TOWN OF ELLINGTON

ZONING REGULATIONS



FIRST ADOPTED AUGUST 1, 1952

REVISED THROUGH APRIL 1, 2026

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Amendments (Since 6-10-06)

REGULATION	EFFECTIVE
Comprehensive Amendments for Whole Scale Modifications & Streamlining of Uses and Reorganization of Content	Effective 6-10-06
Attached Signs for Large Anchor Businesses	Effective 6-10-06
Signs Permitted in Residential Zones, Application for a Zone Change, Application Requirements, Notification Board of Appeals, Potable Water Wells, Conflicting Regulations, Permitted Uses and Uses Requiring Special Permit, Permitted Uses	Effective 12-22-06
Small Wind Energy Systems – Windmills	Effective 2-15-07
Bulk Requirements & Definitions	Effective 7-15-07
Density, Height, Yard and Living Area Requirements	Effective 8-15-07
Signage, Signs Permitted in Residential Zones	Effective 11-15-07
Permitted Uses and Uses Requiring Special Permit	Effective 1-7-08
Permitted Uses, Off Street Parking Requirements, Cultural Educational Center Definitions	Effective 4-15-08
Through Lots and Corner Lots, Measurement of Required Yards on Irregular Lots, Potable Water Wells, Definitions	Effective 6-15-08
Notification	Effective 10-15-08
Permitted Uses and Uses Requiring Special Permit	Effective 7-15-09
Permitted Uses, Permitted Uses and Uses Requiring Special Permit	Effective 8-28-09
Permitted Uses and Uses Requiring Special Permit	Effective 9-25-09
Trailers & Definitions	Effective 2-15-10
Density, Height, Yard and Living Area Requirements	Effective 5-15-10
Expiration of Permit	Effective 6-15-10
Workforce Cluster Housing Zone	Effective 7-1-10
Lot Area Width and Yard Requirements	Effective 9-7-10
Permitted Uses, Permitted Uses and Uses Requiring Special Permit, Signs, Agricultural Uses, Definitions	Effective 12-15-10
Definitions, Zoning Districts, Replace Existing Use Table with modified version based upon Density-based Residential Zoning, Repeal existing and adopt Density Limitation, Repeal Minimum Floor Area Requirements and Modify Dimensional Standards, Repeal Open Space Residential (OSRD) Regulations, Adopt Remaining Developable Land Option, Modify Building Separation in ARCHZ regulations, Modify Building Separation in WCHZ regulations, Add General Requirements for Any Excavation (cut), Fills, and Grading, Repeal Non-Agriculturally Related Uses and Definition of same, Modify Site Development / Design Requirements, Composting Facility, and Section Agricultural Uses to remove old zoning classifications, Modify Home Occupations to include all residences regardless of zone.	Effective 7-15-11
Age-Restricted Cluster Housing Zone, Post Approval, Workforce Cluster Housing, Zone, Post Approval, Added Post Approval Requirements to formalize "in house" post approval procedures and to comply with changes to State Statute pursuant to Public Act 11-79, Modify Density Formula for clarification	Effective 2-15-2012
Earth Excavation to add Activities Exempted, Post Approval Requirements to update bonding for erosion controls, Multiple sections regarding fire hydrants	Effective 3-15-2013
Agricultural Permitted Uses & Agricultural Special Permit Uses, Amending the setback requirement to the street property line for agricultural enclosures, buildings and structures	Effective 1-15-2014
Definitions & Interpretation, Amending the definition of *Structure* to exclude signs	Effective 2-15-2014
Medical Marijuana Production and Dispensary Facilities, Added a Moratorium on Palliative Marijuana Production and Dispensary Facilities, Definitions & Interpretation, Adding Medical Marijuana Production Facility and Dispensary	Effective 3-31-2014
Medical Marijuana Production and Dispensary Facilities Extending the Moratorium on Palliative Marijuana Production and Dispensary Facilities	Effective 4-3-2015

REGULATION	EFFECTIVE
Medical Marijuana Production and Dispensary Facilities, Added to use table and definitions, removed moratorium Brew Pubs - Added to use table and definitions	Effective 12-15-2015
Section 3.3 – Multi-Family Zone repealed; Section 3.4 – Age-Restricted Cluster Housing Zone repealed; Section 3.5 – Workforce Cluster Housing Zone repealed; Section 3.6 – Designed Multi-Family (DMF) adopted; Sections 1.3.1, 2.1.10, 6.1, 9.6.2, and 9.6.4.5 updated references	Effective 1-15-2016
Section 7.9 – Rear Lot Requirement amended regarding access	Effective 2-1-2016
Section 7.5.2 – Expiration of Permit (Earth Excavation)	Effective 5-15-16
Section 7.14 – Keeping of backyard poultry and beehives, and modifications to the keeping of horses.; Section 7.14-3(B) – Farm Stores and Section 10.2 – Definitions ("Connecticut Grown Products" and "Farm Products")	Effective 6-15-16, Revised Effective 4-1-26
Section 2.1.13 – Donation Bins Section 3.1.3 – Accessory Uses/Structures - Garages	Effective 10-1-16
Section 2.1 Ag Splits and First Cuts	Effective 07-15-17
Section 7.15 Alternative Energy – Solar (new section)	Effective 1-15-18
Section 7.9 Rear Lot Requirements (Remove residential only restriction)	Effective 2-15-18
Section 7.1 Accessory Apartments (remove 1-bedroom limitation and increase floor area of apt from 35% to 50% of floor area of primary or 1000 sf max)	Effective 4-15-18
Section 6.3.8 Temporary Signs – All Zones (repeal existing regulations and replace with new section)	Effective 4-15-18
Section 7.9 Rear Lot Requirements (exempt lots subject to permanent easement for farmland preservation)	Effective 12-30-2018
Table 4.1 – Permitted Uses & Uses Requiring Special Permit – Commercial & Industrial Zones – Revised table	Effective 03-15-2019
Section 6.3 Signs (repeal existing regulations and replace with new section)	Effective 7-1-2019
Section 7.1 Accessory Apartments (add 2-bedroom limitation)	Effective 7-1-2019
Section 6.3 Signs (Add 6.3.7 B – Changeable Electronic Fuel Pricing)	Effective 3-15-2020
Section 6.5 – Sidewalks & Fee in-Lieu of Sidewalks	Effective 11-01-2020
Section 7.14.3 D Farm Brewery, Cidery, Distillery and Winery	Effective 12-01-2020
Section 6.6 Access Management	Effective 4-01-2021
Section 2.1.10 Highway Clearance Setback (Update Street listing)	Effective 5-01-2021
Section 3.1.2 Residential Uses, Table 6.2.3 Off Street Parking Requirements, Section 7.1 Accessory Apartments and Section 10.2 Definitions	Effective 9-01-2021
Section 7.16 Cannabis Establishment Moratorium and Section 10.2 Definitions	Effective 10-01-2021, Revised Extended to 04-30-2023
Section 3.1.3 Accessory Uses/Structures to allow storage sheds as permitted principal	Effective 03-03-2022
Section 6.3.7(B) Detached electronic fuel price signs in C, PC, I and IP Zones (Moratorium was in effect 3-3-2022 thru 1-2-2023.)	Effective 01-03-2023
Sections 4.3.2, 6.3.9 and 6.3.10 Lighting & Signs	Effective 01-01-2023
Section 4.1 and Section 10.2 Prohibit licensed medical marijuana and adult cannabis production and dispensary facilities pursuant to Public Act 21-1.	Effective 03-31-2023
Section 6.2.5 – Location of Parking Facilities	Effective 07-01-2023
Section 7.14.3 – Agricultural Special Permit Uses, Section 3.1 – Permitted Uses in Residential Zones, Section 4.1 – Permitted Uses in Commercial and Industrial Zones and Article 10 Definitions	Effective 11-15-2023
Section 7.15.7 – Alternative Energy-Solar-Ground-Mounted Primary Use and Other – All Zones	Effective 11-15-2023
Section 3.1.3 Accessory Uses/Structures, Section 4.1 Permitted Uses and Article 10 Definitions for Child Care Center, Family Care Home and Group Care Home	Effective 12-30-2023
Section 6.4.5, and 6.4.6 updates, New Section 6.7, 10.2 Definitions	Effective 07-01-2025
Section 3.6.6(5) Allow on average 2.2 bedrooms per unit for age restricted developments	Effective 09-15-2025

ARTICLE 1 INTRODUCTION

Section 1.1 Purpose

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

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

Section 1.2 Implementation

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

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

Section 1.3 Zoning Districts

1.3.1 Zoning Districts Enumerated

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

Residence Districts	
Residential Zone	R
Rural Agricultural / Residential Zone	RAR
Lake Residence Zone	LR
Designed Multi-Family Zone	DMF
Multi-Family Residence Zone	MF

Business Districts	
Commercial Zone	C
Planned Commercial Zone	PC

Industrial Districts	
Industrial Zone	I
Industrial Park Zone	IP

Flood Plain	
Flood Plain District	FP

1.3.2 Zoning Map and Boundaries

A. The boundaries of these zones are established as shown on the Zoning Map, Ellington, Connecticut, effective on August 2, 1968, as it may be AMENDED from time to time, and filed in the office of the Town Clerk of Ellington, Connecticut, which map is part of these regulations, whether or not bound with them.

1. For purposes of these regulations and unless otherwise indicated on the Zoning Map by fixed lines or dimensions, the boundaries are either street lines, street lines extended, property lines, waterways or lines drawn parallel to the center line of the street and dimensioned as to depth.
2. Where boundaries are streets, street or railroad rights of way or waterways, the boundary of the zone is the center line of the right of way or waterway.

B. The boundaries of the Flood Plain District are shown on the Ellington Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Map as the same exist or may be AMENDED from time to time by the Federal Emergency Management Agency.

ARTICLE 2 GENERAL REGULATIONS

Section 2.1 General Requirements

2.1.1 Zoning Compliance

A. Every building or structure hereafter erected, reconstructed, structurally altered, enlarged or moved, and every building, structure, premises or land used, rearranged, designed or intended for any use shall be so built or used only as is permitted in the zone in which such building, structure, land or use is located.

B. No conveyance of land shall be made that creates a non-conforming structure or lot or reduces the remaining land below the minimum area, frontage and yard requirements of the zone in which said land is located.

1. Maps to be filed on the Ellington Land Records conveying land for agricultural purposes shall be approved by the Planning Department prior to recording in order for the property owner or other person to demonstrate that such conveyance is in compliance with Connecticut General Statutes Section 8-18, and shall be subject to the following standards:

   a. Maps shall be A2 surveys provided by land surveyors licensed in Connecticut.

   b. Maps shall reflect the following statement prior to filing on the Ellington Land Records:

NOT A SUBDIVISION, per Connecticut General Statutes Section 8-18; Division of land depicted on map is for agricultural purposes and without demonstrating suitability for development. Subject lot not approved pursuant to C.G.S. Section 8-25 Subdivision of land, and any future division, development, or use, unless otherwise exempt, is subject to all applicable statutes, regulations, and required approvals for the development of the subject lot for a dwelling or structure, or for the lot's use.

2. Maps to be filed on the Ellington Land Records dividing a parcel into two parts for the purpose, whether immediate or future, of sale or building excluding development for municipal, conservation or agricultural purposes, shall be approved by the Planning Department prior to recording and shall be subject to the following standards:

   a. Maps shall be A2 surveys provided by land surveyors licensed in Connecticut.

   b. The landowner shall provide to the Planning Department a deed history and legal opinion from an attorney licensed in Connecticut determining that the division of the parcel is exempt from subdivision as defined pursuant to Connecticut General Statutes Section 8-18.

   c. Maps shall reflect the following statement prior to filing on the Ellington Land Records:

NOT A SUBDIVISION, per Connecticut General Statutes Section 8-18; Division of land depicted on map constitutes the first division of the parcel, is exempt from subdivision, and is done without demonstrating suitability for development. Lot not approved pursuant to C.G.S. Section 8-25 Subdivision of land, and any future division of land, unless otherwise exempt, is subject to all applicable statutes, regulations, and required approvals, for the development of the subject lot for a dwelling or structure, or for the lot's use.

C. All structures and uses of land shall comply with the Area and Yard Requirements; Off-Street Parking and Loading Requirements; and the regulations governing signs.

D. All uses not specifically permitted are prohibited.

2.1.2 Lots of Record

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

2.1.3 Private Property Driveways

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

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

2.1.4 Increase in Area and Yard Requirements

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

2.1.5 Front Yards on Corner Lots

Requirements for front yards shall be enforced on both streets.

2.1.6 Visibility at Corners

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

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

2.1.7 Construction in Required Yards

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

2.1.8 Through Lots and Corner Lots

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

2.1.9 Measurement of Required Yards on Irregular Lots

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

2.1.10 Highway Clearance Setback

A. In order to protect the property owner from possible future highway widening, all required front yard depths for all zones shall be computed as the distance specified in the appropriate tables (Residential Minimum Yard Setbacks Section 3.2.3, Designed Multi-Family – Dimensional and Area Standards Section 3.6.6, or Commercial and Industrial Lot Area, Width & Yard Requirements Table 4.2.) plus a distance for the specific streets as follows:

1. Arterial Streets include: Connecticut Routes 30, 32, 74, 83, 140 and 286. Along these streets increase front yard setback by 25 feet.
2. Collector Streets include: Abbott Road, Middle Road, Frog Hollow Road, Pinney Road, Windsorville Road, Job's Hill Road, Tomoka Avenue, Hoffman Road, Tolland Turnpike, Ellington Avenue, Pinnacle Road, Muddy Brook Road, Meadow Brook Road, and Lower Butcher Road. Along these streets increase front yard setback by 20 feet.
3. Along Egypt Road, Buff Cap Road, Shenipsit Street, Burbank Road and Mountain Street increase front yard setback by 15 feet.
4. All other streets are Local Streets and require a front yard setback as indicated in the appropriate tables (Residential Lot Area, Width & Yard Requirements Table 3.2.3, Designed Multi-Family – Dimensional and Area Standards Section 3.6.6, or Commercial and Industrial Lot Area, Width & Yard Requirements Table 4.2.), unless otherwise specified in these regulations.

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

2.1.11 Elevation of Foundation

A. Wherever possible, foundations should be designed so that the top, measured at the center of the building, is 2 feet or more above the center of the road. The Zoning Enforcement Officer shall refuse to issue permits unless this is done.

B. Where the slope of the land is away from the road and this makes compliance with sub-paragraph (1) impractical, a permit may be issued at a lower elevation provided the owner includes upon his application a drainage plan, existing or to be constructed by the owner at his expense and as part of the required construction under the permit, which will insure that surface water from the road and adjacent lots will be carried away from the proposed building and into suitable areas.

2.1.12 Unregistered Vehicles Requirements

A. The keeping of two or more ungaraged unregistered motor vehicles in any zone shall require a Special Permit.

B. In considering the Special Permit application, the Planning and Zoning Commission shall be guided by the location of vehicles (permitted in rear yard only), number of vehicles, screening from public view and purpose of keeping vehicles.

2.1.13 Donation Bins *(Section Added 9-26-16, Effective 10/1/16)*

A. Bins may be located in commercial or industrial zones.
B. Bins shall not be located on lots 40,000 square feet or smaller.
C. Bins shall not be located in any residential district unless on a lot with a permitted non-residential primary use and on a lot 40,000 square feet or larger.
D. Bins shall not be located in a front yard setback.
E. Bins shall not be located in parking spaces.
F. There shall be no more than one bin per property.
G. Bins shall be routinely emptied and at no time shall there be any item visible from the exterior of a bin.
H. Bins shall be in good repair at all times or shall be immediately removed from premises.
I. Bins shall be in compliance with C.G.S. §21a-430. Donation Bins.
J. Bins found in violation of this section shall be immediately removed from premises.

2.1.14 Accessory Uses

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

2.1.15 Separability

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

2.1.16 Conflicting Regulations

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

Section 2.2 Non-Conforming Uses of Land & Structures

2.2.1 Continuance of Non-Conforming Structures or Uses

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

2.2.2 Replacement of Non-Conforming Buildings or Structures

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

2.2.3 Change of Non-Conforming Use

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

2.2.4 Abandonment of Non-Conforming Use

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

2.2.5 Non-Conforming Lot of Record

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

2.2.6 Completion of Existing Buildings

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

ARTICLE 3 RESIDENTIAL ZONES

Section 3.1 Permitted Uses

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

P	Permitted Use

SP	Use Allowed by Special Permit

3.1.1 AGRICULTURAL USES (See Section 7.14)	Rural Agricultural / Residential	Residential	Lake Residential
1. Agricultural Related Uses *(Added 10-30-2023, Effective 11-15-2023)*	**SP**	**SP**	**SP**
2. Farm Stand, seasonal	**P**	**P**	**P**
3. Farm Store	**SP**	**SP**	**SP**
4. Farm Brewery, Cidery, Winery, Distillery *(Added 11-23-2020, Effective 12-1-2020)*	**SP**	**SP**	
5. Horse Boarding / Riding Arena	**SP**	**SP**	**SP**
6. Related & Agricultural Uses	**SP**	**SP**	**SP**
7. Dormitories for farm help accessory to an agricultural operation in Ellington	**SP**		

3.1.2 RESIDENTIAL USES	Rural Agricultural / Residential	Residential	Lake Residential
1. Dwelling - One single family detached dwelling on one lot	**P**	**P**	**P**
2. Dwelling – Two-family on a lot of record		**SP**	
3. Dwelling - Conversion of pre-1950 dwelling to multi-family (Lot area 30,000 sq ft minimum plus additional 5,000 sq ft for each family in building; fire escapes and outside stairways to be located on rear of building and away from view from streets where practical; must maintain one-family dwelling overall appearance.		**SP**	
4. Accessory apartment in accordance with Section 7.1	**P**	**P**	**P**

3.1.3 ACCESSORY USES / STRUCTURES	Rural Agricultural / Residential	Residential	Lake Residential
1. Garages for 3 cars or less per family unit	**P**	**P**	**P**
2. Garages (attached) for more than 3 cars per family unit	**SP**	**SP**	**SP**

3.1.3 ACCESSORY USES / STRUCTURES	Rural Agricultural / Residential	Residential	Lake Residential
3. Garages (detached) for more than 3 cars per family unit	**SP**	**SP**	**SP**
4. Garages (total) attached and detached for more than 6 cars per family unit	**SP**	**SP**	**SP**
5. Horses subject to the conditions of Section 7.14	**P**	**P**	**P**
6. Home occupations in compliance with Section 7.7 – Home Occupations	**P**	**P**	**P**
7. Home occupations NOT in compliance with Section 7.7	**SP**	**SP**	**SP**
8. Bed-and-breakfast operations subject to the conditions of Section 7.2	**SP**	**SP**	**SP**
9. Storage Shed (1)	**P**	**P**	
10. Family Day Care Home	**P**	**P**	**P**
11. Group Day Care Home	**P**	**P**	**P**

3.1.4 COMMUNITY / INSTITUTIONAL USES	Rural Agricultural / Residential	Residential	Lake Residential
1. Public parks	**SP**	**SP**	**SP**
2. Playground, recreation area, athletic field or expansion	**SP**	**SP**	**SP**
3. Public beach			**SP**
4. Public schools with building coverage of 30 percent allowed by granting of a Special Permit	**SP**	**SP**	**SP**
5. Private schools and colleges including dormitories and acc. buildings	**SP**	**SP**	**SP**
6. Churches and similar places of worship, parish houses, convents, monasteries	**SP**	**SP**	**SP**
7. Community buildings and other public buildings	**SP**	**SP**	**SP**
8. Cultural, Educational Center	**SP**	**SP**	**SP**
9. Cemeteries	**SP**	**SP**	
10. Hospitals, convalescent homes and nursing homes	**SP**	**SP**	

3.1.5 OTHER USES	Rural Agricultural / Residential	Residential	Lake Residential
1. Commercial camp, club and clubhouse, including accessory building, structures and uses.			**SP**
2. Golf course (9-hole, 18-hole, par-3), public or private, including clubhouse, swimming pool, tennis courts and other sports.	**SP**	**SP**	
3. Community fairs under local sponsorship	**SP**	**SP**	
4. Communication tower, subject to the restrictions and conditions of Section 7.3	**SP**	**SP**	
5. Airplane landing fields and landing strips.	**SP**		

(1) A single storage shed is permitted without the presence of a principal building, structure, or use, when 1) the storage shed is located on property in the rural agricultural residential or residential zones, 2) the storage shed is located on a parcel that is 3 acres or more in size, 3) the storage shed is 300 square feet or less in size, 4) the storage shed has only one story, and 5) the storage shed lacks public utility connections, well water, or a septic system.

Section 3.2 Density Limitation & Lot Requirements

3.2.1 Density Limitation *(Amended Effective 2/15/2012, adding "purpose" and clarifying lot size and width minimums when applying the formula.)*

A. Purpose

The purpose of this section is:

1. Encourage permanent preservation & protection of open space, greenway connections, scenic vistas, agricultural lands, forest lands, water quality and other cultural, historical or natural resources, which has an overall effect of increasing land values;
2. Facilitate the construction of streets, utilities, building sites and public services in a more economical and efficient manner with reduced maintenance costs;
3. Provide wildlife corridors connecting open spaces and protecting wildlife habitat;
4. Provide land for active recreation where needed;
5. Reduce demand for public-funded green space and providing means for expanding public trails and greenways.

B. Density Limitation Formula

The maximum number of lots permitted in a subdivision is determined by multiplying the developable area of the parcel of land (in acres) by the density factor for that zone. No parcel of land or lot shall have the density factor reapplied once the maximum lot yield has been reached for the original parcel of land that existed as of July 15, 2011. A fractional remainder shall be "rounded up" if the product of the calculation is above 0.50 lots. A data table shall be included on the subdivision plans showing total acreage, density factor, open space (Fee-in-lieu-of open space at commission's discretion), developable acreage, lot yield, and remaining land provision acreage (if desired by applicant).

The Planning and Zoning Commission strongly recommends that the applicant participate in a pre-application meeting with town staff to discuss the conceptual aspects of the proposed development including storm water infrastructure and associated technical reporting and to prepare and present a conceptual plan, or its equivalent. Town staff suggestions shall not be deemed to constitute approval of any portion of the application.

The requirements in the following table are the density factors for each zone:

	Residential	Agricultural / Rural Residential	Lake Residential
1. Maximum Density (lots per acre of developable area) [(1)]	0.6	0.5	0.6

(1) Exceptions To The Density Limitation

a. A division of property that is exempt from "Subdivision" or "Re-subdivision" regulations, as defined by the Connecticut General Statutes, is exempted from this density limitation.

b. A subdivision of a property which, in the absence of the density limitation, would result in four (4) lots or less is exempted from the density limitation. This potential exception shall not apply to resubdivisions or to properties that may be further subdivided in the future.

3.2.2 Lot Requirements

	Residential	Rural Agricultural / Residential	Lake Residential
1. Minimum Lot Size – Single-family (square feet) [(1)]	40,000	40,000	25,000 with public water and public sewer, 40,000 Otherwise
2. Minimum Lot Size – Two-family (square feet)	60,000	n/a	n/a
3. Minimum Lot Width (feet) [(1)]	100	125 with Septic / 100 with Community Septic	100

(1) Under the density limitation formula only and provided that soil suitability is sufficient enough to allow a reduction in lot size for an onsite sanitary system or has access to public sewers, the following shall apply:

a. Lot size may be reduced but not less than 32,000 square feet.

b. Lot frontage may be reduced but not less than 75 lineal feet measured at the front property line.

In addition to the above requirements, each lot in an area not serviced by public servers shall contain land suitable for the structure and for an individual septic system (if not a community septic system) compliant with the current State of Connecticut Public Health Code and the current technical standards for subsurface sewage disposal systems. Depending upon individual lot soil conditions, lot sizes may need to be increased above the minimum specified in order to comply with the same. In areas with soil conditions rated as "excellent" in accordance with the Tolland County Soil Survey (NRCS, as amended) for septic systems, consideration of community septic systems is highly encouraged.

3.2.3 Minimum Yard Setbacks

	Residential	Rural Agricultural / Residential	Lake Residential
1. Front Yard (feet) [(1)]	35	35	35
2. Side Yard (feet) [(1)]	10	10	10
3. Rear Yard – Principal Building (feet)	25	25	10
4. Rear Yard – Accessory Building (feet)	10	10	10

(1) Where an existing building legally exists within the front or side yard setbacks either by way of variance or as an existing nonconforming building, any addition or accessory structure to the rear of the principal building that will not encroach within the front or side yard setback requirement any closer to the property line than the existing principal building may be permitted by way of a zoning permit. *(Added 8-23-10, Effective 9-7-10)*

3.2.4 Building Height & Lot Coverage

	Residential	Rural Agricultural / Residential	Lake Residential
1. Maximum Building Height (feet)	38	38	38
2. Maximum Lot Coverage (percent)	25%	25%	25%

Section 3.3 Multi-Family Zone Purposes & Standards (Repealed)

This section was repealed effective January 15, 2016. Please see Section 3.6.

Section 3.4 Age-Restricted Cluster Housing Zone (Repealed)

This section was repealed effective January 15, 2016. Please see Section 3.6.

Section 3.5 Workforce Cluster Housing Zone (Repealed)

This section was repealed effective January 15, 2016. Please see Section 3.6.

Section 3.6 Designed Multi-Family (DMF) Zone *(effective 1-15-16)*

3.6.1. Purpose

1. The Designed Multi-Family (DMF) Zone is intended to:
    a. Provide for a variety of housing types in Ellington in order to help meet the housing needs of a diverse population.
    b. Create high-quality developments capable of sustaining long-term value.
    c. Promote project designs that provide opportunities for healthy living, enhance and protect open spaces, natural resources and features, and other elements of the Town's rural character.
    d. Help achieve the goals and objectives of the Town's Plan of Conservation and Development.
    e. Allow the Planning and Zoning Commission to effectively manage the number and type of multi-family housing units to maintain an appropriate housing balance in the community.
2. Since the intent of the DMF Zone is to provide flexibility in design standards in order to achieve important public objectives, the DMF requirements shall prevail in the event of conflict with any other provisions of the Zoning Regulations.

3.6.2. Overall Procedure

Development in a DMF Zone shall occur via the following procedure:

1. A DMF Zone shall be established and represented on the Zoning Map after approval by the Commission of:
    a. a petition for a zone change processed in accordance with Section 8.1;
    b. concurrent approval of a conceptual site plan. The content of conceptual plans shall be guided by the requirements of Section 3.6.12 and the DMF regulations.

2. After approval of a zone change and conceptual site plan, an applicant may petition the Commission for approval of a special permit and final site plan to authorize development of the site.
3. No special permit shall be issued for a development within the DMF Zone unless the Commission finds that the development plan:
   a. meets all of the standards of these regulations;
   b. is consistent with the conceptual site plan approved as part of the zone change application, and
   c. considers the advisory report from the Design Review Board (DRB).
4. Potential applicants for DMF project approval are strongly encouraged to meet with Town staff for guidance prior to making a formal application.

3.6.3. Locational Requirements

A DMF Zone shall only be established where the Commission finds that the proposed location:

1. Is in accordance with the Plan of Conservation and Development,
2. Is consistent with the purposes of these regulations,
3. Will be served by public sewer,
4. Will be served by public water, and
5. Has frontage on a collector or arterial street (See Section 3.6.6) and will be served by a direct driveway connection to such collector or arterial street by way of fee simple ownership; or, when presented as part of a master plan, direct driveway connection to such collector or arterial street is provided by permanent deeded easement.

3.6.4. Permitted Principal Uses and Structures

1. Single family detached units.
2. Single family attached units.
3. Buildings containing multiple dwelling units.
4. A multi-family development in existence or as approved by the Commission as of January 15, 2016.
5. A single-family dwelling on a separate lot and in existence as of January 15, 2016.

3.6.5. Permitted Accessory Uses and Structures

1. Clubhouse or similar form of community facility for the purposes of community association meetings, recreation, or for similar purposes for the exclusive use of project residents and their guests.
2. Tennis courts, swimming pools, and other similar common recreational elements for the exclusive use of project residents and their guests.
3. Other accessory uses or structures which, in the Commission's sole judgment, are customarily associated with common interest residential communities, multi-family developments, assisted living facilities or elderly housing developments, that are clearly subordinate and incidental to principal residential uses.
4. Family and Group Day Care Homes.

3.6.6. Dimensional and Area Standards

1. Minimum Parcel Area If a development includes a mix of attached and detached units, then a minimum of ten (10) acres of contiguous land shall be provided.	Five (5) acres of contiguous land for attached units; Ten (10) acres of contiguous land for detached units;
2. Minimum Frontage	200 feet
3. Maximum Units per Acre (buildable land equals total parcel area minus wetlands, watercourses, one-hundred-year floodplain, and areas over thirty-percent slope). Assisted living facilities are not limited to units per acre; rather, density is based on floor area and common space requirements.	4.0 units per acre of buildable land unless otherwise specifically stated herein
	5.0 units per acre of buildable land if all units have at least a one car garage which is a minimum of 12' x 20' (garage units)
	6.0 units per acre of buildable land if all units have at least a one car garage which is a minimum of 12' x 20' (garage units) and at least 20 percent of the units are deed-restricted in perpetuity as "workforce housing" units as provided in Section 3.6.7 of these regulations
	15.0 units per acre of buildable land if the units are restricted as "elderly" units as provided in Section 3.6.9 of these regulations
	85,000 square feet of gross floor area if units are restricted as "assisted living" as provided in Section 3.6.8 of the regulations
4. Maximum Units per Building	10 units per building except for assisted living facilities and elderly housing developments
5. Average Bedrooms Per Unit (as interpreted by the Commission, any room that can be easily converted to a bedroom like a library, office, den, study, studio, loft or other similar space shall be considered a bedroom)	1.75 bedrooms per unit except that "workforce" units as provided in Section 3.6.7 of these regulations may average 2.25 bedrooms per workforce unit, and "age-restricted" developments as provided in Section 3.6.10 of these regulations may average 2.2 bedrooms per unit.
6. Maximum Building Height (See definitions)	32 feet for detached units or 2.5 stories; 38 feet for attached units or 2.5 stories; 45 feet for assisted living facilities or 3.0 stories;
7. Maximum Building Coverage	20% of the buildable land if built at 4.0 units per acre of buildable land; 25% of the buildable land if built at 5.0 units per acre of buildable land; 30% of the buildable land if built at 6.0 units per acre of buildable land; 35% of the buildable land if an assisted living facility or elderly housing development;

8. Building Setback - Minimum Front Yard from a public street	35 feet for detached units and subject to 2.1.10 Highway Clearance Setback
	125 feet for attached units
9. Building Setback – Minimum Side and Rear Yard	35 feet for detached units
	50 feet for attached units when adjacent to another multi-family use or a commercial use or an industrial use
	100 feet for attached unit buildings when adjacent to a single-family residential use or single-family residential zoning district
10. Parking Setback - Minimum Front Yard from a public street	35 feet for detached units; 100 feet for attached units;
11. Parking Setback - Minimum Side and Rear Yard	50 feet to any residential use or zone boundary; 25 feet when adjacent to another multi-family use or a commercial use or an industrial use;
12. Minimum Building Setback from Interior Drive	25 feet; excluding carport drop-off and loading areas as approved by the Commission
13. Minimum Building Setback from Interior Surface Parking Area	10 feet (except for a garage space or entry)
14. Minimum Building Separation	20 feet from any portion of building including overhangs, chimneys, hatchways, bay-windows, etc.
15. Minimum Floor Area (Measured from exterior wall dimensions. As interpreted by the Commission, any room that can be easily converted to a bedroom like a library, office, den, study, studio, loft or other similar space shall be considered a bedroom)	Unless otherwise specifically provided herein: 700 square feet for a studio or one-bedroom unit; 1,000 square feet for a two-bedroom unit; 1,200 square feet for a three-bedroom unit; Assisted Living: 400 square feet for a studio unit; 500 square feet for a one-bedroom unit; 800 square feet for a two-bedroom unit; Elderly Housing: 600 square feet for a one-bedroom unit;
16. Minimum Landscaped Front Yard	50 feet in depth for the entire width of the lot for attached unit developments or assisted living; 25 feet in depth for the entire width of the lot for detached unit developments or elderly housing;
17. Minimum Landscaped Buffer Strip Side Yard	25 feet in depth for the entire length of the lot; or, 15 feet in depth for the entire length of the lot when adjacent to another multi-family use or commercial use or an industrial use. Due to existing vegetation or topographic conditions, the Commission may determine that side yard landscaped buffer strips are unnecessary.

18. Minimum Landscaped Buffer Strip Rear Yard	25 feet in depth for the entire width of the lot; or, 15 feet in depth for the entire width of the lot when adjacent to another multi-family use or commercial use or an industrial use. Due to existing vegetation or topographic conditions, the Commission may determine that rear yard landscaped buffer strips are unnecessary.

3.6.7. Workforce Housing Provisions

To increase the types of available housing, with emphasis on market rate and moderately priced privately developed common interest communities, the Commission may authorize an increase in density pursuant to Section 3.6.6.3 when a project will be developed as a "workforce housing development" in accordance with these regulations and the following provisions.

1. Applicable Definitions

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

b. Incentive Housing Restriction – A deed restriction constituting a binding obligation with respect to the restrictions on household income, sale price, and housing costs in accordance with the Connecticut General Statutes, as amended.

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

d. Workforce Housing Development – A residential development that is located within the Ellington DMF Zone that contains not less than twenty percent (20%) of the dwelling units that will be conveyed subject to an Incentive Housing Restriction requiring that such dwelling units shall be sold at, or below, prices which will preserve the units as housing for which Eligible Households pay thirty percent (30%) or less of their annual income on housing costs, where such income is less than or equal to eighty percent (80%) of the median income in accordance with the Connecticut General Statutes, as amended.

e. Workforce Housing Unit - A dwelling unit that is within a Workforce Housing Development that is subject to an Incentive Housing Restriction.

2. Applicable Requirements

a. Not less than 20% of all the dwelling units constructed in a Workforce Housing Development shall be a Workforce Housing Units. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next higher whole number.

b. Workforce Housing Units shall only be sold or rented to Eligible Households.

c. Each Workforce Housing Unit shall be subject to an Incentive Housing Restriction.

d. All Incentive Housing Restrictions must include, at a minimum, the following:

i. A description of the Workforce Housing Development.

ii. An identification of the Workforce Housing Units.

iii. A requirement that only an Eligible Household may reside in a Workforce Housing Unit.

iv. The formula pursuant to which the maximum sale price of a unit will be calculated.

e. The purchase of a Workforce Housing Unit for investment purposes by an entity or an individual not intending to occupy the dwelling is prohibited, except that a nonresident family member may purchase up to one unit for a family member who will reside in the dwelling unit and otherwise comply with the requirements of this section.

f. No Workforce Housing Unit shall transfer unless the Zoning Enforcement Officer has issued a Certificate of Zoning Compliance finding that the provisions of this section have been satisfied.

g. An affordability plan in accordance with any requirements of the Connecticut General Statutes or the Regulations of Connecticut State Agencies shall be submitted with the application for a Special Permit for a DMF Workforce Housing Development. In addition to complying with state statute and state agency regulations, an affordability plan shall include the identity of the person, entity or agency responsible for administration of the affordability plan and its compliance with income and sale price limits, a fair housing marketing plan governing the sale of Workforce Housing Units, a description of the sequence in which Workforce Housing Units will be built and occupied and designation of Workforce Housing Units within the development.

h. Parking shall comply with Section 6.2.3, Number of Parking Spaces. When applicable, Section 6.2.4, Reduction of Parking Spaces may apply.

3.6.8. Assisted Living Provision

In order to meet senior housing needs in Ellington, the Commission may authorize an increase in density pursuant to Section 3.6.6.3 when a project will be developed as an "assisted living facility" in accordance with these provisions.

1. Applicable Definitions

a. Assisted Living Facility - A special combination of housing, support services, personalized assistance and some health and nursing care services primarily for people ages 62 or older that need help with instrumental activities of daily living in order to maintain a maximum level of independence.

b. Assisted Living Tenant - A person primarily 62 years or older that resides in an Assisted Living Facility.

c. Assisted Living Unit - A living environment belonging to an Assisted Living Tenant that includes no more than one or two bedrooms, one kitchen, and a full bathroom.

2. Applicable Requirements

In addition to meeting the standards within the DMF regulations, the following shall apply for Assisted Living Facilities:

a. Not less than ten percent (10%) of the maximum floor area (See Section 3.6.6.3) shall be dedicated as common space.

b. There shall be one (1.0) parking space for every three (3.0) bedrooms plus one (1.0) parking space for each employee on the largest shift.

3.6.9. Elderly Housing Provisions

In order to meet senior housing needs in Ellington, the Commission may authorize an increase in density pursuant to Section 3.6.6.3 when a project will be developed as an "elderly housing development" in accordance with the following provisions.

1. Applicable Definitions

a. Elderly Housing Development - Municipal housing primarily for the elderly, when sponsored by the Housing Authority of the Town of Ellington and financed by local, state or federal funds.

b. Elderly Housing – Housing primarily intended for persons 62 years of age or older, for handicapped or disabled persons 18 years and older or for veterans as prescribed by the Connecticut Department of Housing.

2. Applicable Requirements

In addition to the standards within the DMF regulations, the following shall apply for Elderly Housing Developments:

a. No unit shall have more than one (1) bedroom.

b. There shall be 0.75 parking spaces for every one unit plus 1.0 parking space for each on-site employee of the Ellington Housing Authority.

3.6.10. Age-Restricted Provisions

To increase the types of available housing, with emphasis on market rate, privately developed, common interest communities for empty nesters and seniors, the Commission may authorize an increase in density pursuant to Section 3.6.6.3 when a project will be developed as an "age-restricted housing development" in accordance with these provisions.

1. Applicable Definitions:

Age-Restricted Development – a housing development primarily for residents 55 years of age and older and in compliance with this section.

2. Applicable Requirements:

a. Each housing unit shall be occupied by:

i. At least one individual who is age 55 years or older.

ii. A spouse or other occupant who must be age 18 or older.

iii. An occupant pursuant to Section 3.6.10(2)(a)(ii) who has survived the individual in Section 3.6.10(2)(a)(i) and who has an ownership interest in the dwelling.

iv. Any occupant pursuant to Section 3.6.10(2)(a)(ii) who has an ownership interest in the dwelling and where the individual in Section 3.6.10(2)(a)(i) has entered into a long-term continuing care facility.

b. One child 18 years or older may reside with his or her parent(s).

c. The purchase of a dwelling unit for investment purposes by an entity or an individual not intending to occupy the dwelling is prohibited, except that a nonresident family member may purchase up to one unit for a family member who will reside in the dwelling unit and otherwise comply with the requirements of this section.

d. The management shall verify annually by January 31st to the Zoning Enforcement Officer that the Age-Restricted Development is in compliance with the occupancy requirements of this section.

e. Age-Restricted units shall have deed restrictions which shall be filed in the land records of the Town of Ellington limiting occupancy as required above.

f. Parking shall comply with Section 6.2.3, Number of Parking Spaces. When applicable, Section 6.2.4, Reduction of Parking Spaces may apply.

3.6.11. Site Development Standards

Any DMF development shall comply with the following standards and requirements:

1. Landscaping and Buffering

a. All front, side and rear yards shall be planted with a mixture of evergreen and deciduous trees and shrubs, or preserved in a natural state, and shall be maintained in perpetuity so as to protect

adjacent properties and present a reasonably opaque, natural barrier to a minimum height of ten feet. A combination of earthen berm and plantings may be used to achieve 10' minimum height requirements, and when planted and pruned all evergreens shall have a minimum height of 6'.

b. The areas between residential units shall be landscaped, graded and otherwise designed to provide privacy for homeowners without sacrificing the ability to maintain the units.

c. Walls, fences, hedges or other elements may be provided or required to assure that each living unit has some exterior limited common area for the exclusive use and benefit of the unit owners.

d. The area between drives, parking areas and buildings shall be graded, landscaped and otherwise improved in accordance with the landscape and streetscape requirements noted herein.

e. Parking areas for more than three cars shall be screened and landscaped.

f. For all projects, a detailed landscaping plan shall be prepared by a Registered Landscape Architect in compliance with these regulations.

g. Along all interior streets deciduous street trees shall be provided, located no more than 50 feet on center and a minimum of eight feet high and 2 1/2 inches in caliper after planting and pruning.

h. Where possible, existing trees shall also be retained and incorporated into the project design, if they help achieve DMF regulations.

i. Landscaping shall also be used to screen refuse collection areas, utility cabinets, recreational trails and other miscellaneous items.

j. In the Commission's sole discretion, decorative fences, screen walls or other methods may be selectively allowed for screening, if they help achieve DMF objectives.

k. Screening designs shall reflect the same quality and variety provided in other areas of the project.

2. Green Space

a. A minimum of twenty percent (20%) of the total parcel area shall be dedicated in perpetuity as green space. Green space may include grassed areas and landscaped buffers.

b. Green space shall be an integral and fundamental component of the project purpose and design since the location, quality, extent, and long-term treatment of green spaces within the project are essential considerations in evaluating the project's acceptability.

c. The preservation of green space within the development is intended to accomplish one or more of the following objectives:

i. Protect or complement unique natural features, habitat or natural resources on the site or in the vicinity;

ii. Provide opportunities for passive recreation including trail systems and/or public access to natural areas on and/or adjacent to the project;

iii. Protect unique natural, historical, archaeological, cultural, and/or scenic features;

iv. Provide screening/buffers from adjacent streets and properties.

d. Green space may include non-buildable areas as defined in Section 3.6.6.3, but non-buildable areas shall not exceed 50% of the overall required amount of green space.

3. Pedestrian and Bicycle Movements

a. Within the proposed development, provisions acceptable to the Commission shall be made for pedestrian walkways (generally sidewalks).

b. In addition to internal pedestrian walkways, developments shall provide for concrete sidewalks of at least five feet in width along all public streets meeting the construction standards of the Town of Ellington.

c. Developments shall maximize opportunities for non-vehicular movement of people within and to adjoining properties.

4. Lighting

a. Floodlighting is not permitted. Any outdoor lighting shall be shielded and directed so that the light source or light from any signs or any fixtures shall not be seen at or beyond the property line or adjacent properties.

b. Project lighting shall be owned and maintained by the property owner and or the common interest community.

c. The maximum height of freestanding pole-mounted lights shall be 12 feet.

d. In general, foot-candle levels should not exceed those for rural areas, as prescribed by standards adopted by the International Dark Sky Association (IDSA).

5. Building and Roof Design

a. No part of a building of which the adjacent floor level is more than three (3) feet below grade, may be used for dwelling purposes.

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

c. Personal storage space shall be provided within the confines of each dwelling unit. No outside shed or storage bin shall be allowed for storage of personal items.

d. For-attached unit developments, exterior finishes shall include brick or stone accents or other architectural elements in order to vary the design of veneers of buildings.

e. Rooftop HVAC may only be permitted if properly screened in all directions. Antennas and other like miscellaneous structures shall not be located on roofs.

6. Signage

a. Each project shall be allowed entry signage where an access drive connects to a public street except that no project shall be permitted to have signs at more than two (2) entrances.

b. If the project has a center island at an entrance with a public street, one (1) low profile double sided sign may be placed in that island except that the Commission may allow for two signs integrated into landscape features such as stone walls to be placed on either side of that access drive.

c. Entry signs shall not exceed four (4) feet high by ten (10) feet wide and may be placed on a sign base made of natural stone, masonry, or approved like-materials.

d. The total height of the entry sign plus the approved sign base shall not exceed six (6) feet in height from the adjacent grade.

e. At a minimum, a five (5) foot area around the sign base shall be landscaped with ornamental plantings.

f. Entry signs, if illuminated, shall be illuminated by means of exterior lighting concealed from view and shall not be illuminated internally.

g. Project entry signs and related features shall not interfere with necessary sight lines, in order to accommodate safe stopping distances, given posted speed limits.

h. Maintenance of such signs and associated landscaping shall be the responsibility of the developer, unless and until, the responsibility is reassigned to a homeowner's association or similar management entity.

7. Interior Private Driveways and Parking

a. Projects shall be accessed via a main interior private drive or drives, and unit access shall not be taken directly to an existing public street.

b. Interior private drives to public streets shall be located in compliance with applicable sight line, grading, and other standards of the Zoning Regulations and as required by the Director of Public Works and the Town Engineer.

c. All interior drives shall be privately owned and maintained as a condition of DMF approval.

d. The paved width of interior private drives shall not be less than 24 feet except that the Commission may increase the width of interior private drives serving 20 or more units up to 28 feet wide.

e. Interior "streets" shall be provided with a graded and grassed snow shelf along the edge of pavement or curb line a minimum of six feet wide.

f. Surface parking shall be provided "off street" for all uses, in separate parking areas, unit garages, or in some combination of both.

g. The Fire Marshal may require emergency access points from abutting public streets into the project for the exclusive purposes of providing vehicular access for emergency vehicles.

8. Community Facilities

a. If a community facility building or recreation facility or similar amenity is proposed, such facility shall be constructed and issued a certificate of occupancy before issuance of a certificate of occupancy for any additional units beyond 50% of the total approved number of units.

9. Stormwater

a. Stormwater treatment and management shall reflect the current best management practices and shall include low-impact development approaches as promulgated by the State Department of Energy and Environmental Protection.

b. Each project shall be required to meet the Phase II NPDES stormwater requirements. In general and where approved by the Town Engineer, the use of curbless roads, swales, infiltration, and other like methods shall be preferred.

c. Stormwater retention ponds shall not be designed solely to collect and retain water for later release, but shall be graded and landscaped to be an integral design component of the project.

d. All stormwater systems shall be privately owned and maintained and such requirement shall be included in the project declaration.

10. Refuse

a. Refuse collection shall be under private contract.

b. All refuse containers shall be completely screened and located so as to provide sufficient access, as well as not to have negative effects on dwelling units or uses located on adjacent lands.

11. Utilities

a. All utilities shall be located underground, and sufficient easements or other rights shall be provided to applicable public utility companies as a condition of project approval.

b. Where deemed necessary by the Water Pollution Control Authority (WPCA), interior sewer lines may be required to be publicly owned and maintained.

c. Interior hydrants shall be provided in locations, amounts and design according to the Fire Marshal, including any conditions relating to the ownership and ongoing maintenance.

12. Property Maintenance

a. It shall be a condition of approval that all projects shall be maintained in perpetuity in accordance with the approved plans.

b. This shall include a provision allowing the Zoning and Wetland Enforcement Officer to access the site at all reasonable hours for the purposes of inspecting and noting any defects or failure to maintain the property as required.

3.6.12. Design Review Considerations

The applicant shall provide sufficient detail to demonstrate to the satisfaction of the Design Review Board (DRB) and the Commission that the design of all buildings and structures and the design of all site improvements and project features will meet high standards in terms of materials, finishes, durability and overall quality.

The intent of these requirements is not to limit creativity by defining detailed prescriptive standards, but to assure that the development will sustain its value over time, incorporate consistent design themes, take advantage of unique site attributes, and respect site constraints in an effort to accomplish the overall goals and objectives of the DMF.

1. Building Arrangement

a. Units should be designed and arranged in proper relationship to interior streets and care should be taken to design buildings in scale and proportion to the interior streets and surrounding areas.

b. The interior streetscape should function as an integral pedestrian amenity within the development.

c. Optimal building arrangement should vary by unit type, project size, abutting uses and lands, and the unique opportunities and constraints presented by a given project parcel and setting.

d. All projects should be designed to break up unit clusters and include components that create pedestrian-scaled concepts.

2. Building Footprints

a. Building footprints, especially for larger, multiple-unit formats, should be varied by avoiding long expanses of single-plane walls.

b. Applicants should use architectural features as integral design elements to satisfy the intent of avoiding long expanses of walls.

3. Building Walls

a. Building elevations and related elements should be well proportioned, with doors, windows and other features placed and scaled in appropriate rhythm.

b. Applicants should use natural materials, including masonry stone, wood clapboard, natural brick, or other like materials or vinyl siding with a mix of styles (i.e. shakes, clapboard, etc.)

c. Main colors should avoid bright palettes, although selective use of bold accent colors may be encouraged for trim or other decorative elements.

d. Period colors appropriate to a particular historic period are encouraged, where appropriate.

e. All units within a project should not be the same color, but proposed colors should be well distributed through the project and be compatible overall.

4. Roof Design

a. Roof design should be an important element of all proposed architecture.

b. Roofs should be pitched, and applicants are encouraged to include dormers, cupolas, multiple gables and varied gable orientation, and other treatments or decorative elements in order to create interest, break up extended rooflines, and avoid monotonous, single-plane roofs.

c. Views of and to roofs and rooftop HVAC units from within the project and from adjacent lands should be considered.

d. Roof surfacing should be high-quality architectural shingles or similar equivalent materials.

5. Community Facilities

a. Community facilities should reflect the same level of quality and consistency in design as other approved project elements.

6. Landscape and Buffers

a. Any project should be landscaped with a variety of natural areas, shade trees, evergreens, flowering trees, shrubs, perennials and lawn areas to demonstrate that landscaping is an integral component of the overall project design.

b. Where possible the project should be designed to take advantage of existing land topography or to mitigate for the lack of natural contours.

c. Where appropriate, landscape plans should include planted berms, stone retaining walls, or other elements intended to achieve functional or aesthetic objectives.

d. Each project should include well-designed entry features at all main access drives to public streets, consistent with the overall project design theme.

e. Foundation plantings consisting generally of decorative flowering shrubs, perennials, ornamental grasses and like materials, located within landscaped beds surfaced with natural wood chips, shredded bark or other approved natural material, should be provided for all residential units and community buildings.

7. Lighting

a. Project lighting for streets, parking areas, community facilities and other uses should be the minimum necessary to provide safe and sufficient all-season lighting.

b. Since all lighting will be private, applicants should provide decorative lighting designs, as opposed to standard street and other lighting typically used in public street and commercial applications.

c. Building-mounted lighting should be limited to the minimum necessary and should meet all applicable standards noted herein.

d. Decorative uplighting for aesthetic purposes may be permitted but should be limited to important focal points or features, such as project entry signage, project landscaping and similar accents.

3.6.13. Application Requirements

1. Zone Change and Conceptual Site Plan

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

a. Existing conditions plan for the subject property showing any buildings, structures, above- or below-ground utility locations, easements, site topography at two-foot intervals, inland wetlands and watercourses, floodplains, and land cover.

b. Computation of permitted and proposed density and unit mix.

c. Conceptual site plan drawn to a scale of no less than one inch equals 100 feet showing the following:

   i. Proposed access ways and internal roads;

   ii. Building locations;

   iii. Parking locations and sidewalks;

   iv. Common areas;

   v. Landscaped areas;

   vi. Community facilities, if applicable;

   vii. Utilities; and

   viii. Any additional information that the Commission may deem pertinent in order to evaluate the rezoning request.

d. General architectural renderings for all unit types and buildings including dimensions.

e. Use and compliance statement describing the proposed development and how the proposal complies with all DMF objectives and adopted Plan of Conservation and Development recommendations.

f. Green space and ecological report, describing in general the rationale for the proposed green space concept in terms of DMF goals, objectives, standards and requirements and the proposed design, location, functions, ownership and maintenance of the proposed green space areas.

g. A traffic report at a level of detail appropriate for the size of the proposed development addressing:

   i. existing conditions, average daily traffic (ADT), weekend and weekday a.m. and p.m. peak hour trips and Level of Service (LOS) and Volume-Demand-to-Capacity (V/C) ratios for all affected travelways and intersections,

   ii. the anticipated impact on these conditions from project trips at buildout,

   iii. measures proposed to mitigate project impacts,

   iv. the adequacy of available sight lines at any proposed access drive connections to public streets and measures proposed to correct any substandard conditions at the site drive(s), given posted and actual travel speeds at the location(s).

2. Special Permit and Final Site Plan

In addition to the requirements of Section 8.2 and Section 8.3, an application for a Special Permit and Final Site Plan approval shall be filed simultaneously and shall include the following materials:

a. Draft homeowner's declaration, if applicable, and covenants addressing ownership, maintenance and other issues regarding project green spaces and common areas and other concerns affecting project compliance with DMF requirements.

b. WPCA approval for sewer service.

c. Inland Wetlands approval, if applicable.

d. Evidence the applicants have all necessary rights and interests to accomplish the development as proposed (grading rights, easements, access rights, utility easements, etc.)

e. Written documentation from the Tax Collector that all tax payments are current.

f. Architectural plans drawn to scale and including floor plans for all proposed models depicting the uses of all interior spaces and exterior elevations for all sides of all unit types indicating proposed materials, colors, finish, lighting, signs, and other building features.

g. Phasing plans, including a grading and erosion control plan and narrative sufficient to meet the requirements of Section 6.4, Soil Erosion and Sediment Control, of these regulations.

h. Details for all site improvements and similar features.

i. Number plan for unit identification.

j. Detailed plans provided in plan view, cross section and profile for all interior streets and in plan view and cross-sectional views for all proposed surface parking areas.

k. Details of all stormwater-related systems, plans, data and mapping necessary for the Town Engineer to determine the sufficiency of the proposed system including the use of low-impact development approaches.

l. The location and construction and screening details related to refuse collection areas.

3.6.14. Approval Considerations

In acting upon a DMF application (zone change and concept plan, special permit, final site plan), the Commission shall consider whether the application adheres to Section 8.2 Site Development Plan Standards, Section 8.3 Special Permit Standards and Procedures, the above design standards and the following considerations:

1. Project Location. That the project location is appropriate in terms of access, existing and anticipated (by current zoning) abutting uses, neighborhood compatibility, and the ability to utilize the concept to achieve public objectives.

2. Principal and Accessory Uses. That all proposed principal and accessory uses are permitted and that accessory uses as proposed will complement and support the overall project and are sufficient in terms of location, amount, type and design.

3. Green Space. That green space locations and designs are an integral component of the project, and are consistent with the Plan of Conservation and Development and the goals and objectives of the DMF Zone.

4. Natural Resources. That the project design, as well as its ongoing operations and maintenance, will provide sufficient protection for natural resources, and will include any necessary mitigation, and that the project complies with any permit issued by the Inland Wetland Agency.
5. Pedestrian Facilities. That the design incorporates features that promote a pedestrian-scale community so as to assure that the living environment created will enhance the quality of life for unit owners, as well as long-term maintenance, safety and social well-being.
6. Historical/Archaeological/Cultural Resources. That the project protects and respects important affected resources by incorporating those resources into the project design or, where not feasible, by taking appropriate measures to document and memorialize such features for the benefit of future generations.
7. Overall Design. That building architecture and overall site improvements and amenities are of high quality, meet all applicable DMF requirements, and will sustain the project's value over time, such that the project adds to the long-term welfare of the overall community.
8. Exterior Streetscape. That appropriate, context-sensitive measures have been incorporated into the project's exterior streetscape in order to minimize the project's impacts, where appropriate, to enhance the existing built environment, blend into or otherwise be consistent with the existing landscape and generally add value to the community's "public space."
9. Interior Streetscape. That the interior streetscape provides a distinctly pedestrian-scale environment, conducive to active and passive recreation, walking, biking, chance social encounters, sitting, and other typical activities; that the interior streetscape promotes and encourages use of the public realm for these purposes; and that the design does not inhibit such activities through creation of a sterile, barren streetscape, devoid of interest, with excessively deep front setbacks and lack of porches, benches, or other amenities.
10. Landscape and Lighting. That project lighting and landscape have been designed in an intelligent and strategic manner, in order to add long-term value to the community, and consistent with the overall objectives of the DMF concept.
11. Traffic/Access. That safe and efficient access will be provided, including sufficient parking and that the development has been designed to achieve the overall pedestrian scale of the project, especially with regard to interior spaces.
12. Utilities. That adequate long-term provisions have been made to assure safe and sufficient utility services in accordance with the requirements of applicable authorities.

3.6.15. Additional Provisions

1. Following Planning and Zoning Commission approval of a DMF final site plan and special permit and as condition of said approval, applicants shall be required to satisfy the requirements of Section 9.6 - Post Approval.
2. The Zoning Enforcement Officer shall have the authority to approve the following minor changes to an approved final site plan for a DMF project provided any such changes comply with all applicable bulk requirements of the DMF regulation and are documented on final plans:
    a. minor changes in site grading necessary to adjust for field conditions,
    b. minor adjustments in building locations or orientations,
    c. minor changes in the location of incidental accessory features such as unit decks, stairs, or utility cabinets, or
    d. minor changes to address unique and unanticipated site conditions and for like purposes.

3. Other changes beyond the scope of these minor amendments (including, but not limited to, an increase in the number of approved units, changes to the approved unit types and designs, changes to the approved utility systems, changes to the approved interior circulation layout, changes to the approved landscape concept and plan, changes to the approved stormwater plan, or other similar changes that affect major elements of the project's original plan) shall only be approved by the Commission acting on a formal application for modification to site plan and special permit approval.
4. For a Common Interest Ownership project, until such time as the project ownership and maintenance converts to the homeowner's association, the project developer shall have total responsibility for compliance with all approval conditions and other requirements and such limitation shall be disclosed in the approved declaration.
5. Written notification of any sale by the project owner to another party shall be provided to the Town Planner within 30 calendar days of such closing. The Planner shall have the right to meet with any subsequent owners and review project requirements. All special permit conditions and site plan requirements shall transfer to any subsequent owner.
6. The project's governing documents shall in no way limit or encumber the Town from requiring specific performance under the terms of the approval or any related conditions, and the developer shall be obligated pursuant to the approvals to fully complete the project in accordance with said approvals.

ARTICLE 4 COMMERCIAL & INDUSTRIAL ZONES

Section 4.1 Permitted Uses and Uses Requiring Special Permit

The following uses are permitted in Commercial and Industrial Zones:

Table 4.1 Permitted Uses and Uses Requiring Special Permit				
P = Permitted Use, Site Plan Approval SP = Special Permit Blank= Not Permitted				
Uses	C	PC	I	IP
Agriculture [(1)] *[Amended 12-15-2010]*	P	P	P	P
Agriculture - Farm Stand - seasonal [(1)] *[Amended 12-15-2010]*	P	P	P	P
Agriculture - Farm Store [(1)] *[Added 11-22-2010, Effective 12-15-2010]*	SP	SP	SP	SP
Agriculture – Farm Brewery, Cidery, Winery, Distrillery *(Added 11-23-2020, Effective 12-1-2020)*	SP	SP	SP	SP
Agriculture - Horse Boarding / Riding Arena [(1)] *[Amended 12-15-2010]*	SP	SP	SP	SP
Agriculture - Related Uses [(1)] *[Amended 10-30-2023, Effective 11-15-2023]*	SP	SP	SP	SP
Amusement Enterprise	SP			
Auto, General Repairer License	SP	SP	SP	
Auto, Limited Repairer License	SP	SP	SP	
Auto, Truck, Airplane: Assembling & Remodeling			P	P
Auto, Truck, Boat, Vehicle (New & Used) Sales, and Service *(SP for IP Zone Added 1-7-08)*	SP	SP	SP	SP
Bicycle Racing Facility - Non-Motorized			SP	SP
Bottling Plant	SP		P	P
Brewery, Brew Pub, Distillery	SP	SP	SP	SP
Carpenter & Woodworking Shop	SP	SP	P	P
Child Care Center	SP	SP		
Community Buildings and other Public Buildings	P	SP	P	
Community Fairs under Local Sponsorship	P	P	P	
Contractor's Equipment - Sales and Storage	SP	SP	SP	SP
Entertainment, Transient (Local Sponsor) *(modified: 7-15-09)*	SP			

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

Table 4.1 Permitted Uses and Uses Requiring Special Permit				
P = Permitted Use, Site Plan Approval SP = Special Permit Blank= Not Permitted				
Uses	C	PC	I	IP
Plumbing Shop			P	P
Printing, Industrial			P	P
Public Garage, Bus, Taxi Service, Rentals	SP	SP	SP	SP
Public Parks, Playgrounds and Recreation Areas	P	P	P	P
Public Utility Garage and Similar Facilities.	SP	SP	SP	SP
Quarry, Rock Crushing	SP	SP	SP	SP
Radio and Television Antennas - Commercial (5)	SP	SP	SP	SP
Radio and Television Studios	SP	SP	SP	SP
Carpet Cleaning Establishment			P	P
Research and Development Facilities			SP	SP
Restaurants, Tavern, Entertainment, Liquor Permitted *(modified: 7-15-09)*	SP	SP		
Retail Business (8) *(Amended: 12-22-2006) (Amended 3-31-2023(9))*	SP	SP	SP	SP
Transfer Station (6)			SP	SP
Composting Facilities			SP	SP
School - Commercial, Vocational	SP	SP	SP	SP
Ship & Boat Building: Repair, Sale, Storage	SP	SP	SP	SP
Skydiving or Parachute Jumping (7)			SP	SP
Stone & Monument Works: Sale, Storage	SP		P	P
Storage yard for new lumber, building materials and related items.	SP	SP	SP	SP
Theater, Indoors in Building	SP	SP		
Veterinarian, Small Animal Hospital, Commercial Kennel	SP	SP	SP	SP
Warehousing, Storage	SP	SP	P	P
Wholesale, Business (8) *(Amended: 22 December 2006)*	SP	SP	SP	SP

Table 4.1 Permitted Uses and Uses Requiring Special Permit				
P = Permitted Use, Site Plan Approval SP = Special Permit Blank= Not Permitted				
Uses	C	PC	I	IP
[1] Subject to the restrictions and conditions of Section 7.14 [2] Subject to the restrictions and conditions of Section 7.3 [3] Bulk Storage – storage of more than 2,000 gallons aggregate intended for redistribution before it reaches a retail consumer. In conformity with applicable State and Federal regulations *(Amended: 9-25-09)* [4] Where articles are sold at retail on the premises, and where not more than five persons are employed in such manufacturing. Such manufacturing shall conform to requirements specified for Industrial Zones. [5] Must be located within property lines a minimum distance in all directions equal to the height of the tallest antenna. [6] Subject to the restrictions and conditions of Section 7.10 [7] At an airplane landing field or landing strip located in an I-Industrial Zone subject to the requirements of Section 8.3 of these regulations. In addition, the Commission may impose any other reasonable conditions with regard to skydiving or parachute jumping. Such special permit shall expire on the 30th day of June. [8] No individual retail or wholesale business establishment may exceed thirty thousand (30,000) square feet. The commission may, by vote of 3/4 of its members, increase the maximum store size up to sixty thousand (60,000) square feet not including mezzanines up to 10% of the total square footage, if the applicant meets the following criteria: additional buffering to sensitive areas, allows linkages to abutting properties where appropriate, and gives consideration to special architectural design. Furthermore, the language of this regulation shall not be construed to allow the same business entity to occupy space on opposite sides of a common wall so as to circumvent the intention of this regulation. *(Amended:12-22-2006)* [9] Cannabis establishments are prohibited and shall not be included under or deemed substantially similar to retail business, any use listed in Table 4.1, or pursuant to Section 4.1.1-Approval of Other Uses.				

4.1.1 Approval of Other Uses

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

Section 4.2 Area, Yard and Bulk Requirements

4.2.1 Lot Area, Width & Yard Requirements

Table 4.2.1 Lot Area, Width & Yard Requirements for Commercial/Industrial Zones

Zone	Lot Area (1)	Minimum Width(1)	Front Yard (2) (3) (5)	Side Yard (3)	Rear Yard (3)
C-Commercial	40,000 sq. ft.(4)	200 feet	100 feet	10 feet (6)	10 feet (6)
PC - Planned Commercial	3 Acres	300 feet	100 feet	10 feet (6)	50 feet (6)
I - Industrial	40,000 sq. ft.	200 feet	100 feet	10 feet (6)	50 feet (6)
IP - Industrial Park	4 Acres	200 feet	100 feet	10 feet (6)	50 feet (6)

(1) May be increased because of poor soil conditions, terrain limitations, etc.

(2) May be reduced to 50 feet along any roadway not designed as a collector road, arterial road or state highway.

(3) Accessory buildings shall conform to building line requirements for front, side and rear yards applicable to main building.

(4) With or without public sewers.

(5) Except gas pumps.

(6) 50 feet side and rear yard required where abutting residential property or zone, except if home occupation only.

4.2.2 Minimum Lot Size

A. Dwellings in Commercial and Industrial Zones shall be located on lots of the same area required in all residential zones.

4.2.3 Bulk Requirements

Table 4.2.3 Bulk Requirements

	Floor Single Level (1)	Building Height (See definitions)	Lot Cover
C-Commercial	2,500	38	60%
Planned Commercial	N/A	38	60%
I - Industrial	N/A	38	60%
IP - Industrial Park	N/A	38	60%

(1) All structural designs subject to zoning board approval.

Section 4.3 Commercial and Industrial Requirements

4.3.1 Planned Commercial Zones and Industrial Park Zones

A. Planned Commercial Zones and Industrial Park Zones may be designated on the Zoning Map or petitioned for in accordance with Article 8.

B. A permit is required together with a site plan of the development, whether in an established C-Commercial or I-Industrial Zone, or elsewhere in the Town, in conformity with Article 8 of these regulations.

C. In considering the proposed use the Commission shall be guided by the standards in Section 8.3 of these regulations.

4.3.2 Lighting

A. All lighting facilities planned to be installed during construction shall be detailed for the Commission as part of all plans of development and requests for permits for all commercial and industrial permits.

B. Lighting shall be located and directed so as not to shine or glare onto any public street or onto any adjacent property.

C. Permits or approvals given on the basis of plans submitted shall be tentative because of the great difficulty in evaluating plans without actually seeing the various types of light designs and fixtures. In the event the Commission is misled upon such presentation, it may require the permittee to adjust, alter, relocate and/or replace the lighting and it shall be no defense that the fixtures and location are the same as described on the plans submitted.

D. Correlated color temperature of any outdoor source, shall not exceed 4000 Kelvins.

ARTICLE 5 FLOOD PLAIN DISTRICT

Section 5.1 Purpose

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

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

Section 5.2 Objectives

The objectives of this section are:

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

Section 5.3 Definitions

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

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

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

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

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

The overflow of inland or tidal water;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5.4 General Provisions

A. **Lands to which this Ordinance Applies.** This ordinance shall apply to all special flood hazard areas within the jurisdiction of the Town of Ellington.

B. **Basis for Establishing the Special Flood Hazard Areas.** The special flood hazard areas identified by the Federal Emergency Management Agency in its flood study dated February 5, 1997 with accompanying FIRM and Floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

C. **Establishment of the Floodplain Development Permit.** A Development Permit shall be required in conformance with the provisions of these regulations prior to the commencement of any development activities.

D. **Interpretation.** In the interpretation and application of these regulations all provisions shall be: (i) considered as minimum requirements; (ii) liberally construed in favor of the governing body, and (iii) deemed neither to limit nor repeal any other powers granted under state statutes.

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

Section 5.5 Administration

5.5.1 Designation of Administrator

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

5.5.2 Certification

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

5.5.3 Application

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

8. The Zoning Enforcement Officer shall record and maintain the following for any development that occurs under this section:
   a. The as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures,
   b. The elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed,
   c. Certification as to floodway heights and,
   d. Any and all certifications required under these regulations.
9. The Zoning Enforcement Officer shall make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
10. The Zoning Enforcement Officer shall maintain all records pertaining to the provisions of this section.

Section 5.6 Provisions for Flood Hazard Protection

5.6.1 General Standards

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

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

D. All new construction and substantial improvements shall be constructed to ensure that electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.

G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

H. In any portion of a watercourse which is altered or re-located the flood carrying capacity shall be maintained.

I. Manufactured Homes are prohibited in all special flood hazard areas.

J. Use of land, construction, or other activities permitted within this Section shall be subject to approval by all applicable federal or state agencies.

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

A. The Zoning Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to appropriate sections of the Ellington Subdivision Regulations as criteria for requiring that new construction, substantial improvements, or other development in Zone A on Ellington's FIRM meet the standards in Section 5.6.3 Specific Standards.

B. In A Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than 1 foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

C. The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Town's request or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than 1 foot at any point along the watercourse.

5.6.3 Specific Standards

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

A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation.

B. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall: (i) Be flood-proofed to one foot above base flood elevation so that below one foot above base flood level the structure is watertight with walls substantially impermeable to the passage of water; (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of the subsection. Such certification shall be provided to the Zoning Enforcement Officer.

C. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

D. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Such certification must be demonstrated through Hydraulic and Hydrologic Analysis performed in accordance with standard engineering practice. Fences located in the floodway must be aligned with the flow and be of an open design.

5.6.4 Variance Procedure

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

B. **Floodway Prohibition.** Variances shall not be issued within any designed floodway if any increase in flood levels during the base flood discharge would result.

C. **Considerations for Granting Variances.** In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these regulations and the items listed below. Upon consideration of these factors and the purposes of this section the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
6. The availability of alternative locations which are not subject to flooding or erosion damage for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at this site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5.6.5 Criteria For Variances

A. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and result in the loss of historic designation of the building;

B. Variances may only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship. and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances. Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent parcels, shall qualify to meet subsection (A) above. Claims of hardship based on the structure, on economic or on personal circumstances are not sufficient cause for the granting of a variance under this regulation.

C. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as $25 for $100 of insurance coverage.

D. The Zoning Enforcement Officer Shall Maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE 6 LAND USE & SITE DEVELOPMENT REGULATIONS

Section 6.1 Buffer Requirements

A. A buffer strip may be required in a commercial or industrial zone where a side or rear yard adjoins a residential zone or residence. Said buffer strip shall be at least 30 feet in depth and shall be planted with trees and shrubs of acceptable species in the outside one-third of the area. At least 30% of all plants shall be evergreen.

B. In a DMF-Designed Multi-Family Zone, the Commission may require that the applicant provide an adjacent buffer strip not more than 50 feet wide, planted to a mixture of evergreen and deciduous trees and shrubs, which shall be maintained in proper order, or may require said planting without requiring a buffer strip.

C. All new plants shall have a minimum height after planting and pruning of 6 feet. Acceptable existing trees and shrubs shall be preserved and supplemented with additional plants as deemed necessary by the Commission to meet the requirements of privacy for residential zones and abatement of noise, dust and objectionable lighting.

D. Where the requirements of these regulations can be provided by other means, such as a permanent fence or wall, the Commission may approve such substitution for a planted screen if after a public hearing the Commission decides that the purpose of these regulations to provide abatement of noise, dust and glare will be met. The effect of grading and drainage shall also be taken into consideration in arriving at a decision.

Section 6.2 Parking and Loading Space Requirements

6.2.1 General Provisions

A. The off-street parking and loading requirements set forth in this section shall be the minimum required for all business, commercial, industrial and other uses.

B. Any building, structure or use which is enlarged in excess of 10% of area shall comply with these minimum parking and loading space, landscaping and lighting requirements exception for Section 6.2.5, "Location of Parking Facilities". This exclusion shall apply to those parking spaces already in existence along an existing building wall. Any new parking areas of existing areas which will be nearby a building addition shall comply with the requirements of Section 6.2.5

C. Where a lot or building contains two or more uses, the parking requirements shall be the composite of the requirement of each use.

D. No parking spaces shall be permitted within 50 feet of any boundary line facing any street of any municipal facility located in any zone regardless of the size of the municipal facility.

6.2.2 Description of Parking Facilities

A. Feeder drives servicing parking areas shall be no less than 24 feet in width. The Planning Commission may require greater width for the feeder drive where warranted for safety considerations or improved traffic flow.

B. Adequate ingress and egress to an off-street parking area by means of clearly limited and defined drives shall be provided for all vehicles.

C. All off-street parking spaces and means of ingress and egress shall be laid out on the parking surface with paint, plastic striping or curbed islands which shall provide a permanent delineation between spaces, drives and surrounding structures, uses and land.

D. Separate pedestrian walkways and/or means of pedestrian ingress and egress to the parking area or facility may be required by the Planning and Zoning Commission in appropriate instances because of the size, layout or location or the parking area or facility.

E. Perpendicular parking (90 degrees) is encouraged. Parallel parking (0 degrees) and oblique parking (angles other than 0 or 90 degrees) are discouraged. Standards are as follows:

Table 6.2.2 Parking Facility Standards

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

F. In order for a parking space to be credited as a required space, it shall have access to a drive that meets at least the feeder drive width standard.

G. All fire lanes and handicapped spaces shall be marked by vertical signs.

6.2.3 Number of Parking Spaces

A. **Off-street Parking Standards.** The following off-street parking standards are minimum requirements for off-street parking and the Planning and Zoning Commission may require additional off-street parking for a particular development based on the nature of the development, its location, access and relation to surrounding development, and any unique parking demand which may be associated with such a development.

B. Any use not listed below shall provide minimum parking spaces as recommended by the Town Engineer and accepted by the Planning and Zoning Commission:

Table 6.2.3 Off Street Parking Requirements

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

Table 6.2.3 Off Street Parking Requirements	
Use	**Required Spaces**
Library and museum	1 parking space for each 400 square feet of net floor space.
Manufacturing uses	1 parking space for each employee on the largest shift.
Medical office including clinic	1 space for each 150 square feet of net floor area or 6 spaces for each full-time doctor or dentist, whichever is greater plus 1 space for each employee. For the purposes of these regulations, several part-time doctors or dentists shall be considered as one or more full-time doctor(s) or dentist(s) when their cumulative office hours equal a 40-hour (or more) work week
Motor vehicle general and limited repair, motor vehicle gasoline or service station	5 parking spaces plus 3 parking spaces for each service stall. In addition, if any motor vehicles are offered for sale or for rent on the premises, an individual parking space shall be provided for each such motor vehicle offered for sale or for rent.
Motor vehicle car wash, bus garaging and equipment maintenance	1 parking space for each parking, washing or service stall, whichever the case may be.
Schools - Public, Private, Parochial	Elementary/Middle: 1 parking space for each classroom plus 1 parking space for each employee of the largest shift. Secondary: 6 parking spaces for each classroom plus 1 parking space for each 4 seats in the largest capacity public assembly space located on the site.
Place of worship	1 parking space for each 5 seats
Restaurants and other eating and drinking establishments	1 parking space for each 100 square feet of net floor area.
Retail trade uses	1 parking space for each 200 square feet of net floor area.
Warehousing	1 parking space for each 2,000 square feet of building floor area used for storage purposes or 1 parking space for each employee, whichever is greater

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

6.2.4 Reduction of Parking Spaces

A. The Commission may permit a reduction of up to 25% of the required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day, different days of the week, or different times of the year. The applicant shall show upon the site plan the complete layout for the full parking requirements. The owner shall file that plan in the office of the Planning Department stipulating that the owner, or the successor of the owner, will install as many of the non-installed parking spaces as the Commission deems necessary within 6 months of the Commission's request, when, in the opinion of the Commission, such installation is needed.

B. In parking lots in excess of 50 spaces, the Commission may permit the installation of compact spaces, not to exceed 25% of the total number of spaces installed, at 8 feet by 16 feet. These spaces shall be clearly designated as compact car parking. This reduction is not available to retail uses.

6.2.5 Location of Parking Facilities

A. There shall be no parking spaces permitted within 20 feet of the front, rear, or sides of a commercial structure or multi-family dwelling (unless such multi-family dwelling includes a driveway for a private garage) or within 30 feet of any façade of an industrial building. The Commission may reduce the parking setback from the façade of an industrial building in an Industrial Zone to no less than 10 feet if a continuous access drive is provided around all sides of the building and is a minimum of 24 feet wide and meets fire and building codes. When the building does not comply with Section 4.2.1 Lot Area, Width & Yard Requirements, the parking setback shall not be reduced.

B. There shall be no parking permitted within 15 feet of side and rear property lines, except in the case of shared parking spaces meeting the criteria of 6.2.4.A.

C. No parking shall be permitted within 30 feet of the front property line in the Commercial and Industrial Zones. In the Multi-Family, Planned Commercial and Industrial Park Zones, and for multi-family uses in a Commercial Zone, no parking shall be permitted within 50 feet of the front property line. For any building in excess of 50,000 square feet in any zone, no parking shall be permitted within 75 feet of the front property line.

D. No parking spaces shall be permitted within 50 feet of a residential zone boundary or within 30 feet of an existing residence in the Multi-Family, Commercial, Planned Commercial, Industrial and Industrial Park Zones.

6.2.6 Surfacing and Drainage

A. All parking spaces, loading facilities, and access roadways shall have at least 6 inches of process stone and 2 1/2 inches of bituminous concrete as surface treatment unless the Commission allows some other surface treatment which, in the opinion of the Commission, will provide an adequate all-weather surface with proper drainage, will permit recharging of ground water, and will allow for reduction of storm-water runoff.

B. Parking facilities shall be so graded and drained as to dispose of all surface water accumulation within the area or facility. No surface water from any off-street parking or loading area shall be permitted to drain onto adjoining property unless express approval therefore has been obtained from the property owner or authority exercising jurisdiction over such property.

6.2.7 Landscaping

A. Any off-street parking or loading area which adjoins a residence or residential zone shall be effectively screened by a fence, wall or plantings as approved by the Planning and Zoning Commission. Any landscaping required herein shall be integrated with any other landscaping required or provided for other portions of the parking area or facility. All landscaping whether required or not by these Regulations, shall be properly installed and maintained on a year-round basis.

B. No less than 15% of the interior of a parking lot containing 30 or more parking spaces shall be landscaped with trees and other shrubs and continuously maintained. This landscaped area requirement shall be provided by landscaped end islands and landscaped center islands within the parking area which are designed and located to minimize the unattractiveness of parking lots. End islands shall be not less than 15 feet wide and shall be required for all parking. Where center islands are used to meet minimum landscape requirements, center islands shall be not less than 15 feet wide.

C. Plantings along the perimeter of a parking area will not be considered as part of the 15 percent interior landscaping. One deciduous shade tree not less than 2 inches in caliper shall be planted within the landscaped areas for each 15 parking spaces or fraction thereof.

6.2.8 Landscaping and Lighting

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

6.2.9 Interior Circulation

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

6.2.10 Maintenance

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

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

A. On the same premises with every building or structure erected or occupied for a use involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for off-street standing, turning, loading and unloading services in order to avoid interference with the use of streets and without encroachment on any off-street parking area.

B. Such loading and unloading spaces shall be not less than 10 feet by 50 feet with 15 foot height clearance. A minimum of 1 loading and unloading space shall be required for each 10,000 square feet of gross building floor area. The Commission may reduce the size of a loading space(s) and/or the number of spaces where it can be demonstrated that such a reduction is warranted based on the use of the building. Additional off-street loading and unloading spaces may be required by the Planning and Zoning Commission because of the building volume.

6.2.12 Continuing Character of Obligation

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

6.2.13 Change in Use

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

Section 6.3 Signs

6.3.1 Purpose

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

6.3.2 General

A. No permanent sign shall be erected, relocated, or altered, except for normal maintenance, without a zoning permit issued by the Zoning Enforcement Officer.

B. In reviewing a proposed sign or existing signs proposed for modification or alteration, the Commission or its agent shall consider:
   1. The extent to which such signs are compatible with the character of surrounding development and the neighborhood;
   2. The extent to which such signs shall preserve and enhance property values; and
   3. The extent to which the design and location of such signs shall protect against traffic distractions and hazards.

C. Any property containing two or more businesses shall submit a unified sign design to the Planning and Zoning Commission for site plan approval. The Commission shall give consideration to the proposed size, location, shape, materials and lighting.

D. At the discretion of the Commission, other signs within these zones may require site plan approval. In all instances an application and plan shall be submitted by the applicant which includes the following: (In instances requiring site plan/special permit approval, this may be submitted at the time of initial site plan/special permit approval for the principal use of the site, or may be submitted separately following this approval.)

1. Name, address, and phone number of applicant;
2. Location of the building, structure, or lot to which the sign is to be attached;
3. Written consent of the property owner, if different from the applicant;
4. A plot plan certified by a Registered Land Surveyor, licensed to practice in the State of Connecticut, to Class A-2 standards showing the proposed location of the sign on the building and/or lot in relation to nearby buildings, other structures, and lot lines;
5. Location map at a scale of 1" = 1,000';
6. Drawings of the sign and method of its supports, showing proposed dimensions, sign area, distance from ground level to top of sign, copy, colors, and materials;
7. Landscaping;
8. Lighting and lighting detail.
9. Following the erection of all new detached signs approved by he Commission in a C, PC, I, or IP Zone, or when required by an agent of the Commission for a replacement sign, an "As Built Map" shall be prepared certified to Class A-2 standards by a Registered Land Surveyor licensed to practice in the State of Connecticut, documenting compliance with these regulations as well as the approved site plan.

E. The following signs shall require a special permit:

1. Any sign which is to be used in conjunction with a use that is regulated by special permit.
2. Any and all signs to be used in conjunction with a shopping plaza, industrial park, or office complex.

F. In reviewing applications for a special permit, the Commission shall be guided by standards set forth in Section 6.3.1, paragraph 6.3.2.B, paragraph 6.3.2.D, and Section 8.3.2 of these regulations.

G. The total area of a sign shall consist of the smallest rectangle that will encompass all lettering, wording, designs, or symbols, excluding supports. The height of a sign shall be measured from the natural ground level to the highest point of the sign, or any part thereof including supports and lights.

6.3.3 Signs Which Are Exempt from These Regulations

The following types of signs shall be exempt:

1. Government flags.
2. Signs erected or posted and maintained for public safety and welfare or pursuant to any government function, law, by-law, or other regulation.
3. Directional signs containing no advertising material and not exceeding three square feet in area or greater than four feet in height.
4. Roof shingles used to identify a farm as defined by the definition for Sign-Agricultural, limited to the roof of one agricultural building per individual property. *[Added 11-22-2010, Effective 12-15-2010]*

6.3.4 Signs Permitted in Residential Zones

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

1. Two (2) free-standing signs may be posted at each entrance to a residential subdivision, not to exceed twenty-four (24) square feet in area including the base and five (5) feet in height above the finish grade, noting the name of the complex or development and may include the property's address, developer/builder name, and contact information including the phone number and/or website only. The area calculation is for one side only, no double sided signs shall be allowed unless such signage is located within a center island.

2. Such signage shall be setback a minimum of three (3) feet from all lot lines, shall be located on private property, and shall comply with the sight line setback requirements as required.

3. Maintenance of such signs and associated landscaping shall be the responsibility of the developer until the responsibility is reassigned to a homeowner's association or upon conveyance to an owner of such encumbered lot. If no maintenance provision is executed then signage must be removed upon conveyance of the last lot in the subdivision.

Table 6.3.4 Permitted Signs in Residential Zones

Type of Sign	Number of Signs	Maximum Area	Maximum Height	Minimum Setback
Occupant Name/Address	1	2 sq. ft.	4 feet	5 feet
Permitted Non-Residential Uses	1	6 sq. ft.	5 feet	15 feet
Sign and/or bulletin board in conjunction with a church and similar places of worship, parks, public facilities, or public and private schools and colleges	1	16 sq. ft.	8 feet	15 feet

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

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

B. The total area of all signs shall not exceed 1 square foot for each lineal foot of the front of the building. No additional sign area shall be allowed for multi-story buildings. For attached wall developments such as a shopping center, each business shall be allowed one attached sign not to exceed one square foot in area for each linear foot of the front building wall that the business occupies.

C. The attached sign shall not project more than 18 inches from the wall or surface to which they are attached, and not be painted on the surface of any building.

6.3.6 Attached Signs for Large Anchor Businesses

A. The purpose of this section is to:

1. Allow for additional wall signs for large commercial businesses offering multiple services;

2. Encourage the effective use of signs to convey specific information to the public; and

3. Enable the use of wall signs to break up large expanses of horizontal and vertical building facades.

B. Standards for Sign Area

1. The maximum total sign area shall not exceed 1.5 square feet per lineal foot of building frontage supporting such signs;
2. The maximum size of any one sign shall not exceed 200 square feet.

C. Additional wall signage for large anchor businesses may be approved under the following conditions:

1. The lot shall be zoned C or PC;
2. Business must be in excess of 50,000 square feet;
3. Business must have building frontage in excess of 300 feet;
4. Business front wall must be in excess of 500 feet from the street; and
5. Business must have 2 main points of egress.

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

A. General Requirements

1. Detached signs shall be limited to one sign per commercial or industrial lot, shopping center, business/office park or farm. *[Amended: 12-15-2010]*
2. Detached signs may be permitted only within the front yard. Signs must be set back at least 15 feet from all lot lines.
3. Height and area requirements of such signs shall be in accordance with the following:
   a. If located within 65 feet of the front lot line and less than eight feet in height such signs shall not exceed 32 square feet.
   b. If located within 65 feet of the front line and from eight feet to ten feet in height, such signs shall not exceed 20 square feet; and
   c. If located more than 65 feet from the front lot line yard signs shall not exceed 10 feet in height and shall not exceed 50 square feet.
   d. In no case shall any sign exceed 10 feet in height.
4. All detached signs shall be placed within a landscaped area. The extent and type of landscaping and location of the sign shall be shown on a site plan submitted to the Commission for approval or a site plan submitted to the Zoning Enforcement Officer to replace an existing sign. All signs shall be installed on a wood, stone or other base structure and the size of the landscaped area shall extend at least two feet beyond the overall dimensions of the sign.

B. In the case of a fuel filling station, only one detached sign may be allowed by the commission including changeable electronic fuel price copy as follows:

1. Only the fuel price copy may be electronic.
2. The electronic fuel price copy portion of the detached sign shall not exceed 35% of the total allowed sign area as defined by Section 6.3.7.A.3.
3. The measurement of the electronic fuel price copy portion of the detached sign shall be the area that encompasses all of the electronic fuel price copy.
4. The sign shall incorporate photocell/light sensors with automatic dimming technology that adjusts to ambient light conditions.
5. The sign shall not operate more than 0.15 foot-candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distance to measure the foot-candles is calculated using the following formula:

a. Measurement distance equals the square root of the area that encompasses only the electronic fuel price copy portion of the sign times 100.

6. The owner/operator of a fuel filling station with a detached electronic fuel price sign shall provide written certification of compliance with this section when requested by the commission or the Planning Department.
7. The detached electronic fuel price sign shall be shut off at any time the fuel filling station is not open for business.
8. The color of the electronic fuel price numerals shall be red or green accompanied with a black background.
9. Each numeral of the electronic fuel price copy shall be no larger than 8" high and 4" wide by 5/8" thick.
10. Each numeral of the electronic fuel price copy shall consist of only two bands of diodes.
11. The detached electronic fuel price sign shall have a stone base that shall measure a minimum of 18" in height from natural grade and extend at least 3" beyond the overall dimensions of the sign.
12. All detached electronic fuel price signs shall be placed within a landscaped area. The extent and type of landscaping and location of the sign shall be shown on a site plan submitted to the commission for approval or a site plan submitted to the Zoning Enforcement Officer to replace an existing sign
13. Conversion from a non-electronic fuel price sign to an electronic fuel price sign shall require the replacement of the entire sign in compliance with Section 6.3 - Signs.

6.3.8 Temporary Signs - All Zones

A. Purpose:
1. To help promote local businesses and improve economic development in the Town of Ellington through the appropriate use of temporary signs.
2. To support agriculture and a farm friendly town.
3. To clarify regulations for temporary signs.
4. To allow the expanded use of temporary signs while maintaining a balance of aesthetics and safety for the good of the community.

B. Definitions:
1. A sign erected for a short period of time (see Section C.7 below for time limitations).
2. A sign announcing an event, activity, real estate sale or lease, trade work activity, business announcement or business promotion.
3. A sign typically erected on wooden posts or metal rods and readily installed and removed by hand tools or is portable.

C. General Requirements - Temporary Signs:
1. Are permitted in all zones and shall not require a Zoning Permit.
2. Shall not be located on telephone poles, highway traffic signs or placed on sidewalks.
3. Shall require the landowner's permission prior to installation.
4. When equal to or less than 4 square feet in area and less than 3 feet tall from natural grade, shall be located with the leading edge of the sign at least 6 feet back from the edge of pavement to the closest street or highway.
5. When larger than 4 square feet in area or higher than 3 feet tall from natural grade, shall be located with the leading edge of the sign at least 15 feet back from the edge of pavement to the closest street or highway. In cases where 15 feet is not achievable due to existing conditions, such as parking lots, topography or other site specific restrictions and there are no other options on the lot to achieve the 15 foot setback, the sign may be placed closer than 15 feet provided the sign is placed the maximum distance possible from the edge of pavement to the closest street or highway. In no case can a temporary sign create any safety issues for vehicular or pedestrian traffic. Any

sign creating a sight line issue or not incompliance with this section must be removed or relocated immediately upon the request of the Zoning Enforcement Officer.

6. Shall not exceed 12 square feet in area and the top of sign shall not exceed 5 feet from natural grade, unless otherwise specified herein.
7. Shall not be erected for more than 230 cumulative calendar days per year whether the same sign or varying signs.
8. Shall be limited to two temporary signs per business at any one time regardless if located on the property of the business, except where more than one business occupies the same lot or where a lot fronts on two streets, and shall only be located on the property or lot of the business. Where more than one business occupies the same lot, each business shall be limited to two temporary signs. Where a business is located on a lot with frontage on two or more streets, the business shall be permitted a temporary sign along two streets with each sign location limited to a maximum 230 cumulative calendar days per year whether the same sign or varying signs.
9. A temporary sign may be permitted offsite with written permission from a property owner at a location other than the property of the business. A property where permission may be granted for an Ellington business to place a temporary offsite sign shall be within a commercial or industrial zone. The placement of a temporary offsite sign shall count toward the number of signs and maximum cumulative calendar days allowed for temporary signs.
10. Political signs pertaining to an upcoming governmental election/referendum shall not count towards the maximum cumulative calendar days per year and the number of temporary signs permitted on a premises at any one time.
11. Real estate for sale or lease signs are exempt from the maximum 230 cumulative calendar days per year time limitation provided the property is actively marketed, and shall not exceed six (6) feet in height.
12. Promoting a special event or date specific activity shall be erected no more than 60 calendar days prior to the event or activity and shall be removed within 2 calendar days of the end of the event or activity.
13. Promoting trade work conducted at a property may have a single sign erected on the premises where the work is being conducted during the time period of the work and shall be removed within two weeks after completion of the work, provided (notwithstanding any other provision of this paragraph C to the contrary) that the sign is no more than 4 square feet in area, no more than 3 feet in height from natural grade, and the leading edge of the sign is set back at least 6 feet from the edge of pavement to the closest street or highway.
14. For businesses located outside of Ellington are not permitted except for active trade work signs (subject to the provisions of subparagraph 13 above), real estate for sale or lease signs (subject to the provisions of subparagraph 10 above), and signs that support agriculture and a farm friendly town.
15. Promoting agriculture may be located on property other than the location of the farm or agricultural enterprise. Agricultural signs for individual farms or agricultural enterprises shall be limited to 4 square feet in area, shall have no more than 10 signs at any one time, and shall be removed when the crop availability is over.
16. Temporary signs promoting agriculture representing multiple farms or agricultural enterprises shall be limited to 12 square feet in area, shall have no more than three signs at any one time, and shall be erected only during the period of operation.
17. Any temporary sign placed on public property including right of ways shall be subject to removal and disposal by an agent of the Town with no liability for the same.
18. One open flag per business is allowed when 15 square feet or smaller. Open flags shall be affixed to a permanent building or detached sign when possible. In the absence of a permanent building or detached sign, an open flag may be attached to a permanent flagpole or fence. Open flags shall not be closer than 15’ to the edge of roadway pavement and shall not exceed ten (10) feet in

height from natural grade. Open flags shall not be placed in a manner that create safety issues or unsafe sight lines.

6.3.9 Illumination

A. Exterior lighting is permitted when confined or directed to the surface of the sign so that no direct rays or glare are visible beyond the property lines or create a danger to vehicular traffic.

B. In general, interior illumination of signs shall be avoided. However, where the applicant provides ample documentation that such illumination is superior to protection of neighboring properties, avoiding discomfort or glare on public highways, and minimizing conflict with any traffic signals, then the Commission may permit such illumination.

C. Any sign lighting source shall not exceed a color temperature of 4000 Kelvin.

D. All sign lighting shall be on timers that turn off when the business is closed.

6.3.10 Prohibited Signs

The following signs are prohibited:

1. Portable, wheel signs, or signs on parked vehicles where the sign is the primary use of the vehicle;
2. Neon signs, as well as signs which revolve, rotate, flash or move in any manner, or give the appearance of movement;
3. Advertising flags, teardrop flags; banners, streamers or balloons;
4. Roof mounted signs which project more than two feet over the top of the exterior wall on which it is attached; (except roof mounted signs greater than 80 square feet in area may project up to three (3) feet over the top of the exterior wall on which it is attached.
5. Billboards.
6. Light emitting diode (LED) illumination of signs, including exteriors of windows, doors, and other building features, or visible from the exterior of the building through windows or doors unless the LED illumination source is shielded so that no direct observation of the LED light source is possible.

Section 6.4 Soil Erosion and Sediment Control

6.4.1 General Requirements for any Excavation (cut), Fills, and Grading

A. Cut and fill earth slopes shall not be steeper than 3:1 (horizontal/vertical), unless otherwise stated elsewhere in these regulations.

B. Adequate provisions shall be shown on any plan for subdivision or development where cuts or fills are proposed in an effort to prevent surface water from damaging the cut face excavation or the sloping surfaces of fills.

C. Cut and fills shall not endanger adjoining property as determined by the Town Engineer.

D. Fill shall be placed and compacted so as to minimize sliding or erosion of soil.

E. Fills shall not encroach on natural watercourses or constructed channels.

F. Grading shall not be done in such a way so as to divert water onto property of another landowner without the written consent of the landowner as determined by the Town Engineer.

G. During grading operation, necessary measures for dust control will be exercised.

H. Grading equipment will not be allowed to cross flowing streams except by means of bridges and culverts.

6.4.2 Definitions

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

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

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

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

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

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

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

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

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

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

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

6.4.3 Activities Requiring a Certified Erosion & Sediment Control Plan

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

6.4.4 Exemptions

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

6.4.5 Erosion & Sediment Control Plan

A. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (March 30, 2024) as AMENDED. Alternative principles, methods and practices may be used with prior approval of the Commission.

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

1. A narrative describing:
   a. The development;
   b. The schedule for grading and construction activities including:
      1. Start and completion dates;

2. Sequence of grading and construction activities;
3. Sequence of installation and/or application of soil erosion and sedimentation control measures;
4. Sequence for final stabilization of the project site.
    a. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
    b. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
    c. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
    d. The operations and maintenance program for the proposed soil erosion and sediment control measures and storm water management facilities.

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

6.4.6 Minimum Acceptable Standards

A. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (March 30, 2024), as AMENDED. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

B. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (March 30, 2024) as AMENDED. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

C. The appropriate method from the Connecticut Guidelines for Soil Erosion and Sediment Control (March 30, 2024) as AMENDED shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

6.4.7 Issuance or Denial of Certification

A. The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

B. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A, or 126 of the General Statutes.

C. Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

D. The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

6.4.8 Conditions Relating to Soil Erosion and Sediment Control

A. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission. The Town Engineer is authorized to estimate said costs of measures required to control soil erosion and sedimentation.

B. Site development shall not begin unless the soil erosion and sedimentation control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

C. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

D. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

E. All persons engaged in development activities who fail to file a soil erosion and sediment control plan in accordance with these regulations, or who conducts a development activity except in accordance with provisions of a certified plan shall be deemed in violation of these regulations.

6.4.9 Inspection

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

Section 6.5 Sidewalks & Fee In Lieu of Sidewalks (*Effective 11/01/2020)*

A. Except as otherwise herein, the owner of land or developer for which a commercial, industrial, mixed-use, Designed Multi-Family development or use listed in Section 3.1.4 (Community / Institutional Uses) is hereafter approved or approved for modification for property fronting on arterial and collector streets listed in Section 2.1.10 (Highway Clearance Setback), except for Hopkins Road, or on Lower Butcher Road, Tomoka Avenue and Meadow Brook Road shall be required to install five (5) foot wide concrete sidewalks along the entire road frontage of the land approved for development in accordance with Town standards. When approved for modification to an existing development, installation of sidewalks shall apply when either of the following is present:

1. The modification involves an increase in floor area by 25% or more accumulatively effective November 1, 2020.
2. The modification involves an increase in parking by 30 or more spaces accumulatively effective November 1, 2020.

B. Sidewalks shall be installed concurrently with construction. When, in the opinion of the commission the installation of sidewalks is not advisable or desirable, the commission may require the owner of land to make a payment to the Town in lieu of the installation of sidewalks; the Town shall not be subject to payment of a fee-in-lieu-of sidewalks. If sidewalks exist along a portion of road frontage of the land approved for development, this section shall apply only to the portion of the lot's road frontage where sidewalks do not exist. The commission shall not make such determination until it has received a recommendation from the Director of Public Works and the Town Engineer on the advisability of installing sidewalks.

C. When considering whether to require installation of sidewalks or payment of a fee-in-lieu-of sidewalks, the commission and staff shall consider the following:

1. Potential to connect to existing or planned sidewalks;
2. Evidence of existing pedestrian traffic (e.g. goat paths);
3. The need to provide suitable surface and safe means for pedestrians;
4. Opportunity to provide pedestrian access to community buildings or schools, parks or other recreational assets, or to connect residential and non-residential areas;
5. Recommendations of the Plan of Conservation and Development;
6. Route 83 Sidewalk Project concept plans dated October 1, 2017, as may be amended;
7. Recommendations from other relevant plans or studies endorsed by the commission; and,
8. Adverse site conditions.

D. When payment in lieu of installation of sidewalks is required, payment shall be in an amount based upon the prevailing costs to construct said improvements as determined by the Director of Public Works and the Town Engineer.

E. Payment in lieu of installation of sidewalks shall be deposited to a dedicated fund to be used solely for installing new sidewalks for property fronting on arterial and collector streets listed in Section 2.1.10 (Highway Clearance Setback), except for Hopkins Road, or on Lower Butcher Road, Tomoka Avenue and Meadow Brook Road. Said payment shall be made prior to completion of site improvements or occupancy or release of bonds.

Section 6.6 Access Management *(Effective 4/1/2021)*

A. **Purpose** Traffic flow and roadway safety can be significantly reduced by the proliferation of access points and intersections along roadways. Access management is a technique used to promote safe movement of vehicles, smooth flow of traffic, preserve the capacity of roadways, reduce vehicular congestion and conflicts, and improve pedestrian and bicyclist safety especially along heavily trafficked roads and state highways.

B. **Intent** This regulation is intended to control the number, size and location of access points, and the distance between access points, intersections and traffic signals, and require the use of shared access points and interconnections between abutting properties where feasible while allowing proper and adequate access to and from parcels.

C. **Applicability** As determined by the commission or its agent, this regulation shall apply to Designed Multi-Family developments, division of land into two or more parcels, commercial and industrial developments, and modifications thereto along arterial and collector streets listed in Section 2.1.10 Highway Clearance Setback, (except for Hopkins Road) and along Lower Butcher Road, Tomoka Avenue and Meadow Brook Road.

D. **General** The commission may require an applicant or owner to:

1. Provide a traffic impact analysis, prepared by a professional engineer licensed in Connecticut, containing sufficient details based upon both existing levels of development and projected build out levels of development to review:

   a. The number and location of necessary access points;
   b. The nature and type of traffic circulation to and from premises and adjacent properties;
   c. The relationship of new access points to adjacent properties, roadways, intersections and traffic signals;
   d. Interconnections between properties, parking layouts and internal traffic circulation;
   e. A site layout depicting the parcel and adjacent parcels depicting roadways and access points; and,
   f. Other information requested by the commission.

2. Close an existing access point or eliminate a proposed access point.

3. Establish or use a shared access point and/or interconnection between properties in a location acceptable to the commission and record an easement on the land records if one does not already exist, defining construction and maintenance responsibility in favor of the abutting property and/or the Town of Ellington in a form acceptable to the town attorney.

E. The commission may be guided by the Interior Access Concept Plan for Route 83, as may be amended, when considering access management techniques for properties along Route 83.

Section 6.7 Stormwater Management

6.7.1 General

A. Site development shall include a stormwater management system designed in general conformance with the Connecticut Stormwater Quality Manual (Manual) as AMENDED. Refer to the Manual for definitions of terms in this section 6.7.
B. The Commission may modify the requirements of this section upon recommendation of the Town Engineer.

6.7.2 Standard 1 – Runoff Volume and Pollutant Reduction

A. The applicant shall demonstrate how the stormwater design conforms to the Manual to the Maximum Extent Achievable (MEA), including the implementation of Low Impact Development (LID) with non-structural and small-scale structural Best Management Practices (BMP), and where site conditions permit, the infiltration and retention of the Water Quality Volume (WQV) from remaining Directly Connected Impervious Areas (DCIA).
B. Where retention of the WQV is not feasible, the applicant shall demonstrate compliance with the Manual's minimum required pollutant load reduction standards.
C. The degree of compliance for redevelopments (no increase in DCIA) and small expansions (less than 1,000 s.f. increase in DCIA) shall be proportional to the scale of the development as determined by the Commission.

6.7.3 Standard 2 – Stormwater Runoff Quantity Control

A. Provide attenuation of post-development peak runoff rates in accordance with the Manual. Generally, this includes 50% reduction of the 2-year, 24-hour post-development peak flow rate, and no increase to the 10-year and 100-year peak flow rates.
B. Conveyance pipes shall be sized for a 10-year storm.
C. Emergency spillways shall be sized to convey a 100-year storm with 12" freeboard.

6.7.4 Standard 3 – Construction Soil Erosion and Sediment Control

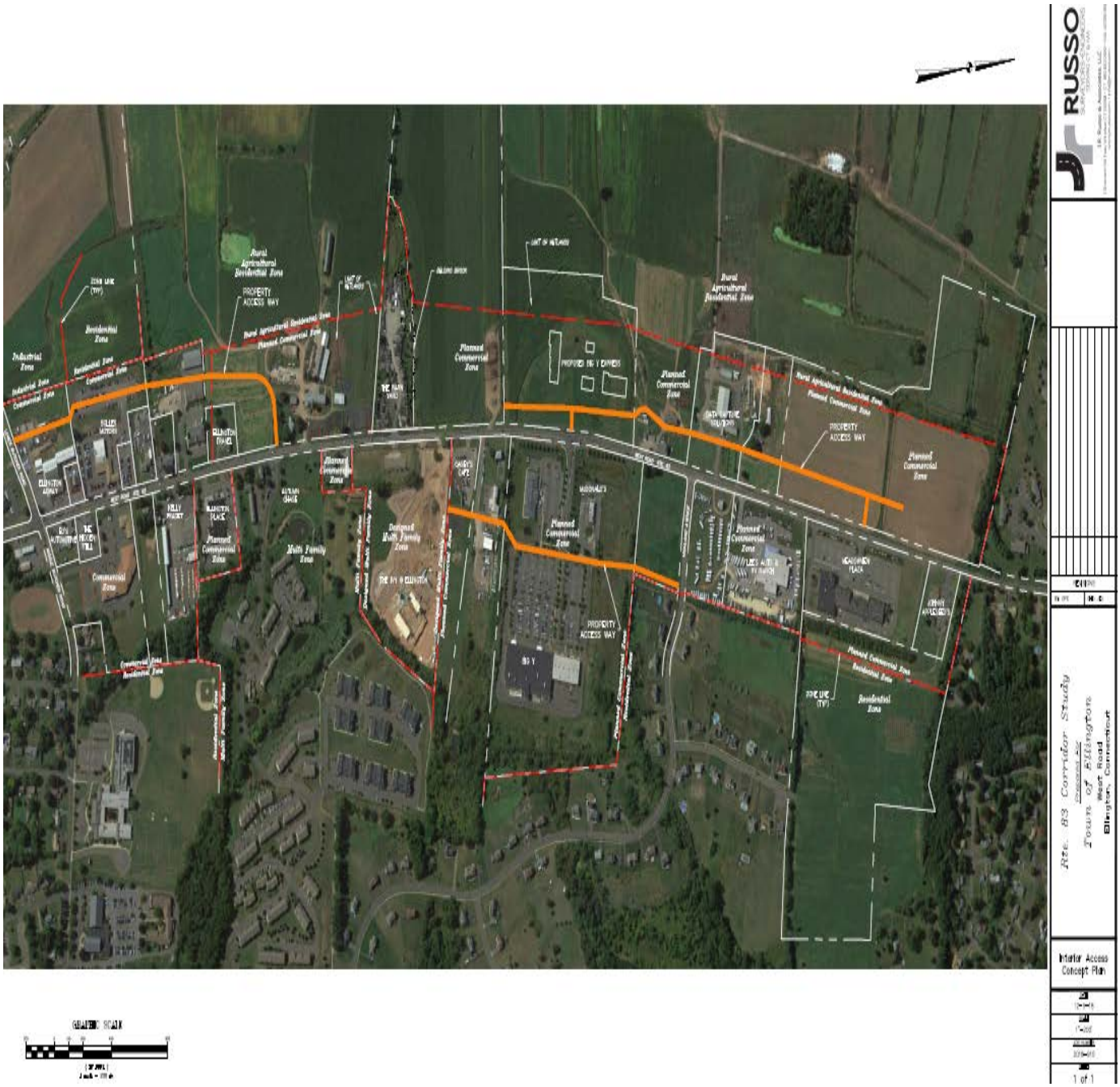
A. Provide Soil Erosion and Sediment Controls (SESC) in accordance with section 6.4.

6.7.5 Standard 4 – Post-Construction Operation and Maintenance

A. Applicant shall develop and implement a long-term Operation and Maintenance (O&M) Plan, which identifies required inspection and maintenance activities for structural stormwater BMPs. The Site Plan shall include the O&M Plan or make reference to a separate document.

6.7.6 Standard 5 – Stormwater Management Plan

A. The applicant's engineer shall provide a report with applicable calculations to the Town Engineer documenting conformance with this section 6.7.


Rural Agricultural Residential Zone
Planned Commercial Zone
Residential Zone
Industrial Zone
Multi Family Zone
PROPERTY ACCESS WAY
Rte. 83 Corridor Study
Town of Ellington
West Road
Ellington, Connecticut
Interior Access Concept Plan
1 of 1

ARTICLE 7 SPECIAL REGULATIONS

Section 7.1 Accessory Apartments

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

1. Either the primary dwelling unit or accessory apartment shall be owner-occupied.
2. The usable floor area of the accessory apartment shall be less than 50 percent of the usable floor area of the primary dwelling unit and shall be no more than 1,000 square feet, except when an accessory apartment is associated with a farm it shall be no more than 1,250 square feet and shall be exempt from being less than 50 percent of the usable floor area of the primary dwelling unit. These areas shall be exclusive of garages, porches, or basements.
3. The accessory apartment shall have no more than two bedrooms.
4. The accessory apartment shall comply with Section 3.2.3 Minimum Yard Setbacks and Section 3.2.4 Building Height & Lot Coverage.
5. When an accessory apartment is attached to a primary dwelling unit, the following shall apply:

   a. The architectural treatment of the total structure shall be as to portray the character of a single-family dwelling unit.
   b. The accessory dwelling unit shall have only one main entrance on the street side of the structure; all other entrances shall be at the side or to the rear.

Section 7.2 Bed-and-Breakfast

A. Bed-and-Breakfast operations subject to the following requirements: *(Added: 6-24-02)*

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

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

Section 7.3 Communication Tower

A. The applicant will be required to take reasonable steps to mitigate any adverse visual impact from all new communication tower facilities. Steps shall include but are not limited to: landscaping, fencing, painting or similar measures as appropriate to camouflage the communication tower.

B. A communication tower must comply with the setback requirements of the zone in which it is located or be set back from the property lines a distance equal to the height of the tower, whichever is greater.

C. Towers shall not exceed 190 feet in height above the ground.

D. To discourage unauthorized trespassing and provide for the public safety, the base of any ground-mounted tower shall be secured by fence enclosure to a height of 6 feet above the ground.

E. No lighting of any communication tower will be permitted, with the exception of ground lighting for maintenance purposes, except as required by the Federal Communications Commission, Federal Aviation Administration, or the Connecticut Siting Council.

F. No advertising or signs shall be permitted on any communication tower.

G. To avoid unnecessary proliferation of communication towers, new towers will not be approved unless there is a need demonstrated such as all available space on existing or approved towers covering the same geographic area has been utilized or that there is an area within Ellington or immediately adjacent to Ellington which is not served by existing facilities; i.e. a hole exists in a propagation mapped area.

H. To protect the public health from the unknown effects of electromagnetic fields, all communication transmitters much comply with FCC emissions regulations.

I. Communication towers shall provide space for municipal emergency service transmission antennas as required by the town.

J. The facility owner at their expense shall remove a communication tower facility not in use for 12 consecutive months. This removal shall occur within 20 days of the end of such a 12 month period. The commission may require a bond or other security to the Town of Ellington valid for the life of the tower to guarantee removal.

K. All utilities installed in conjunction with any communication tower site shall be installed underground unless otherwise approved by the commission.

Section 7.4 Composting Facility

A. A complete site development plan as required under Section 8.2 of these Regulations shall be submitted for any proposed composting facility. In addition, this site development plan shall show the following items.

1. The location of all wetlands, watercourses, and wells within 1,000 feet of the lot where the composting facility is located. Wetlands may be plotted using data obtained from USDA Soil Conservation Service soil surveys.

2. Existing and proposed topographic contours on the project site shall be shown on separate sheets at intervals of 2 feet or less, unless otherwise directed by the Commission.

B. All incoming materials accepted for composting at any composting facility shall be stored on an impervious surface designed to prevent leachate from such materials entering the ground. The applicant must demonstrate that proposed impervious surface has been designed to accommodate the total anticipated peak volume of materials to be received, processed, and stored at the composting facility. At the discretion of the Commission a facility which accepts only leaves for composting may operate on a pervious surface.

C. The special permit shall designate those materials which may be accepted by the composting facility. Any material or substance designated by the federal or state Departments of Environmental Protection as hazardous material shall not be accepted or processed by any composting facility.

D. Approved organic materials accepted at any composting facility shall be processed and stored in a manner approved by the Commission.

E. The Commission may require that materials be stored in a structure designed to prevent the infiltration of precipitation into such materials.

F. The Commission may require reasonable buffer strips and/or fencing to separate any composting facility from adjacent property. Composting facilities shall comply with the noise criteria and restrictions contained in paragraph 7.5.1.L of these regulations.

G. The Applicant must demonstrate that reasonable measures have been taken, as necessary, to prevent the generation of unpleasant or noxious odors. The Commission may place reasonable conditions on any composting facility to prevent or minimize the generation of such odors.

H. The composting facility shall not be located within 750 feet of any residential zone or existing residence. This distance shall be measured from the operational edge of the facility to the lot line of the residential zone.

I. The Commission may require that the operator of the composting facility post a performance bond as recommended by the Town Engineer, to guarantee proper operation and final closure of the facility.

Section 7.5 Earth Excavation

7.5.1 Special Permit Required

A. Except as exempted in this section, a Special Permit shall be required for the excavation, removal, processing, and importation of sand, stone, gravel, loam, peat, peat moss, concrete, asphalt, and similar materials on premises in any zone provided the conditions of this section can be met. In addition to these conditions, the Commission shall also be guided by the purpose of these regulations as set forth in Section 1.1 and Special Permit review criteria as presented in Section 8.3 of these regulations.

B. **Erosion Control.** A detailed erosion control plan shall be submitted in accordance with Section 6.4, Soil Erosion and Sediment Control of these regulations.

C. **Wind Erosion and Dust Control.** Proper measures shall be taken to minimize the nuisance from dust and wind erosion at storage areas, yards, access roads, service roads, or other untreated open area within the lot;

D. **Working Slopes.** Upon completion of the workday, proper measures shall be taken to restore a slope not exceeding one vertical to one and one-half horizontal to the area excavated or otherwise disturbed ground. Alternatively, the Commission may approve as part of the application, satisfactory terracing arrangements to ensure the safety and stability of the working slopes. Finished slopes shall not exceed one vertical and three horizontal slopes. Fences or embankments shall be provided if necessary for the protection and safety of vehicular and pedestrian traffic;

E. **Minimum Setbacks.** All excavation, removal, or grading shall be located at least 100 feet from any property line unless a plan for removal is coordinated with the owner of an adjacent tract and approved by the Commission. The Commission may approve grading up to a public street, road, or highway right of way by a 2/3 majority vote. There shall be no stockpiling of materials within 100 feet of any property line, public street, road, highway, or right of way. No fixed machinery shall be erected or maintained within 200 feet of the property or street line;

F. **Topsoil Preservation.** A sufficient amount of topsoil shall be set aside on the premises for re-spreading to a minimum depth of 4 inches over the excavated area in accordance with the approved grading plan. Such topsoil stockpile shall not be sold or removed from the premises;

G. **Buffering.** When deemed applicable by the Commission, the applicant shall provide a fence or suitable barrier for the purpose of minimizing objectionable noise and screening operations from the view of highway traffic and neighboring property owners;

H. **Landscaping.** A final landscaping plan shall be prepared for each phase by the applicant and approved by the Commission. This plan shall contain a suitable notation indicating that at the completion of the operation the area shall be seeded with suitable grass mixture containing at least 50% permanent grasses and maintained by mulching, repairing and reseeding until the area is stabilized. However, the Commission may approve other groundcover alternatives. All material and labor costs to implement such a plan shall be included in the Bonding section below;

I. **Bonding.** Before a permit is granted under this section, the applicant shall file a bond with security in a form acceptable to the Finance Officer and Town Attorney and in such amount as the Town Engineer deems sufficient to ensure the faithful performance and completion of the work in accordance with provisions of this section. Additional bonding may be required to assure that any materials deposited on site will not result in any environmental problems; such bonding shall be in a form acceptable to the Finance Officer and Town Attorney and in such amount as determined by the Town Engineer.

J. **Hours of Operation.** Earth excavation operations shall be conducted only between 7:00 a.m. and 5:00 p.m., and shall be restricted to weekdays (Monday through Friday), Saturday between 7:00 a.m. and 1:00 p.m., and shall not operate on legal holidays.

K. **Control Points.** In order to ensure that the site is graded in accordance with the approved plan, vertical and horizontal control points shall be setup around the entire perimeter of the parcel. Such control points shall be:

1. Noted on the approved plan;
2. Spaced no farther than two hundred feet apart;
3. Set in the ground with iron or steel stakes at least 3/4 inches in diameter and thirty inches in length.

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

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

Allowable noise levels shall be as follows:

1. For a lot, or an approved phase of operation contained within a lot, which does not abut a Residential zoning district or lot containing an existing residence - 66 dBA.
2. For a lot, or an approved phase of operation contained within a lot, which does abut a Residential zoning district or lot containing an existing residence - 55 dBA.
3. No operation which produces vibrations at or above human perceptibility at any property line shall be allowed.

M. **Truck Access.** Truck access to the excavation site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be treated to prevent dust.

N. **Structures.** No building shall be erected on the premises, except as may be permitted in these regulations.

O. **Phasing.** Where a plan is to be implemented in phases, no phase shall be greater than 7 acres in area.

P. **Inspections.** Prior to importation, the site operator at his or her own expense shall provide evidence acceptable to the Town Engineer that all materials imported to the excavation site and premises are environmentally safe and that such materials will not contribute to the pollution of ground or surface water supplies or result in any other environmental hazard.

7.5.2 Expiration of Permit

Any special permit issued under this section shall expire five (5) years following the date of issuance unless other terms are specified by the Commission. As a condition of approval, permit holders shall submit to the Ellington Planning Department an engineering report documenting current as-built conditions by November 1st of each year. Changes to an approved plan which extend the scope, intensity or boundary, or in the opinion of the Commission or its staff qualify as a modification to approval, shall require a modification to special permit by the Commission. Effective May 15, 2016 all existing permits shall be good for five (5) years from the initial issue date, and all permittees shall comply with annual reporting requirements contained herein. *(Amended 4/25/16, Effective 5/15/16)*

7.5.3 Activities Exempted Under This Section *(Added 2-25-13, Effective 3-15-13)*

The following activities do not require a special permit under this section:

1. Necessary and incidental activities associated with a site development plan or subdivision plan approved by the commission.
2. The development of a single-family home that is not part of a subdivision plan approved by the Commission provided that a zoning permit has been issued by the Zoning Enforcement Officer.
3. Excavation or importation of less than 100 cubic yards in any one 12-month period not associated with a site development or subdivision plan approved by the Commission.
4. Bona fide agricultural activities.
5. Activities within the State or Town right-of-way when conducted on behalf of the State or the Town.

7.5.4 Site Plan Requirements

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

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

Section 7.6 Public Garages and Auto Service Stations

7.6.1 General Requirements

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

A. Whether an additional station will constitute a detriment to the existing commercial balance of the general area. The Commission may consider additional commercial development proposed as an integral part of the application for this use when considering the well-planned development of the area.

B. Whether the layout and design of the station conforms to the area architecture.

C. Whether the design provides adequate toilet facilities for customers, adequate storage for products to be sold and/or used in the operation of said station.

D. Whether the building has adequate area:

For the sale of gas and oil only - no repairs - 450 square feet

Limited repairs - 1,000 square feet

General repairs - 1,500 square feet

Used or new car license - 2,500 square feet

E. Whether each item to be sold or service to be performed on site is suitable for this location, facilities provided or proposed and abilities of the Permittee.

7.6.2 Location Requirements

A. A public garage or auto service station may be located in a Commercial or Industrial Zone if approved by the Commission provided that no part of a building to be so used is within 400 feet of any entrance to a public park or playground or within 300 feet of the nearest point of any building in which there is established or maintained a school, hospital, church, theater, public library, convalescent or nursing hospital, or building for civic assembly.

B. Buildings shall be located 100 feet from the front street line, except that no building need be farther away from the street line than the average setback of existing adjacent commercial buildings. Gasoline pumps shall be located in conformity with State Regulations.

7.6.3 Administration

A. A permit when issued shall specify each use which is approved and shall be non-assignable without approval of the Commission.

B. The Commission may approve an assignment of an existing permit without hearing after reviewing all of the above considerations but may in its discretion require a public hearing.

C. Any application to expand the uses at a previous approved location shall require a hearing and compliance with all items and factors listed herein.

Section 7.7 Home Occupations

Home Occupations must conform to the following in any dwelling regardless of zone; subject to a zoning permit approval. Should a home occupation not meet the requirements stipulated herein, a special permit approval must be granted by the Planning and Zoning Commission:

A. The home occupation must clearly be incidental and secondary to the residential use of the dwelling.

B. The residential character and appearance of the dwelling and the lot on which it is located shall not be changed in any visible manner.

C. The home occupation shall not create any objectionable noise, odor, vibration, or unsightly conditions.

D. The home occupation shall not create a health or safety hazard.

E. The home occupation shall not create any interference with communications transmission or reception in the vicinity.

F. The home occupation will create no significant change in traffic or the need for expanded parking.

G. The home occupation shall be confined to 1/3 of the floor area of said dwelling. For the purposes of calculation, the floor area of the attic and basement shall be excluded.

H. The home occupation must be carried on entirely within the dwelling, to include the basement, accessory building, garage and/or attic of the dwelling.

I. No advertisement of the existence of the home occupation shall be visible from the dwelling or the lot on which it is located, except for one sign as permitted by Section 6.3.4.

J. No products or materials shall be stored on the lot outside in such a manner as to be visible from any adjacent property.

K. The home occupation may employ up to one non-household employee to be present in the dwelling during business hours.

Section 7.8 Remaining Developable Land Option

The density based zoning classification scheme and 40,000 square foot minimum lot sizes may allow for the ability to retain land for other uses other than building lots depending on lot configuration. In cases where the subdivider, or landowner, wishes to retain a portion of their land for farming, personal use, or some other use consistent with these regulations, the following options are available and are solely determined by the applicant:

A. Retain in fee simple ownership by the applicant/landowner with an agricultural or similar type of easement in favor of the town, state, land trust, homeowner's association or combination thereof.

B. Fee simple purchase by the town (as an increase to the open space or other municipal purpose), state, land trust, homeowner's association or combination thereof.

C. Some combination of the above as acceptable to all parties.

Section 7.9 Rear Lot Requirement *(Amended 1/29/18, Effective 2/15/18)*

A. All rear lots require a special permit from the Planning and Zoning Commission, unless a lot is a lawful lot of record as recorded in the office of the Town Clerk prior to February 1, 2016, or a lot subject to permanent easement for farmland preservation.

B. The provisions of this Section are intended to permit the use of land which has been unintentionally landlocked or deprived of minimum frontage on a street, or, in the case of a subdivision, where the topography or unusual shape of the property lends itself to the use of an interior lot to accomplish the best use of the land. In the case of a subdivision, the Commission shall not approve interior lots unless it finds that such lots provide the best development of the land because of the topography and shape of the land. No more than 20% of all lots contained within a subdivision shall be approved as rear lots. This requirement shall apply when a tract of land is divided into a total of six or more lots subsequent to the adoption of this amendment.

C. There shall be provided a minimum 25 foot wide fee simple access fronting on a town accepted road (or a road which will be built and accepted by the town as a result of the lot in question being part of subdivision application), or state highway, or private street used for travel and approved by the Commission as part of a subdivision approved after July 1999. The lot line from which this access leads shall be considered the front lot line of the rear lot, and the driveway serving the lot shall be located within the fee simple accessway. The front yard setback shall be measured from the lot line which intersects the accessway and shall extend the full width of the lot. If the lot will contain enough area such that it may, in the future, be further divided into additional building lots, the fee simple access strip shall be a minimum of 50 feet wide. The minimum width shall be met the entire length of the accessway.

D. The minimum lot area shall be 2x the minimum lot size required for the zone in which it is located. In cases where required lot size is reduced because of the use of sewers, the required lot size shall be 2x the reduced lot size.

E. Said rear lot shall conform to all other applicable regulations prescribed for the zone in which it is located.

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

Section 7.10 Sanitary Refuse Disposal Area

A. A Special Permit for a Sanitary Refuse Disposal Area in an I-Industrial Zone shall be given only after a public hearing in which the following minimum requirements are established:

1. That the site is well suited to this purpose,
2. That such operation will not unreasonably effect the use and enjoyment of other land in the general area,
3. That it will create no health or safety hazard in the community, and

4. That it will provide a needed service or benefit to the Town of Ellington.

B. **Plans.** The applicant shall present a site plan, complying with Section 8.2, to include the following:

1. The location of any wells, springs, streams or water courses on the property or within 200 feet of the proposed extremity of any disposal operation;

2. The precise areas of proposed operation of such disposal facility within the tract with access roads; and

3. The proposed final grades shown with contours of 2 feet or less on another map unless otherwise requested by the Commission.

C. **Site Area and Lot Lines.** Sites shall have a minimum area of 5 acres while setback and use lines shall be specified in each case taking into consideration access, land use, grades, proposed operations and benefit to the Town of Ellington.

D. **Buffer Strips and Fencing.** The Commission may require reasonable buffer strips to separate any disposal area from adjacent property and/or may require all or any part of such site to be fenced to the satisfaction of the Commission and the Board of Selectmen, or a planting of mixed evergreen and deciduous trees and shrubs to supplement any existing planting or as a screen of new planting, all or any part of which screening shall be maintained by the Owner in good repair and proper order.

E. **Health Approval.** Before any permit is issued the applicant shall give to the Commission evidence in writing that his site and operation plans have been approved by the Connecticut Commissioner of Health and the Town Health Officer of Ellington.

F. **Operation.** Operation of such area shall comply with all regulations of the Commission of Health, the Town Health Officer of Ellington, ordinances of the Town of Ellington and regulations of the Planning and Zoning Commission. The Commission may revoke any permit issued hereunder in the event of any violation of the above regulations and all disposal operations shall cease forthwith upon service of a written order upon any owner, custodian, manager or person in charge of the site in person or by certified mail addressed to the Owner at the last address on file in the Assessor's Records. Such further work as is necessary to eliminate any health or safety hazard shall be required at the Owner's expense, but no further refuse shall be accepted.

G. **Bond.** Before issuance of a permit the operator shall post a bond with surety in an amount set by the Commission to insure compliance with all operating regulations and to cover any expense to the Town in the event of failure by the operator.

H. **Permit Duration and Fees.** For the first 5 years of operation the permit shall be valid for 1 year periods; thereafter the permit shall be valid for 3 years periods. Such permit shall be non-assignable without the express consent of the Commission. Renewal permits may be issued upon evidence of compliance with all applicable regulations and payment of a special permit fee and renewal of the bond required by paragraph G above for the duration of the permit. The permit fee for a multi-year permit shall be payable upon the issuance of such permit in an amount equal to the number of years of the permit times the annual fee for special permits.

I. **Insurance.** The owner shall insure his liability for damage to property of others or injuries sustained by persons using or upon such property making the Town of Ellington a named insured on such policy in the amount of $100M/300M. A certificate of such insurance, non-cancelable except upon 30 days written notice to the Commission, shall be deposited with the Commission before a permit is issued.

J. **Use of Facility.** Use of such facility shall be limited to residents and businesses of the Town of Ellington under such contract as the Owner may have with the Board of Selectmen of Ellington and such other persons, firms, corporations or municipalities as may be mutually agreed upon by the Owner and the Commission and under such restrictions on time, quantity and type of materials and roads within the Town of Ellington over which trucks will travel and types of trucks to be used as are reasonably warranted in view of the capacity of the area, economics of operations and projected use by the Town of Ellington.

K. **Fines.** Violations of such regulations as the Town of Ellington may from time to time establish shall be subject to fines payable to the Town of Ellington in such amounts as may be established by the Commission.

L. **Operation.** The Sanitary Refuse Disposal Area shall be operated as a Sanitary Landfill in conformity with Connecticut Commission of Health rules and such regulations as the Commission may establish as to: hours of operation, type of materials which may be disposed of and prohibited materials, fencing, depth of layers of refuse, soil covering, management, open days, period of covering, drainage, fire protection, use by other than residents and businesses located in the Town, policing and maintenance.

Section 7.11 Trailers

A. Camp(er)/Travel and boat trailers may be stored out of doors subject to the following conditions:

1. Storage shall be beyond the front foundation wall of the principal building or structure and in compliance with all yard requirements.
2. Such trailers, while stored, shall not be occupied, inhabited or used for cooking or sleeping purposes.
3. A boat resting on a stored trailer, or cradle, or similar manner up to 24 feet in length, measured on the waterline may be stored on a lot in accordance with (1) and (2) above. Boats in excess of 24 feet, measured on the waterline may be stored by obtaining a special permit.

B. Utility or box trailers not exceeding 30 feet in overall length may be stored out of doors in accordance with A above.

C. Livestock trailers may be stored out doors and shall be located at least 100 feet from any street line and at least 50 feet from a residential zone or residence. *(Added 1-25-10, Effective 2-15-10)*

D. Construction trailers may be stored on a site under progressive construction for 6 months after obtaining a zoning permit. If construction progresses longer than 6 months, a new zoning permit shall be obtained. In the event construction does not progress for a successive ninety (90) days the trailer shall be removed. *(Added 1-25-10, Effective 2-15-10)*

E. All trailers stored in accordance with this section shall in addition be kept at all times in good repair and in a clean and sanitary condition. *(Amended 1-25-10, Effective 2-15-10)*

Section 7.12 Small Wind Energy Systems—Windmills

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

A. Definitions

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

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

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

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

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

A. The use of property as a Cultural, Educational Center shall be established by Special Permit, granted by Planning and Zoning Commission. Such determination of use rests solely with the Commission in accordance with the definition in **Section 10.2 – Definitions**.

B. No overnight guest lodging is permitted.

C. A single identification sign in conformance with Section 6.3.4.B shall be allowed as part of the special permit.

D. No on-street parking shall be permitted. All parking shall be in conformance with **Article 6 - Land Use and Site Development Regulations**. Parking may be utilized in spaces located on alternative parking surfaces rather than in established, paved parking areas and must be identified as such on the plan submitted for approval.

E. No on-site food preparation facilities shall be permitted. All food services shall originate in off-site facilities.

F. The use of a Cultural Educational Center shall be limited to scheduled, special events and shall not include regularly scheduled daily public activity. The standards for granting Special Permit as contained in **Section 8.3.2** shall apply to any application.

Section 7.14 Agricultural Uses *(Added 11-22-10, Modifications Effective 11-15-2023)*

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

7.14.2 Permitted Uses: Any reference to minimum or maximum lot size shall be construed to mean contiguous acreage under single ownership and/or leasehold in any zone. Agricultural uses shall not be permitted on common interest properties (e.g. condominium and apartment complexes), unless approved as a permitted accessory use or structure on a site plan approved by the commission.

A. **Agriculture.** All uses in Section 7.14 shall require a minimum of 3 acres unless a minimum acreage is specifically defined.

B. **Agricultural enclosures, buildings, or structures** except farm stores and seasonal farm stands, as long as the setback of the underlying zone is met for the street property line, when located at least 50 feet from any side or rear property line and subject to the issuance of a Zoning Permit. *(Amended 12-30-13, Effective 1-15-14)*

C. **Seasonal Farm Stand** provided that 70% of gross sales shall be from agricultural goods produced on the owner's farm, or processed products made from raw materials that were produced on the owner's farm, for at least three of the immediately preceding five years; the farm stand shall cease operations for a minimum of six consecutive weeks on an annual basis; and adequate parking with safe ingress and egress is present and is located outside of the public right-of-way.

D. **Keeping of Horses:** *(Added 5-23-16, Effective 6-15-16)*

a. **Applicability:** This section shall apply to the keeping of horses, donkeys, ponies, miniature horses, and similar members of the equine family, and any reference to "horse" shall be inclusive of all of these animals.

b. **Minimum lot size:** A property must have at least 3 contiguous acres in order to keep horses.

c. **Number of horses and other equine:** A property with at least 3 contiguous acres may keep 2 horses or equine. An additional horse may be kept for each additional acre of contiguous land (e.g., a property with 4 acres may keep 3 horses). For the purposes of calculation, acreage shall be rounded down to the nearest acre (e.g. a property with 5.6 acres may keep 4 horses).

d. **Structures for the Keeping of Horses:** All structures and enclosures for the keeping of horses shall comply with the requirements of Section 7.14.2.B and/or Section 7.14.3.A, as applicable.

E. **Keeping of Backyard Poultry:** *(Added 5-23-16, Effective 6-15-16, Revised Effective 4-1-26)*

a. **Applicability:** Backyard poultry shall include chickens, ducks, turkeys, and other birds of similar mature size, but not guinea hens, peacocks, emus or ostriches. Farms shall have no limit on the number of poultry that may be kept.

b. **Minimum Lot Size:** A property must be greater than or equal to 20,000 square feet in order to keep up to a maximum of 8 backyard poultry or greater than or equal to 10,000 square feet in order to keep up to a maximum of 4 backyard poultry.

c. **Roosters:** Roosters are not permitted on property which has less than 3 acres.

d. **Management:** Backyard poultry shall be suitably contained on the premises at all times. Free range backyard poultry are prohibited.

e. **Setbacks and Permitting Requirements:**

i. Structures less than 200 square feet and enclosures (such as fenced areas) for the keeping of backyard poultry shall be a minimum of 20 feet from the side and rear property lines and 35 feet from front property lines. These structures and enclosures shall not require a Zoning Permit, but all owners of backyard poultry shall submit a written statement to the Zoning Enforcement Officer certifying compliance to these regulations.

ii. Any structure for the keeping of backyard poultry that is greater than or equal to 200 square feet shall require review in accordance with Section 7.14.2.B or Section 7.14.3.A, as applicable.

f. **Waste Management:** The storage and management of waste (e.g. a combination of manure and bedding) for backyard poultry shall be in accordance with the Public Health Code, as amended. In no case shall waste be located closer to property lines than the minimum setback requirements for structures and enclosures for the keeping of backyard poultry and shall not exceed 2 cubic yards at any given time.

g. **Site Suitability and Impact:** In order to minimize potential adverse impacts, the following shall apply:

i. Sites with slopes greater than 15% shall be avoided or improved to avoid heavy surface water runoff, soil erosion, sedimentation or hazardous conditions for keeping backyard poultry.

ii. Structures for the keeping of backyard poultry shall not be permitted directly over land containing an on-site sewage disposal system. Structures and enclosures (such as fenced areas) shall not be permitted directly over wells.

iii. Proper drainage shall be provided to avoid collection of water. Water shall be diverted from poultry keeping areas; however, such water shall not pollute surface or subsurface water supplies nor shall runoff be directed to neighboring properties.

F. **Keeping of Bees:** *(Added 5-23-16, Effective 6-15-16)*

a. **Minimum Lot Size:** The keeping of bees shall be allowed on any property greater than or equal to 30,000 square feet.

b. **Setbacks and Permitting Requirements:** Beehives shall be a minimum of 10 feet from all property lines or conform to the setback requirements of the underlying zone, whichever is greater and shall be a minimum of 25 feet from any dwelling on abutting properties.

c. **Management:** An adequate on-site source of water for the bees shall be provided.

7.14.3 Special Permit Uses:

The Commission may approve an application for special permit for the following agricultural related uses and shall consider proximity to existing uses, traffic volumes, anticipated commercial traffic, suitability of land, hours of operation, and impact on future farming uses.

A. **Agricultural enclosures, buildings, or structur**es including farm stores and seasonal farm stands when closer than 50 feet from any side or rear property line if the setback of the underlying zone is met.

B. Farm Store when a minimum of 3 contiguous acres under single ownership and/or leasehold in any zone and subject to the following standards:

1. At least 20% of gross product sales shall be from farm products produced on the owner's farm or processed products made from raw materials that were produced on the owner's farm, and an additional 20% of gross product sales from Connecticut-Grown farm products or products made from raw materials produced from Connecticut-Grown farm products. Farm products produced on land owned by the owner of the farm store separate from the farm store land or processed products made from raw materials on other land owned by the owner of the farm store separate from the farm store land shall be counted towards meeting minimum gross product sales.
2. Adequate off-street parking and safe ingress and egress is provided to ensure public safety. A reasonable parking area not to exceed three square feet for every one square foot of store area (where products are displayed for sale whether inside or outside of a structure), shall be provided. Permeable parking surfaces are recommended.
3. Farm stores may be used to support farmers' market activities, promote agricultural ideals, and host agricultural related workshops.
4. Farm stores may include kitchen facilities for the preparation and sale of food for consumption on or offsite, tasting rooms and restaurants, farm-to-table dinners, bakeries, and banquet spaces and shall be subject to approval from the Health Officer and in accordance with applicable federal, state and local codes.

C. Horse Boarding / Riding Arena if it finds that the proposal will conform to the following standards:

1. A minimum of 10 contiguous acres under single ownership and/or leasehold.
2. The use is conducted only by the resident of the premises as an accessory use.
3. The primary and any accessory structures shall not be less than two hundred (200) feet from any street line, side, and rear lot lines.

In considering such special use, the Commission shall weigh the agricultural and rural aspects of the area, as well as the residential or commercial character or potential of the area and shall find that the granting of such land use shall result in an appropriate use of the land and will not have a detrimental effect on the value or enjoyment of existing residential or other uses in the area.

D. Agricultural Related Uses

1. Permitted uses include banquet space, farm breweries, farm cideries, farm distilleries, farm wineries, farm-to-table dinners, tasting rooms, tours, retail and wholesale sales of products grown or manufactured on the premises, sale of merchandise related to the products grown or

manufactured on the premises or sale of merchandise unrelated to the products grown or manufactured on the premises when unrelated merchandise is no more than 40% of all merchandise for sale.

2. Minimum Lot Size: 10 contiguous acres under single ownership and/or leasehold in any zone.

3. Setbacks Requirements: Buildings and structures shall be located a minimum of 200 feet from all property lines. Areas used for outdoor activities like outdoor seating and tastings shall be located a minimum of 150 feet from all property lines. However, buildings, structures and outdoor activities may be located not less than 10 feet to a rear yard or a side yard when located adjacent to permanently protected farmland, open space, or forestland.

4. Parking Requirements: A reasonable parking area shall be provided and be a minimum of one and a half square feet per square foot of retail, tasting and other area accessible to the public and may be increased to three square feet of parking area per square foot of area accessible to the public as required by the commission. No parking shall be permitted within 100 feet of an existing off-site residence or residential zone boundary. A permeable parking surface is recommended. There shall be no on-street parking.

5. Access Requirements: Access shall be from a public road and have adequate line of sight for in/egress based on Connecticut Department of Transportation standards.

6. Refuse areas shall be properly screened from public view and shall be located adjacent to buildings and at least 100 feet from adjacent properties.

7. Buffer Standards: A 10 foot wide vegetated buffer, 6 foot high privacy fence or combination thereof may be required along side and rear yards to reduce disturbance to adjacent residential zones or residences. When plantings are required, they shall comply with Section 6.1.C – Buffer Requirements.

8. Lighting: Exterior lighting shall be fully shielded, downward directed, and shall not create glare or emit light beyond the property boundary it serves. Exterior lighting, other than the minimum extent required for safety, shall be extinguished beyond the permitted hours of operation.

9. Signs shall comply with Section 6.3 Signs.

10. Hours of operation may be permitted on Sunday 10am to 8pm, Monday – Wednesday 9am to 9pm, Thursday – Saturday 9am to 10pm.

11. Food trucks may be permitted, subject to obtaining all required health department approvals, but shall be subordinate to the agricultural related use. Establishments may allow visitors to bring prepared food.

12. Outdoor entertainment may be permitted by the commission but shall be subordinate to the agricultural related use and shall not be amplified.

13. Deliveries and pick-up shall not occur between 10pm and 6am, when adjacent to an existing off-site residence or residential zone.

Section 7.15 Alternative Energy – Solar *(New section approved 12/18/17, Effective 1/15/18)*

7.15.1 Purpose - The purpose of this section is to:

A. Enable the use of solar energy systems;
B. Provide opportunities for homeowners and businesses to save on fuel costs;
C. Establish standards to allow the use of solar energy; and
D. Ensure that solar energy systems are safe and compatible with surrounding development.

7.15.2 Definitions

A. **Fixed Racks:** Devices that hold solar modules stationary at a fixed angle and orientation.

B. **Solar Array:** Shall mean a solar energy collection system that is attached to the roof a building or is a free-standing, ground-mounted system consisting of a linked series of photovoltaic modules primarily for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating or cooling, or water heating.

C. **Solar Energy Collection System:** Shall mean a ground-mounted or roof-mounted solar array.

D. **Solar Trackers:** Devices that sense the location of the sun and tilt modules as needed to maximize exposure to sunlight.

7.15.3 General

A. All parts of a solar energy collection system shall be maintained in good repair at all times.

B. Any part of solar energy collection system not in good repair shall be fixed or removed and properly discarded.

7.15.4 Roof-Mounted Accessory Use – All Zones

A roof-mounted solar array is a permitted accessory use in all zones on primary and accessory structures without a Zoning Permit and shall comply with the purpose and general requirements of this section and the following:

A. A roof-mounted solar array and any portion thereof shall be located in compliance with minimum yard setbacks and lot coverage requirements applicable to buildings for the zoning district in which located, including Highway Clearance Setback requirements.

B. A roof-mounted solar array and any portion thereof affixed to a pre-existing legal non-conforming structure, as of the effective date of this regulation (January 15, 2018), shall not have to comply with the minimum yard setbacks or building height applicable to the structure for the zoning district in which located.

C. In no case shall a roof-mounted solar array and any portion thereof exceed twelve (12) inches above a roof affixed to a residential structure, or twenty-four (24) inches above a roof affixed to commercial or industrial structures.

7.15.5 Ground-Mounted Accessory Use – Residential Zones or Residence

A ground-mounted solar array is a permitted accessory use in residential zones or when serving a single-family or two-family dwelling in commercial or industrial zones without commission approval when in compliance with the purpose and general requirements of this section and the following:

A. Ground-mounted solar arrays shall require the issuance of a Zoning Permit prior to installation.

B. A ground-mounted solar array and any portion thereof shall be in compliance with the maximum lot coverage requirements for the zoning district in which located.

C. A ground-mounted solar array and any portion thereof shall be located beyond the rear foundation wall of the primary structure from the front and side yards and shall be in compliance with the minimum rear yard setback applicable to buildings for the zoning district in which located.

D. A ground-mounted solar array and any portion thereof shall not exceed fifteen (15) feet in height from natural grade at any point of the array when fixed or twenty (20) feet in height from natural grade at any point of the array when a solar tracker. Trackers are measured when the array is 60 degrees to horizontal.

7.15.6 Ground-Mounted Accessory Use – Commercial or Industrial Zones or adjacent to Residential Zones or Residence

A ground-mounted solar array is a permitted accessory use in commercial or industrial zones without commission approval when not adjacent to a residence or residential zone and in compliance with the purpose and general requirements of this section and the following:

A. Ground-mounted solar arrays shall require the issuance of a Zoning Permit prior to installation.

B. A ground-mounted solar array and any portion thereof shall be in compliance with the maximum lot coverage requirement and minimum yard setbacks applicable to principal buildings for the zoning district in which located, including Highway Clearance Setbacks, and shall not be visible to existing public or private streets or existing easements or right-of-ways used or intended to be used as a public or private street, or a state highway.

C. A ground-mounted solar array and any portion thereof located in commercial or industrial zones shall not exceed twenty-five (25) feet in height from natural grade. Trackers are measured when the array is 60 degrees to horizontal.

7.15.7 Ground-Mounted Primary Use and Other – All Zones *(Amended 10-30-2023, Effective 11-15-2023)*

A ground-mounted solar array proposed as a primary use in all zones may be allowed by approval from the commission by Special Permit and Site Plan Approval pursuant to Section 8.3 Special Permit Standards and Procedures, the purpose and general requirements of this section, and the following:

A. A ground-mounted solar array and any portion thereof shall be located at least 200’ from property lines and shall comply with the maximum lot coverage requirements for the zoning district in which it is located.

B. A ground-mounted solar array and any portion thereof located in residential zones shall not exceed 20’ in height from natural grade at any point of the array and when located in commercial or industrial zones shall not exceed 25’ in height from natural grade at any point of the array. Trackers are measured when the array is 60 degrees to horizontal.

C. A ground-mounted solar array and any portion thereof shall be screened from visibility along all yards and to adjacent properties, regardless if the adjacent property is developed or undeveloped or to existing public or private streets or existing easements or right-of-ways used or intended to be used as a public or private street, or a state highway. Screening provisions shall be 30' in depth and consist of two rows of planted evergreens every 10' on center or portion thereof between the perimeter of the solar facility and abutting properties. Plantings shall be 6' in height when planted and pruned and consist of Green Giant arborvitae and in shaded area Upright Cedar Skyrocket Junipers. The 30' wide planted buffer may include earthen berms, plantings, fencing, existing evergreen vegetation and other like features or combinations thereof if the commission finds screening provisions protect privacy of residents and eliminate noise, dust, and glare. Plantings and other screening provisions shall be maintained for the life of the facility and dead or dying plantings replaced as soon as practical in the present growing season or immediately upon the start of the next growing season.

D. Transformers and inverters shall be located 200' or greater from all property lines and soundproofed.

E. All ground-mounted solar arrays shall require the issuance of a Zoning Permit prior to installation.

F. When a ground-mounted solar array ceases to operate for three (3) consecutive months or more all components of the ground-mounted solar array shall be removed from the property and properly discarded, and the site restored to pre-development condition within twelve (12) months of cessation.

ARTICLE 8 SITE PLANS, SPECIAL PERMITS & ZONE CHANGES

Section 8.1 Zone Change Standards and Procedures

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

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

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

Section 8.2 Site Development Plan Standards and Procedures

8.2.1 General Requirements

A. A complete site development plan to be reviewed by the Planning and Zoning Commission is required for:

   1. Special Permit uses.
   2. All business uses.
   3. All industrial uses.
   4. Other uses as required in these regulations.

B. Home occupations not subject to a special permit may be reviewed and approved by the Zoning Enforcement Officer.

C. At the public hearing the applicant shall present written approval of the site plans from the Health Officer.

D. The Commission may hold a public hearing on all petitions for developments requiring site development plans.

E. Applications for Site Plan approval shall include the following:

   1. A completed application form signed by the applicant and the owner of the property;
   2. A fee in the amount prescribed by the Commission or by ordinance; and
   3. Twelve copies of the site plan shall be submitted to the Commission.

8.2.2 Site Plan Requirements

A. A site plan of development (site plan) shall be complete, showing all design criteria and specifications, and compliance with all applicable zoning regulations, and information required by the Commission, including plans, maps and documents.

B. The site plan shall be signed and sealed by a professional land surveyor and a professional civil engineer each licensed to practice in the State of Connecticut, each where appropriate to their respective areas of expertise, and shall bear appropriate registration stamps. A site plan prepared by an architect will not be accepted.

C. The information required may be shown on one or more pages (aka sheets) and all pages together shall comprise the complete site plan. All drawings shall be at a scale of not less than 1-inch equals 60 feet and where practical, the scale shall be 1 inch equals 40 feet. Site development plans shall be prepared at a scale of 1"=40', or greater, and shall contain all of the information required in this Section. All Site Plan drawings shall be in sufficient detail and accuracy, (generally A-2), to enable the construction of all site improvements shown and approved on the drawings. All public improvements shall be constructed to the standards of the Town's Subdivision Regulations.

D. **Format**. Each page shall bear the identical primary title. Each page shall bear a secondary title indicating the subject of that page (i.e. existing grades, final grading plan, erosion control plan, etc.). Each page shall bear the same original date; however, other different revision dates may appear. Each page shall bear a page number using the format: 1 of ___, 2 of ___, 3 of ___, etc. All pages shall be submitted properly collated, on page size not greater than 24" x 36" or less than 11" x 17", with the exception that written reports may be submitted bound or unbound using 8½" x 11" paper. The Commission or its staff may require that the site plan and supporting documentation also be prepared and submitted in electronic versions as specified in the General Regulations.

E. **Site Plan Contents:** Site Plans shall include the following:

1. Boundary survey of site, Class A-2, scale of 1":40' prepared in accordance with the regulations of the Connecticut Association of Land Surveyors.
2. Title Block with name of developer, property owner, north arrow, seals and signatures of all appropriate design professionals;
3. A location map at the scale of 1" to 1000' showing the proposed project location and properties and zoning districts within 1000 feet;
4. Zoning classification of property;
5. Area of lot;
6. Name of abutting owners and zoning classification of their property as well as the footprint locations of existing structures on land adjacent to the proposed development;
7. Existing and proposed topography of the site at 2-foot intervals based on NGVD datum;
8. Existing and proposed sanitary and storm water facilities to include stormwater drainage calculations;
9. Provisions for water supply;
10. Boundary of inland wetlands by a soil scientist certified by the State of Connecticut, where applicable;
11. Location of any area within the Flood Plain District, or a certification by the surveyor or engineer sealing the plan that no area shown on the plan is within the Flood Plain District;

12. Locations of existing and proposed principal and accessory buildings with dimensions, area, and number of stories and distances between all buildings and property lines;
13. Building plans to assure conformance with these regulations;
14. Recreation and open space areas;
15. Existing and proposed streets, walkways and sidewalks;
16. Driveways, parking and loading areas, including specifications for pavement preparation, and signage and marking, as applicable;
17. Off-site improvements;
18. Soil Erosion and Sediment Control Plan (as required by Section 6.4);
19. Locations and descriptions of all existing and proposed easements and rights-of-way;
20. Landscaping plan with location, size and common name of proposed planting; landscape buffer strips;
21. Location of all exterior lighting to include type of fixture, height and wattage;
22. Sign locations;
23. Where public water exists fire hydrants at specific locations and with the size of requisite mains and laterals as approved by the Fire Marshal using national standards as a guide. The Fire Marshal shall also require a report that demonstrates adequate volumes and pressures. Also, a report shall be required by Police authorities to assure proper traffic control signs. *(Amended 2-25-13, Effective 3-15-13)*
24. Outside storage areas with proposed screening;
25. Trash disposal areas and proposed screening;
26. In tabular form show in one column the required standards contained in the bulk table or elsewhere in these Regulations and in a second column in line with the standards in the first column the standards proposed for a specific facility;

F. Where development is for industrial use, a statement shall be submitted indicating the product to be manufactured or assembled and evidence that the processes involved will not become a nuisance because of noise, dust, glare, odor, traffic generated or other harmful effects upon the neighborhood.

G. No development shall be approved which is inconsistent with the public welfare, or which impairs the integrity of these regulations, or which does not fully safeguard the appropriate use of the land in the immediate neighborhood.

H. The Commission shall approve, approve with modifications or disapprove such plans of development on the basis of the foregoing requirements and these regulations and the factors outlined in Section 8.3.2.

I. The Commission, upon request of the developer, will review preliminary studies for areas for which a site development plan is required before a formal application for permit is made. Purpose of this informal review would be to acquaint the developer with regulations and to study the plan with relation to the comprehensive plan of development of the Town.

J. Storm Drainage - A professional engineer shall be retained to set all grades on storm drain piping. The engineer shall inspect the installation of drain piping and prepare an as-built plan of the system prior to the building official issuing a certificate of use and occupancy.

K. Performance and Maintenance Bonds

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

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

8.2.3 Approval of Minor Modifications, Commercial Site Plans

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

Section 8.3 Special Permit Standards and Procedures

8.3.1 Special Permit Application

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

8.3.2 Standards for Granting Special Permit

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

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

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

ARTICLE 9 ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 9.1 Zoning Enforcement Officer

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

Section 9.2 Permits, Fees and Penalties

9.2.1 Zoning Permits

A. All changes in uses to include Home Occupations, and all new buildings or structures and modification of existing buildings and structures shall require a zoning permit. Mechanical and electrical modifications to existing structures, as well as modifications to existing structures that do not change the bulk dimensions in any way, shall not require a zoning permit. Plans submitted for new construction and/or for change of use in any zone may be required by the Fire Marshal to include fire hydrants at specific locations and with the size of requisite mains and laterals as approved by the Fire Marshal using national standards or State of Connecticut Department of Public Health standards as guides. The Fire Marshal may also require a report which demonstrates adequate volumes and pressures.

B. All applications for zoning permits shall be accompanied by plans or diagrams showing the following where applicable:

1. Dimensions and area of the lot.
2. Size of the building to be built upon the lot.
3. Location of the building upon the lot.
4. Location of the well and septic tank, or source of water and sewerage if lot is served by public systems.
5. Elevation of road or proposed road.
6. Elevation of first floor.
7. Elevation of the top of foundation in relation to center of road.
8. Such other information as may be required by the Commission of its agent.
9. Grading plan to scale showing dispersal and channeling of all surface water.

C. Any zoning permit which presently exists, or which may hereafter be issued or granted shall expire six months from the date unless substantial construction shall have begun within said time and been diligently pursued to completion by the holder of said permit.

9.2.2 Construction and Occupancy Permit

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

9.2.3 Health Officer Approval

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

Section 9.3 Application Requirements

A. Applications for zone change, subdivision approval, special permit, planned development, and all others which require a hearing and a fee, must be in writing, accompanied by all necessary plans, required data, and antecedent approvals, and when requested by the Commission or the Planning Department, in electronic format. Applications shall be officially received only at a regular meeting of the Commission. *(Amended 2-25-13, Effective 3-15-13)*

B. All applications as stated above shall be submitted to the Planning Department for official receipt by the Commission during regular business hours of the town.

Section 9.4 Notification

A. The Ellington Planning Department shall cause public notification of any application that requires a public hearing to be published in a newspaper having a substantial circulation in the Town of Ellington. Such legal notice shall be published at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before such hearing.

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

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

Section 9.5 Board of Appeals

9.5.1 Authority

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

9.5.2 Recording of Variances

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

9.5.3 Amendments

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

9.5.4 Validity

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

9.5.5 Notification

The applicant shall cause notice to be mailed to abutters, within 100 feet of the subject parcel(s), ten (10) days prior to the hearing. Such notification shall include, as a minimum, a copy of the legal notice as provided by the Ellington Planning Department. Proof of mailings shall be submitted prior to the public hearing in the form of a certificate of mailing or certified mail.

Failure to complete all necessary mailings shall deem the application incomplete and subject to denial or postponement. *(Amended: 22 December 2006)*

Section 9.6 Post Approval Requirements

Following Planning and Zoning Commission approval of a site plan or modification of a site plan, the applicant shall satisfy the requirements of this section where applicable

9.6.1 **Preconstruction Meeting.** Prior to any construction activity, the applicant shall meet with Town Staff to review the approved plans, conditions of approval, sequence of construction and compliance schedules, and any other post approval obligations.

Site work in the Public Domain can be performed without a bond but is subject to review and inspection by the Department of Public Works and/or the Town Engineer for compliance with the approved plans.

9.6.2 **Mylars.** In the case of a DMF-Designed Multi-Family Zone, final site plan and special permit approval the applicant shall submit paper check prints of the approved plans reflecting the conditions of approval for review and approval by the Town Engineer prior to submitting mylars. Once approved by the Town Engineer the applicant shall provide two complete mylar sets of the approved plans reflecting all conditions of approval to the Town Planner and/or his/her designee prior to the issuance of the first zoning permit for any building within the development.

9.6.3 **Deeds.** Applicants are required to provide all executed deeds of easements, hold harmless agreements, and any other legal documents required pursuant to the approved plan. All such documents are subject to the approval of the Town. Easements shall be recorded on the Land Records by the applicant prior to issuance of a zoning permit.

9.6.4 **Bonds.** The applicant may be required to post bond with security for erosion control prior to the commencement of any site work, in entirety or in phases. No Zoning Permit shall be issued before financial guarantee is posted or the approved site improvements that will be conveyed to or controlled by the Town are completed to the satisfaction of the Commission or its agent. *(Amended 2-25-13, Effective 3-15-13)*

9.6.4.1 **Definition - Bond.** A contractual agreement by the Developer or Permittee agreeing to construct all public improvements within the time provided in these regulations and as authorized by the Commission or upon failure to do so to provide a stated amount to be paid to the Town sufficient for the Town to accomplish the construction. The Bond shall be duly executed on forms provided or approved by the Town, with proper references to all maps and plans showing the streets, drainage and other improvements covered by the bond in a penal amount established pursuant to Sec. 9.6.4.3

9.6.4.2 **Definition - Security.** A financial guarantee from a source recognized by the Town to have available cash equal to the penal sum of the bond it secures.

For the purposes of this section, security shall mean one of the following:

9.6.4.2.1 A Surety Bond from a company licensed to do business in the State of Connecticut accompanied by a power of attorney of the person executing the Bond for the company;

9.6.4.2.2 A Pledge of a passbook, statement savings account or Certificate of Deposit acknowledged by the bank that the account has been pledged to the Town until such time that the Town provides the financial institution with written authorization releasing a portion or all of said funds;

9.6.4.2.3 An irrevocable letter of credit provided by a bank or other similar reputable financial institution with an office in Connecticut either without an end date or automatically renewed without action by the Town for the duration of the bond;

9.6.4.2.4 Any other form of security satisfactory to the Finance Officer and the Town Attorney; or

9.6.4.2.5 Cash deposited with the Town.

9.6.4.2.6 All such security shall be subject to the approval as to form and content by the Finance Officer and the Town Attorney.

9.6.4.3 **Bond Calculation and Approval.** The developer or permittee may prepare a detailed breakdown of improvements to be bonded and shall submit the breakdown to the Town Engineer for review and approval. The amount of the bond shall be recommended by the Town Engineer using prices that would be the cost to the Town to complete the improvements or the implementation of such erosion controls plus a contingency amount not to exceed ten percent of such costs considering that the Town will not perform the work until the applicant has been given ample time to complete the work. Upon consideration of the recommendation, the Commission shall set the bond amount.

9.6.4.4 **Failure to Complete Improvements.** Where a Bond has been posted and required improvements have not been installed within the provisions of these regulations and as may have been extended by the PZC, the PZC may declare the Bond to be in default, demand the entire amount of the bond be deposited with the Finance Officer and cause all the improvements to be installed through contractors engaged by the Director of Public Works and paid from the bond deposit. Upon completion of the installation of all improvements required by the approved plans, any excess in the bond deposit shall be returned to the surety.

9.6.4.5 **Reduction or Release of Bonds.** The Developer may file a written request for reduction of the bond with the Town Planner that states the work that has been completed justifying the reduction. The Town Planner shall immediately refer the request to the Town Engineer who shall inspect the work and file a report with the PZC so that the PZC can act upon the request within 65 days of the request. The PZC may reduce the security in such amount as it determines appropriate or deny any reduction. Any such action will be delivered by the Town Planner to the Finance Officer on the 7th business day following PZC action to reduce a bond and the FO shall record the reduction on his records and advise the Developer and surety of the reduction.

Should the Town Engineer find that additional work is necessary to complete the work described in the request, he will describe such additional requirements in his report and adjust any recommended reduction accordingly. A copy of the report will be provided to the applicant within that 65-day time frame and an additional request for reduction/release will be required. Under the Designed Multi-Family regulations no more than 85% of the total project bond shall be released prior to issuance of a certificate of zoning compliance for the last unit.

(Section 9.6 added Effective 2/15/2012, to formalize post approval procedures and to address changes to State Statute to comply with Public Act 11-79

ARTICLE 10 DEFINITIONS & INTERPRETATION

Section 10.1 INTERPRETATION

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

Section 10.2 DEFINITIONS

Accessory Apartment. A separate attached or detached dwelling unit that is intended for use as a complete, independent living facility located on the same lot as a primary dwelling and in compliance with the regulations.

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

Agriculture. The use of land for agricultural purposes, including farming, the growing of crops, raising of livestock, and the storing, processing and sale of agricultural and horticultural products and commodities, including those defined in Connecticut General Statute Section 1-1q, as incidental to agricultural operations. *(Amended: 10-30-2023, Effective: 11-15-2023)*

Agricultural Buildings and Structures. Buildings, structures and portions thereof, used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies; excludes farm stores and seasonal farm stands. *(Amended: 10-30-2023, Effective: 11-15-2023)*

Agriculturally Related Uses. Events on a farm that are incidental to agriculture, including farm stores, tasting rooms, farm-to-table dinners, bakeries, corn mazes, pick-your-own, farm tours, harvest festivals, educational demonstrations, hayrides, petting zoos, farm breweries, farm cideries, farm distilleries, farm wineries, or other agricultural uses approved by the commission. *(Amended: 10-30-2023, Effective: 11-15-2023)*

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

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

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

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

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

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

Boarding House, Rooming House. The renting of rooms by not more than three unrelated persons, provided that the homeowner permanently reside in the home and no interior or exterior structural changes to the building be made outside of those necessary for ADA requirements or as provided for in the Accessory Apartment section of these regulations. This definition shall not extend to any residential occupancy within a two-family or multi-family configuration where such boarding/rooming use is prohibited. *(Modified 7-15-11)*

Brewery. A facility used for manufacturing, bottling and storage of beer and beer products, including tastings, tours, and wholesale and retail sale of sealed bottles or other sealed containers of beer produced on the premises for offsite consumption.

Brew Pub. A facility that operates in conjunction with a brewery and includes retail sale of beer produced on site for consumption on the premises with or without the sale of food or entertainment.

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

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

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

Business. Customary commercial pursuits and transactions.

Cannabis Establishment. Means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, or product packager.

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

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

Child Care Center. A service which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis.

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

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

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

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

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

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

Connecticut Grown Products. Produce and other farm products that have a traceable point of origin within Connecticut. *(Added 5-23-16, Effective 6-15-16)*

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

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

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

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

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

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

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

Family Day Care Home: Shall be defined in accordance with Connecticut General Statutes Section 19a-77 inclusively.

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

Farm Products. Any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese and other dairy products, food products of aquaculture, as defined in subsection (q) of section 1-1, including fish, oysters, clams, mussels and other molluscan shellfish taken from the waters of the state or tidal wetlands, or products from any tree, vine or plant and their flowers, or products made from raw materials that have been processed with Connecticut-Grown products, including, but not limited to, baked goods. *(Added 5-23-16, Effective 6-15-16)*

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

Farm-to-table dinners serve Ellington-grown or Connecticut-grown food at restaurants, school cafeterias, and agricultural-related uses through direct sales, a community-supported agriculture arrangement, a farmer's market, or local distributor where the origin of the food is identifiable to consumers.

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

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

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

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

Group Day Care Home. Shall be defined in accordance with Connecticut General Statutes Section 19a-77 inclusively.

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

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

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

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

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

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

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

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

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

Livable Area. Any permanent, soundly constructed enclosed portion of a dwelling with a height from floor to ceiling of 7 feet or more, excluding cellar, basement, porch, garage, utility room, furnace room, outside vestibules, etc., or areas in accessory buildings. In multi-family dwellings, common stairways and common halls are not considered livable area. Any area above the first floor not accessible by a fixed, permanent stairway shall not be considered as livable area.

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

Lot, Area. The contiguous area contained within the property lines of the lot. *(Added: 7-15-11)*

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

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

Lot, Developable Area. The lot area of land being developed excluding any area classified as inland wetlands, watercourses, 100-year floodplain, or having slopes in excess of 25 percent. *(Added: 7-15-11)*

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

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

Low Impact Development is a site design strategy that maintains, mimics, or replicates predevelopment hydrology through the use of numerous site design principles and small-scale treatment practices distributed throughout a site to manage runoff volume and water quality at the source.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Structure. Anything constructed or erected which requires location on the ground, or anything attached to something having a location on the ground. Includes private greenhouse, sheds, carports, swimming pools, shelters, garden houses and similar structures, but excludes signs. *(Amended 1-27-14, Effective 2-15-14)*

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

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

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

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

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

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

Use District. An area zoned for particular uses.

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

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

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

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

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