service shops
 - g. Residential units in commercial buildings, in accordance with the requirements of Section 412 of the Regulations.
 - h. Accessory uses customarily incidental to the listed uses.
 - i. Any other use, building or service as determined by the Commission to be similar to the uses permitted above.
- D. Special Permit -- All uses in this Zone shall be approved as part of the General Plan of Development (GPD) special permit process and shall require a determination by the Commission that:
- a. Traffic or other hazards will not be created;
 - b. General property values will be conserved;
 - c. There will be no adverse effects on existing uses in the area ;
 - d. The general welfare of the community will be served;
 - e. There will be no adverse impacts on the capacity of present and proposed utilities, streets, drainage systems, sidewalks, and other infrastructure.
- The Commission shall grant all approvals subject to such conditions and safeguards as will carry out the expressed purpose of this regulation.
- E. Consolidated Parcels -- For purposes of integrated development, any number of contiguous parcels may be consolidated, and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements, and permitted uses, provided:
- a. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the office of the Town Clerk, the right of entrance exit, passage, parking and loading.
 - b. The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading.
- F. Site Appearance Requirements – Development proposals for the AIOZ will be reviewed for appearance and compatibility. The following are general guidelines:
- a. Relationships to land use in abutting zones and adjacent developments within the zone (compatibility) are important considerations that will be critically reviewed by the Commission. Concerns in this regard will include buffers (vegetative and architectural), building scale/massing/configuration/ height, light spill, emissions (noise), use intensity/frequency, and signage.
 - b. Building height shall be compatible with highway elevation and, for hotels that are proximate to the Route 20 airport connector, shall not exceed five stories or sixty feet. Office buildings shall be appropriately scaled and may exceed the height limitations set for other business zones, but in no instance shall exceed three stories or 45 feet.
 - c. No outdoor storage shall be allowed. All business servicing or processing (except for off street parking/loading shall be conducted within completely enclosed buildings).
 - d. Outdoor storage and display of products for sale are prohibited.

- e. All dumpsters shall be placed on a concrete pad and suitably screened with trees, shrubs, fencing or by other appropriate means.
- f. Single family detached housing common interest communities which maintain a minimum distance of twenty (20) feet between units shall be exempt from the requirements of Section 409 C 3 and 4; however, the Commission reserves the right to increase the minimum separation distances based on site design, natural features, and proposed buffering.

G. Signage**General Criteria:**

- a. All signage is subject to approval from the Commission and must be designed as an integral part of the site plan. All sign locations shall be shown on the GPD and shall be described as to area dimensions, height, materials and purpose.
 - b. In recognition of the special nature of the AIOZ , additional signage may be permitted, especially for sites that are highly visible from the Route 20 airport connector.
 - c. Multiple tenant buildings will be allowed building signage for each tenant that has distinct, exclusive, building frontage with individual entrances. Separate building signage for tenants will not be allowed where tenants are sharing buildings that do not have distinct tenant space characteristics on the outside of the building.
 - d. Residential common interest community developments within the zone having two curb cuts onto arterial roads may have an identification sign incorporated into an entry feature at each curb cut and such additional signage as the Commission may deem appropriate.
 - e. Hotels visible from Route 20 may have signs on the front and at each end of the building as necessary to identify the use from Route 20.
 - f. Unless otherwise approved as part of the GPD, signs on the parcels approved for the AIOZ shall have the size, shape, location, and lighting as set forth in Chapter 6.
- H. Alcoholic Beverages -- Buildings and premises used for hotels/motels, conference centers and restaurants may be used for the sale of alcoholic beverages for on premises consumption in accordance with Chapter 5, except that such proposed uses in the AIOZ shall be exempt from the dimensional requirements set forth in Section 502.
- I. Procedure –
- a. Application for AIOZ Designation Applicants with interests in property within the locations described in Section A above may apply for AIOZ designation in accordance with the provisions of Section 1105 , and with applicable provisions of the Connecticut General Statutes. The Commission may also require applicants to provide further documentation as may be reasonably necessary to make an adequate determination of the appropriateness of the proposal to the site and its fulfillment of the content of these regulations. Notwithstanding the approval of an application for AIOZ designation , no building permits shall be issued for uses permitted therein until the approval and issuance of a Special Permit for a GPD in accordance with the requirements set forth herein.
 - b. Application for GPD Special Permit Simultaneous with the application for AIOZ designation, or subsequent to the Commission’s designation of an AIOZ , in accordance with the requirements set forth in Section 1103 herein, the applicant shall file an original and ten (10) copies of an application for a GPD Special Permit for all of the property located within the proposed AIOZ. The GPD will waive and modify any provision of the underlying regulations where the GPD describes or delineates their subject matter. If the GPD does not delineate or describe the subject matter of the regulations for an AIOZ, the regulations for the B-1 Zone shall apply. The Commission shall, after due notice, hold a public hearing on the application and shall take action thereon all as provided by the Connecticut General Statutes. If the application is approved , the establishment of the AIOZ shall permit the applicant , and or his assigns to proceed with completion of the development as set forth in the GPD, subject to obtaining site plan approval in accordance with Section 1102 for the specific uses approved in the GPD .
 - c. Site Plan Approval After the approval of the GPD special permit, no building permits shall be issued for uses permitted therein until the Commission has reviewed and approved site plans for the uses approved in the GPD.
 - d. Subdivision Application – If the GPD depicts the division of the subject property so as to create a subdivision or re-subdivision, as those terms are defined in the Windsor Locks Land Records, an application shall be required prior to any conveyance or land requiring approval pursuant to such regulations.
- J. General Plan of Development – The GPD shall consist of one or more maps at a scale of not less than 1" = 100', prepared by an engineer, architect, landscape architect or planner, and accompanying documents, and shall show or indicate:
- a. Existing structures, existing topography at five (5)foot contours, existing roads and paths, major topographic features, slopes of greater than ten (10%) percent grade and the location points of scenic interest, and wooded and open areas.

- b. The location of adjoining properties, the names of the owners of such properties as appear on the latest records in the office of the Assessor; and the existing structures and land uses within 500 feet of the boundaries of the proposed development.
 - c. Present and proposed land uses within the boundaries of the entire proposed development, whether commercial, service, open space, or other, and the acreage assigned to each. Proposed square footage of building or floor area for all proposed uses shall be shown and described in sufficient detail to clearly indicate the nature and scale of the proposed uses. The proposed footage as shown shall establish the maximum building sizes and the areas within which it will be permissible to construct such buildings.
 - d. The location of proposed major thoroughfares, and proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets, and including proposals for linkage of roads within the zone to the Town and State Highway system, accompanied by a statement regarding estimated peak hours traffic generated for the development phase under construction
 - e. Bulk and density allocations including:
 - 1. Minimum setbacks
 - 2. Maximum overall lot coverage
 - 3. Maximum building height
 - 4. Specifications for allocation and minimum number of parking and loading spaces, and parking dimensions.
 - 5. Where building floor areas, improvements or uses are not dimensioned on the plan, a formula for determining their dimensions shall be provided.
 - f. Whether property within the entire zone is to be developed in phases or units, and if it is to be so developed the anticipated location and acreage of such phases or units; and a proposed timetable for development.
 - g. The intended means of providing utility services to the development, including the following:
 - 1. Domestic water supply and fire protection. A letter shall be obtained from the water company indicating that adequate service can likely be provided for the intended uses.
 - 2. Storm drainage management (including area for detention, if applicable). The size of any detention system shall be approximated to accommodate a 50-year storm event.
 - 3. Sanitary sewage disposal. The applicant shall submit an estimated average daily flow rate for the proposed development.
 - 4. Solid waste disposal. The applicant shall determine the financial cost to the Town, if any, for disposal of solid waste from the proposed development.
 - h. For residential developments, a schedule of bedrooms per dwelling unit, total numbers of units, square footage of units, and such other data as may be required to evaluate compliance with the standards and criteria of these regulations.
 - i. The location of any “inland wetland” or “water courses” and “upland review areas” as defined in Connecticut Public Act No. 155, as amended.
 - j. A map or statement indicating the projected amount and locations of open space within the entire zone, and the proposals for maintenance of buffers and open space.
 - k. A statement regarding anticipated costs and revenues to the Town as a result of the anticipated land uses.
 - l. Such other relevant information as the applicant may wish to submit.
- K. Action on GPD – The Commission shall approve, modify and approve, or disapprove the GPD. Any Special Permit for any use within the approved AIOZ shall conform to the approved GPD Use, except to the extent that the Commission approves or requires a departure therefrom. No Building Permit shall be issued, nor shall any construction activity of any kind commence, for any work depicted on an approved GPD until such time as a Special Permit, in accordance with Section 1103 of these Regulations, has been issued for development to be located in the phase, or on the lot or site, where such construction activity is to occur.
- L. Notice of Action and Filing of Map – Upon approval of an AIOZ and GPD, the Commission shall deem the GPD to be an amendment to the regulations incorporated by reference into the regulations. The Commission shall provide notice to the applicant and the public, as provided in the General Statutes, and shall cause the approved AIOZ and the said GPD to be noted on the official zoning map of the Town of Windsor Locks by outlining the boundaries of the land affected thereby and indicating the approval date.
- M. Recording – The applicant shall, within ninety (90) days of approval of any AIOZ, record notice thereof in the Windsor Locks Land Records under the name of the record owner of land affected thereby, giving a legal description of the land, and giving specific reference to the approved plan(s) and map(s); and, further, the applicant shall record in the Windsor Locks Land

Records a copy of the approved plan(s) and map(s), endorsed by the signatures of the Commission’s Chairman or Secretary.

- N. Changes to GPD – An approved GPD may be changed or a special permit may be approved with changes from an approved GPD, subject to the approval of the Commission. Material changes to any plan shall require a public hearing. A material change shall be (a) any change in land use types or (b) any increase in floor area ratio, lot area coverage or number of dwelling units per acre or (c) increase in traffic generated by the site uses which add more than 100 trips at a single point during peak hour. Non-material changes shall include changes in the location of buildings, parking areas, landscaped areas or open space areas provided the area, height and bulk criteria of the regulations and the approved plan are not exceeded. Non-material changes shall be permitted by the Commission as an administrative matter provided the general intent and scope of the GPD has not been changed.
- O. Prohibition of Approval or Modification by Variance -- As a unique zone that holds great implications for a well planned airport corridor, no use in this zone shall be permitted by a use variance granted by the Zoning Board of Appeals.

417 FLEXIBLE RESIDENTIAL DEVELOPMENTS *(This section was modified effective 1-24-06.)*

- A. **PURPOSE:** The goals of this section are the following:
 - 1. To provide an alternate form of residential development whereby single family detached and duplex residential units may be constructed without subdividing land into individual building lots, while forming a community with a common interest form of land ownership;
 - 2. To permit flexible site design which is both in harmony with and allows preservation of natural features;
 - 3. To provide a choice in the types of residential living units available for present and future residents of the Town of Windsor Locks;
 - 4. To provide land for passive or active recreation use, beyond that required in conventional subdivisions, which in the opinion of the Commission, will directly or indirectly promote the general welfare of the residents of the Town of Windsor Locks;
 - 5. To promote land development which is sensitive to the natural and cultural environment, including the preservation of wildlife habitat and/or areas containing significant natural features; and
 - 6. To promote development compatible with surrounding residential areas.
- B. **APPLICABILITY:** This section shall apply to any parcel or adjacent parcels under the same ownership that comprises 10 or more contiguous acres in any residential zone.
- C. **APPLICATION REQUIREMENTS AND PROCEDURES**

Prior to formal application, applicants are encouraged to submit a conceptual site plan for preliminary review and comment by town staff and the Commission. This conceptual plan should be drawn to an appropriate scale, and should contain at a minimum, the proposed road layout, unit locations, wetlands limits, watercourses, floodplains, and steep slopes in excess of 20%. The formal approval process is as follows:

1. The applicant shall submit an application for a Flexible Residential Development Special Use Permit in accordance with sections 1102 & 1103;
2. In addition, the applicant shall provide a detailed description of any open space proposed for dedication to the Town. This description shall include the proposed function and physical characteristics of the open space, a description of any existing adjacent or nearby open spaces, and an explanation of how the proposed open space relates to them;
3. The Commission may require the Applicant to provide traffic data from a qualified Connecticut professional engineer demonstrating adequate sight lines, capacity, level of service, and vehicular and pedestrian safety;
4. In making its decision to issue a Special Permit, the Commission, in addition to the criteria set forth in section 1103 A, shall determine that the proposed development,
 - a. Is consistent with the purposes enumerated in section 417 A;
 - b. Provides adequate preservation of land for conservation of natural resources or dedication of adequate space for active or passive recreational use by the development's residents or the public;
 - c. Has adequate access from major streets and highways and will not adversely impact vehicular or pedestrian traffic patterns or public safety;
 - d. Will not cause excessive strain on the capacity or function of existing sanitary sewers, water lines, storm water drainage systems, or other utilities; and
 - e. Is compatible with the Plan of Development.

D. DEVELOPMENT STANDARDS AND REQUIREMENTS

1. General Layout: Streets and dwelling units shall be designed to encourage, wherever possible within the constraints of topography and special features of the site, a curvilinear appearance with dwelling units clustered in groups off the main arterial streets of the development.
2. Access and Circulation
 - a. The development shall be designed so as to furnish principal traffic ways and convenient access from an approved town roadway to all dwellings and other facilities within the development, while minimizing impacts to existing town streets.
 - b. Street ownership and maintenance: Unless otherwise approved, streets shall be privately owned and maintained by the development's Homeowners' Association. The Commission may at its discretion require one or more streets within the development to be dedicated as a town roadway with a dedicated right-of-way, to provide public access to present or future developments on adjacent land or open space.
 - c. Street Design: All streets shall be designed in accordance with the Windsor Locks Subdivision Regulations except that private streets shall not require a dedicated right-of-way and their width shall be as follows:
 - 1) Standard street width shall be twenty-six (26) feet.
 - 2) Short cul-de-sacs and other streets serving no more than twelve (12) dwelling units may be reduced to twenty-four (24) feet in width.
 - 3) The Commission may require main arteries or thru streets to be thirty (30) feet wide.
 - d. Street design shall be shown by typical cross section and a plan & profile drawing in accordance with the Windsor Locks Subdivision Regulations. Minimum horizontal centerline radius shall be 100 feet. Vertical

alignment shall be designed for at least a 20 mph design speed or as determined by the Town Engineer and vertical curves shall be a minimum of 100 feet.

- e. Driveways: All driveways shall be paved and shall be at least ten (10) feet wide and twenty-five (25) feet long, measured from the intersecting street curb (or nearest edge of sidewalk, if a sidewalk is present). All driveways shall be separated by at least a ten (10) foot wide lawn or landscaped area. The Commission may permit shared driveways under the following conditions: Shared driveways,
 - 1) Shall serve no more than 3 dwelling units;
 - 2) Shall be at least twenty (20) feet wide and no more than twenty-four (24) feet wide unless otherwise approved by the Town Engineer;
 - 3) Shall not be adjacent to another shared driveway; and
 - 4) Shall be designed and located to avoid congestion and traffic conflicts to the satisfaction of the Town Engineer.
- f. All streets and driveways greater than one hundred (100) feet in length from the nearest intersecting street shall be equipped with an adequate turnaround for emergency vehicles unless otherwise approved by the Town Engineer.
- g. Cul-de-sacs shall be no more than twelve hundred (1,200) feet in length measured from the center of the turnaround to the intersection of the nearest street centerline which terminates both ends at separate intersections, providing two (2) means of ingress and egress, unless waived in accordance with section 417 G. Cul-de-sac turnaround design may be modified in accordance with section 417 G.
- h. Streets greater than twelve hundred (1,200) feet in length shall terminate both ends at separate intersections, to provide two (2) means of ingress and egress, unless waived in accordance with section 417 G.

3. Sidewalks

- a. Sidewalks shall be required on one side of streets serving eight (8) or more dwelling units.
- b. The Commission may require sidewalks on both sides of a street where in their opinion it provides a significant benefit to the public.
- c. The Commission may also require sidewalks along existing road frontages to connect to existing or future town sidewalk systems.

4. Utilities: Utilities shall be installed underground, and shall be designed in accordance with the Windsor Locks Subdivision Regulations.

5. Parking: Each dwelling unit shall include space for 4 off-street parking spaces, at least 2 of which shall be provided within an enclosed garage.

6. Recreation Space & Open Space

- a. **Recreation Space:** The applicant shall provide designated areas suitable for active recreation by the residents of the development. Active recreation may include gardens, picnic areas, informal gathering areas or other uses deemed appropriate by the Commission. The Commission shall have discretion to determine the appropriate size, location and nature of the active recreation spaces, appropriate for the specific development. Active recreation space,

- 1) Shall be designated on the site plan;

- 2) Shall be at least 25 feet from any dwelling unit;
- 3) Shall be accessible by pedestrian walkways; and
- 4) Shall not be encumbered by wetlands, floodplains, or slopes in excess of 20%.

b. **Open Space:** The applicant shall provide 20% of the total parcel area as open space to be preserved either by conservation easement, or dedication to the Town for public use as an active or passive recreation area, at the discretion of the Commission. The Commission shall determine the appropriate location and nature of the open space to insure it accomplishes the intended use. The site plan shall identify all areas dedicated for town open space and shall include any improvements to the open space that may be consistent with the intended use.

7. **Phasing:** Projects may be phased to reduce bonding costs, limit areas of disturbance, or limit the amount of initial required site improvements. However, each phase shall be designed to meet all the requirements of these Regulations as if the remaining phases will never be built. The Commission may require the open space dedication for the entire site to be completed as part of Phase 1.

E. DENSITY, LOCATION, AND BUFFER REQUIREMENTS

1. Density

- a. The maximum number of dwelling units shall not exceed four (4) units per developable acre. A developable acre shall be defined as a contiguous, accessible area which excludes all areas encumbered by floodplains, wetlands, existing detention areas, utility easements or rights-of-way, or slopes in excess of 20%.
- b. Developable areas separated by a wetland or watercourse which are proposed to be connected by a street or driveway shall be computed separately so that each contiguous area stands alone in conformance to these density requirements.
- c. Computations of allowed density and developable acreage shall appear on the site plan.
- d. Density calculations shall be determined for the entire site, before dedicating any town open space.

2. Lot Requirements

Minimum Lot Area	10 acres
Minimum Frontage	100 feet
Minimum Front Yard	80 feet
Minimum Side and Rear Yard	50 feet

3. Building Requirements

Maximum Building Coverage	15%
Maximum Building Height (above sill plate)	2 ½ stories
Min. Distance between Building Sides (Single Family)	20 feet*
Min. Distance between Building Sides (Duplex)	25 feet**
Minimum Distance from any Building Rear	50 feet
Minimum Building Floor Area	Per 403 (Res. B)
Minimum Building Setback from Street	20 feet***

* Separating distances between side walls of single family structures shall be at least twenty (20) feet for clusters of up to six (6) structures.. Structures in separate clusters of six (6) shall be at least forty (40) feet apart. Within the larger

separating areas between clusters of six (6) buildings, either existing wooded areas shall be retained or the plans shall show a bermed and landscaped area to create a vegetative buffer between the clusters as directed by the Commission.

** Separating distances between the side wall of a duplex structure and any other structure shall be at least twenty-five (25) feet for clusters of up to six (6) structures. Units in separate clusters of six (6) shall be at least fifty (50) feet apart. Within the larger separating areas between the clusters of six (6) buildings, either existing wooded area shall be retained or the plans shall show a bermed and landscaped area to create a vegetative buffer between the clusters as directed by the Commission.

*** Where sidewalks are present, the setback shall be measured from the nearest edge of the walk.

The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy, and separation between buildings, and shall be consistent with the applicable standards of section 409 C.

4. Landscape and Buffer Requirements

The site plan shall include an comprehensive landscaping plan for the entire development specifying species type, size and quantity for all landscaped and buffer planting areas.

At least two (2) canopy trees shall be planted or preserved within the front yards of each dwelling unit.

Where property to be developed abuts or is across the street from other property zoned or used for single family residential use, it shall be landscaped in such a manner as to provide a screen or other suitable transition to lessen the visual impact of the proposed development, if any, and in addition to a 25 foot landscaped buffer shall contain a minimum building setback of 65 feet inclusive of the buffer for side and rear yard, and 80 feet for front yard. The minimum width of any required landscape buffer area shall be not less than twenty-five (25) feet. All building setbacks shall be inclusive of the buffer requirement, except as otherwise specified herein. The Commission shall review the proposed landscape buffer as part of its Special Permit review.

Such buffer area shall comply with at least the following minimum standards:

- a. The buffer area shall be located within the boundaries of the subject property.
- b. The buffer area shall be of deciduous and evergreen planting of such type, height, spacing and arrangements as, in the judgment of the Commission shall effectively screen the activity on the lot from the neighboring area. As a minimum, the buffer shall be twenty-five (25) feet wide and shall consist of a double row of trees six (6) feet in height planted at intervals of fifteen (15) feet on center. Non-evergreen planting may be included to supplement evergreen planting but not to take its place.
- c. The Commission may require a landscaped earthen berm to be incorporated into the required planting and/or buffer area.
- d. Where the existing topography and/or landscaping provides adequate screening, the Commission may accept the existing planting and/or buffer area as the required planting.
- e. Unless otherwise specifically indicated elsewhere in these Regulations, all plant materials shall meet the following minimum size standards. Caliper measurements shall be measured at four feet above ground.
- f. The landscape buffer requirement described in this section is intended to apply only to the developable area, and not to any area to be preserved as open space.
- g. The minimum buffer requirement where proposed development abuts Industrial and Commercial uses shall also be 25 feet in the same manner described above.

- h. Plant Material Type and Minimum Size:
 - 1) Canopy Trees
 - Single-stem 3 inch caliper
 - Multi-stem clump 8 feet (height)
 - 2) Understory Trees
 - 2 ½ inch caliper
 - 3) Evergreen Tree 6 feet (height)
 - 4) Shrubs
 - Deciduous 18 inches (height)
 - Evergreen 15 inches (height)

F. COMPLETION OF IMPROVEMENTS

- 1. After obtaining Commission approval, the applicant shall submit to the Commission for signature three (3) paper copies of the complete plan set and one (1) original ink or fixed line mylar of the site plan containing all modifications required by the Commission including a list of all conditions of the approval. The applicant shall then file the signed mylar in the Town Clerk’s office.
- 2. Erosion Control: Prior to any site disturbance, the applicant shall provide the town with a cash bond for installation and maintenance of erosion and sediment control measures, in an amount acceptable to the Town Engineer and in a form acceptable to the Town Attorney.
- 3. Prior to the issuance of any building permit, all necessary erosion and sediment control measures shall be installed to the satisfaction of the Town Engineer.
- 4. Prior to the issuance of each unit Certificate of Occupancy the applicant shall 1) install all essential improvements associated with that unit as determined by the Town Engineer, including drainage, sanitary sewer, water and utility services, and a roadway with a paved binder course providing safe access and turnaround capability for emergency equipment; and 2) provide the Building Official with a foundation as-built plan, prepared by a Connecticut licensed Land Surveyor, verifying zoning compliance. The Commission or Building Official may require bonding for any remaining items in accordance with section 1102.G of the Regulations.
- 5. Upon completion of the project, the applicant shall submit a final as-built survey, including roadway plan & profile, prepared by a Connecticut licensed land surveyor showing all required improvements. The Building Official may withhold one or more Certificates of Occupancy or call bonds to insure all improvements are completed and the as-built survey has been approved by the Town Engineer.

G. WAIVERS

Where conditions exist which affect the land to be developed and are not generally applicable to other land in the area and where strict conformity to this section and these regulations would cause undue hardship to the landowner or where the particular requirements of this section or these regulations would not be of benefit to the public then such requirements may be modified or waived by the Commission, provided that no waiver shall be granted that would have a significant adverse effect in adjacent properties or on the general public’s health and safety. All requests for modifications or waivers shall be submitted in writing and must receive a three-quarters (3/4) vote of all the members of the Commission for approval. Each waiver or modification of the requirement shall be voted upon separately and the reasons for such modification or waiver shall be entered into the records of the Commission and noted on the site plan prior to fixing signatures for filing. Waivers may be granted or modifications approved for the following:

1. Sidewalks – Where the Commission finds that such will serve no useful purpose.
2. Curbs – Where streets have adequate drainage, pavement and proper grading to make such improvements unnecessary or where topography or other physical factors make such improvements non-essential.
3. Street Design Standards – Minor deviations to engineering standards due to physical characteristics of the land or problems created by existing improvements may be permitted provided that resulting design changes are minimal.
4. Cul-de-sacs – Length may be increased and turnaround design may be modified with the consideration of recommendations from the Fire Marshal and Town Engineer, provided there is adequate access and turnaround for emergency vehicles.
5. Ingress and Egress – Streets whose length is greater than twelve hundred (1,200) feet and do not have two (2) means of ingress and egress may be permitted subject to the above criteria.
6. Lot Frontage – The lot frontage requirement may be reduce where in the opinion of the Commission there is adequate screening and separation from abutting properties and adequate access for traffic and pedestrians, but in no case shall the frontage be less than fifty (50) feet.
7. Building Rear Separation - The building rear separation requirement may be reduced where, in the opinion of the Commission, existing topography, proposed landscaping and screening, building architecture or structure siting, provide adequate rear separation and justify the reduction.

H. SEVERABILITY

If any provision of this regulation shall be determined to be invalid or unenforceable by a court of law or some other competent authority, the invalidity or unenforceability of that provision shall not effect the validity or enforceability of any other provision of this regulation.

**CHAPTER V
LIQUOR REGULATION**

- 501** **Alcoholic Beverages.** No building or premises shall be used, and no building shall be erected or altered, which is intended to be used for the purpose of sale or exchange of alcoholic beverages for consumption on or off the premises, if any part of such building, or premises on which said building is located, is situated,
- A. Within 200 feet of any part of a lot or parcel used, intended to be used, or reserved for a church, college, school or other institution for children, a hospital, library or charitable or religious institution, or
 - B. In residence zones, except as permitted in 506 below, or in industrial zones, except as permitted in 505 below.
- 502** No buildings or premises shall be used, and no building shall be erected or altered which is intended to be used for the purpose of the sale or exchange of alcoholic beverages without a special use permit from the Commission for a specified license in a business zone:
- A. for consumption off the premises, if any part of such building or premises is situated on any part of a lot located within 1500 feet in a direct line from any lot on which alcoholic beverages are sold or exchanged for consumption off the premises, except as hereinafter set forth.
 - B. for consumption on the premises, if any part of such building or premises is situated on any part of a lot within 1500 feet in a direct line from any lot on which is located a building or premises used for the purpose of sale or exchange of alcoholic beverages for consumption on the premises.
- 503** *(This section was modified 3/9/05.)*
- The foregoing distance limitation set forth in subsection 502B may be decreased by the Commission in the case of a permitted hotel, amusement enterprise motel or restaurant where alcoholic beverages are sold for consumption on the premises under the following permits (as defined in the State Liquor Control Act): hotel permit, restaurant permit, or café permit, if it is operated in association with, and as an accessory use to, an amusement enterprise provided that said Commission, after a public hearing, and having taken into consideration the provisions of these Regulations, and the proximity of said hotel, amusement enterprise] motel or restaurant , or other buildings or premises used for the sale of alcoholic beverages for consumption on the premises shall find that such sale of alcoholic beverages:
- (a) Shall be subordinate and incidental to the principal use of the premises as a restaurant where hot meals are served by employees to patrons at tables, or as a hotel or as a motel, or as an amusement enterprise.
 - (b) Shall not conflict with the general purpose of these Regulations as they relate to the area;
 - (c) Shall not adversely affect the health, safety, or morals of persons attending any nearby college, school, place of worship, hospital, library, park or playground or residing in any nearby residential zone; and
 - (d) Shall not hinder the appropriate development and use of adjacent land and buildings or cause traffic hazards.
- 504** Grocery stores selling beer under a “grocery store beer permit” as defined in the Liquor Control Act are permitted uses in business zones and are not limited as to distance from liquor outlets for consumption on or off the premise.
- 505** The bottling, and wholesale sale of alcoholic beverages under a “wholesaler permit” as defined in the Liquor Control Act is a permitted use in industrial zones and is not limited as to distance from any other building or premises selling or storing alcoholic beverages. *(Note: This section was modified on 8-2-1990)*
- 506** The sale of alcoholic beverages for consumption on the premises in a club is permitted in residential zones only under a special use permit after a public hearing by the Commission.
- 507** A special use permit for the retail sale of alcoholic beverages shall indicate the specific license approved for a given

property. A change to a different license from that approved by the Commission shall require a new special use permit application and approval by the Commission.

- 508** The provisions of this section shall not be deemed to be retroactive, except that any building or premises legally in use for the sale of alcoholic beverages in contravention of this section which is not used for such non-conforming use for a period of 30 days, shall thereafter conform to these regulations, except as provided in Chapter VIII herein.
- 509** Temporary permits of non-profit organizations are subject only to State Liquor Control Commission requirements.
- 510** As specifically authorized by Section 8-6 of the Connecticut General Statutes, no variance shall be granted by the Zoning Board of Appeals of any of the distance or separation requirements contained in Chapter V of these Regulations where such variance would be necessary to permit said use.

**CHAPTER VI
SIGNS**

601 Measurement of Sign Area

- A. The area of a sign shall be considered to be that of a rectangle, triangle or other shape which encompasses all lettering, wording, design or symbols together with any background different from the wall on which it is located, if such background is designed as an integral part of and obviously related to the sign.
- B. The area of the sign which is designed to be seen from more than one (1) side shall be considered to be that of the aggregate area of the rectangles, triangles or other shapes which encompasses all lettering, wording, designs or symbols together with any background.
- C. The supports, which affix a sign to the ground or to a building, shall not be included in the area of the sign unless such supports are obviously designed to be part of the sign, as defined by these regulations.

602 Sign Location

- A. No sign shall project more than twelve (12) inches from the face of a structure.
- B. A sign permitted in any Business District shall be displayed only on a side of a structure or property facing upon a street which shall legally provide access to the property. A sign permitted in any business district may also be displayed upon the property line of any abutting lot which is zoned and usable for business, provided such sign is located at least two-hundred (200) feet from any Residence District.
- C. Where more than one sign is permitted on a building such signs shall be of uniform height and shape.
(Note: This paragraph was added on 6-7-90)

603 Height of Signs

- A. Ground signs, including supports, shall not exceed a height of ten (10) feet in a Residence District, or twenty (20) feet in a Business District, or Industrial District, above the surface of the ground where located.
- B. No sign attached to a structure shall project over the top of the exterior wall.

604 Illuminated and Moving Signs

- A. A sign may be illuminated if illumination is confined to or directed to the surface of the sign. No flashing, rotating or intermittent illumination shall be permitted except signs indicating time and/or temperature by means of white, intermittent lighting, providing the longest dimension of such sign does not exceed five (5) feet.
- B. No sign or any part thereof shall be permitted to be mechanically rotated or moving except traditional signs of barber shops, provided the longest dimension of such signs does not exceed three (3) feet.
- C. The light sources of signs shall be so designed and shielded that they cannot be seen beyond the property lines on which such sign is located, except that signs with exposed neon tubes shall be permitted in all Business Districts.

605 Signs in Residential Districts. The following signs may be permitted in Residential Districts and all other signs are expressly prohibited. (Note: This section was modified on 6-7-1990)

		Maximum Sign Area	Maximum Number of Signs	Location
A.	Signs giving the name and address of the property and/or the occupant.	2 square feet	1 per lot	Back of street line
B.	Signs pertaining to a profession or occupation permitted as an accessory of the lot.	4 square feet	1 per lot	Back of street line
C.	Signs in connection with Special Permits authorized by the Commission.	24 square feet	1 per lot	10 feet back of street line
D.	Signs pertaining to the sale, lease or rental of property on which it is located. These signs shall not be displayed for more than one (1) month after the sale of property.	6 square feet	1 per lot	Back of street line
E.	Signs pertaining to and during the construction or repair of property on which they are located.	12 square feet	1 per lot	15 feet back of street line
F.	Signs on the premises offering lots and/or homes for sale within approved subdivisions shall not be displayed for more than twelve (12) months.	16 square feet per sign	2 per subdivision	15 feet back of street line
G.	Signs of civic and non-profit organizations on the premises for not more than twelve (12) months.	-----	-----	15 feet back of street line
H.	Holiday decorations without commercial advertising.	-----	-----	Back of street line
I.	Directional signs or traffic signs.	2 square feet		Back of street line
J.	One sign near each exit ramp of expressways and each major highway at Town Lines serving as a common directory for non-profit organizations located in Windsor Locks. Sign area permitted shall not exceed 6 square feet per organization. Approval of signs by the Commission prior to erection is required.	40 square feet	One per specified location	-----
K.	Political/Election signs are allowed no more than six (6) weeks prior to an election/referendum and must be removed no later than seven (7) days following same.	6 square feet	-----	Back of street line

606 Signs in Business and Industrial Districts. The following signs are permitted in any Business or Industrial District and all other signs are expressly prohibited. *(Note: this entire section was amended on 6-7-90)*

- A. Signs permitted in a residential district.
- B. Signs advertising the use of the land and building upon which displayed, and the sale of goods or services on the premises, and the name and location of the proprietor as follows:

	Maximum Area of Sign	Standards	Required
1.	The total permitted exterior sign area on any premises shall be computed as follows: The total combined area for each unit of occupancy on the first floor and permanent ground signs shall not exceed 2 square feet for each lineal front foot of exterior building wall.	Back of street line	Yes
2.	One detached double-faced sign may be erected on each lot or on each 200 lineal feet of building frontage, whichever is the more restrictive. Such signs shall not exceed 32 square feet in total area per lot per sign face. One fifth of the sign area shall be devoted to provision of the address of the premises.	10 feet back of street line	Yes
3.	Within 10 feet of each entrance of a building one common sign may be provided allowing not more than one (1) square foot of sign area for each unit of occupancy which is served by said entrance. The total area of each common sign shall not exceed 12 square feet.	Back of street line	Yes
4.	Each unit of occupancy above the first floor may only display a sign on the inside of each window serving said unit of occupancy, provided that the combined area of such signs shall not exceed 6 square feet.	-----	No
5.	Temporary signs. Signs temporarily attached or temporarily painted on a window, door, or wall, announcing sales or special features are permitted provided they do not exceed 25 percent of the area of said window, door, or wall. Temporary signs shall be removed immediately after termination of such sale or special feature and in no case shall be permitted for a period longer than 30 days.	-----	No
6.	Other outdoor advertising devices. Outdoor advertising devices including, but not limited to, plaques, banners, pennants, streamers, are permitted for a period of not more than two weeks after the opening of a new business.	Back of street line	No
7.	The parking of motor vehicles or trailers for advertising or identification purposes on or adjacent to business premises is not permitted.	-----	

- C. Maximum Area of Sign. The total area of all signs for each unit of occupancy of a building shall not exceed two (2) square feet for each lineal front foot of exterior building wall of such unit of occupancy. For each five (5) feet of additional setback beyond the required setback line, an additional five- percent (5%) of signs shall be permitted but in no case shall such sign exceed three (3) times the lineal frontage of the building. One (1) freestanding sign may be permitted on a parcel of property. Such sign shall be located at least ten (10) feet back of the street line and its area computed as part of the total area allowed for the property. Such sign shall display no more than the name, location, and type of business conducted therein. Freestanding signs shall meet the requirements for size, height and structure as specified in Chapter VI.
- D. Special Event Signs. Temporary signs announcing events of civic and non-profit organizations, of up to 32 square feet in size, may be permitted for up to 30 days prior to an event. Such signs shall be removed within three days following the close of the event. Such signs shall be placed back of the street line. A permit, signed by the building official, shall be required. *(Note: this paragraph was added on 6-7-90)*

This page of the Zoning Regulations is reserved for future revisions.

CHAPTER VII

(This chapter was amended effective February 27, 2009.)

OFF-STREET PARKING AND SITE PLAN DESIGN REGULATIONS

The following provisions within Chapter VII sets forth the parking, landscaping, lighting and site design regulations for all Business, Industrial and Residential Special Uses in the Town of Windsor Locks. These regulations are set forth to enhance the safety of the public when using these facilities, to maintain property values in Windsor Locks, to advance the welfare of the community by enhancing the business and industrial areas of the community, and to assist in implementing the Goals and Objectives contained in the Town Plan of Conservation and Development.

701 Scope of Regulations.

The off-street parking and off-street loading provisions of this ordinance shall apply as follows:

- A. Accessory off-street parking and off-street loading facilities shall be provided as required by these regulations for all buildings and structures erected and all uses of land established in each district after the effective date of this regulation. However, where a building permit has been issued prior to the effective date of this regulation, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required under said building permit may be provided in lieu of any different amounts required by this regulation.
- B. When the intensity of the original use of any building, structure, or premises shall be altered through the addition of dwelling unit, gross floor area, seating capacity, or units of measurement in any amount requiring additional parking or loading facilities, such additional parking and loading facilities as required herein shall be provided.
- C. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this regulation, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.
- D. Any change in an existing use, or an intensification of an existing use, that requires a Site Plan Review application, will require that the site design standards of landscaping and buffering, as set forth below, be proportionally brought up to the existing standards as determined by the Commission.

702 Existing Parking Facilities. Accessory off-street parking facilities in existence on the effective date of this regulation shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements of this regulation.

703 Permissive Parking and Loading Facilities. Nothing in this regulation shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

704 Damage or Destruction. For any conforming or non-conforming building or use which is in existence on the effective date of this regulation, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-street parking or loading facilities need not be provided, except that such parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this regulation for equivalent new uses or construction.

705 Use. Accessory off-street parking facilities required for uses listed herein, shall be solely for the parking of vehicles of patrons, occupants or employees. If bus transportation necessitates bus parking, then such parking space for each bus to be parked on the premises shall be provided.

- A. Computation. When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded while a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.

- B. Collective Provisions. Off-street parking facilities for separate uses may be provided in not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Planning and Zoning Commission.
- C. Area. A required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns, or offices or working areas. Enclosed parking spaces shall have a vertical clearance of at least seven and one-half (7 1/2) feet. Angle parking may be approved by the Commission. The following table contains required minimum dimensions of parking spaces and drive aisles:

	90 Degrees	60 Degrees	45 Degrees
a. Double Parking Bay	60 ft.	58 ft.	53 ft.
b. Depth of Single Bay	18 ft.	20 ft.	19 ft.
c. Width of Aisle	24 ft.	18 ft.*	15 ft.*
d. Width of Space	9 ft.	9 ft.	9 ft.
e. Depth of Space	18 ft.	18 ft.	18 ft.

* provided that if the aisle is a fire lane the width shall be 20 ft.

Note: Refer to illustrative aid in Appendix B, Sketch 1.

- D. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property at the right-of-way line shall exceed a width of twenty-five (25) feet unless specifically recommended by the Town Engineer and approved by the Commission.
- E. Setback from Side and Rear Property Lines. Off-street parking spaces and drive aisles, and any paved areas or any areas of a site designed or intended for use by vehicles or trucks for parking, loading or circulation purposes, open to the sky, may be located in any yard provided a minimum ten (10) foot landscaped setback from side and rear property lines is maintained; however, where abutting a residential zoning district stricter setbacks as set forth in Section 705F shall apply. Enclosed buildings and carports containing off-street parking spaces shall be subject to applicable yard requirements.
- F. Design and Maintenance.
 1. Location. Accessory parking spaces may be open to the sky or enclosed in a building.
 2. Surfacing. All open off-street parking areas shall be improved with a compacted base and a permanent wearing surface as approved by the Commission. Minimum cross-section of paved areas shall be: two and one-half (2 1/2) inches of bituminous concrete, four (4) inches of processed aggregate, and six (6) inches of gravel on a suitable sub-grade; however, in areas of heavy truck traffic, the Commission, upon recommendation of the Town Engineer, may require additional material. Where approved by the Commission for a seasonal, low volume, or over-flow parking area, the minimum cross-section of a gravel parking area shall be: six (6) inches of processed aggregate on a suitable sub-grade. Refer to illustrative aid in Appendix B, Sketch 2.
 3. Buffer Screening and Landscaping. All open off-street parking areas located on a parcel of land abutting a residential zoning district shall be effectively screened, by a landscaped buffer strip, on each side adjoining or fronting on such property line, having the following widths: on Business zoned parcels and on Residence zoned parcels containing Special Uses: twenty-five (25) feet; on Industrial zoned parcels: Forty (40) feet. Said landscaped buffer strips shall contain an effective year-round screen, and at a minimum shall include planting six (6) foot tall evergreen trees planted at ten (10) foot on center in alternating rows. The Commission may permit an

alternate landscape plan where conditions warrant. The Commission may require an earth berm, wall or fence in addition to landscaping materials, where conditions warrant to create an effective screen.

4. Site and Parking Lot Lighting. *(This section was amended effective 2/7/07.)*

The purpose of these Regulations is to provide specific outdoor lighting standards in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid upward illumination, to reduce glare and to avoid light trespass onto adjacent properties and public streets. These regulations shall apply to the installation or replacement of outdoor lighting fixtures. Subsections a and b shall apply to all non-residential land uses located in the Business and Industrial zoning districts and for special permit uses in Residential districts. Subsection c shall apply to all uses in Residential districts. Subsection d shall apply to all zoning districts.

- a. Submission of Lighting Plan. Applicants proposing the installation of outdoor lighting shall file with the Commission a Lighting Plan subject to Site Plan review, unless waived by the Commission. Said plan shall be designed in accordance with the lighting standards and requirements, and shall contain the following:
 - i. The location, height, and type of outdoor-lighting poles and luminaries, including building mounted luminaries.
 - ii. The luminaries' manufacturer's specification data, including lumen output and photometric data showing cutoff angles.
 - iii. The wattage and type of lamp, i.e., metal halide, compact fluorescent, high pressure sodium, etc.
 - iv. An isodiagram or photometric plan showing the intensity of illumination expressed in foot-candles at ground level, including at property lines.
 - v. Hours of business operation and when lighting will be turned off.

- b. Lighting Standards and Requirements. The proposed lighting plan and the ongoing lighting shall comply with the following:
 - i. Outdoor lights and illuminated signs shall be designed, located, installed, shielded and directed to prevent direct light at (and glare across) the abutting property lines and the public right-of-way or street.
 - ii. In order to provide adequate lighting for public safety, a minimum of one-half footcandles at ground level throughout the parking lot shall be provided in Business and Industrial Districts, and a minimum of 0.2 foot-candles in parking lots in Residential districts. In order to preserve energy and to avoid excessive distraction, six foot-candles at ground level shall not be exceeded except where through a Special Permit Application the Commission determines that public safety or a unique use (e.g., gasoline filling station pump islands or car dealerships, etc.) requires a higher intensity, and where the Commission finds that the proposed light intensity is compatible with surrounding land uses and their existing lighting plans.
 - iii. The Commission shall review the required Lighting Plan and may modify the plan to avoid lighting hot spots or dark areas of the parking lot, or to achieve a uniformity ratio of lighting approximating 4:1.
 - iv. Lighting from a parking lot area shall not direct light beyond the property limits greater than 0.5 foot-candles.
 - v. Outdoor lighting shall be full cut-off type fixtures, defined as a luminaire or light fixture that by design of the housing does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the light fixture.
 - vi. Outdoor lighting fixtures shall be limited to a maximum of 14 feet in height, unless in unique circumstances a taller light pole is otherwise approved in Industrial zones by the Commission through a Special Permit application.
 - vii. Light standards within parking areas shall be located within curbed planted islands and recessed three feet from curbs to avoid potential contact by vehicles unless otherwise approved by the Commission in Industrial District in locations not visible from the street right-of-way.
 - viii. The use of utility poles located in rights of way to illuminate adjacent sites is prohibited.

- c. Properties located in Residential Districts.
 - i. Illumination of signs, spotlighting or floodlighting shall be so shielded that the light source cannot be seen from adjacent properties or the street.
 - ii. Lighting of outdoor recreation facilities is subject to approval of the Commission.
 - d. Exemptions to this section including lighting for public buildings, public monuments, flagpoles, stairs, ramps, and architectural emphasis may be permitted by the Commission
5. Repair and service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with any accessory parking facilities.
6. Front Yard Landscape Strips and Sidewalks: Any parking area which is located adjacent to any street right-of-way shall be separated from the traveled portion of the street by a planted and maintained grass strip and a sidewalk not less than six (6) feet in width in a business or industrial district or four (4) feet in width in a residential district. Such facilities shall be constructed at the developer or owner's expense and the sidewalk may normally be built within the street right-of-way. Provisions shall be made for a landscaped strip at least ten (10) feet wide on the interior side of the property line to prevent encroachment on the street right-of-way or any sidewalk; however, in parking lots in excess of fifty (50) spaces a twenty-five (25) foot landscaped setback shall be required and in parking lots in excess of 100 spaces a fifty (50) foot landscaped setback shall be required. Canopy trees with a minimum size of two and one-half (2 1/2) inches in caliper planted at a maximum spacing of fifty (50) feet on center shall be required within the landscape strip along the site frontage. The Commission may require a landscaped berm. In the case of car storage lots, the Commission may require a dense evergreen screen as set forth in Section 705F.3.
7. Parking Lot Landscaping. Any parking area shall have at least fifteen (15) percent of its gross parking lot area, as determined by the Commission, in landscaped areas. At a minimum all parking rows shall end in landscaped islands having a minimum width of the (10) feet. Any area within the parking lot which is not required for a parking space, loading space, aisle, driveway or walkway shall be landscaped. All paved and gravel areas shall be separated from all buildings, except in front of garage doors, by a minimum ten (10) foot wide landscape area and this area may include sidewalks. The landscape areas along the front of buildings shall contain foundation plantings. In every parking area at least one canopy tree with a minimum size of two and one-half (2 1/2) inches in caliper shall be provided for each ten (10) parking spaces provided in said parking area. Trees shall be distributed over the entire parking lot. The Commission may require sidewalks within the parking lot to safely permit pedestrians to move from parking spaces to the building entry. These sidewalks may be calculated as being part of the required parking lot landscaped areas.
8. Landscape Plan Requirements. All site plans shall include a landscape plan sheet which shall include a plant list, with plant names, plant types, quantities, size at planting, and size when mature. Typical sections may be shown. Planting requirements shall be included. Existing planting shall be identified on the plan.
9. Temporary Waiver of Complete Installation of Parking Facilities: The Commission may waive the immediate installation of up to one-half of the required parking for any proposed land use, if, upon application and submission, in the Commission's opinion, sufficient evidence as to the reasonableness of the application is shown and the reduced parking supply will adequately serve said land use. The site plan, however, shall show the complete layout for the full parking requirement in conformance with the Zoning Regulations. The records of the Commission shall include the specific reasons for the waiver. The Commission shall require the installation of additional parking facilities, up to the full parking requirement if in the Commission's opinion, such installation becomes necessary. Before the approval of the waiver, the applicant shall file an agreement with the Commission stating that he, his heirs and assigns, shall install such additional parking facilities within six (6) months after the date of the Commission's vote to require such installation.
10. As-Built Plan. Prior to the issuance of a Certificate of Occupancy for any commercial, industrial, or multi-family structure, the owner shall submit an As-Built plan at the same scale as the Site Plan approved by the Commission, showing all improvements as indicated on the approved site plan, including but not limited to building locations,

pavement limits, topography, boundary information, proper datum listed, utility locations (including size, depth and other pertinent information such as encasement and elevations of top of frame and flow lines), certification that the site was constructed in conformance with the approved plan with any variations specifically listed. Plans shall be stamped by a land surveyor, licensed to do business in the State of Connecticut, and certified to conform to class A-2 and T-2 accuracy.

Note: The developer shall submit to the Commission a parking layout plan setting forth the number of cars to be parked, the location of the parking stalls, and the location of the planting islands specifying the type, number and size of plants to be used therein, all of which shall be subject to the approval of the Zoning Commission. The Zoning Commission may reduce, waive, or modify the requirements of green space in such instances as it finds such requirements unreasonable for parking lots of 6 spaces or fewer. Such facilities shall be constructed and maintained at the developer or owner's expense.

- G. Location. All parking spaces required to serve buildings or uses erected or established after the effective date of this regulation shall be located on the same lot as the building or use served.
- H. Employee Parking. Parking spaces required for employees shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
- I. Required Spaces. The minimum number of off-street parking space accessory to designated uses shall be provided as follows:
1. Dwelling and Lodging Uses.
 - a. Lodging houses: Two parking spaces, plus one parking space for each lodging room.
 - b. Hotels and apartment hotels: One parking space for each separate lodging room and each dwelling.
 - c. Motels: One parking space for each dwelling unit and one parking space for each lodging room.
 - d. Multiple-family dwellings: Two spaces for each dwelling unit.
 - e. Single family dwellings: Provision for two or more vehicles.
 2. School, Institution, Auditorium, or Other Place of Assembly Uses.
 - a. Colleges, junior colleges, and universities: One parking space for each six students, based upon the maximum number of students that can be accommodated in accordance with design capacity.
 - b. Nursing homes, rest homes, and institutions for the care of the aged: One parking space for each two employees and one parking space for each doctor assigned to the staff, plus one parking space for every two beds.
 - c. Gymnasiums, stadiums, and grandstands: One parking space for each three seats or for each seventy-two inches of seating space.
 - d. Hospitals: One parking space for each two hospital beds, plus one parking space for each two employees, and one parking space for each doctor assigned to the staff.
 - e. Libraries and museums: One parking space for each four hundred square feet of floor area.
 - f. Medical and dental clinics: Four parking spaces for each examining and treatment room, plus one parking space for each doctor and employee in the building.
 - g. Meeting halls: One parking space for each three seats in accordance with design seating capacity.
 - h. Clubs and Lodges: One parking space for each three seats in accordance with design capacity of the main meeting room, plus additional spaces as may be required for associated uses.
 - i. Schools - Commercial, trade, music, dance, or business: One parking space for each two employees, plus one space for each three students, based on the maximum number of students that can be accommodated in accordance with such design capacity.
 - j. Schools - High, public or private: One parking space for each five students based on the maximum number of students that can be accommodated in accordance with such design capacity of the building.
 - k. School, church, and other institutional auditoriums: One parking space for each two persons employed on the premises, and one additional parking space for each three seats, or for each seventy-two inches of seating space in the main auditorium or assembly hall.
 - l. Schools - nursery, elementary, junior high, or public or private: One parking space for each faculty member and each other full-time employee plus additional additional parking spaces as may be required by the Zoning Commission for special facilities or activities.
 3. Recreational Uses.
 - a. Bowling centers: Seven parking spaces for each lane plus such additional spaces as may be required herein for affiliated uses such as restaurants and the like.

- b. Health salons, and amusement establishments: One parking space for each two persons, based upon the maximum number of persons that can be accommodated at the same time in accordance with such design capacity and one parking space for each two employees.
- c. Parks, recreation areas, or community centers - private, semi-public, or public: One parking space for each two employees, plus spaces in adequate number as determined by the Zoning Commission to serve the visiting public.
- 4. Business, Industry and Office Uses.
 - a. Financial institutions, office buildings: One space for each two hundred (200) square feet of gross floor area exclusive of basement storage, utility areas, stairs and halls.
 - b. Retail stores, personal service shops and similar uses: One space for each one hundred-fifty (150) square feet of gross floor area excluding utility and storage areas.
 - c. Automobile service stations: one parking space for each employee, plus five for each service stall.
 - d. Establishments handling the sale and consumption on the premises of food and refreshment: One parking space for every three seats plus one parking space per employee per shift.
 - e. Furniture and appliance stores, motor vehicle sales, wholesale stores, stores for repair of household equipment or furniture: One parking space for each two-hundred square feet of floor area.
 - f. Manufacturing, fabricating, processing, assembling, cleaning, servicing, testing, or repairing of materials, goods or products: One parking space for each employee on the largest shift.
 - g. Theaters: One parking space for each four seats plus one parking space for each six seats over four-hundred.
 - h. Undertaking establishments and funeral parlors: Twenty parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle maintained on the premises.
 - i. Cartage, express, parcel delivery service, warehouse, storage, wholesale and mail order establishments: One parking space for each employee on the largest shift and one parking space for each vehicle maintained on the premises.
- 5. Miscellaneous Uses.
 - Public utility and governmental service uses: One parking space for each employee, plus spaces in adequate number as determined by the Commission to serve the visiting public.
- 6. Other uses: Parking spaces for other permitted or special uses not listed above shall be provided in accordance with requirements designated by the Zoning Commission.

706 Off-Street Loading. Off-street loading berths accessory to designated uses shall be provided as follows:

- A. Location. All required loading berths shall be located on the same lot as the use served. All motor vehicle loading berths which abut a Residence District or intervening alley separating a Residence District from a Business, or Industrial District shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight (8) feet in height. No permitted or required loading berth shall be located within forty (40) feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard, and any loading space located in a required rear yard shall be open to the sky.
- B. Dimensions. Loading spaces shall be at least as follows:
 - 1. Full loading space: 12 feet by 45 feet.
 - 2. One-half loading space: 12 feet by 22.5 feet
- C. Access. Each required off-street loading berth shall be designated with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- D. Surfacing. All open off-street loading berths shall be improved with a compacted base and a permanent wearing surface as approved by the Town Engineer.
- E. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.
- F. Utilization. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- G. Minimum Facilities. Use for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space on the same lot.

H. Off-Street Loading Space Requirements. All building areas shown in subsections 1, 2, and 3 below are gross floor areas.

	Use Classification and Building Size	Number of Spaces
1.	Retail Store Buildings:	
	2,000 - 5000 square feet	1/2 space
	5,000 - 25,000 square feet	1 space
	25,000 - 50,000 square feet	2 spaces
	Each additional 50,000 square feet or part thereof	1 space
2.	Office, apartment, institution, hotel, theater, public assembly building:	
	5,000 - 25,000 square feet	1/2 space
	25,000 - 100,000 square feet	1 space
	Each additional 100,000 square feet or part thereof	1 space
3.	Industrial and warehousing buildings:	
	0 - 25,000 square feet	1 space
	50,000 - 100,000 square feet	2 spaces
	Each additional 100,000 square feet or part thereof	1 space

CHAPTER VIII
NON-CONFORMING BUILDINGS AND USES

- 801 Non-conforming Buildings and Uses.** Any non-conforming use of a building or premises lawfully existing may be continued and any building so existing which was designed, arranged, intended for or devoted to a non-conforming use may be reconstructed and structurally altered, and the non-conforming use therein changed subject to the following regulations:
- A. **Unsafe Structures.** Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
 - B. **Extension.** A non-conforming use may not be extended at the expense of a conforming use.
 - C. **Enlargement.** No building devoted to a non-conforming use shall be enlarged or extended unless the use therein is changed to a conforming use.
 - D. **Damage and Restoration.** When a building, or its use, or the lot on which it is situated is non-conforming and is damaged by fire, collapse, explosion, act of God or act of the public enemy, it may be reconstructed, repaired or rebuilt only to its previous floor area and cubical content provided such reconstruction or rebuilding is commenced within six (6) months of such damage, and the non-conformity is continued.
- 802 Construction Approved Prior to Ordinance.** Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within six (6) months of the date of such permit, and the ground-story framework of which, including the second tier of beams, shall have been completed within six (6) months of such period and which entire building shall be completed according to such plans as filed within two (2) years from the date of the adoption of this ordinance.
- 803** A building containing a permitted use, but which does not conform to the requirements regarding building height limit, floor area and width of lot, percentage of lot coverage and required yard and parking facilities for the district in which it is located, may be enlarged or altered, provided:
- A. Such enlargement provides for a permitted use containing no more family dwelling units than now exist.
 - B. Any additions are constructed within the applicable yard requirements or are not nearer to the lot lines than the existing building.
- 804 Abandonment.** No non-conforming use which has been abandoned shall be thereafter resumed. A non-conforming use shall be considered abandoned when there is an actual cessation of such use coupled with the intent not to put the premises again to the same use. Where there is a non-use of a non-conforming use for a period of six (6) months, the use shall be deemed abandoned, unless there be proof offered of intent not to abandon such non-conforming use.
- 805 Unlawful Use Not Authorized.** Nothing in this ordinance shall be construed as authorization for or approval of the continuance of the use of a structure or premises in violation of the zoning ordinance in effect at the time of adoption of this ordinance.

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**CHAPTER IX
REMOVAL OF TOP SOIL, SAND AND GRAVEL**
(also see Chapter X)

- 901** The purpose of this section is to preserve a cover-crop on the land to prevent erosion, and to control any excavation operations that may create a safety or health hazard to the public or the adjacent property owners, or be detrimental to the immediate neighborhood or the Town of Windsor Locks.
- 902** Unless otherwise provided in this section, there shall be no removal from the premises in any district of earth, sand, gravel, clay or quarry stone except as surplus material resulting from a bona-fide construction, landscape or agricultural operation being executed on the premises, and provided that no permanent damage is done to the landscape.
- 903** In any district top soil or loam may be removed from the area covered by a building or other construction operation, and from any other area provided that no less than four inches of top soil or loam remains and provided that the entire area disturbed is seeded with a suitable cover crop or is put to cultivation. *(Note: this paragraph was amended on 6-7-90)*
- 904** The Commission may, after a public hearing, permit the removal of sand, gravel, clay or quarry stone under the following conditions.
- A. The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed together with finished grades at the conclusion of the operation.
 - B. The plan shall provide for proper drainage of the area of the operation after completion and no bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance. No removal shall take place within 20 feet of a property line.
 - C. At the conclusion of the operation or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than four inches of top soil and seeded with a suitable cover crop.
 - D. Before a permit is granted under this section, the applicant shall post a bond with the Treasurer of the Town of Windsor Locks in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of the permit issued hereunder.
 - E. In passing such applications, the Commission shall consider the effect of such removal on surrounding property and the future usefulness of the premises when the operation is completed.
 - F. Such permits shall be issued for a period not exceeding one year.
 - I. Nothing herein shall prevent filing a revised plan with the Commission, modifying or reducing the scope of work originally approved, provided that the bond required in D. above shall not be released until all the requirements of the section have been met.

This page reserved for future revision.

CHAPTER X
SOIL EROSION AND SEDIMENT CONTROL REGULATIONS FOR LAND DEVELOPMENT

- 1001** **ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN.** A Soil Erosion and Sediment Control Plan shall be submitted with any application for development when the disturbed area of any such development is cumulatively more than one-half acre, as determined by the Zoning Enforcement Officer.
- 1002** **EXEMPTIONS.** A single family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.
- 1003** **EROSION AND SEDIMENT CONTROL PLAN:**
- A. To be eligible for certification, a Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site, based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1984) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.
 - B. Said plan shall contain, but not be limited to:
 - 1. A narrative describing the:
 - a. Development project.
 - b. Time schedule for:
 - (1) All major construction activities indicating the anticipated start and completion of development.
 - (2) An orderly sequence of creating and stabilizing disturbed areas.
 - (3) Grading operations.
 - (4) Applying erosion and sediment control measures and facilities to the land.
 - (5) Maintaining said control measures and facilities.
 - c. Design criteria, construction details, detailed installation/application procedures, and maintenance programs during and after installation of:
 - (1) Soil erosion and sediment control measures.
 - (2) Any storm water management facilities.
 - 2. A site plan map, sealed by a Professional Engineer licensed to practice in the State of Connecticut, at a scale sufficient to reveal:
 - a. Existing and proposed topography, including soil types, wetlands, watercourses and water bodies.
 - b. Proposed area alterations including property lines, existing and proposed structures, utilities, and roads.
 - c. Disturbed areas, identifying the extent of all proposed clearing and grading activities.
 - d. Location of and other detailed information concerning erosion and sediment control measures and facilities, including:
 - (1) Design details and/or specifications.
 - (2) Elements A(2) and A(3) required for Section 4.2 of the narrative.
 - (3) Any special notes or drawings for installation or operation.
 - (4) Any storm water management facilities.
 - 3. Any other information deemed necessary and appropriate by applicant, or requested by the Commission or its designated agent.
- 1005** **MINIMUM ACCEPTABLE STANDARDS:**
- A. Overall planning for soil erosion and sediment control shall be performed using the principles as outlined in Chapter 3 and 4 of the Connecticut Guidelines for Erosion and Sediment Control (1984), as amended. Planning shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation. Planning shall consider off-site effects as well as on-site effects.
 - B. The minimum standards for individual measures are those in the Connecticut Guidelines for Erosion and Sediment Control (1984), as amended. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.
 - C. The appropriate method as shown in Chapter 9 of the Connecticut Guidelines for Erosion and Sediment Control (1984), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is

approved by the Commission.

1006 ISSUANCE OR DENIAL OF CERTIFICATION

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

1007 CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

- A. The estimated cost of measure required to control soil erosion and sedimentation during and after development, that are a condition of certification of any modified site plan, may be covered in a performance bond or other assurance acceptable to the Commission.
- B. Site development shall not begin unless the Soil Erosion and Sediment Control Plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- C. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- D. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

1008 INSPECTION

- A. Municipal inspections during development shall ensure compliance with the certified plan and that control measures and facilities are properly performed, installed and maintained. The Commission may require the applicant and/or consultant submitting the Soil Erosion and Sediment Control Plan to verify through progress reports that control measures and facilities were installed according to plan.

**CHAPTER XI
ADMINISTRATION**

1100 ADMINISTRATION

1101 REQUIRED PERMITS

A. BUILDING OR ZONING PERMITS

No structure shall be erected, expanded, or structurally altered and no land use shall be established until a permit therefor has been issued, as required below:

1. A special permit use, identified in Section 402 in accordance with the procedure set forth in Section 1103A.
2. A use requiring site plan approval identified as such in Section 402 in accordance with the procedure set forth in Section 1103B.
3. All other permitted uses in accordance with the procedure set forth in Section 1103C.

B. CERTIFICATE OF OCCUPANCY

1. No structure or land use or any part thereof shall hereafter be occupied or used or changed to another use until a certificate of occupancy shall have been issued by the Building Official, certifying that the Zoning Regulations have been complied with in full, including any limitations or conditions attached to any special use permit, site plan approval or variance for the property covered by the certificate of occupancy.
2. The Building Official may issue a temporary certificate of occupancy for a period of up to one year if only a portion of a structure or land use is completed at the time of request for a certificate of occupancy. A temporary certificate of occupancy may be issued if minor noncompliances exist that can be corrected without impairing the use of the structure or the land. In this case, the Building Official shall list all noncompliances and set a date by which they shall be corrected. A temporary certificate of occupancy may be renewed for periods of up to six months if sufficient cause has been shown to the Building Official to warrant such an extension.
3. A certificate of occupancy issued for a structure or use permitted as a special use permit after approval by the Planning and Zoning Commission shall include any conditions under which such special permit was granted.
4. When a proposed change, extension, enlargement or alteration of land, buildings or premises as to use or area or construction does not require a permit, a certificate of occupancy shall be applied for before such proposed changes are commenced.
5. No non-conforming use of land, buildings or premises, the use or area or construction of which has been changed, extended, enlarged or altered after the passage of this section, shall be occupied or used in whole or in part until a certificate of occupancy shall have been issued showing compliance with applicable regulations.
6. A certificate of occupancy shall be issued within ten days after completion and compliance with all applicable regulations, and a record of all such certificates shall be kept on file in the office of the Building Inspector, who will furnish certified copies, upon payment of the required fee, to any person having a proprietary or tenancy interest in the building or premises.
7. The Building Official may require evidence of continuing compliance from the owner of all structures and uses for which certificates of occupancy have been issued. The Building Official shall have the authority to make periodic inspections of all structures and land uses for which permits have been issued under site plan approval, or special use permit to determine continuing compliance. If the owner refuses to furnish said evidence or if compliance with said permits has not continued, the Building Official may take action according to Sec. 1106 of these regulations, and in addition thereto, may revoke said permits and certificates upon fifteen (15) days written notice to said owner or permit holder, provided however, said owner or permit holder may appeal said revocation order to the Zoning Board of Appeals within said fifteen (15) days and said revocation order shall be stayed until the decision of the Zoning Board of Appeals is made.
8. Where a Certificate of Occupancy is requested for a use that did not require approval by the Commission and site work is incomplete, the Building Official may require the posting of a bond to guarantee completion of the work in a timely manner. *(Note: this paragraph was added on 6-7-90)*

1102 REQUIRED INFORMATION

A. SITE PLAN & SPECIAL PERMIT REQUIREMENTS *(Note: Section 1102A was replaced on 7-1-1998; this section was revised effective 2-1-03, this section was revised effective 11/10/08)*

An application for site plan approval or a special use permit shall include the following:

Submit sixteen (16) sets of plans, drawn at a scale of one inch equals forty feet (1"=40'), signed and sealed by the appropriate professionals. For smaller sites in which the entire development area can be contained on one sheet, plans drawn at one inch equals twenty feet (1"=20') are permitted.

All site plan sheets showing proposed site improvements shall be signed and sealed by both a Connecticut licensed land surveyor and a Connecticut licensed professional engineer. Where separate surveys showing existing conditions are submitted, the surveyor shall also sign and seal the site plan sheets showing topography, boundary and existing improvements. The purpose of the surveyor's signature on the site plan is to declare that the existing boundary, topography and improvements shown thereon are consistent with the submitted survey. Notations limiting the surveyor's liability to this intent are permitted.

Nine (9) of the sixteen sets are for the members of the Commission and may be reduced onto 11"x17" sheets. The remaining seven (7) copies are for staff review and shall be submitted on full 24"x36" or half 18"x24" sheets at the required scale. All plan sets shall be delivered by the applicant to each individual Commission members and staff. A list of addresses for the required recipients is available at the Building Department.

Applicants are encouraged to submit all plans, supporting documentation and fees required for a complete application at least two (2) weeks prior to the next Planning & Zoning Commission meeting. Such applicants may be permitted to present their application at that meeting and shall be given scheduling priority over applications submitted less than two (2) weeks prior to the meeting. Plans shall include:

1. REFERENCE DATA

- a. Name and address of owner of record, developer and professional(s) preparing the plans;
- b. scale of drawing;
- c. date of preparation and revisions with description of all changes;
- d. all variances granted by or pending before the Zoning Board of Appeals which affect the subject parcel;
- e. notes identifying other plans referenced in the preparation of the submitted survey;
- f. a reference to how the subject parcel was created (i.e., the name and date of approved subdivision plan, lot split recorded by volume and page, or statement indicating lot was created prior to adoption of zoning regulations); and
- g. a Zoning Data Table comparing the required, existing, and proposed zoning data from sections 403 or 404 for the subject parcel(s).

2. SURVEY REQUIREMENTS

- a. The entire property boundary prepared in accordance with Sections 20-300b-1 through 20-300b-20 of the Regulations of Connecticut State Agencies – "Minimum Standards for Surveys and Maps in the State of Connecticut" as endorsed by the Connecticut Association of Land Surveyors, Inc. The Commission may modify this requirement where work is to be done on only a small portion of a parcel.
- b. The survey shall show all existing and proposed improvements and shall conform to Class A-2 accuracy. Horizontal datum shall be NAD 1983, or as otherwise approved by the Town Engineer.
- c. The survey shall include topographic data in the area of the proposed development. Existing and proposed contours, if applicable, shall be shown at two-foot intervals and spot elevations shall be added in flat areas or to show design details. Vertical datum shall be NAVD 1988, or as otherwise approved by the Town Engineer. The vertical datum shall be specified in the drawing notes and a permanent benchmark shall be shown on the plans. The topographic survey shall conform to class T-2 accuracy. Aerial T-3 topography may also be permitted, when verified by the surveyor's supplemental field topographic survey to the satisfaction of the Town Engineer.

3. AREA MAP

An Area Map shall be provided, at a scale of one inch equal one hundred feet (1"=100'), or as otherwise approved by the Town Engineer. The Area Map shall show all properties within three hundred (300) feet of the perimeter of the subject parcel with:

- a. owners' names and mailing addresses, by note or attached list;
 - b. significant man-made features;
 - c. use and zoning district of each property.
4. SITE FEATURES
- a. Show location, size and height of all existing and proposed structures above ground and below ground, if known.
 - b. Indicate the present and proposed use of all existing structures, if other than a one or two family residence.
 - c. Show dimensioned layout of existing and proposed parking and loading facilities and access thereto, including any parking barriers or walkways. Specify existing and proposed surface treatments.
 - d. Show all fencing, walls, guide rails, traffic signage and other features related to the site design.
 - e. Wetland soils, watercourses, and all regulated areas shall be indicated if on the proposed site or off-site if affected by the development. Inland Wetland Agency approval and conditions of approval shall be noted on the plan.
5. EROSION CONTROL
- An Erosion and Sedimentation Control Plan and narrative shall be submitted with the application if required by Chapter X of these Regulations.
6. UNDERGROUND UTILITIES
- a. All utilities constructed with public streets or easements shall conform to the Windsor Locks Public Improvements Manual, latest edition. Copies of the manual are available from the Public Works Department.
 - b. The location and size of all existing and proposed sanitary and storm sewers, catch basins, manholes and culverts with pipe invert (flow line) and frame (rim/gutter) elevations of all structures.
 - c. Methods of proposed sanitary sewage disposal into the Town's sanitary sewer system shall be indicated.
 - d. Calculations shall be submitted by the professional engineer demonstrating proper design of the storm drainage system.
 - i. All storm drainage piping shall be sized to accommodate a 25 year storm.
 - ii. The drainage system shall be designed so as not to adversely impact downstream properties. Post-development flow rates shall be maintained to match pre-development rates where required to protect downstream properties from flooding and/or soil erosion.
 - iii. Stormwater treatment shall be provided in accordance with accepted engineering practices and the Connecticut Stormwater Quality Manual, latest edition.
 - iv. Groundwater recharge of pre-treated stormwater shall be utilized where soils permit to reduce post-development runoff volumes.
 - v. Stormwater detention/retention systems, where required shall be designed to provide zero increase in peak runoff rates for the 2-year, 25-year and 50-year storms. The Emergency overflow structures shall be provided to convey the 100-year storm. Commission may also require a detention system to provide zero increase in peak runoff rate for the 100-year storm when recommended by the Town Engineer.
 - vi. Construction and maintenance easements, including access roads as well as fencing and planting, shall be provided as required by the Commission.
 - vii. Show location of existing and proposed water supply.
7. LIGHTING
- Provide details for all proposed pole and building mounted lighting along with applicable photometric data demonstrating conformance to section 705.F.4.
8. SIGNS
- Show the type, size and location of all signs where applicable. Plans shall include a sign calculation data block demonstrating conformance to the regulations.
9. LANDSCAPING
- a. The plans shall include a Landscape Plan showing existing trees and plantings with species and sizes indicated;
 - b. trees and plantings proposed for removal; and
 - c. the size, name (botanical and common) and location of all required and/or proposed screening or landscaping.
10. ARCHITECTURAL PLANS
- Provide floor plans and elevations of all proposed buildings or changes to existing buildings.
11. APPROVAL BLOCK
- Plans shall include space for review, comments and signatures of pertinent officials. The cover sheet and all sheets to be filed shall include the Windsor Locks Planning & Zoning Approval Block, which is available at the Building Department.
12. DIGITAL DATA SUBMISSION REQUIREMENTS *(The digital data regulations were added effective June 15, 2005.)*

The following requirements apply to the submission of site plans and special permit applications as well as for plans and as-built drawings for infrastructure projects (water/sewer installation or repair, road work and other capital improvements.)

- a. All plans and specifications must be submitted on a CD ROM using an IBM-PC or compatible format. Acceptable formats for filing include AutoCAD*.dwg or AutoCAD*.dxf. The files must be identical to the printed plan and contain all information submitted on the written plan. The electronic submission must contain a signature and certification. Upon completion a digital submission of the “as-built” plan is required for final release of the performance bond associated with any project.
 - b. All digital mapping data shall be delivered in the Connecticut State Plane Coordinate system with a horizontal datum of NAD83 Feet and vertical datum of NGVD88. All units shall be in Feet. Special exception to this requirement may be given by the Planning and Zoning Commission.
 - c. Each feature type must be organized in the CAD or GIS data structure as a separate layer. For example, there must be separate CAD layers for buildings, roads, road centerlines, surface water, wetlands etc. Layer names must be understandable by the town of Windsor Locks.
 - d. CAD data may be tiled on paper, PDF or other form of digital output as individual sheets for improved reliability, but plans should be derived from a single master drawing.
 - e. Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.
 - f. The data submitted must also include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their content.
13. Such other information as required by the Building Official or the Commission, where a special use permit or site plan approval is required or where it is necessary to determine that the requirements of the Zoning Regulations are met. The Commission may excuse compliance with requirements for specific information otherwise required on the plot plan where such compliance is not necessary to determine that Zoning or other code regulations are met.

B. MODIFICATION OF PLANS

If a modification or amendment to the approved plan is proposed, the same shall be subject to the review and approval of the Commission, as provided herein.

C. APPLICATIONS FOR PERMITS

An application for a building permit shall include at least one copy of an approved site plan or plot plan, as the case may be, for the use contemplated.

D. EXCEPTION

When an unsafe building exists or when emergency measures are required under Section 124.0 and 125.0 of the State of Connecticut Building Code, as may be amended from time to time, the Building Official shall have the authority to waive (in writing) any part or all of Sec. 1102A for a period of thirty (30) days before the expiration of which the owner must make application pursuant to Sec. 1102A unless the maintenance and repair which is required does not involve a change in design, exterior appearance, or scale.

E. EXPIRATION OF PLAN APPROVAL *(Note: this paragraph was amended on 6-7-1990)*

All work in connection with a site plan shall be completed within five (5) years after the approval of the plan. Failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such site plan. The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten years from the date such site plan is approved. Where a proposal calls for more than one building on a property, the project may be phased, provided that a construction schedule is submitted to and approved by the Commission. The Commission may require submission of a bond(s) to guarantee timely completion of various aspects of the project. Non-compliance may cause withholding of individual Certificates of Occupancy, such as in a multi-unit project, in addition to calling of the bond(s).

F. PERIOD OF PERMITS

A permit shall become null and void six months after it has been issued unless reasonable progress has been made in the work authorized by said permit. The Building Official is authorized to renew a permit for periods of six months if, in his opinion, reasonable progress has been made in the work authorized by said permit.

G. COMPLETION OF SITE WORK *(Note: This paragraph was replaced on 7-1-1998)*

The Commission may require submission of a bond(s) to guarantee timely completion of various aspects of a project. Where a proposal calls for more than one building on a property, the project may be phased, provided that a

construction schedule is approved by the Commission. All site work shall be completed prior to issuance of a certificate of zoning compliance. Non-compliance may cause withholding of individual certificates, such as in a multi-unit project, in addition to call of the bond(s). Whenever substantial work remains to be done and the applicant requests a certificate of occupancy, said remaining work shall be guaranteed by a bond and a time schedule shall be approved by the Commission. Where a certificate of occupancy is requested for a project that did not require approval by the Commission and site work is incomplete, the Building Official may require the posting of a bond to guarantee completion of the work in a timely fashion.

1103 PROCEDURE FOR APPROVAL OF APPLICATIONS

Applications for required permits shall be reviewed and acted upon as follows:

A. SPECIAL USE PERMIT (Public Hearing Required)

1. All special permit uses, identified as such in Sec. 402 or elsewhere in these Regulations are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case. Special permit uses shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of requirements and standards set forth herein, in addition to all other requirements of these Regulations.
2. The Building Official shall refer applications for special use permits to the Commission, at a Regular Meeting, for receipt, hearing and action as required by Sec. 8-7 of the Connecticut Statutes as may be amended from time to time.
3. The applicant shall post a sign, available from the Building Official, giving notice of the application, in a conspicuous place on the property for which a special use permit approval is sought, visible from a public street. Said sign shall be posted ten (10) days before the date of the public hearing, shall remain in place until the hearing, and it shall be removed not later than three days after the public hearing.
4. The Commission shall make a finding that each of the following standards is met and where necessary, shall attach specific conditions to its approval of a special use permit, if in its opinion, such conditions are essential to making the finding:
 - a. The location and size of the use, the nature and intensity of the operations connected with it, the size of the lot in relation to it, the location of the lot with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use and the entrance and exit driveways shall be laid out so as to achieve maximum safety. Recommendations of the Windsor Locks Police Commission shall be considered.
5. After the approval the applicant shall submit to the Commission five (5) prints and one transparency print on permanent material of the plans as approved within 45 days. The Commission shall file with the Building Official one print of the approved plans with any conditions noted thereon pertaining to the special use approval. One print with the approval indicated shall be made available to the applicant.

B. SITE PLAN APPROVAL

1. The Building Official shall refer applications requiring site plan approval to the Commission at a Regular Meeting. The Commission shall approve, disapprove or approve with modification such proposed site plan within 65 days after formal receipt.
2. In acting on a proposed site plan the Commission shall determine that the requirements of the Zoning Regulations are met in fact. The Commission shall consult with the Town Engineer on matters regarding engineering and with any other Town Official or Board it may deem necessary and may also hold a public hearing on the proposal if it decides such hearing would be in the public interest.
3. After approval the applicant shall submit to the Commission five (5) prints and one transparent print on permanent material of the approved site plan within 45 days. The Commission shall file with the Building Official one print of the approved plans with any conditions noted thereon pertaining to the site plan approval. One print with the approval indicated shall be made available to the applicant.

C. ALL OTHER APPLICATIONS FOR PERMITS

1. Upon determination of the Building Official that the proposed structure or use complies with the Zoning Regulations, the Building Official shall issue the required permit. One copy of the approved plot plan shall be returned to the applicant with the approval and number of the permit noted thereon. A copy of the permit shall be displayed on the site until a certificate of occupancy has been issued. A copy of the approved plans shall be

available for inspection at the premises during regular working hours.

2. Before the actual placement of the foundation of any structure, the contractor or owner shall stake out the location of the proposed foundation and supply the Building Official with a certificate by a licensed surveyor that the location of such foundation, or any part of a structure to be erected, complies with the approved plot plan. Failure to supply such certificate shall automatically suspend the permit under which the work has been authorized until said certificate has been supplied to the Building Official.

1104 PERIOD OF PERMITS

A permit shall become null and void six (6) months after it has been issued unless reasonable progress has been made in the work authorized by said permit. The Building Official is authorized to renew a permit for periods of six (6) months if, in his opinion, reasonable progress has been made in the work authorized by said permit.

1105 ZONING AMENDMENTS

A. REQUIRED INFORMATION

1. A proposed amendment to the Zoning Regulations or Zoning Map shall be submitted in correct legal form accompanied by a letter of explanation of why the change is being requested. The Commission shall not be required to provide such letter.
2. A proposed amendment to the Zoning Map shall include a legal description of the area proposed to be changed and five (5) prints of a map drawn to a scale of not more than one (1) inch to one hundred (100) feet showing the proposed change in the district boundaries of the Zoning Map. All properties within five hundred (500) feet of the proposed change shall be identified as to use and the owners' names and mailing addresses shall be provided for all properties indicated. This requirement shall not apply to comprehensive or large area revisions.
3. Applicants requesting an amendment to the Zoning Map shall provide a preliminary site plan for property to be developed under the proposed zone. Said plan shall show proposed buildings and uses, parking and loading, preliminary grading, driveway locations and other proposed features that will aid the Commission in its deliberations. Supporting reports such as traffic studies, feasibility reports, etc. shall be submitted at the time of application in order to allow adequate time for review by the Commission and its staff. These requirements shall not apply to proposals by the Commission.
4. The applicant shall post a sign, available from the Building Official, giving notice of the application, in a conspicuous place on the property for which a zone change is sought, visible from a public street. Said sign shall be posted ten (10) days before the date of the public hearing, shall remain in place until the hearing, and it shall be removed not later than three days after the public hearing.

B. RESPONSIBILITY TO PROVIDE FILE MAP

1. If a proposed change to the Zoning Map is approved, it shall be the responsibility of the applicant to provide a transparent print of the change on permanent material to the Commission for filing with the Town Clerk. Said map is to be submitted to the Commission within seven (7) days of approval by the Commission, accompanied by the required filing fee.

1106 ENFORCEMENT

The Building Official of the Town of Windsor Locks or designee shall be the administrative official charged with the enforcement of these Regulations and no building permit or certificate of occupancy may be issued except in conformity with all applicable regulations and ordinances, except as such Regulations may have been modified by the Zoning Board of Appeals.

Any person, firm, association, or corporation violating any provision of these Regulations shall be subject to a fine not exceeding fifty (50) dollars for each offense, and for each and every day that such offense continues.

(Revised effective 2/1/03)

1107 Tower Moratorium (Note: *This section was approved on April 21, 1997 and has expired.*)

A. A moratorium is hereby established on any application or request for any construction, erection, placement, reconstruction, enlargement, or expansion of towers and/or antennas within the Town and on the development and use of property for such purposes

B. Effect: During the period of the moratorium, applications and requests for Special Use Permits, Site Plan Reviews, and any other

zoning permits and approvals related to towers shall not be accepted, scheduled nor acted upon by the Planning and Zoning Commission.

C. Definition: For the purpose of this section, the terms “tower” and “communications tower” shall mean any pole, spire, structure or combination thereof, including any supporting lines, cables, braces and masts intended for the purpose of mounting an antenna or similar apparatus including accessory ground equipment as well as any other wireless communications facility as defined in the Federal Telecommunication Act of 1996 except for the erection of antennas or similar apparatus on an existing tower, building, or other structure which does not increase the existing height of such tower, building, or other structure, including accessory ground equipment, approved by the Commission as a Special Use Permit.

D. Applicability: The moratorium shall be applicable to all property throughout the Town.

E. Exceptions: The moratorium shall not apply to:

- 1) the lawful use of existing towers or antennas;
- 2) the repair or maintenance of any existing tower or antenna provided that such work does not enlarge or expand said tower or antenna; and,
- 3) work on a tower that had received all necessary approvals from the Town prior to the effective date of this moratorium.

F. Effective Dates: This Section shall take effect upon its adoption and proper publication and shall be effective for 180 days from its effective date.

This page is reserved for future revisions

CHAPTER XII

FEE SCHEDULE (this section was modified on 2-23-05 and 10-1-09)

1201 Fees for the various permits and applications required by the Zoning Regulations are hereby established as follows:

Site plan and Modification	\$0.01/sq. ft Minimum of \$200.00 up to 20,000 sq. ft.
Amendment to zoning map or regulations	\$250.00
Special use permit	\$200.00
DEP Fee (by separate check) – PZC applications	\$60.00
Permit for motor vehicles dealer or repairer license and gasoline stations	As established by Zoning Board of Appeals
Building permit includes zoning permit	As established*
Certificate of occupancy for a use authorized by a building permit	As established*
Zoning permit (as a separate permit when no other permit in this fee schedule is required)	\$20.00
Certificate of occupancy for a use authorized by a zoning permit	\$10.00
Planned Development Multi-Family Site Plan, per Dwelling Unit	\$100.00
Signage Application	As established*
Variance	As established by Zoning Board of Appeals

The Planning and Zoning Commission and the Zoning Board of Appeals may waive any of the aforesaid fees established in this section. However, any waiver shall be accompanied by a statement of reason.

*As established by ordinance.

This page reserved for future revisions.

- B. A change in ownership of property or any other interests therein shall not be deemed a material change in the situation for the purpose of section 1303.

1304 Posting of Property

The applicant shall post a sign, available from the Building Official, giving notice of the application, in a conspicuous place on the property for which a variance is sought, visible from a public street. Said sign shall be posted ten (10) days before the date of the public hearing, shall remain in place until the hearing, and it shall be removed not later than three days after the public hearing.

This page reserved for future revisions

CHAPTER XIV

REAR LOTS

- 1401 Authorization.** In accordance with the provisions of this section, the Planning and Zoning Commission may grant special permits to allow the construction of dwellings with permitted accessory buildings on rear lots in residential and industrial zones.
- 1402 Definition.** Rear Lot: A lot which does not meet the frontage requirements of Section 403 of these Regulations for the underlying zone on an existing town road and which rear lot has been approved by the Commission under this Chapter of the Regulations.
- 1403 Requirements for Rear Lots.** No special use permit or permits shall be granted authorizing construction on rear lots unless the applicants for such permits demonstrate compliance with each of the following conditions to the satisfaction of the Commission:
- A. Such construction or use may not, with respect to future occupants of the lot or lots, the abutting landowners or the general community, significantly impair health, safety, general welfare, property values, privacy or future appropriate land use and road layouts.
 - B. With respect to residential zones, there shall be a maximum of one single-family dwelling with permitted accessory buildings or uses on the rear lot. The Commission may grant special permits approving the construction of single-family dwellings on a maximum of two adjacent or contiguous rear lots however, each of which meets all the requirements of this section.
 - C. No rear lot or lots shall land lock another rear lot by blocking or removing the most logical or feasible access thereto, notwithstanding the fact that a potential for access to said other rear lot may still exist under more remote conditions. The Commission may modify this requirement if the applications demonstrate the existence of unusual circumstances such as topography or present divisions of property.
 - D. Recommendation of the Town Engineer and approval of the Commission must be obtained as to the overall design, construction and layout of the rear lot access. The access to rear lots shall conform to the following requirements:
 - 1. The access strip shall be part of each rear lot, may not be used for building purposes, and shall extend from a public street to the buildable area of the rear lot;
 - 2. The access strip shall be at least 40 feet wide in residential zones and 50 feet wide in industrial zones and which shall be otherwise adequate to accommodate fire and other emergency equipment, to a public street accepted by the Town.
 - 3. The access driveway shall be located a sufficient distance from existing or potential future driveways on adjacent lots so as not to create or increase a traffic hazard.
 - 4. Driveways shall be designed so as not to direct storm water runoff from the existing Town roadway onto private property.
 - 5. At a minimum, the first 20 feet of the driveway beyond the edge of the street pavement shall be paved and the entire driveway shall be a minimum of 15 feet in width for single lots and 20 feet in width for any portion of a driveway shared by two or more lots. The driveway pavement section shall include a minimum of 2 inches of compacted bituminous concrete pavement on a 6 inch processed aggregate base. All materials shall conform to the Connecticut Department of Transportation Standard Roadway Specifications, Form 816 as amended. Other materials may be approved by the Town Engineer.
 - 6. Where two adjacent rear lots are proposed, they shall share a common curb cut onto the Town street. Where a rear lot is divided from a front building lot, the Commission may require that the rear lot share a driveway curb cut with the front lot.
 - 7. Where there is any portion of the driveway shared by different lots, the plans shall show appropriate easement areas where the owners of each rear lot or lots shall have the continuing right to pass in perpetuity over said right-of-way and driveway.
 - E. No principal building on a rear lot shall be located more than 600 feet from the street line of the accepted Town Street to which access will be provided in accordance with subsection D. hereof.
 - F. Each rear lot shall comply in all respects with the requirements of the underlying zone, except:

1. Each rear lot shall be a minimum of one acre in size, and no less than two times the zone's minimum lot size, excluding the area of the access strip,
 2. Each rear lot shall have front, side and rear yard setbacks equal to one hundred fifty (150) percent of the requirements of the underlying zone.
 3. Each rear lot shall have frontage on a public street no less than 40 feet in a residential zone and 50 feet in an industrial zone.
 4. Each rear lot shall comply with 150 percent of the "minimum lot dimensions" as shown for that zone in Section 403.
 5. For the purposes of determining the placement of proper yard areas, the lot line from which the access strip leads (generally along the rear yard of the front lot) shall be considered the front lot line from which the front yard is measured.
- G. The Commission may require the planting of a vegetative buffer strip as deem appropriate to preserve the year-round privacy of adjoining lots with any rear lot application, or the Commission may require a Conservation Easement to preserve an existing vegetative buffer.
- H. The Commission shall require and receive written reports as to each rear lot from:
1. The Chief of Police and the Board of Fire Commissioners as to the feasibility of ready access to each building from the point of view of fire and police protection; and,
 2. The Building Official, Town Planner, or Planning Consultant, with respect to the impact of the proposed development of any rear lot, taking into consideration such planning factors as effects on adjacent properties, existing and future subdivisions and present and future land use and road layouts.
- I. Each applicant submitting a Special Permit application for a Rear Lot under this Chapter shall submit a site plan as part of the application hereunder that demonstrates to the satisfaction of the Commission that safe appropriate access can be provided to the rear lot as proposed.

(This section was modified effective March 12, 2007)

CHAPTER XV

This chapter is reserved for future revisions.

**CHAPTER XVI
VALIDITY OF REGULATIONS**

1601 If any section, paragraph, subdivision, clause, phrase or provisions of these regulations shall be judged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Appendix A to the Zoning Regulations

223 Special Flood Hazard Area Regulations (Note: This section was added on 2/7/1993 and amended 9/25/2008)

STATUTORY AUTHORIZATION

The Legislature of the State of Connecticut has in Title 7 Chapter 98 Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore the Planning and Zoning Commission of the Town of Windsor Locks Connecticut, does ordain as follows:

A. Purpose

1. It is the purpose of this regulation to promote the health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
2. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or, in flood heights or velocities;
 3. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
5. Control filling, grading, dredging and other development that may increase erosion or flood damage;
6. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

B. Objectives

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

C. Definitions. For the purpose of this Section, certain terms, words, and phrases shall, whenever used in this Section only, have the meanings defined as follows:

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

Base Flood Elevation (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement: That portion of a building having its floor subgrade (below ground level) on all sides.

Building: Any structure built for support, shelter, or enclosure for any occupancy or storage.

Cost: Cost means, as related to substantial improvements; the cost of any reconstruction rehabilitation addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment), sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters, labor, built-in appliances, demolition and site preparation, repairs made to damaged parts of the building worked on at the same time, contractor's overhead, contractor's profit, and grand total. Items to be excluded include: cost of plans and specification, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences yard lights, irrigation systems, and detached structures such as garages,

sheds, and gazebos.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the construction of additions or substantial improvements to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, permanent storage of materials or equipment, and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

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

Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space: Finished living space that can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), had sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathroom, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

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

1. the overflow of inland or tidal water;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): An official map of the Town of Windsor Locks on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to a community.

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

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway”.

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

Functionally Dependent Use or Facility – A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Highest Adjacent Grade (HAG) – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable

solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section F. 3. of this regulation.

Manufactured Home: A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park vehicles, or travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. When located on a lot, a manufactured home shall be considered to be a residence and subject to all of the regulations prescribed for the zoning district in which it is located.

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

Market Value – The market value of the structure shall be determined by **(an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure's Actual Cash Value)** prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

Mean Sea Level (MSL) – The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this regulation (not the revision date) and includes any subsequent improvements to such structures.

Recreational Vehicle: A vehicle, which is

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area (SFHA) – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

Start of Construction: Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

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

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure during the life of the structure, the cost of which equals or exceeds 25 percent of the market value of the structure, as determined by the cost approach to value, the quantity survey method or the square foot method either:

1. before the improvement or repair is started, or

2. if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.. The term does not, however, include either:

1. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed.

Variance - A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation – Failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation – The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

D. General Provisions

1. Lands to which this Regulation Applies

This regulation shall apply to all special flood hazard areas within the jurisdiction of the Town of Windsor Locks.

2. Basis for Establishing the Special Flood Hazard Areas

The special flood hazard areas (unnumbered Zone A, Zones AE) identified by the Federal Emergency Management Agency in its flood insurance study (FIS) dated September 26, 2008, with accompanying Flood Insurance Rate Maps (FIRM) and floodway maps and other supporting data, and any subsequent revision thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

The SFHA includes any area shown on the FIRM as Zones A, A1-30, AE, AO, and AH, including areas designated as a floodway on a FIRM or FBFM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature.

3. Establishment of the Floodplain Development Permit

A Development Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities.

4. Interpretation

In the interpretation and application of this regulation all provisions shall be:

- a. Considered as minimum requirements;
- b. liberally construed in favor of the governing body, and
- c. deemed neither to limit nor repeal any other powers granted under state statutes.

5. Warning and Disclaimer of Liability

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

6. Structures Already In Compliance

A structure or development already in compliance with this regulation shall not be

made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this regulation and other applicable regulations.

7. Abrogation And Greater Restrictions

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

8. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

E. Administration

1. Designation of Administrator

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

2. Certification

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

3. Application

- a. A building permit, zoning permit, site plan approval and/or special use exception shall be obtained before construction or development begins within any special flood hazard area. The applicant should review the Zoning Regulations with the Zoning Enforcement Officer to determine which permit approval process, or processes, are to be followed for the particular land use which is being proposed.
- b. The Zoning Enforcement Officer shall review all development permits to assure that the requirements of this regulation have been satisfied.
- c. The Zoning Enforcement officer shall notify adjacent communities and the Connecticut Department of Environmental Protection, Inland Water Resources Division prior to any alteration or relocation of a watercourse, and evidence of such notification shall be sent to the Federal Emergency Management Agency. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- d. The Zoning Enforcement Officer shall advise the applicant that additional federal or State permit requirements may be required, and if specific federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with any local permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 404 Permit.
- e. The applicant shall provide information with the application which should show that any proposed building sites will be reasonably safe from flooding.
- f. Construction, reconstruction, extension of any building or structure, or any other development, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations shall be prohibited in the Special Flood Hazard Area except in conformance with these regulations.
- g. When base flood elevation data or floodway data have not been provided, the Zoning Enforcement officer shall obtain, review and reasonably utilize any base flood elevation or floodway data available from federal, State or other sources in order to administer these regulations.
- h. The Zoning Enforcement officer shall record and maintain the following:
 1. the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially new improved structures,
 2. the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed,
 3. certification as to floodway heights, and
 4. and all certifications required under these regulations.
- i. The Zoning Enforcement officer shall make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

- j. The Zoning Enforcement officer shall maintain all records pertaining to the provisions of this section.

F. Provisions for Flood Hazard Reduction

1. General Standards

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

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- c. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- d. All new construction and substantial improvements to structures shall be constructed to ensure that electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- e. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- f. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- h. In any portion of a watercourse, which is altered or re-located, the flood carrying capacity shall be maintained.
- i. Manufactured Homes are prohibited in all special flood hazard areas.
- j. Use of land, construction or other activities permitted within this Section shall be subject to approval by all applicable federal or state agencies.
- k. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
- l. Portion of Structure in Flood Zone - If **any** portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- m. Structures in Two Flood Zones - If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
- n. No Structures Entirely or Partially Over Water - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.
- o. Compensatory Storage -The water holding capacity of the floodplain, except those areas, which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
- p. Equal Conveyance - Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

- 2. Standards for Streams Without Established Base Flood Elevations, Floodways and/or Flood Mapping
 - a. The Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, including data developed pursuant to Section 8.2, paragraph 14 of the Subdivision Regulations as criteria for requiring that new construction, substantial improvements, or other development in Flood Zone A on the Community's FIRM meet the standards in paragraph F, subsection 3.
 - b. In zone A flood zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
 - c. The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Town's request or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

3. Specific Standards

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

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the level of the base flood section.
- b. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall
 - be flood-proofed to one foot above base level elevation so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and
 - have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of the subsection. Such certification shall be provided to the Zoning Enforcement Officer.

c. Fully Enclosed Areas Below The Base Flood Elevation Of Elevated Buildings.

All new construction, substantial improvements, or repair of substantial damage to residential or non-residential structures that include fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building, shall be designed to preclude finished living space and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a Connecticut registered professional engineer or architect, or meet the following minimum criteria listed in sections (i)-(vii) below:

- i. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;
- ii. The bottom of all openings shall be no higher than one (1) foot above grade. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
- iii. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of floodwaters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. Other coverings may be designed and certified by an engineer or approved by the Town Engineering Consultant;
- iv. The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance

equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms;

- v. All interior walls, floor, and ceiling materials located below the BFE shall be unfinished and resistant to flood damage.
 - vi. Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates.
 - vii. A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections F. 3. c i-vi. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. The human intervention necessary to open garage doors when flooding occurs is not an acceptable means of meeting the openings requirements. In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry flood-proofed as per the requirements of Section F. 3. b.
- d. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any (0.00) increase in flood levels during the occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of open design. When utilizing data other than that provided by the Federal Emergency Management Agency, a regulatory floodway must be adopted which is designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

G. Variance Procedure

Requests for variances from the requirements of this Section shall be heard and decided by the Zoning Board of Appeals.

- 1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 2. Considerations for Granting of Variances
In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below as a though k. Upon consideration of these factors and the purposes of Section 221 of these regulations the Zoning Board of Appeals may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this regulation.
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, which are not subject to flooding or erosion damage for the proposed use;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at this site; and
 - k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- 3. Criteria for Variances

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and result in the loss of historic designation of the building.
- b. Variances may only be issued upon
 - i. a showing of good and sufficient cause,
 - ii. a determination that failure to grant the variance would result in exceptional hardship, and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.

Only hardships, which are based on unusual physical characteristics of the property in question, characteristics, which are not shared by adjacent parcels, shall qualify to meet subsection 2 above. Claims of hardship based on the structure, on economic or on personal circumstances are not sufficient causes for the granting of a variance under this regulation.

- c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.
- d. The Zoning Enforcement Officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Appendix B to the Zoning Regulations
See attached diagrams.

Appendix C to the Zoning Regulations

Planning and Zoning Commission
Windsor Locks, Connecticut

BY-LAWS

Article I Purpose and Authorization

The objectives and purposes of the Planning and Zoning Commission of Windsor Locks, Connecticut are those set forth in Chapters 124 (Zoning) and 126 (Planning), of the Connecticut General Statutes, as amended, and those powers and duties delegated to the Windsor Locks Planning and Zoning Commission by the aforementioned statutes, and by Ordinances and Special Acts of the Town of Windsor Locks.

Article II Name

The Commission shall be known as the Windsor Locks Planning and Zoning Commission.

Article III Location

The office of the Windsor Locks Planning and Zoning Commission shall be at the Town Office Building, 50 Church Street, Windsor Locks, Connecticut 06096, where all Commission records will be kept. Copies of all official documents, records, maps, etc., will be filed or recorded in the appropriate Town Office.

Article IV Membership

The membership and terms of office shall be as specified in the above stated ordinance establishing the Commission and the aforementioned General Statutes.

Article V Officers and Their Duties

Section 1. The officers of the Commission shall consist of a Chairman, a Vice-Chairman, and a Secretary.

Section 2. The Chairman shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to appoint committees, certify expenditures of funds for legal advertisements, certify expenditures up to \$75.00 for any other expenditures without prior approval of the Commission, call special meetings, and generally perform other duties as may be prescribed in these by-laws.

Section 3. The Chairman shall be one of the Commission members. The Chairman shall have the privilege of discussing all matters before the Commission and of voting thereon.

Section 4. The Vice-Chairman shall be one of the Commission members. The Vice-Chairman shall act for the Chairman in his absence and have the authority to perform the duties prescribed for that office.

Section 5. The Secretary shall be one of the Commission members. The Secretary shall keep the minutes and records of the Commission and, with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings under the direction of the Chairman, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission, and such other duties as are normally carried out by a Secretary.

Section 6. In the absence of the Secretary due to illness, personal, or disqualification reasons, the Chairman shall appoint a Secretary pro tem.

Article VI Election of Officers

Section 1. An annual organization meeting shall be held on the second Monday of November at which time officers will be elected and by-laws reviewed and be made a part of the minutes of the annual meeting.

Section 2. Nominations shall be made from the floor at the annual organization meeting and elections of the officers specified in Section 1 of article V shall follow immediately thereafter.

Section 3. A candidate receiving a majority vote of the Commission shall be declared elected and shall serve for one year or until his successor shall take office.

Section 4. Vacancies in offices shall be filled by regular election procedures at the next regular meeting of the Commission.

Section 5. Resignations from the Commission shall be in written form and transmitted to the First Selectman with a copy of same to the Chairman.

Article VII Meetings

Section 1. Regular meetings will be held on the second Monday of each month at the Town Hall, 50 Church Street, Windsor Locks, Connecticut. In the event of conflict with holidays, such regular meeting shall be held on the next business day. The Secretary shall notify the members and alternate members of regular meetings not less than forty-eight (48) hours in advance of such meeting.

Section 2. A majority of the members of the Commission shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of members of the Commission, unless otherwise provided by law. The notice of such a meeting shall specify the purpose of such a meeting and no other business may be considered except by consent of the Commission.

Section 3. All Commission meetings shall be open to the public when in session and shall be open to the public when in executive session when so voted by the majority of the Commission members present and voting, (Chapter 3 Section 1-2225 of General Statutes, Rev. 2001).

Section 4. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at the meetings of the Commission.

Article VIII Order of Business

Section 1. Unless otherwise determined by the Chairman, the order of business at regular meetings shall be:

- i. Call to Order
- ii. Roll Call
- iii. Approval of Minutes
- iv. Public Hearings
- v. Action on Closed Public Hearing Items

- vi. Old Business
- vii. New Business
 - a. Public Input
 - b. Receipt of New Applications
- viii. Communication and Bills
- ix. Adjournment

Section 2. A motion from the floor must be made and passed in order to dispense with any item on the agenda or change the order of business.

Section 3. No new business submitted for action by the Commission shall be acted upon unless it is submitted five (5) business days prior to a regular meeting date and the appropriate fees paid. Provisions of this section may be waived by the consent of the Commission.

Article IX Hearings

Section 1. The Commission may hold public hearings, in addition to required hearings, when it decides that such hearings will be in the public interest.

Section 2. All public hearings prescribed by law shall be held in accordance to the requirements set forth for such hearings in Chapter 124 (Zoning), and Chapter 126 (Planning) of the Connecticut General Statutes, as amended.

Section 3. The matter before the Commission shall be presented in summary by a member of the Commission designated by the Chairman, or staff member, and parties in interest shall have the privilege of the floor.

Section 4. A competent stenographer shall take the evidence, or the evidence shall be recorded by a sound-recording device, at such hearing before the Commission in which the right to appeal lies to the Superior Court. Proceedings of the hearing shall be incorporated into the minute book of the Commission to be a permanent part of that record. (Chapter 124, Section 8-7a. Connecticut General Statutes, as amended).

Article X Conducting the Public Hearing

Section 1. The Chairman of the Commission shall ' preside at the public hearing. In the event of his absence, the Vice-Chairman or a duly appointed Commission member shall act as presiding officer.

Section 2. The Secretary shall read the legal advertisement and note the dates and newspapers in which the advertisement appeared.

Section 3. A summary of the question or issue shall be stated by the presiding officer at the opening of the public hearing. Comments shall be limited to 'the subject advertised for hearing. In any event, the Commission shall have the privilege of speaking first. The Chairman shall describe the method of conduct of the hearing.

Section 4. The Chairman shall first call for statements from the proponents. The opponents shall be given equal opportunity to comment. The order is reversible, the discretion of the Commission prevailing. Whichever the case may be, each group shall make its presentation in succession without allowing an intermixture of comments pro or con.

Section 5. All questions and comments must be directed through the Chair only after being properly recognized by the presiding officer.

Section 6. All persons recognized shall approach the hearing table in order to facilitate proper recording of comments. Before commenting on the matter before the hearing each person shall give his name and address.

Section 7. The presiding officer shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The Commission shall have the right to postpone the hearing in the event the discussion becomes unruly and unmanageable.

Section 8. The show of hands by those persons present shall not be allowed on any general question presented at the public hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations of the Commission. If a general consensus of the meeting is desired, the Commission may provide properly identified sheets on which electors may signify in writing their opinion as either in favor or opposed to the question before the public hearing.

Article XI Employees

Section 1. Within the limits of the funds available for its use, the Commission may employ such staff personnel and/or consultants as it sees fit to aid the Commission in its work. Appointments shall be made by a majority vote of the Commission.

Article XII Public Relations

Section 1. The Chairman or a duly appointed Commission member or staff personnel shall act as public relations or publicity director for the Commission. Duties include the preparation of all news releases to be distributed to the communications media. All information releases shall reflect the thinking of the majority of the Commission.

Section 2. In the matter of the press, radio, and television representatives, the Commission shall comply with Chapter 3, Sections, Sections 1-210 and 1-255 of the Connecticut General Statutes, Rev. 2001.

Article XIII Amendments

These By-Laws may be amended by a two-thirds vote of the Commission, only after the proposed change has been read and discussed at a previous regular meeting.

**Adopted by this Commission
August 8, 1983**

**Alan M. Gannuscio, Chairman
Marshall Brown, Acting Secretary**

Amendments:

Amended on November 27, 1989

Amended on February 12, 2002

Amended on December 11, 2006