

APPENDIX C

ZONING REGULATIONS*

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ARTICLE I TITLE, AUTHORITY AND INTENT

SECTION 100. Title

These regulations shall be known as the Zoning Regulations of the Town of Killingly.

SECTION 110. Authority

The Planning and Zoning Commission of the Town of Killingly, County of Windham, State of Connecticut, hereby adopts and enacts these regulations in accordance with the provisions of Chapter 124 of the 1958 Revision of the Connecticut General Statutes, as amended.

***Editor note** - This appendix contains the zoning regulations of the town, adopted by the planning and zoning commission, effective May 26, 1975, as amended. Amendments subsequent to August 21, 1979 are indicated by parenthetical history notes following amended provisions.

Cross references - Planning commission, §2-69 et seq.; planning and zoning commission, § 2-86 et seq.; regional planning, § 2-105 et seq.; zoning board of appeals, § 2-125 et seq.; building regulations, Ch. 4; flood damage prevention, Ch.7; historic districts, Ch. 8.1; effect of outdoor events ordinance on zoning regulations, § 11-25; streets, sidewalks and public places, Ch13; inland wetlands and water courses, App. A; subdivisions, App. B.

SECTION 120. INTENT

It is the intent of these regulations to guide the growth and development of the Town of Killingly in accordance with a comprehensive plan to promote beneficial and convenient relationships among residential, commercial, industrial and public areas within the Town, considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and mode of living, and future needs for various types of development, and to achieve the purposes more particularly described as follows:

1. To provide adequate light, air, and privacy.
2. To prevent the overcrowding of land and undue concentration of population.
3. To provide for the beneficial circulation of traffic throughout the Town, having particular regard to the avoidance or lessening of congestion in the streets.

4. To secure safety from fire, panic, flood and other dangers.
5. To protect and conserve the existing or planned character of all parts of the Town, and thereby aid in maintaining their stability and value, and to encourage the orderly and beneficial development of all parts of the Town.
6. To provide a guide for public policy and action that will facilitate economical provisions of public facilities and services and for private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the Town.
7. To minimize conflicts among uses of land and buildings, and to bring about the gradual conformity of uses of land and buildings throughout the Town to the comprehensive plan herein set forth.
8. To protect inland wetlands, flood-prone areas and other natural resource areas in the Town.
9. To promote the health, safety and general welfare of all residents of the Town.

ARTICLE II APPLICATION OF REGULATIONS

SECTION 200. APPLICATION OF REGULATIONS:

The requirements of these Regulations within each district shall apply uniformly to each class or kind of structure or land, except as hereinafter provided, and particularly:

- 200.1. No land shall be used (except for agricultural purposes) and no building, structure or sign shall be used, erected, constructed, reconstructed, moved, or structurally altered (except as provided in Section 200.6 below) unless a Zoning Permit for the proposed work or use has been issued in accordance with Article VI. No building permit for such work shall be issued until a Zoning Permit has been obtained.
- 200.2 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- 200.3 No set back, or off-street parking or loading space required around or in connection with any building for the purpose of complying with these Regulations shall be included as part of a set-back or off-street parking or loading space similarly required for any other building.
- 200.4 No set back or lot existing at the time of passage of these Regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks and lots created after the effective date of these Regulations shall meet at least the minimum requirements established by these Regulations.
- 200.5 Repairs or alterations to existing buildings or structures shall not require the securing of a Zoning Permit, provided that such work does not increase the floor area of the building or structure and does not change the actual use thereof. (See Article III – Definitions, “Actual Use”).
- 200.6 In their interpretation and application, the provisions of these regulations shall be held to be minimum regulations, adopted for the promotion of the public health, safety, or general welfare. Wherever the requirements of any other lawfully adopted rules, regulations, deed restrictions or covenants are at variance with this regulation, the most restrictive or that imposing the higher standard shall govern.
- 200.7 Should any section or provision of this regulation be declared invalid or unconstitutional by the Courts, the remainder of the regulation shall continue to be applied and shall not be considered invalid as a whole.
- 200.8 Trailers or manufactured homes temporarily occupied by construction crews in conjunction with on-site construction activities for which a building permit has been issued, may be temporarily placed on the lot of said construction activities in any

zone by right. Said trailer or manufactured home shall not be inhabited or otherwise used for residential purposes, and shall be removed from the site within thirty (30) days from the conclusion of permitted construction activities, or within two years, whichever comes first. Section 450.2 concerning set backs shall not apply, however, no such trailer or manufactured home shall be placed less than ten (10) feet from any street, side, rear, or residential district boundary-line. (Ord. of 4-13-87 §2)

200.9 Trailers or manufactured homes temporarily occupied on-site by the present or future occupants of a commercial or industrial building undergoing construction activities for which a building permit has been issued may be placed on the lot of said construction activities in any zone by right. Said trailer or manufactured home shall be used for office purposes only and shall not be inhabited or otherwise used for residential purposes. Said trailer or mobile home shall be removed from the site within thirty (30) days from the conclusion of permitted construction activities, or within two years, whichever comes first. Section 450.2 concerning setbacks shall not apply, however, no such trailer or manufactured home shall be placed less than ten (10) feet from any street, side, rear, or residential district boundary-line. (Ord. of 4-13-87 §2)

200.10 A single-family manufactured home temporarily occupied on-site by the present or future occupants of a single-family residential building undergoing construction activities for which a building permit has been issued, may be placed on the lot of construction activities in any zone by right. Said manufactured home shall be used for residential purposes only. Said mobile home shall be removed from the site within thirty (30) days from the conclusion of permitted construction activities, or within one year, whichever comes first. Section 450.2 concerning setbacks shall not apply, however, no such manufactured home shall be placed less than ten (10) feet from any street, side, rear, or residential district boundary line. (Ord.. 4-13-87, §2)

ARTICLE III

DEFINITIONS

SECTION 300.

INTENT

Certain words and terms used in these Regulations shall have the meanings listed in this section, and the following rules shall hold:

- Words in the present tense include the future tense.
- Words in the singular include the plural.
- The term "shall" is mandatory.
- The term "person" includes a partnership or corporation.
- The term "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Doubts as to the precise meaning of other words and terms shall be determined by the Commission with reference to the Connecticut General Statutes.

SECTION 310.

DEFINITIONS

Access right-of-way - a strip of land in which a legal interest has been acquired permitting access to an adjoining interior lot from a public street, a proposed public street, or an approved private street. (Amend. of 10-17-83, § B)

Access strip - a portion of an interior lot, between the street line of a public street, a proposed public street, or an approved private street, that provides access to said interior lot from a public street, a proposed public street, or an approved private street. (Amend. of 10-17-83, § A)

Accessory use - a use or structure subordinate to and customarily incidental to the principal use of land or buildings on the same lot. Unless otherwise specified in this ordinance, no use or structure for commercial or industrial purposes shall be permitted as accessory in a residential zone. Normal sewer, water, and other utility lines shall be considered an accessory use in all zones. Satellite dish antennas shall be considered to be an accessory use. (Amend. of 2-10-86, § 6)

Actual use - the specific use to which a building or property is put. This term shall not be taken as referring to the category of uses allowed in any zone (i.e. all residential, commercial or industrial uses), but rather to a single type of such use. For example, conversion of a single-family house to a two-family house may not require a change in the residential zoning category, but is a change of actual use. Similarly, conversion of a tailor shop to a retail clothes store may not require a change in the commercial use category, but is a change in actual use.

Adult oriented Establishment - shall include, without limitation, "adult bookstores", "adult motion picture theaters", "adult mini-motion picture theaters", and further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or any premises wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

Adult Bookstore - means an establishment having a substantial or significant portion of its stock and trade in books, films, video cassettes, sexual aids, toys, novelties, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"

as defined below, and may in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies or live entertainment, for observation by patrons therein.

Adult Entertainment - means any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas", removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers.

Adult Mini-motion Picture Theater - means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

Adult Motion Picture Theater - means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

Agriculture – the cultivation of ground, including the harvesting of crops, rearing and management of livestock, husbandry, horticulture and forestry.

Amusement game arcade - four (4) or more amusement game machines in the same place, location or premises. (Amend. of 11-14-83, § A)

Amusement game machine - any machine, whether mechanical, electrical, or electronic, used or designated to be operated for entertainment or as a game by the insertion of a piece of money, coin or token or other article or by paying money to have it activated. This definition shall not include jukeboxes, bowling alleys, vending machines or machines that provide a ride, weight or photograph. (Amend. of 11-14-83, § A)

Analytical Laboratories – establishments primarily engaged in performing physical, environmental, chemical, and microbiological (except medical and veterinary) testing by professional and technical personnel using scientific equipment

Antique shop - a commercial establishment for the sale of furniture, clothing, and other household items, generally considered to be antiques.

Aquifer protection zone - the primary and secondary recharge areas of designated aquifers. The aquifer protection zone is shown on overlay to the official zoning map of the Town of Killingly.

Area of Special Flood Hazard - the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. (Amend. of 12-10-84)

Base flood - the flood having a one percent chance of being equaled or exceeded in any given year. (Amend. of 12-10-84)

Bed and Breakfast Establishment – a portion of a residential house or premises where short-term lodging and meals are provided to transients for compensation for a period not to exceed ten contiguous nights. (Amend. Effective: 11-6-98)

Building - any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials, excluding trailers.

Building height - the distance measured from the mean level of the ground surrounding the building to the highest point of the roof.

Building line - a line running parallel to the street at a distance from the right-of-way equal to the required setback from the street.

Buffer strip - a strip of land of a specified width lying adjacent to and running parallel to lot lines. Buffer strips shall be reserved solely for vegetation, except that specifically permitted driveways approved by the Commission may be allowed. Maintenance of required buffers shall be the responsibility of the owner or occupant of the property.

Café - a place where alcoholic liquor is sold for consumption and food is available for sale, but hot meals are not necessarily served.

Center, multiuse - any grouping of two (2) or more separate commercial, professional office, and/or service operations on the same lot. Such centers shall include professional office buildings and shopping centers.

Certification – A signed, written approval by the Killingly Planning and Zoning Commission (its designated agent or the Windham County Soil and Water Conservation District) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

Clinic - includes a single legal entity or establishment for the diagnosis with or without treatment of patients, with no overnight lodging, with more than three licensed staff, or more than three patient/treatment rooms or a total occupancy, including both patients and staff, of more than twelve.

Clustered arrangements - grouping of not more than six (6) separate signs, each of which identifies a governmental, educational, charitable, philanthropic, civic, fraternal, or a religious organization. Such grouping shall be attached to permanent type supports, with the grouping contained within the outer sign supports. Grouping plus supports shall not exceed ten (10) feet in width. Such grouping may include in addition a community "welcome" sign. Notice of temporary events, except for regular meetings or services, shall not be permitted.

Commercial pig farm - the keeping of more than fifty (50) pigs, hogs, or swine at one time.

Commercial poultry farm - the keeping of more than one thousand (1,000) fowl at one time.

Commercial vehicles, registered - motor vehicles duly registered with the State Commissioner of Motor Vehicles and bearing commercial number plate(s).

Commission - the Planning and Zoning Commission of the Town of Killingly.

Contractor's Business – shall include but not be limited to excavation, building, electrical, plumbing, heating and masonry contractors and similar uses including ancillary offices, garages, outdoor storage, etc.

Council - means the Town Council of the Town of Killingly, Connecticut.

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

Day camp - a seasonal facility for the care of five (5) or more children having no overnight accommodations except for staff members.

Development - Development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. Underlined = addition. Effective 04/14/95.

Director - means the Killingly Director of Planning and Development.

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

Dog kennel - the harboring on any lot of more than five (5) dogs that are more than six (6) months old.

Dwelling - a building or portion thereof designed exclusively for residential occupancy, including single-family, two-family dwellings, duplex and multifamily dwellings, but excluding hotels, motels, and rooming or boardinghouses.

Dwelling, multifamily - a building or portion thereof designed exclusively for residential occupancy, including three-family dwellings or more, but excluding hotels, motels, and rooming or boardinghouses.

Dwelling unit - a building or portion thereof designed for house keeping and occupied by a single family.

Employee - means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

Entertainer - means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

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

Existing Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by the community. Effective 04/14/95.

Expansion to an Existing Manufactured Home Park or Subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). Effective 04/14/95.

Family - one or more persons occupying a single housekeeping unit and using common cooking facilities. No such family shall include more than five (5) persons who are not related by blood, marriage, adoption, or guardianship.

Farm implements - vehicles designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations and not operated on the highway for the transportation of a pay load or other commercial purpose.

Farm Stand - a structure used solely for the sale of agricultural products grown on the premises.

Farm vehicles, registered - motor vehicles duly registered with the State Commission of Motor vehicles and bearing farm number plate(s).

Flood or flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters and/or (2) The unusual and rapid accumulation or runoff of surface waters from any source. (Amend. of 12-10-84)

Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. (Amend. of 12-10-84)

Flood Insurance Study - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood. (Amend. of 12-10-84)

Floodway - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Effective 04/14/95

Floor area - the sum of the horizontal exterior area of the several floors of a building or structure. Cellars, basements and attics used only for storage or for heating or cooling equipment and unenclosed porches or patios shall not be included in computing floor area.

Fowl - chickens, turkeys, geese, ducks and any other type of bird.

Frontage - the portion of a lot directly abutting a street line.

Grading - 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.

Groundwater - water in the subsurface zone beneath the water table in which all pore spaces are filled with water.

Groundwater recharge area - that area from which water is added to the saturated zone by: (1) natural processes such as infiltration of precipitation, or (2) artificial processes such as induced filtration.

Hazardous waste - waste material which may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed including without exception hazardous waste identified and listed in accordance with section 3001 of the Resource Conservation and Recovery Act of 1976.

Heavy equipment and heavy specialized vehicles – Commercial motor vehicles as defined by the Connecticut Department of Motor Vehicles, and/or vehicles with a gross vehicle weight rating of 10,001 or more pounds, fire apparatus, farm and construction machinery or equipment; buses and vans designed primarily for the transportation of ten (10) or more passengers; mobile homes, motor homes, recreational vehicles, trailers and boats of any size, transport trucks or trailers and other equipment and vehicles of a like nature as determined by the Commission.

House Conversion - The conversion of an existing single, two, or multi-family structure, for purposes of increasing the residential density as may be permitted by the zone in which it is located and the lot size of the particular parcel.

Inspection - the periodic review of sediment and erosion control measures shown on the certified plan.

Inspector - means an employee of the Killingly Department of Planning and Development designated by the Director of Planning and Development and/or an employee of the Town of Killingly designated by the Town Manager, who shall hereby be authorized to inspect premises regulated under this ordinance and to take the required actions authorized by this ordinance in case of violations being found on such premises, and to require corrections of unsatisfactory conditions found on said premises.

Kiddie park - a park primarily intended for use by children which may include mechanical devices (rides) designed solely for use by such children and such park shall be limited in operation by the hours of 9 a.m. to 9:00 p.m., except on Sunday when no mechanical device (ride) may open before 12:00 noon, although the park may open sooner.

License - a written license issued by the Connecticut Real Estate Commission under the provisions of Chapter 412 of the General Statutes as amended, allowing the operation and maintenance of a mobile home park.

Light weight - the weight of an unloaded motor vehicle as ordinarily equipped and ready for use, but exclusive of the weight of the operator of such motor vehicle.

Lot - For the purposes of this ordinance a lot is an amount of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards,

buffers and open areas as are required for the district in which such lot is located. A lot may consist of one or more lots of record, or a portion of a lot of record, provided that no such division or combination creates a tract of land incapable of meeting zoning district requirements.

Lot of record - a lot which was legal at the time of the adoption of these Regulations or any amendment hereto and was owned separately from any adjoining lot, as evidenced by maps on file with the Town Clerk and/or by land records of the Town of Killingly.

Lot, corner - a lot fronting on two or more streets or roads.

Lot coverage - the total portion of any lot covered by buildings, structures, patios, roofs, driveways, parking areas or other impervious surfaces.

Lot interior - a lot which meets all of the dimensional and other requirements for the zoning district in which it is located, save an access strip to a street is present in lieu of the minimum required frontage on said street.

Lot line, front - the boundary line of a lot which abuts a street line of an accepted public street, a proposed public street, or an approved private street or, in the case of an interior lot that is served by an access right-of-way, the boundary line of said interior lot which abuts the access right-of-way. (Amend. of 10-17-83, § D)

Lot line, rear - the lot line which is farthest from the street.

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor. (Effective 04/14/95)

Manufactured Home - means a structure transportable in one (1) or more sections, which is 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 park trailers, 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 - means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale. (Effective 04/20/87)

Minor - shall be deemed to refer to a person under the age of eighteen (18) years.

Motel, hotel - a building or group of buildings designed or used as individual living and sleeping quarters for hire. These terms shall include auto courts, tourist cabins and the like.

Multifamily structure - is one which has three or more dwelling units within the structure, each dwelling unit housing one family, and may have commercial uses in the structure, as may be permitted in the zone, but excluding hotels, motels, and rooming or boarding houses.

New construction – structures for which the "start of construction" commenced on or after the effective date of this ordinance. (Amend - 12-10-84)

Operator - means any person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment.

Parcel - a lot of record.

Personal service establishment - any of the following uses employing not more than five non-resident persons: barbershop, hairdresser and/or beauty salon, tailor, dressmaker.

Planned Residential Development - A parcel of land to be developed in the Low or Medium Density zones as a single entity for not less than ten dwelling units, the lot for which meets or exceeds the minimum requirements and specifications as provided in Section 570.5.18 and may include any combination of detached single and attached single-family dwellings or townhouses, to meet the densities permitted by the Planned Residential Development Regulations. A portion of, or the entire development may be designated as Active Adult housing, age 55 and over in accordance with state and federal law.

Planted screenings – a strip of trees and shrubs planted to serve as a buffer between neighboring incompatible land uses. Hardy, indigenous plant material shall be used where such a screen is required, at least 30% of which shall be evergreen and at least 60% of which shall be a minimum of six feet in height. Spacing of such planted material shall be sufficient to serve the intended buffering purpose. Permanent structures such as wooded fences, stone walls and the like may be approved in lieu of part or all of the required planting where, in the opinion of the Commission, the intended buffering purpose is served by such a substitution.

Primary recharge area - that area immediately overlying the stratified drift aquifer and adjacent areas of stratified drift that may not have a sufficient saturated thickness to be part of the aquifer. The boundary of the primary recharge area is the contact between the stratified drift and adjacent till or bedrock.

Professional building - a building used primarily for the conduct of the following occupations: Licensed medical practitioner, attorney, accountant, architect, surveyor or engineer.

Public Service Corporation - any railroad, electric, gas, telephone, telegraph, pipeline, sewage, water, fire, ambulance or community antenna company or corporation; and any vehicle or transportation system, owned or regulated by a governmental agency, used for the mass transport of people. (Effective 02/16/87)

Public water - any water supplied by a water company regulated by the State Department of Health.

Recreational Vehicle - means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Effective 04/14/95)

Repair shop - a building used for the repair and maintenance of appliances, equipment or machinery, but excluding motor vehicles and heavy construction equipment. All work and storage areas must be contained within such a repair shop building.

Repairer - includes any person, firm or corporation qualified to conduct such business in accordance with the requirements of section 14-52a, having a suitable facility and having adequate equipment, engaged in repairing, overhauling, adjusting, assembling or disassembling any motor vehicle, but shall exclude a person engaged in making repairs to tires, upholstery, glazing, general blacksmithing, welding and machine work on motor vehicle parts when parts involving such work are disassembled or reassembled by a licensed repairer.

Repairer, Limited - includes any qualified person, having a suitable place of business and adequate equipment engaged in the business of minor repairs, including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers. For the purpose of this section, the place of business of a limited repairer shall be deemed to be suitable if the building in which the work of the repairer is performed has space capable of receiving at least one motor vehicle at any one time, exclusive of a grease pit or rack, and has adequate space for an office and for the storage of parts and accessories. A person shall be deemed capable of performing the duties of a limited repairer if he is, in the opinion of the commissioner, a qualified mechanic who has a thorough knowledge of the services to be rendered, or has a certificate of completion of a specialized course from a service school approved by the commissioner, or satisfactory proof of previous employment by a licensed repairer for a period of three years, or has successfully passed an examination given by the Department of Motor Vehicles.

Restaurant - a public eating establishment which provides at least four (4) tables and twenty (20) seats or counter service for twenty (20) or a like combination of tables and counter space and waiting on tables. Such establishment may provide take-out service provided that such service shall not constitute more than 20 percent of all business. (Amend. of 4-14-80; Amend. of 7-14-80)

Restaurant, drive-in - a public eating establishment having curb service and/or drive-in service alone or in combination with table service and/or counter and/or take-out service. Such establishment may be a combination drive-in, fast-food restaurant. (Amend. of 4-14-80)

Restaurant, fast-food - a public eating establishment having take-out service which constitutes more than twenty (20) percent of all business, and/or does not provide any waiting on tables. Such establishment may be a combination fast-food drive-in restaurant. (Amend. of 4-14-80; Amend. of 7-14-80)

Rooming house, boarding house - a building providing sleeping quarters for not more than six persons not related to the proprietor, with or without provision of meals.

Seasonal tent or camping ground - a tract of land on which may be located two or more cabins, tents, camp or tent trailers, motor homes or other accommodations of a design or character suitable for seasonal or other temporary recreational living purposes, excluding mobile home parks, boarding and rooming houses, tourist home, motels or hotels.

Secondary recharge area - the land area adjacent to the primary recharge area from which groundwater moves down-gradient into the aquifer.

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

Semi-trailer - any vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and load rests upon or is carried by another vehicle.

Septage - sludge produced by domestic wastes that is pumped from septic tanks.

Setback - the minimum distance required between any lot line and the nearest building line.

Sexual Activities - as used in these regulations, is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which denote at least 25 per cent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

Sign - Any object, statute, device, display or structure or part thereof visible from a public way, which is used to advertise, identify, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Site area, gross - the total acreage of a tract of land, including the portion devoted to roads, buffers, open space and other public uses.

Site area, net - the portion of a tract of land available for use after subtraction of roads, buffers, open space, and required public use.

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

Soil erosion and sediment control plan - a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Solid waste - unwanted or discarded materials including solids, liquids or contained gaseous materials.

Special Flood Hazard area - is the area within a community subject to a one (1) percent or greater chance of flooding in any given year, as identified on the community's FIRM. (Effective 04/14/95)

Specified Anatomical Areas - means:

- (1) Less than completely and opaquely covered:
 - (i) human genitals, pubic region:
 - (ii) buttocks:
 - (iii) female breasts below a point immediately above the top of the areola:
and
- (2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

Specified Sexual Activities - means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (4) Acts of human masturbation, sexual intercourse, or sodomy,
- (5) Fondling or erotic touching of human , genitals, pubic region, buttock or female breasts.

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 a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Streambelt, watercourse, waterbody - a natural or manmade body of water, or a channel through which water flows, either constantly or occasionally.

Street, accepted public - any street duly accepted by the Town of Killingly in accordance with Section 13a-48 of the Connecticut General Statutes.

Street, approved private - any private street which: has been improved and meets the design standards and drainage requirements of the Town of Killingly Subdivision Regulations, as amended; and/or has received prior subdivision or site plan approval by the Commission in accordance with the standards and procedures of the Town of Killingly Subdivision Regulations and/or the Town of Killingly Zoning Regulations.

Street, proposed public - any street duly proposed for acceptance by the Town of Killingly in accordance with Section 13a-48 of the Connecticut General Statutes, provided said street has received prior subdivision or site plan approval by the Commission in accordance with the standards and procedures of the Town of Killingly Subdivision Regulations and the Town of Killingly Zoning Regulations.

Street line - the limit of an accepted public street, proposed public street or approved private street right-of-way or, in the case of an interior lot that is served by an access right-of-way, the limit of said access right-of-way. (Amend. of 10-17-83, § C)

Structure - anything constructed, erected or located, the use of which requires location on the ground or attachment to something having location on the ground.

Substantial Damage - means 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. (Effective 04/14/95).

Substantial Improvement – means any combination of repairs, reconstruction alteration, or improvements to a structure taking place during a one (1) period in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement or (2) in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, “substantial Improvements”, 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 any project for improvement or a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Tavern - a place where beer is sold under a tavern permit.

Tertiary recharge area - the upstream drainage area of streams that traverse the primary recharge area. Rain that falls in this area moves first into a surface water body and then, by induced filtration, into the aquifer. In many cases, induced infiltration from the stream may be the principal source of water for high capacity wells.

Tractor - means a motor vehicle designed and used for the purpose of drawing a semi-trailer.

Trailer - a vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational, or vacation use, or temporary use in conjunction with construction on the premises.

Truck – every motor vehicle designed, used or maintained primarily for the transportation of property.

Wetland – any area designated as a wetland on the Official Map of the Killingly Inland Wetland Commission.

Yard – a required open space unoccupied and unobstructed by any building or portion of a building. (Amend. Of 09/09/80; Amend. of 12/8/80; Amend. Of 12/10/84; Amend. Of 02/11/85)

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

SECTION 400 DISTRICTS ESTABLISHED

The Town of Killingly is hereby divided into the following districts:

Residential:

- Rural Development (RD)
- Low Density Development (LD)
- Medium Density Development (MD)

Professional and Business Office:

- Professional and Business Office (PBO)
- Business Park (BP)

Commercial:

- Village Commercial (VC)
- General Commercial (GC)

Industrial:

- Industrial (I)
- Light Industrial: (LI)

Flood Hazard: (FH)

Mixed Use Interchange (MUI)

Mill Mixed Use Development (MUDD)

Overlays:

Alexander Lake Zoning Overlay District (ALZOD)

Aquifer Protection

Five Mile River

The purposes and uses of such districts shall be as contained on the following pages. Any use not specifically permitted or allowed by special permit is prohibited. Minimum dimensional requirements are summarized in Table A. Section 450. (Amend. of 3-8-82)

SECTION 410. RESIDENTIAL DISTRICTS
RURAL DEVELOPMENT DISTRICT

Section 410.1 **Rural Development district (RD)**. Areas designated as rural development districts present physical obstacles to development such as slopes, wetlands, and soils with only limited capability for accepting on-site sewage disposal, and are distant from existing or planned public sewers and water lines.

These physical restrictions make it necessary to limit permitted uses to low density residential development, agriculture, and other specified non-intensive uses.

410.1.1 Permitted Uses: The following uses of buildings and land are permitted by right, requiring only the securing of a zoning permit as specified in Article VI. However, any building, structure, on-site sewage disposal system, grading, excavation, or dumping of fill or materials on slopes of or greater than fifteen (15) per cent shall be subject to a site plan review. In addition, the applicant may, at the discretion of the Commission, be required to file an erosion and sediment control plan if it is determined that special site conditions or constraints (i.e., excessive steep slopes, unstable soils) warrant such a plan. (Amend., Effective 9/8/04)

Finally, the applicant shall be required to submit an Erosion and Sediment Control Plan, under the provisions of Section 590 of these regulations, when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size (with the exception of a single-family dwelling that is being built on a lot that is not, and never was, part of a subdivision of land).

a. Single-family dwelling or two-family dwelling and accessory uses on lots of 80,000 square feet or more, except single-family dwelling or two-family dwelling and accessory uses shall be permitted by right on the interior lots if said interior lot contains 160,000 square feet or more only, provided:

No building, structure, on-site sewage disposal system, grading, excavating or dumping of fill or other material shall be allowed within 200 feet of any wetlands shown on the Official Wetlands Map of the Town unless a permit for such activity has been issued by the Killingly Inland Wetlands Commission. The Zoning Enforcement Officer may require that an erosion and sedimentation control plan be submitted and carried out where necessary to protect water quality. In all cases, there shall be no more than one residential structure per lot. (Amend. of 2-14-83)

Accessory structures in the Rural Development District may include one private amateur radio antenna not exceeding 65 feet in height above ground level, no portion of which shall be located in any required setback. (Effective 11/08/88).

b. Agriculture, with customary accessory buildings provided:

No building in which more than five cows, horses, sheep, goats, pigs or other livestock, or more than 100 fowl are housed, nor any storage of waste therefrom, shall be located less than 150 feet from the boundary line of any adjacent property owner.

Five or fewer cows, horses, sheep, goats, pigs or other livestock or up to 100 fowl or rabbits may be kept on any lot in the rural development zone. For each additional 20,000 square feet of lot area beyond the minimum lot size for the district, an additional head of livestock or up to 25 fowl or rabbits may be added.

- c. **Greenhouse or nursery.**
- d. **Stands for sale or display of farm products grown on the premises.** Such stands shall not exceed 200 square feet in area and shall be located not less than 20 feet from any street right-of-way, 50 feet from any road intersection and 15 feet from any side lot line.
- e. **Churches and other places of worship.**
- f. **Cemeteries,** provided there is a 10-foot buffer with planted screening on all sides. (See Article III, Definitions, "planted screening").
- g. **Home occupations,** provided all requirements of Section 595. are satisfied. (Amend. of 2-10-86, § 7)
- h. **Those municipal and fire district land uses** existing upon the date of adoption of this amendment may be expanded by alteration of in existing building or structure or construction of a new building or structure on the same lot, provided:
 - Such expansion does not substantially alter the nature of the present land use so that increased traffic, noise, odors, or other detrimental impact will affect the value of surrounding properties;
 - Such expansion is in conformity with the dimensional requirements of Table A. Article IV of the Zoning Regulations for the zone in which it is located, or has been granted a Variance by the Zoning Board of Appeals.
- i. **Outdoor events** as defined by Council Ordinance Regulating Outdoor Events, Town of Killingly, provided that all conditions as set by such Ordinance are met. (Amend. of 7-14-80; Amend. of 9-9-80; Amend. of 2-11-85)

410.1.2 Special permit use: In addition to the above, the following uses may be allowed in the Rural Development District after the securing of a Special Permit as provided in Article VII. All stated conditions must be met to the satisfaction of the Commission prior to the issuance of such permits.

When the development of one of the following uses will result in a disturbed area that is cumulatively more than one-half acre in size, the Commission shall require the applicant to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations.

- a. **Commercial poultry and pig farms,** provided.
 - lots shall contain at least 10 acres.

- no building or structure in which poultry or pigs are housed shall be located less than 200 feet from any property line.
- animals and fowl and their wastes shall be housed to avoid the creation of any public nuisance due to noise, odor, or other objectionable effect.

b. Dog kennels and veterinary hospital, provided:

- no animals shall be permanently housed in outside runs or pens.
- buildings in which animals are housed shall be of solid construction of masonry or framed with insulation and shall have finished interior walls.
- in veterinary hospitals, exercise runs shall have finished masonry floors with covered drains and shall be separated by solid partitions at least four feet in height.
- no such facility shall be located within 150 feet of any property line.
- all animals shall be housed so as to avoid the creation of a nuisance due to noise, odor, or other objectionable effect.

c. Riding stables or academies, or boarding stables for five or more animals provided:

- any such facility shall be located on a lot at least 10 acres in area.
- all buildings and structures, including riding rings and manure pits, shall be located at least 100 feet from any street or property line.
- the use of temporary buildings or trailers for the stabling of horses in excess of 15 days is prohibited
- there shall be no storage of supplies outside of permanent buildings.
- all regulations on the stabling of horses made by state or local health authorities shall be complied with.
- where the holding of frequent shows or competitions is intended, off street parking shall be provided at a rate of one for every five spectators. Such parking need not be paved, but shall be graveled or treated to reduce dust.

d. Public or private golf courses and country clubs, tennis clubs, or swimming clubs, provided:

- golf courses shall be located on a lot of not less than 50 acres or, if in combination with tennis, swimming, or similar facilities, not less than 55 acres.
- tennis, swimming or similar facilities alone shall be located on a lot of not less than 5 acres.
- all facilities, including club house, pro shop, restaurant, bar, locker rooms, or recreation hall shall be located not less than 100 feet from any property line.
- the furnishing of meals, refreshments, beverages and entertainment shall be clearly incidental to the conduct of the facility. There shall be no living accommodations except for employees of the club.
- golf courses shall be so designed as to avoid hazards to persons or property off the premises.

e. Nursery schools and day care centers located in a dwelling unit or building accessory thereto or on a lot by itself, provided:

- the facility shall comply with all applicable requirements of the health code of the State of Connecticut.

- if located in a dwelling unit, not more than 30 children shall be accommodated at any one time.
- f. **Retail shops for the sale of antiques or handicrafts**, provided:
 - such shops shall be secondary to the use of the property for residential purposes.
 - no outdoor storage is allowed.
 - no such shop shall be located in any dwelling having a gross floor area of less than 1500 square feet.
- g. **Parks and playgrounds**, historic landmarks operated by a private or governmental unit or a community association. provided:
 - the purpose of such facility shall be solely educational or recreational and not for private gain.
- h. **Camps, day or boarding**, provided:
 - a minimum lot size of 10 acres is provided.
 - all sanitary and boarding facilities comply fully with State health and fire codes for such camps.
- i. The following uses when conducted by a **nonprofit organization** and not as a business or for profit:
 - parish halls, museums, educational, religious, philanthropic, scientific, literary, historical, fraternal and charitable institutions, agricultural and horticultural societies.
- j. **Public Service Corporation or municipal land use**, provided:
 - the location of such use in this zone shall be necessary for the health, safety, or general welfare of residents of the Town of Killingly.
 - Any such use which in the opinion of the Commission is hazardous in nature shall be fenced and/or screened so as to avoid creation of a nuisance attractive to children. When required by the Commission, outdoor storage shall also be fenced and/or screened.
- k. **Seasonal tent and camping facilities**, provided:
 - minimum lot size shall be 40 acres.
 - all applicable provisions of the State health code are complied with fully.
 - a buffer of at least 100 feet in width containing trees and vegetation fully screening the facility and containing no camp sites be maintained on all property lines including the street line.
 - roads and drives within 100 feet of a property line shall be treated to reduce dust.
- l. **Collection centers for recycling operations**, provided:
 - such center is accessory to a church or community building and is operated by a nonprofit group or organization such as a church, youth group, or other civic association.
 - such center is screened from neighboring land uses and public streets or roads and does not create objectionable odors, noise, or a health hazard. (See Article 111, Definitions, "planted screening").

- m. **Home occupations** involving the use of buildings in addition to the dwelling unit, provided all requirements of Section 595 are satisfied. (Amend. of 9-9-80; Amend. of 2-11-85; Amend. of 2-10-86. § 7)
- n. **One amateur radio antenna greater than 65 feet in height** above ground level may be permitted by special exception as an accessory to a residential use upon the granting of a special permit by the commission, and the applicant demonstrating that the proposed tower is the minimum height necessary to accommodate amateur radio transmission and reception, provided:
- the tower/antenna structural design shall be certified by a Connecticut licensed professional engineer.
 - the tower/antenna design and siting incorporate mitigative measures for ice and other hazards, including additional setbacks and de-icing equipment where necessary to minimize off-site impacts
 - there are no aboveground electric, cable TV or telephone lines within a fall zone radius equal to the total length of the structure.
 - evidence of communication with the FCC relative to the proposed tower/antenna is submitted with the special permit application
 - no portion of any tower/antenna structure or support system shall be located within any required setback. (Amend of 10/17/88, Effective date 11/8/88)
- o. **Bed and Breakfast Establishments**, provided:
- the property contains the minimum acreage required for the zone.
 - the use is maintained within an owner occupied single family detached residential dwelling or premises.
 - a maximum of three guest rooms are allowed.
 - the use is created by interior alterations only (if necessary) of existing space. Additions and garage conversions shall be prohibited. Existing accessory outbuildings other than garages may be used upon the determination of the commission.
 - guest rooms shall not contain kitchen or cooking facilities.
 - The Bed and Breakfast establishment shall meet all applicable Building, Fire, and Public Health Code requirements, with written verification and permits from the appropriate officials.
 - one screened parking space per guest room shall be provided. Screening can consist of solid fencing, a coniferous planted buffer, or combination of both, suitable to the commission. Parking areas are not to be generally visible from streets or adjoining residences.
 - the provision of meals shall be for facility guests only and not open to the general public.
 - guest rooms shall be inspected by the Zoning Enforcement Officer, Fire Marshal, or other Department of Planning and Development personnel on an annual basis to ensure continued compliance with these regulations. (Amend. Effective 11/06/98,12:01 AM)
- p. **Flexible and Cluster Developments – Section 583**
- q. **Construction of a Second Dwelling Unit**, provided:

- the subject property contains a foundation of record which both is pre-existing to the establishment of zoning and conforming to current zoning setbacks and dimensional requirements as set forth in section 450 and Table A
- The pre-existing foundation must be structurally evaluated and approved by an independent, licensed structural engineer prior to applying for a special permit application. A letter signed, sealed and certified is required by the town.
- The structure being used to house the second dwelling unit may already exist on the above mentioned pre-existing foundation, or one (1) new structure can be built on the pre-existing foundation, not exceeding the footprint of the pre-existing foundation
- One (1) single family dwelling unit is permitted on the pre-existing foundation and any future additions to the structure may not increase living area
- The lot in its totality shall not contain more than two (2) dwelling units
- All State of Connecticut Health Code and Northeast District Department of Health regulations must be met.

LOW DENSITY DEVELOPMENT DISTRICT

410.2 Low density development: Those areas of the Town which are within the drainage zones of existing public sewers or are planned for public sewerage within the next decade are placed in the low density development district.

410.2.1 Permitted uses. The following uses of buildings and land are permitted by right, requiring only the securing of a zoning permit as specified in Article VI. However, any building, structure, on-site sewage disposal system, grading, excavation, or dumping of fill or materials on slopes of or greater than fifteen (15) per cent shall be subject to a site plan review. In addition, the applicant may, at the direction of the Commission, be required to file an erosion and sediment control plan if it is determined that special site conditions or constraints (i.e., excessive steep slopes, unstable soils) warrant such a plan. Amended 8/16/04, amend. effective 9/8/04)

Finally, the applicant shall be required to submit an erosion and sediment control plan, under the provisions of Section 590 of these regulations, when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size with the exception of a single-family dwelling that is being built on a lot that is not and never was, part of a subdivision of land.

- a. **Single-family dwellings and accessory uses provided:**
(30,000 s.f. w/sewers) (40,000 s.f., with onsite septic).
- b. **Two-family dwellings provided:**
 - Minimum lot size per dwelling unit is 20,000 square feet where public sewers are used.
 - Minimum lot size per dwelling unit is 30,000 square feet where on-site sewage disposal is used.
- Accessory structures in the low density district may include one private amateur radio antenna not exceeding 40 feet in height above ground level, no portion of which shall be located within any required setback (Effective 11/08/88)
- c. **Churches and other places of worship.**
- d. **Professional office provided:**
 - Such use must be carried out within the dwelling by a resident thereof and must be clearly secondary to the use of the dwelling as a residence.
 - Not more than 20% of the floor area of the unit may be devoted to the use. (This limit shall not include the basement, but shall include the garage).

- There shall be no more than 2 non-resident employees.
 - No regular sales shall be conducted on the premises; however, nothing in this section shall prohibit the occasional sale of homemade items, neighborhood yard sales, or the like.
 - Such use shall not change the residential character of the dwelling in any manner and shall not create objectionable traffic, noise, odor, vibration, light, or unsightly conditions noticeable off the premises.
 - Signs shall be limited to a single sign not exceeding four square feet in area. (Amend. of 2/10/86, § 7)
- e. **Five or fewer cows, horses, sheep, goats, or other livestock** or up to 100 fowl or rabbits may be kept on any lot of 60,000 square feet or more. For each additional 20,000 square feet of lot area, an additional head of livestock or up to 25 fowl or rabbits may be added.
- f. **Those municipal and fire district land uses** existing upon the date of adoption of this amendment may be expanded by alteration of an existing building or structure or construction of a new building or structure on the same lot, provided:
- Such expansion does not substantially alter the nature of the present land use so that increased traffic, noise, odors, or other detrimental impact will affect the value of surrounding properties.
 - Such expansion is in conformity with the dimensional requirements of Table A. Article IV of the Zoning Regulations for the zone in which it is located, or has been granted a Variance by the Zoning Board of Appeals.
- g. **Outdoor events** as defined by Council Ordinance Regulating Outdoor Events, Town of Killingly, provided that all conditions as set by such ordinance are met. (Amend. of 7-14-80; Amend. of 9-9-80; Amend. of 2-11-85)
- h. **Home occupation**, provided all requirements of Section 595. are satisfied. (Amend. of 2-10-86, § 7)
- i. **House conversion with Site Plan Review approval**

410.2.2 Special permit uses: In addition to the above the following may be permitted in Low Density districts after the securing of a Special Permit as specified in Article VII.

All stated conditions must be met to the satisfaction of the Commission prior to the issuance of such permits. When the development of one of the following

uses will result in a disturbed area that is cumulatively more than one-half acre in size, the Commission shall require the applicant to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations.

- a. **Medical or dental offices** housing not more than three licensed physicians.
- b. **Convalescent homes licensed by the State of Connecticut**, provided:
 - A minimum site size of 40,000 square feet is maintained.
 - Public sewerage is to be used.
- c. **Educational institutions, including dormitories**, provided:
 - Public sewerage is used.
- d. **Parks and Playgrounds, historic landmarks** operated by a private or governmental unit or a community association, provided:
 - The purpose of such facility shall clearly be solely educational or recreational and not for private gain.
- e. The following uses when conducted by a **nonprofit organization** and not as a business or for profit:
 - Parish halls, museums, educational, religious, philanthropic, scientific, literary, historical, fraternal and charitable institution, agricultural and horticultural societies.
- f. **Nursery schools and day care centers** located in a dwelling unit or building accessory thereto, or on a lot by itself, provided:
 - The facility shall comply fully with all applicable provisions of the State health code.
 - If located in a dwelling unit, not more than 30 children shall be accommodated at any one time.
 - In all cases, the minimum lot size shall be 25,000 square feet.
- g. **Public service corporation or municipal land use**, provided:
 - The location of such use in this zone shall be necessary for the health, safety, or general welfare of residents of the Town of Killingly.
 - Any such use which in the opinion of the Commission is hazardous in nature shall be fenced and/or screened so as to avoid creation of a nuisance attractive to children. When required by the Commission,

outdoor storage areas shall also be fenced and/or screened.(See Article III, definitions, "Planted screening").

h. The letting of rooms and/or the furnishing of board in a dwelling unit to a total of not more than six persons not related to the person letting rooms, provided:

- The person letting the rooms shall reside in the dwelling unit.

- The letting of rooms shall not include the provision of cooking facilities for such rooms but may include sharing the cooking facilities of the dwelling unit.

- No accessory building shall be used for letting of rooms or furnishing of board.

i. Collection centers for recycling operations, provided:

- Such center is accessory to a church or community building and is operated by a nonprofit group or organization such as a church, youth group, or other civic organization.

- Such center is screened from neighboring land uses and public streets or roads and does not create objectionable odors, noise, or a health hazard. (See Article III Definitions, "planted screening. (Amend. of 9-9-80; Amend. of 2-11-85).

j. One amateur radio antenna greater than 40 feet in height above ground level may be permitted by special exception as an accessory to a residential use upon the granting of a special permit by the commission, and the applicant demonstrating that the proposed tower is the minimum height necessary to accommodate amateur radio transmission and reception, provided:

- The tower/antenna structural design shall be certified by a Connecticut licensed professional engineer.

- The tower/antenna design and siting incorporate mitigative measures for ice and other hazards, including additional setbacks and de-icing equipment where necessary to minimize off-site impacts.

- There are no aboveground electric, cable TV or telephone lines within a fall zone radius equal to the total length of the structure.

- Evidence of communication with the FCC relative to the proposed tower/antenna is submitted with the special permit application.

- No portion of any tower/antenna structure or support system shall be located within any required setback. (Effective date 11/08/88).

- k. Multi-Family Development.**
- l. Planned Residential Development (PRD).**
- m. Planned Elderly Housing.**
- n. Cluster Developments**

Medium Density Zone

410.3 Medium Density development: Existing village centers and other areas which are serviced by an operating public sewer system are designated as medium density development districts. These districts are intended to reinforce existing population and service centers.

410.3.1 Permitted uses.

The following uses of buildings and land are permitted by right, requiring only the securing of a zoning permit as specified in Article VI. However, any building, structure, on-site sewage disposal system, grading, excavation, or dumping of fill or materials on slopes of or greater than fifteen (15) per cent shall be subject to a site plan review. In addition, the applicant may, at the discretion of the commission, be required to file an erosion and sediment control plan if it is determined that special site conditions or constraints (i.e. excessive steep slopes, unstable soils) warrant such a plan. (Amendment effective 9/8/04)

Finally, the applicant shall be required to submit an erosion and sediment control plan, under the provision of section 590 of these regulations, when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size (with exception of a single-family dwelling that is being built on a lot that is not, and never was, part of a subdivision of land).

a. Single-family and two-family dwellings and accessory uses on lots of 10,000 square feet or more per dwelling unit, provided:

- Accessory structures in the medium density district may include one private, amateur radio antenna not exceeding 40 feet in height above ground level, no portion of which shall be located in any required setback. (Effective date 1/8/88)

b. Churches and other places of worship.

c. Five or fewer cows, horses, sheep, goats or other livestock or up to 100 fowl may be kept on any lot of 60,000 square feet or more, for each additional 20,000 square feet of lot area, an additional head of livestock or up to 25 fowl may be added.

d. Those municipal and fire district land uses existing upon the date of adoption of this amendment may be expanded by alteration of an existing building or structure or construction of a new building or structure on the same lot, provided:

- Such expansion does not substantially alter the nature of the present land use so that increased traffic noise, odors, or other detrimental impact will affect the value of surrounding properties.

- Such expansion is in conformity with the dimensional requirements of Table A, Article IV of the Zoning Regulations for the zone in which it is located, or has been granted a variance by the Zoning Board of Appeals.
- e. **Outdoor events** as defined by Council Ordinance Regulating Outdoor Events, Town of Killingly, provided that all conditions as set by such ordinance are met. (Amend. of 2-11-85)
- f. **House conversions with Site Plan Review approval.**

410.3.2 **Special permit uses.**

In addition to the above, the following many be permitted, after the securing of a Special Permit as specified in Article VII:

All stated conditions must be met to the satisfaction of the Commission prior to the issuance of such permits. When the development of one of the following uses will result in a disturbed area that is cumulatively more than one-half acre in size, the Commission shall require the applicant to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations.

- a. **Educational institutions, including associated dormitories,** provided:
 - Public sewage is used.
- b. **Parks and playgrounds, historic landmarks,** provided:
 - The purpose of such facility shall clearly be solely educational or recreational, and not for private gain.
- c. The following uses when conducted by a non-profit organization and not as a business or for profit.
 - Parish halls, educational, religious, philanthropic, scientific, literary, historical, fraternal, and charitable institutions, provided:
 - Minimum site size shall be 20,000 square feet.
- d. **Nursery schools and Day Care centers,** provided:
 - Where outdoor recreation is included in the facility's program, the lot shall contain at least 100 square feet of outdoor recreation space for each child participating in such recreation. If two or more groups use such space at different times, the required area shall be based on the size of the largest group.
- e. **The letting of rooms** shall not include the board in a dwelling unit to a total of not more than six persons not related to the person letting the rooms, provided:
 - The person letting the rooms shall reside in the dwelling unit.

- The letting of rooms shall not include the provision of cooking facilities for such rooms, but may include sharing the cooking facilities of the dwelling unit.

- No accessory building shall be used for the letting of rooms or furnishing of board.

f. Public Service Corporation or municipal land use, provided:

- The location of such use in this zone shall be necessary for the health, safety, or general welfare of residents of the Town of Killingly.

- Any such use which in the opinion of the Commission is hazardous in nature shall be fenced and/or screened so as to avoid creation of a nuisance attractive to children. When required by the Commission, outdoor storage areas shall also be fenced and/or screened. (See Article III, definitions, "Planted screening").

g. Collection centers for recycling operations, provided:

- Such center is accessory to a church or community building and is operated by a non-profit group or organization such as a church, youth group, or other civic association.

- Such center is screened from neighboring land uses and public streets or roads and does not create objectionable odors, noise, or a health hazard. (See Article III, Definitions: "Planted screening"). Amend. of 2/11/85.

h. Auction sales on any lot with access to a public sewer system containing three or more acres of land provided:

- That the area shall provide off street parking for not less than 50 vehicles and further provided that said site shall contain a building suitable for such purpose containing not less than 1,000 square feet.

- Upon permit from the Zoning Enforcement Officer, the owner may conduct not more than six auctions between the period of April 1 through November 30, provided that such auction shall be limited to antiques, used furniture, tools, and other personal property, and provided that the said auction shall not sell or display or offer for sale any livestock whatsoever. Owner shall not sublet the property for auctions to be conducted by third parties and shall be personally responsible for the care and maintenance of said auction site and shall be responsible to see that no excessive noise or accumulation of litter shall be permitted on or around said site during the conduct or as a result of any such auction.

- A resident or owner of such property shall be present at all times at such facility during any auction and for a period of not less than eight hours prior to said auction. No items may be displayed outside the enclosed area at anytime excepting during the actual sale period. (Effective 10/6/87)

i. One amateur radio antenna greater than 40 feet in height above ground level may be permitted by special exception as an accessory to a residential use upon the granting of a special permit by the commission, and the applicant demonstrating that the

proposed tower is the minimum height necessary to accommodate amateur radio transmission and reception, provided:

- The tower/antenna structural design shall be certified by a Connecticut licensed professional engineer.

- The tower/antenna design and siting incorporate mitigative measures for ice and other hazards, including additional setbacks and de-icing equipment where necessary to minimize off-site impacts.

- There are no above ground electric, cable TV or telephone lines within a fall zone radius equal to the total length of the structure where it is proposed to stand

- Evidence of communication with the FCC relative to the proposed tower/antenna is submitted with the special permit application.

- No portion of any tower/antenna structure or support system shall be located within any required setback. (Amend. of 10/17/88, Effective date: 11/8/88)

j. Multi-family Development.

k. Planned Residential Development (PRD).

~~**l. Planned Elderly Housing.**~~

m.l. Cluster Developments.

Section 415. Professional and Business Office District.

415.1 Declaration of legislative intent. In expansion of the Section 120 of these regulations, it is hereby declared to be the intent of the Professional and Business Office District to provide appropriate locations primarily for office and related uses. The regulations which apply within the district are designed to encourage the formation and continuance of a quiet, compatible, and un-congested environment for business and professional offices, intermingled harmoniously with residences and certain limited service uses. Specifically, it is the intent of the district:

- (a) To discourage any encroachment by unrestricted commercial or industrial establishments or other uses which might adversely affect the specialized office, service and residential character of the district.
- (b) To encourage the conversion of existing dwellings to office use in order to encourage the preservation of sound residential structures and maintain the visual character and architectural scale of existing development.
- (c) To attract professional office and service uses which do not generate large volumes of traffic and continuous customer turnover.
- (d) To encourage the orderly, well planned development of professional and business offices and limited service establishments within the district, when a proliferation of unrestricted commercial usage would be undesirable. (Amend. of 11-19-84)

415.1.1 Permitted uses:

- a. Single family and two-family dwellings, in accordance with the requirements of the Low Density Development District (as set forth in Section 450).
- b. Accessory uses on the same lot, with and customarily incidental to any of the above permitted uses. (Amend. of 11-19-84)

415.1.2 Special permit uses: In addition to the above uses, the following uses shall be permitted after the securing of a special permit as provided in Article VII:

- a. Professional offices for doctors, dentists, chiropractors or any other licensed practitioner of the healing arts for humans; lawyers, engineers, architects, surveyors, planners, accountants, economic consultants, business and management consultants, or other professionals similar to those listed herein.
- b. Business offices providing credit services, security and commodity brokerage, real estate sale, employment counseling, insurance sales, advertising, mailing and stenographic services, telephone answering service, or other services similar in nature to those listed herein.

- c. Mixed-use structures containing any combination of permitted uses as set forth in Section 415.1.1 provided that in a mixed-use structure used in part for residential purposes, a maximum of two (2) dwelling units shall be permitted.
- d. Photography studio.
- e. Funeral home.
- f. Nursery school or day care center.
- g. Dance, art or music studio.
- h. Any use of the same general character as those listed in a. through g. above.
- i. Mixed-use structure containing a special permit use in combination with any permitted use or another special permit use.
- j. Conversion of an existing structure to any use listed under Section 415.1.2 herein on a lot smaller than thirty thousand (30,000) square feet may be permitted as a special permit by the Planning and Zoning Commission, provided that all required parking can be properly located on the same lot or on an adjacent lot to which access is legally guaranteed (Section 415.1.5) and all additions to principal buildings and all parking be located at least (15) feet from all property lines.
- k. In analyzing any application for a special permit, the Commission may require an additional setback from the street line pursuant to the following criteria:
 - 1. Where seventy (70) per cent or more of the existing buildings within five hundred (500) feet of either side of a lot have established a uniform standard setback from the line, the required minimum setback from the street line for said lot shall be no less than that uniform standard.
 - 2. Where less than seventy (70) per cent of the existing buildings within five hundred (500) feet of either side of a lot have established a uniform standard setback from the street line, the required minimum for setback from the street line for said lot shall not be less than the setback from the street line established by the two (2) immediately adjacent existing buildings. Where the two (2) adjacent setbacks vary, the required setback for said lot shall not be less than the smaller of the two (2) adjacent setbacks, subject, however, to the provisions of Subsection 4, below.
 - 3. For corner lots, the required minimum setback from the street line shall be the same as the setback of the adjacent building.
 - 4. In no case shall the above requirements be applied to create a setback from the street line of less than thirty (30) feet. (Amend. of 11-19-84)
- l. **Cluster Developments.**

415.1.3 Development regulations: The following regulations apply in the Professional and Business Office District.

- a. A minimum of thirty thousand (30,000) square feet shall be provided for every principal building erected or used for any use permitted in this district.
- b. No parking shall be permitted in front yard areas.
- c. In the case of the conversion of an existing building, maximum lot coverage shall be eighty (80) percent.
- d. The structural appearance of any building to be converted, in terms of roofing, siding, entry-ways and porches, windows, and other exterior features visible from the public way, shall not be altered other than to repair or replace the original material or style of the building.
- e. In allowing any conversion, the Planning and Zoning Commission shall attach any reasonable standards it deems appropriate to ensure said use(s) are developed in a manner consistent with other uses in the district and are compatible with said uses.
- f. The Commission may, where any proposed professional/business office use adjoins a residential district, require the applicant to maintain a buffer strip at least fifteen (15) feet in width and containing planted screening material (See Article M, Definitions, "planted screening"). (Amend. of 11-19-84)

415.1.4 New construction / restoration: In the event of new construction on a vacant lot (or where a building has been removed) and additions to existing buildings, the design of structures and additions shall be compatible with the predominant character or buildings within the surrounding district. (Amend of 11-19-84)

415.1.5 Parking. The number and construction of parking spaces shall be in accordance with Section 530 of these regulations, except as provided herein. (Amend. of 11-19-84)

415.1.6 Shared parking. The owners of two (2) or more adjacent lots may elect to share common parking facilities according to the following requirements:

- a. An application to do so shall be filed jointly by all affected lot owners with the Planning and Zoning Commission accompanied by a plan showing the location of all proposed parking, parking reserve areas, and access ways as well as all buildings which shall use the common parking area.
- b. The aggregate number of parking spaces for all uses which will share the common parking area may be reduced up to a maximum of twenty five (25) per cent if the applicant can demonstrate to the Commission's satisfaction that a greater efficiency is effected by joint use of a common parking area, or that other circumstances warrant such reduction (i.e., complementary operating hours of the uses which will be sharing the parking area). Regardless of the number of spaces actually developed, a parking area to accommodate the aggregate

number of parking spaces normally required shall be fully designated, and the area which is proposed to be eliminated shall be shown as "Parking Reserve Area". Such area shall be required to be developed as designed if and when the Commission determines the need. All reserve areas not utilized for parking shall be landscaped according to an approved plan.

- c. Some portion of the common parking area shall be within one hundred (100) feet of an entrance regularly used by patrons into each use served by the common parking area.
- d. An application to permit shared common parking shall be contingent upon each lot owner obtaining any necessary access easements and rights of-way. (Amend. of 11-19-84)

Section 420.

COMMERCIAL DISTRICTS

420.1 Village Commercial District: Village Commercial Districts are intended to provide residential areas with a variety of retail, service, financial and other commercial establishments within walking or short driving distance of their home. No barriers to pedestrian traffic such as fences, retaining walls, drainage ditches or other devices shall exist between adjacent buildings unless adequate provision for safe and convenient pedestrian crossings of such barriers is made. Where a proposed Village Commercial use adjoins a residential zone, a buffer strip of at least 20 feet in width containing a planted screening shall be provided. (See Article III. Definitions, "planted screening").

Maximum floor area devoted to each use (i.e., each store, each office) shall not exceed 5,000 square feet. The total square footage for building(s) in a Village Commercial district shall not exceed 20,000 square feet per lot. (Effective 08/25/87).

The applicant shall be required to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size, or when the Commission or its designee determines that special site conditions warrant such a plan (i.e. excessive steep slopes, unstable soils). (Amend. of 2-11-85).

420.1.1 Permitted Uses (VC) The following uses of buildings and land are permitted only after the securing of site plan approval from the Commission or its designee, the Director of Planning and Development. Site plan review shall be required before any zoning permit is issued for any building or use, or enlargement in size or other alteration of any building or change in use or actual use of any building including accessory structures (See site plan review Section 470). Site plan review is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the actual use thereof.

- a. Stores exclusively for the conduct of retail trade and expressly excluding the sale of alcoholic liquor and drive-thru windows, provided all items for sale and related storage shall be within the confines of the building. Small, seasonal or periodic outdoor displays of goods for sale are permissible near the main entry, provided no hazard to pedestrians is created. The applicant will clearly state on the application and inform the Commission or its designee of any retail use which will require a permit from the Liquor Control Division of the CT Department of Consumer Protection.
- b. Personal service establishments including but not limited to hair, nail, barber services, tanning, massage therapy, fitness centers, day spas, and other uses of a similar nature as determined by the Commission
- c. Laundering (Self-service or pick-up) and Dry Cleaning (Pick-up only. On-premises dry cleaning is prohibited)
- d. Medical, business and professional offices
Medical includes doctors, dentists, physical therapists, chiropractors, optometrists, psychologists, nurse practitioners, physician assistants, registered nurses, LPNs and other licensed medical professionals of a similar nature as determined by the Commission. Medical offices shall consist of three or fewer licensed staff, with

three or fewer patient/treatment rooms and a total occupancy, including both patients and staff, of not more than twelve.

Business includes advertising, insurance, investment, real estate, business and management consultants, secretarial and stenographic, telephone answering services, detective and private security, or other services similar in nature to those listed herein, with similarity to be determined by the Commission.

Professional includes attorneys, engineers, architects, surveyors, planners, accountants or other similarly licensed or certified practitioners as determined by the Commission.

- e. Financial institutions without drive-thru windows
- f. Restaurants, except drive-in and fast food restaurants, and with no outdoor dining or drinking (Amend. of 4-14-80)
- g. Repair shop for electronics, office equipment, shoe and leather goods, upholstery, tailoring, dressmaking and apparel, gunsmithing, appliances and household goods, small engines and garden equipment, and goods of a similar nature as determined by the Commission, provided all work and storage is contained within the building itself.
- h. One (1) single family detached dwelling unit and not more than one such dwelling unit per lot, occupied by a person, together with his family, who is the owner, corporate officer, manager, caretaker or janitor of a permitted Village Commercial use on the same lot. Dwelling units of no less than eight hundred (800) square feet of livable space are permitted above the first floor of commercial structures provided that all building and fire code requirements are met and off-street parking is provided at the rate of two (2) spaces for each dwelling unit. Residential density is limited to the density of the abutting residential zoning district. When two or more districts abut the VC District, the highest allowable density shall prevail.
- i. Those municipal and fire district land uses existing upon the date of adoption of this amendment may be expanded by alteration of an existing building or structure or construction of a new building or structure on the same lot, provided:
 - Such expansion does not substantially alter the nature of the present land use so that increased traffic, noise, odors, or other detrimental impact will affect the value of surrounding properties.
 - Such expansion is in conformity with the dimensional requirements of Table A, Article IV of the Zoning Regulations for the zone in which it is located, or has been granted a Variance by the Zoning Board of Appeals.
- j. Outdoor events as defined by Council Ordinance Regulating Outdoor Events, Town of Killingly, provided that all conditions as set by such ordinance are met (Amend. of 9-9-80)
- k. Amusement game machines as an accessory use to those actual uses that are customarily associated with such machines. Such actual uses may include stores, laundries, and restaurants (as examples). Said machines shall be located within a building in such a way that a management attendant can easily see and supervise their use. (Amend. of 11-14-83, § B)
- l. Group day care home as in CGS Section 19a-77, without night care endorsement
- m. Art centers/galleries, private libraries and museums
- n. Catering
- o. Cafes and taverns, with no outdoor dining or drinking
- p. Duplicating and mailing services

- q. Photographic services
- r. Existing single family dwellings

420.1.2 Special permits. In addition to the above, the following shall be permitted after the securing of a Special Permit as provided in Article VII.

- a. Public Service Corporation or municipal land use, provided:
 - The location of such use in this zone shall be necessary for the health, safety, or general welfare of residents of the Town of Killingly.
 - Any such use which in the opinion of the Commission is hazardous in nature shall be fenced and/or screened so as to avoid creation of a nuisance attractive to children. When required by the Commission outdoor storage areas shall also be fenced and/or screened. (See Article III, Definitions, "planted screening").
- b. Cluster Developments
- c. Child Day Care Center as in CGS Section 19a-77, with or without night care endorsement
- d. Veterinary office/animal hospital, provided
 - no animals shall be permanently housed in outside runs or pens.
 - buildings in which animals are housed shall be of solid construction of masonry or framed with insulation and shall have finished interior walls.
 - in veterinary hospitals, exercise runs shall have finished masonry floors with covered drains and shall be separated by solid partitions at least four feet in height.
 - no such facility shall be located within 150 feet of any property line.
 - all animals shall be housed so as to avoid the creation of a nuisance due to noise, odor, or other objectionable effect.
- e. Funeral homes
- f. Restaurants, cafes and taverns with outdoor dining and/or drinking areas
- g. Group day care home as in CGS Section 19a-77, with night care endorsement
- h. Indoor commercial recreation including but not limited to instructional studios for art, dance, music, yoga, martial arts, computer, cooking, and other instruction of a similar nature, with similarity to be determined by the Commission or its designee.
- i. Stores exclusively for the conduct of retail trade which includes the sale of alcoholic liquor, provided all items for sale and related storage shall be within the confines of the building. Small, seasonal or periodic outdoor displays of goods for sale are permissible near the main entry, provided no hazard to pedestrians is created. The applicant will clearly state on the application and inform the Commission or its designee of any retail use which will require a permit from the Liquor Control Division of the CT Department of Consumer Protection.
- j. Motor vehicle general repair and service garage in accordance with CGS Section 14-52, provided
 - Outdoor activity (overnight parking, display, etc.) is confined to the side and rear yards only and is well screened from abutting incompatible land uses
 - Repair and service is limited to automobiles, motorcycles, pick-ups and light trucks, with repair and service to tractor-trailers, farm equipment and construction equipment prohibited.
 - Body work and painting is not allowed
 - All repair work is to be performed indoors

- Towing is considered accessory to the repair and service use
 - As an extension of general and limited repair garages, the Commission may allow, by Special Permit, the sale of no more than six used cars at any one time
- k. Bed and Breakfast establishments, provided,
- the property contains the minimum acreage required for the zone.
 - the use is maintained within an owner occupied single family detached residential dwelling or premises.
 - guest rooms shall not contain kitchen or cooking facilities.
 - The Bed and Breakfast establishment shall meet all applicable Building, Fire, and Public Health Code requirements, including septic system approval, with written verification and permits from the appropriate officials.
 - A screened parking area with one parking space per guest room shall be provided. Screening can consist of solid fencing, a coniferous planted buffer, or combination of both, suitable to the commission. Parking areas are not to be generally visible from streets or adjoining residences.
 - the provision of meals shall be for facility guests only and not open to the general public, unless the applicant also applies for a restaurant permit.
 - guest rooms shall be inspected by the Zoning Enforcement Officer, Fire Marshal, or other Department of Planning and Development personnel on an annual basis to ensure continued compliance with these regulations.
- l. Pet grooming services
- m. Performance/legitimate theater
- n. Adult Day Care
- o. Fraternal/social clubs
- p. Religious facilities

420.1.3 Landscaping, screening & aesthetics

In order to provide an aesthetically pleasing development which complements the character of the Town of Killingly and the "Village Commercial" intent, the development, including the architecture of buildings, shall be designed in such manner to harmonize with the abutting residential district. In addition to the requirements of Section 470 or Section 700, the following items must also be addressed with the submission of the application:

1. A detailed landscaped plan shall be provided.
2. Parking shall not be provided to the front of any new building. Parking should be located to the side and/or rear of the proposed structure. The Commission may waive this requirement if physical conditions exist at the site which prohibits this, in which event additional landscaping and buffering may be required by the Commission.
3. Architectural drawings shall be provided of the proposed structure which will provide the exterior design of the building, including materials to be used on the facade of the building(s). (Effective 08/25/87)

Approved on January 22, 2013
Effective on Friday, February 15, 2013, at 12:01 AM.

420.2 General Commercial district. Commercial establishments which generate large amounts of traffic and/or require large sites and frontage on major highways are not suited to location in residential areas. Therefore, an additional commercial zoning district is to be established to house these uses. Where any General Commercial district adjoins a residential district, a buffer strip at least 25 feet wide and containing planted screening shall be required as stated in Village Commercial above.

Permissible lot coverage in the General Commercial zones is 65% by right.

Lot coverage in the General commercial zones may be increased from 65% to 75% with a Special Permit by the Planning and Zoning Commission provided:

The applicant proposes to pay to the Town a fee;

- In the amount equal to the fair market value of the lot multiplied by the percentage of the excess lot coverage; and
- To be placed in a fund to be used by the Town for the purpose of preserving or acquiring land for open space, conservation, recreation, aesthetic, historical, environmental, agricultural, or other purposes.

420.2.1 Permitted uses (GC). The following uses of buildings and land are permitted only after the securing of Site Plan approval from the Commission. Site Plan review shall be required before any zoning permit is issued for any building or use or enlargement in size or other alteration of any building or change in use or actual use of any building including accessory structures (see site plan review Section 470). Site Plan review is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the actual use thereof.

In addition, the applicant shall be required to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size, or when the Commission determines that special site conditions warrant such a plan (i.e., excessive steep slopes, unstable soils). (Amend. of 2-11-85)

- a. All permitted uses of the Village Commercial zone. The 5,000 square feet maximum floor area shall not apply in the General Commercial zone.
- b. Manufacturing of food products or handcrafted items for sale exclusively on the premises at retail.
- c. Laundry and dry cleaning plants.
- d. Commercial recreation, including bowling, billiards and similar recreational facilities.
- e. Tavern or cafe.

- f. Hotel, motel, tourist court or the like on a lot of 120,000 square feet or more and having a sewage disposal system that conforms to state and local code requirements, where public sewage is not feasible.
- g. Theater.
- h. Funeral homes and undertakers' establishments.
- i. Those municipal and fire district land uses existing upon the date of adoption of this amendment may be expanded by alteration of an existing building or structure or construction of a new building or structure on the same lot, provided:
 - Such expansion does not substantially alter the nature of the present land use so that increased traffic, noise, odors, or other detrimental impact will affect the value of surrounding properties
 - Such expansion is in conformity with the dimensional requirements of Table A, Article IV of the Zoning Regulations for the zone in which it is located, or has been granted a variance by the Zoning Board of Appeals.
- j. Outdoor events as defined by Council Ordinance Regulating Outdoor Events, Town of Killingly, provided that all conditions as set by such ordinance are met. (Amend. Of 11/14/83 § C)
- k. No more than three (3) amusement game machines as an accessory use to those actual uses that are customarily associated with such machines. Such actual uses may include stores, automatic coin laundries, restaurants, taverns and cafes (as examples). Said machine shall be located within a building in such a way that a management attendant can easily see and supervise their use. (Amend. of 11-14-83, § C)
- l. Auctions (indoor).

420.2.2 Special permit uses. In addition to the above, the following may be permitted after the securing of a Special Permit as specified in Article VII:
 When the development of one of the following uses will result in a disturbed area that is cumulatively more than one-half acre in size, the Commission shall require the applicant to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations. (Amend of 2-11-85)

- a. Retail stores having articles for sale displayed outside of the building such as auto dealers, farm machinery dealers, nurseries and so on, provided:
 - no such display shall be within 20 feet of any side or rear property line or any street right-of-way.
 - fuel storage shall conform to the requirements for gasoline stations. (See below).
- b. **Newspaper and printing shops.**
- c. **Drive-in bank, provided:**

- Off-street stacking space shall be provided at the rate of at least 10 car spaces for the first drive-in window and 5 additional spaces for each additional drive-in window.
 - Such stacking space shall be in addition to required parking spaces.
- d. **Drive-in restaurant, fast food restaurant.**
- e. **Gasoline stations** with or without repair licenses, automobile and other repair shops, automobile washing establishments, provided:
- Approval of the proposed location is obtained from the Zoning Board of Appeals in full compliance with the Connecticut General Statutes.
 - No curb cut shall be greater than 30 feet in width and no part of any curb cut shall be within 25 feet of any side or rear lot line or street intersection.
 - All gasoline pump stands shall be located at least 25 feet from all lot lines.
 - All accessory equipment or merchandise displayed outside shall be no more than 10 feet from the building, except that such merchandise may be displayed on pump islands.
 - Any petroleum or other flammable products stored above ground shall be contained in drums or other containers of not more than 55 gallons, except that fuel oil to be consumed on the premises may be stored in a 275 gallon tank.
 - No gasoline station shall be constructed within 1500 feet of any existing gasoline station.
 - All vehicles stored out-of-doors shall be located at the rear of the building, properly screened from any adjacent residential property.
- f. **Clinics and general hospitals** licensed by the State of Connecticut.
- g. **Public service corporation or municipal land use**, provided:
- the location of such use in this zone shall be necessary for the health, safety, or general welfare of residents of the Town of Killingly.
 - Any such use which in the opinion of the Commission is hazardous in nature shall be fenced and/or screened so as to avoid creation of a nuisance attractive to children. When required by the Commission, outdoor storage areas shall also be fenced and/or screened. (See Article III, Definitions "planted screening").
- h. **Kiddie Parks** licensed or approved by the State of Connecticut, provided:
- Minimum lot area shall be three (3) acre or 130,680 square feet, but more land may be required at the discretion of the Commission.
 - Minimum lot frontage shall be 250' on a State or Town accepted read.
 - Maximum height of any mechanical device (ride) shall be forty (40) feet.
 - Other general commercial district dimensional requirements shall apply as per Section 450 - Dimensional Requirements, Table A.
 - Sale of food and drink shall be permitted (concession stands) provided it is incidental to the principal use of the land except that no alcoholic beverages shall be allowed.

- Hours of operation shall be limited from 9:00 a.m. to 9:00 p.m., except on Sunday when no mechanical device (ride) may open before 12:00 noon although the park may open sooner.
- Parking standards shall consist of the following, in addition to Section 530, Off-Street Parking and Loading.
- One space per picnic table.
- One space for each one hundred (100) square feet of floor or ground area (concession stands and restrooms).
- Three (3) spaces for each mechanical device (ride) or attraction.
- Commission shall require additional parking facilities for employees and loading spaces as necessary as per Section 740.6.
- Each special permit shall be renewed every three (3) year.

i. **Nursery Schools and day care centers** located in the main building or building accessory thereto, or on a lot by themselves, provided:

- The facility shall comply with all applicable requirement of the Health Code of the State of Connecticut.
- That there shall be a minimum lot area of forty thousand (40,000) square feet or five hundred (500) square feet per child based on enrollment capacity, whichever is greater. This lot area must be dedicated exclusively for the day care center or nursery school use.
- That buffer strips are planted adjacent to abutting property owners as required in Section 420.2.
- That off-street parking shall be provided and an area for loading and unloading of children from a vehicle shall be provided on the property.
- That stipulations may be set by the Planning and Zoning Commission when considering the application to ensure the safety and welfare of the children. (Amend. of 6-22-81; Amend of 7-16-05)

j. **Amusement game arcade**, provided:

- Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum width of three (3) feet shall be provided per machine, and a minimum of one (1) foot shall be provided between each machine. The depth of space in front of each machine shall be a minimum of five (5) feet, and there shall be a minimum aisle width beyond this five (5) feet of an additional three (3) feet. Fire Underwriters' Code requirements shall also be complied with.
- the arcade shall be located in a separate room, separate from other uses on the premises and from pedestrian circulation to and from such other uses. The room shall be arranged so that there is a management attendant within the room, or such that management attendants outside the room can easily see and supervise the interior of the room.
- readily visible signs shall be installed, and their location, size and text shown in the plans submitted to the Commission, indicating that the use of machines by persons under 16 years of age shall not be permitted during normal school hours and, where the premises are used primarily for the serving or consumption of liquor, that the use of amusement game machines by persons under the minimum legal drinking age is prohibited at all times.

•Off-street parking, in addition to that otherwise required for the uses on the premises, shall be provided in the amount of one (1) space for every two (2) amusement game machines. Additional parking spaces may be required where it is deemed necessary by the Commission, following consideration of such factors as the location of the proposed arcade, proposed number of amusement game machines, number of employees, and accompanying uses. In no case shall the number of required parking spaces be less than one (1) space for every two (2) amusement game machines. (Amend. Of 11-14-83, § D)

k. **Adult-oriented establishments, provided:**

- A. Such establishments shall be a minimum of seven hundred fifty (750) feet from schools, churches, public and private parks and recreation lands, locations where minors congregate, municipal boundary lines, residentially zoned property and other adult-oriented establishments. Measurements of distances shall be from the property lines of the uses, except in the separation from other adult uses, in which case the distance shall be measured from structure to structure.
- B. Such establishments must be in stand alone buildings and not part of any commercial plaza or complex.
- C. Such establishments shall be subject to special permit and site plan review by the Planning and Zoning Commission. The following specific site plan criteria shall apply to any adult-oriented establishment:
 - (1) No exterior sign shall contain any photographic or artistic representation of specified anatomical areas.
 - (2) All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent view into the interior of the building from any public right-of-way or adjacent property.
 - (3) No adult use shall be established in any building of which any part is used for residential purposes.
 - (4) No residential use shall be established in any building of which any part is used as an adult use establishment.
 - (5) Stairways, sloping or rising paths and building entrances and exits shall be illuminated. Spotlight type fixtures attached to the building should be avoided.
 - (6) Adequate lighting shall be provided on-site to ensure the safe movement of persons and vehicles and for security purposes.

- (7) All parking must be provided solely on site and must be provided at a rate most consistent and comparable to the underlying activity (retail, restaurant, etc.) as stated in Section 530 - Off-Street Parking and Loading.

I. Cluster Developments.

m. Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments provided:

No outdoor display of vehicles or equipment for sale shall be within 20 feet of any side or rear property line or any street right-of-way and shall be screened, using vegetation and/or fencing, from any adjacent residential property.

Fuel, oils, lubricants, and other potentially contaminating materials must be stored within 110% secondary protection containment areas. Such materials stored outside must also be within 110% secondary protection containment areas and located on suitable impermeable surfaces with a closed drainage system and oil separator(s).

All vehicles stored out-of-doors waiting for service and/or pick-up shall be located at the rear of the building and screened, using vegetation and/or fencing, from any adjacent residential property.

Approval of the proposed location is obtained in full compliance with the Connecticut General Statutes.

No vehicle or equipment salvage or bone yard shall be maintained on site. A part yard not to exceed 10,000 square feet in area and screened, using vegetation and/or fencing, from any adjacent residential property, may be allowed.

Repairs shall take place within enclosed buildings or structures whenever possible or take place to the rear of the building and shall be screened, using vegetation and /or fencing, from any adjacent residential property. Outdoor repairs shall be conducted on a suitable reinforced concrete impermeable surface, and constructed with a closed drainage system with oil separator(s) to prevent storm water runoff and/or ground water contamination.

A spill prevention and response plan and emergency spill response equipment shall be maintained on site at all times.

M. Contractor's Business, provided:

- A. The property shall, as a minimum, conform to lot requirements for the underlying zone
- B. The use is adequately screened with vegetation, fencing and /or earth berms at the discretion of the Planning and Zoning Commission. See Section 310, "Planted Screenings".
- C. Exterior Lighting shall be compatible with the intent of "Dark Sky Lighting" standards as promulgated by the International Dark Sky Association.

- D. The outdoor storage of material shall be allowed provided that said materials are inert i.e. pipe, aggregates, earth material, pre-cast concrete products as examples, the storage area is limited to 10,000 square feet and properly screened, and further provided that adequate erosion and sedimentation controls are implemented
- E. Outdoor above-ground storage of flammable materials shall be limited to 1,500 gallons and must meet all applicable codes, including 110% spill containment
- F. No vehicle or equipment salvage or 'boneyard' shall be maintained onsite. A part yard not to exceed 10,000 square feet in area and screened, using vegetation and/or fencing from any adjacent residential property, may be allowed.
- G. There shall be no outdoor storage of salt
- H. Parking shall be provided at the minimum rate of 1.25 spaces per employee
- I. When required by the State of Connecticut DEEP, a "Stormwater Pollution Prevention Plan" and a "Spill Prevention, Countermeasure and Containment Plan for Industrial Activities" shall be prepared and shall be kept on file with the Planning and Zoning Department

Effective Date: 12:01 AM, Wednesday, December 12, 2012

Section 430.

INDUSTRIAL DISTRICT

All lots in the Industrial district zone must be at least fifty thousand (50,000) square feet in area. Where any proposed industrial site adjoins a commercial or residential district, a buffer strip at least twenty five (25) feet in-width and containing planted screening material shall be provided. (See Article III, Definitions, planted screening).

430.1. Permitted uses (I). The following uses of building and land are permitted only after the securing of site plan approval from the commission. Site plan review shall be required before any zoning permit is issued for any building or use, or enlargement in size or other alteration of any building or change in use or actual use of any building including accessory structures (see site plan review Section 470). Site plan review is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the use thereof.

In addition, the applicant shall be required to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size, or when the Commission determines that special site conditions warrant such a plan (i.e., excessive slopes, unstable soils).

- a. Storage, manufacturing and processing of goods not expressly prohibited by these regulations or limited by special permit.
- b. Wholesaling and related storage.
- c. General office space.
- d. Printing and publishing establishments.
- e. Those municipal and fire district land uses existing upon the date of adoption of this amendment be expanded by alteration of an existing building or structure or construction of a new building or structure on the same lot, provided:
 - Such expansion does not substantially alter the nature of the present land use so that increased traffic, noise, odors, or other detrimental impact will affect the value of surrounding properties.
 - Such expansion is in conformity with the dimensional requirements of Table A, Article IV of the Zoning Regulations for the zone in which it is located, or has been granted a variance by the Zoning Board of Appeals.
- f. Outdoor events as defined by Council Ordinance Regulating Outdoor Events, Town of Killingly, provided that all conditions as set by such ordinance are met. (Amend. of 9-9-80; Amend. of 2-11-85).

- g. **Analytical Laboratories** (Effective 12/29/00)
- h. Retail sales are allowed as an accessory use to the principal use, and only when conducted by the person, partnership or corporation conducting the principal use. Said sales shall include items wholesaled, warehoused or manufactured, but need not be limited thereto and may include items of a companion or enhancement nature to the principal wholesaled, warehoused or manufactured products. Sales must be indoors and the maximum allowable retail sales area will be determined by either 10% of the total usable square footage of the industrial complex or 2,500 square feet, whichever is less. Additional parking must be provided as for retail uses in Section 530. Periodic retail tent sales, limited to three times per year not to exceed a total of thirty days each year, of the wholesaled, warehoused or manufactured products, are permitted only when conducted by the person, partnership or corporation conducting the principal use. Eff. June 13, 2013

430.1.2 **Special Permit uses.**

In addition to the above, the following may be permitted after the securing of a Special Permit as specified in Article VII:

When the development of one of the following uses will result in a disturbed area that is cumulatively more than one-half acre in size, the Commission shall require the applicant to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations.

- a. Bulk storage of cement and petroleum products other than fuel and bottled gas; concrete mixing plants; bituminous paving mixing plants.
- b. Commercial storage and sale of fuel and bottled gas, provided:
- Total above ground tank capacity shall be not more than 50,000 gallons.
 - No above ground tank shall be located within 50 feet of any building or 250 feet of any property line.
- c. Freight and materials trucking business and terminals.
- d. Public service corporation or municipal land use, provided:
- The location of such use in this zone shall be necessary for the health, safety or general welfare of residents of the Town of Killingly.
 - Any such use which in the opinion of the Commission is hazardous in nature shall be fenced and/or screened so as to avoid creation of a nuisance attractive to children. When required by the Commission outdoor storage areas shall also be fenced and/or screened. (See Article III, Definitions, "planted screenings").
- e. Retail sales with outdoor product display are allowed as an accessory use to the principal use, and only when conducted by the person, partnership or

corporation conducting the principal use. Said sales shall include items wholesaled, warehoused or manufactured, but need not be limited thereto, and may include items of a companion or enhancement nature to the principal wholesaled, warehoused or manufactured products. Additional parking must be provided as for retail uses in Section 530. Eff. June 13, 2013

- f. Vocational education training program using either an existing industrial structure or plant, or an addition to an existing industrial structure or plant, provided:
- All applicable requirements of the state building, fire and health codes are met;
 - All applicable requirements of the State of Connecticut concerning the establishment of educational institutions are met. (Amend. of 7-14-80; Amend. of 6-8-81; Amend. of 2-11-85).
- g. **Parks, playgrounds, athletic fields**, and their accessory structures operated by non-profit agencies or governmental units. (Approved 01-24-96).
- h. **Research and Development Facilities**, provided the following standards and nuisance avoidance criteria are met:
- Such facilities must be on a minimum lot size of 50 acres, with structures located a minimum of 150' from all property lines.
- In all cases the more stringent of the appropriate state regulations, federal regulations, and/or accepted industry standards shall apply.
1. In the establishment, operation and design of medical and biological research laboratories and facilities, the standards and procedures, as amended, of the National Institutes of Health, Bethesda, Maryland and Centers for Disease Control will apply. No facility may contain or conduct research involving Biological Safety Level-3 (or the equivalent term Risk Group-3) classification or higher.
 2. No noise that due to level, frequency (pitch), duration, periodicity and predictability, tonal nature and/or impulsive nature will in any way have an objectionable effect upon adjacent or nearby property, shall be permitted. All Connecticut Department of Environmental Protection regulations promulgated in accordance with Chapter 442 of the Connecticut General Statutes shall apply.
 3. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
 4. No activities involving bulk storage or manufacture of materials or products that could decompose by denotation shall be permitted. These materials include primary explosives such as lead azide, fulminates, lead styphnate, and tetracene; high explosives such as TNT. RDX. HMX. PETN and picric acid; propellants and their components such as dry nitrocellulose, black powder,

boron hydrides, and hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-235 and plutonium-239. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for specific research and only after the procurement of all required local, state and federal permits. Material type, quantity, storage, handling procedures, and location in the facility shall also be registered with the respective fire district, ambulance corps, the Killingly Planning Department, and Fire Marshal.

5. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas as specified by the regulations of the United States Nuclear Regulatory Commission.

6. Any electrical radiation shall not adversely affect at any point any operations or any equipment, including not only professional research equipment but also equipment reserved for personal uses such as reception of public radio transmissions, use of cellular phones, etc., except equipment belonging to the creator of the electrical radiation.

7. Operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

8. No operation shall cause or allow emission of any odorous air contaminant, smoke, particulate matter or any emission into the air which is a nuisance, hazard or exceeds appropriate federal or state regulations.

9. All applicable federal, state, and local statutes, rules, regulations and ordinances (including, without limitation, those promulgated and/or enforced by the U.S. Environmental Protection Agency, the Connecticut Department of Environmental Protection, the State Fire Marshal's Office, the National Institutes of Health, Centers for Disease Control, the Northeast District Department of Health, or the Food and Drug Administration) shall apply to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, solid wastes or fire hazards (as such terms are defined by any of the applicable statutes, rules, regulations, or ordinances referenced or in effect. (Effective 08-07-00).

i. **Cluster Developments.**

j. **Contractor's Business, provided:**

- A. The property shall, as a minimum, conform to lot requirements for the underlying zone
- B. The use is adequately screened with vegetation, fencing and /or earth berms at the discretion of the Planning and Zoning Commission. See Section 310, "Planted Screenings".
- C. Exterior Lighting shall be compatible with the intent of "Dark Sky Lighting" standards as promulgated by the International Dark Sky Association.
- D. The outdoor storage of material shall be allowed provided that said materials are inert i.e. pipe, aggregates, earth material, pre-cast concrete products as examples, the storage area is limited to 10,000 square feet and properly screened, and further provided that adequate erosion and sedimentation controls are implemented
- E. Outdoor above-ground storage of flammable materials shall be limited to 1,500 gallons and must meet all applicable codes, including 110% spill containment
- F. No vehicle or equipment salvage or 'boneyard' shall be maintained onsite. A part yard not to exceed 10,000 square feet in area and screened, using vegetation and/or fencing from any adjacent residential property, may be allowed.
- G. There shall be no outdoor storage of salt
- H. Parking shall be provided at the minimum rate of 1.25 spaces per employee
- I. When required by the State of Connecticut DEEP, a "Stormwater Pollution Prevention Plan" and a "Spill Prevention, Countermeasure and Containment Plan for Industrial Activities" shall be prepared and shall be kept on file with the Planning and Zoning Department

Effective Date: 12:01 AM, Wednesday, December 12, 2012

Section 430.2

LIGHT INDUSTRIAL DISTRICT

The intent of this district is to encourage the establishment of certain small manufacturing activities, office and administrative headquarters, research organizations, and similar uses which are less demanding in terms of site requirements than those uses normally found in the industrial district. A light industrial district may be located adjacent to, or nearby, residential districts. Therefore, all uses within this district shall be clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, and glare. In addition, such uses, including related storage, shall be operated entirely within enclosed structure (except for docking areas necessary for receipt of supply deliveries) and shall generate, at most, a minimal amount of industrial traffic. Public sewer and water supply service shall be used where available.

(Amend. of 03-08-82)

430.2.1

Permitted uses:

The following uses of buildings and land are permitted only after securing of site plan approval from the Commission, and provided the floor area of any building or use does not exceed 15,000 square feet. Site plan review shall be required before any zoning permit is issued for any building or use, or enlargement in size or other alteration of any building or change in use or actual use of any building including accessory structures (see Section 470, Site Plan Review). Site plan review is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the actual use thereof.

In addition, the applicant shall be required to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size, or when the Commission determines that special site conditions warrant such a plan (i.e., excessive steep slopes, unstable soils).

- a. Storage, manufacturing, processing and assembly of goods not expressly prohibited by these regulations or limited by special permit.
- b. Wholesaling and related storage.
- c. General office space.
- d. Printing and publishing establishments.
- e. Those municipal and special district land uses existing upon the date of adoption of this amendment may be expanded by alteration of an existing building or structure or construction of a new building or structure on the same lot, provided:

- Such expansion does not substantially alter the nature of the present land use so that increased traffic, noise, odors, or other detrimental impact will affect the value of surrounding properties.

- Such expansion is in conformity with the dimensional requirements of Section 450, Table A, of the Zoning Regulations for the zone in which it is located, or has been granted a variance by the Zoning Board of Appeals. (Amend. Of 03-08-82; Amend. of 11-14-83, § A; Amend. of 02-11-85).

- f. Retail sales are allowed as an accessory use to the principal use, and only when conducted by the person, partnership or corporation conducting the principal use. Said sales shall include items wholesaled, warehoused or manufactured, but need not be limited thereto and may include items of a companion or enhancement nature to the principal wholesaled, warehoused or manufactured products. Sales must be indoors and the maximum allowable retail sales area will be determine by either 10% of the total usable square footage of the industrial complex or 2,500 square feet, whichever is less. Additional parking must be provided as for retail uses in Section 530. Periodic retail tent sales, limited to three times per year not to exceed a total of thirty days each year, of the wholesaled, warehoused or manufactured products, are permitted only when conducted by the person, partnership or corporation conducting the principal use. Eff. June 13, 2013

430.2.2 Special Permit uses:

In addition to the above, the following may be permitted after the securing of a special permit as specified in Article VII:

When the development of one of the following uses will result in a disturbed area that is cumulatively more than one-half acre in size, the Commission shall require the applicant to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations.

- a. **Public Service Corporation or municipal land use**, provided:

- The location of such use in this zone shall be necessary for the health, safety or general welfare of residents of the Town of Killingly.

- Any such use which in the opinion of Commission is hazardous in nature shall be fenced and/or screened so as to avoid creation of a nuisance attractive to children. (Amend. 03-08-82)

- b. Any permitted use listed in Section 430.2.1 that exceeds 15,000 square feet in floor area. (Amend. Of 11-14-83, § B; Amend. of 02-11-85). No building in excess of 50,000 square feet shall be allowed in the light industrial district (Amend. eff. 8-9-06)
- c. **Analytical Laboratories** (Effective 12/29/00).
- d. **Research and Development facilities**, provided the following standards and

nuisance avoidance criteria are met:

Such facilities must be on a minimum lot size of 50 acres, with structures located a minimum of 150' from all property lines.

In all cases the more stringent of the appropriate state regulations, federal regulations, and/or accepted industry standards shall apply.

1. In the establishment, operation and design of medical and biological research laboratories and facilities, the standards and procedures, as amended, of the National Institutes of Health, Bethesda, Maryland and Centers for Disease Control will apply. No facility may contain or conduct research involving Biological Safety Level-3 (or the equivalent term Risk Group-3) classification or higher.

2. No noise that due to level, frequency (pitch), duration, periodicity and predictability, tonal nature and/or impulsive nature will in any way have an objectionable effect upon adjacent or nearby property, shall be permitted. All Connecticut Department of Environmental Protection regulations promulgated in accordance with Chapter 442 of the Connecticut General Statutes shall apply.

3. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

4. No activities involving bulk storage or manufacture of materials or products that could decompose by denotation shall be permitted. These materials include primary explosives such as lead azide, fulminates, lead styphnate, and tetracene; high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and their components such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-235 and plutonium-239. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for specific research and only after the procurement of all required local, state and federal permits. Material type, quantity, storage, handling procedures, and location in the facility shall also be registered with the respective fire district, ambulance corps, the Killingly Planning Department, and Fire Marshal.

5. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas as specified by the regulations of the United States Nuclear Regulatory Commission.

6. Any electrical radiation shall not adversely affect at any point any operations or any equipment, including not only professional research equipment but also equipment reserved for personal uses such as reception of public radio transmissions, use of cellular phones, etc., except equipment belonging to the creator of the electrical radiation.

7. Operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

8. No operation shall cause or allow emission of any odorous air contaminant, smoke, particulate matter or any emission into the air which is a nuisance, hazard or exceeds appropriate federal or state regulations.

9. All applicable federal, state, and local statutes, rules, regulations and ordinances (including, without limitation, those promulgated and/or enforced by the U.S. Environmental Protection Agency, the Connecticut Department of Environmental Protection, the State Fire Marshal's Office, the National Institutes of Health, Centers for Disease Control, the Northeast District Department of Health, or the Food and Drug Administration) shall apply to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, solid wastes or fire hazards (as such terms are defined by any of the applicable statutes, rules, regulations, or ordinances referenced or in effect. (Effective 08-07-00).

e. Cluster Developments.

f. Retail sales with outdoor product display are allowed as an accessory use to the principal use, and only when conducted by the person, partnership or corporation conducting the principal use. Said sales shall include items wholesaled, warehoused or manufactured, but need not be limited thereto, and may include items of a companion or enhancement nature to the principal wholesaled, warehoused or manufactured products. Additional parking must be provided as for retail uses in Section 530. Eff. June 13, 2013

430.2.3 Deleted effective 8/9/06

430.2.4 **Prohibited uses:** The following uses, whether as new operations or as re-establishment of presently discontinued operations, shall be expressly prohibited in the light industrial district:

- a. The preparation and packaging of food products.
- b. Lumberyards and other open-air building materials establishments.
- c. Freight and materials trucking businesses and terminals.
- d. Storage operations for cement products, petroleum products, and/or fuel and bottled gas.

- e. Concrete mixing plants; bituminous paving plants.
- f. Motor vehicle repair and/or painting operations.
- g. Any other use which, in the opinion of the Commission, would violate the intent of this district as stated in the initial paragraph of Section 430.2 (Amend. of 03-08-82).

430.2.5

Buffering: Where any proposed industrial site adjoins a commercial or residential district, a buffer strip a minimum of twenty-five (25) feet and a maximum of fifty (50) feet in width, and containing planted screening material, shall be provided (see Section 310, Definitions, "planted screening"). Said buffer shall be planted in such a way so as to provide year-round screening. Required width of said buffer shall be determined by the Commission following consideration of such factors as the nature of the proposed use, size of the property in question, number of employees, number of employee shifts, hours of operation and proposed building height. In no case shall said buffer be less than twenty-five (25) feet in width. Preservation of existing vegetation is encouraged where, in the opinion of the Commission, such vegetation satisfies the intent of this section. (Amend of 11-14-83. § D)

SECTION 435. MIXED USE INTERCHANGE DISTRICT

435.1 **Intent.** The intent of the Mixed Use Interchange District is to provide for the location of industrial and commercial development abutting 1-395 highway interchanges, where the infrastructure is suited to more intensive mixed uses. This regulation is established to facilitate the development of a mix of land uses that can be accommodated on larger sites with state highway access; achieve greater design flexibility than conventional zoning might otherwise allow; and require groups of principal buildings, lots, and uses to be treated as a unified development for purposes of zoning review and approvals.

435.2 **General Requirements.** The following are the minimum requirements for land proposed to be designated as an MUI District:

- a. All uses shall be served by public water and sewer.
- b. Non-access lines along I-395 shall not be used to satisfy frontage requirements.
- c. Principal access shall be from State Roads or arterial or connector streets as identified in the Town's Plan of Development.
- d. The district boundary line shall abut I-395 for a distance for at least 800 feet.
- e. The minimum area of land in the MUI District shall be 35 acres.
- f. The minimum district frontage on a public street shall be 225 feet.
- g. Principal access to the development shall be within 1,000 feet of an I-395 interchange.

435.3 **Mix of Uses:** The uses in the MUI district may range from 100% Industrial/Business Uses as identified in Section 435.4.a, to 100% of Other Uses as identified in Section 435.4.b, or may be any percentage or combination of a mix of uses as identified in Sections 435.a and b. (Effective 12:01AM, 7/11/04).

435.4. **Permitted Uses.** All uses in the MUI District are permitted after the securing of a Special Permit as specified in Article VII. The allowed special permit uses, grouped by category for purposes of compliance with Section 435.3, are:

a. Industrial/Business:

1. Storage, manufacturing, processing and assembly of goods not expressly prohibited by these regulations.
2. Wholesaling and related storage.

3. Research and development facilities, provided the following standards and nuisance avoidance criteria are met:

Such facilities must be on a minimum lot size of 50 acres, with structures located a minimum of 150' from all property lines.

In all cases the more stringent of the appropriate state regulations, federal regulations, and/or accepted industry standards shall apply.

1. In the establishment, operation and design of medical and biological research laboratories and facilities, the standards and procedures, as amended, of the National Institutes of Health, Bethesda, Maryland and Centers for Disease Control will apply. No facility may contain or conduct research involving Biological Safety Level-3 (or the equivalent term Risk Group-3) classification or higher.

2. No noise that due to level, frequency (pitch), duration, periodicity and predictability, tonal nature and/or impulsive nature will in any way have an objectionable effect upon adjacent or nearby property, shall be permitted. All Connecticut Department of Environmental Protection regulations promulgated in accordance with Chapter 442 of the Connecticut General Statutes shall apply.

3. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

4. No activities involving bulk storage or manufacture of materials or products that could decompose by denotation shall be permitted. These materials include primary explosives such as lead azide, fulminates, lead styphnate, and tetracene; high explosives such as TNT. RDX. HMX. PETN and picric acid; propellants and their components such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-235 and plutonium-239. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for specific research and only after the procurement of all required local, state and federal permits. Material type, quantity, storage, handling procedures, and location in the facility shall also

be registered with the respective fire district, ambulance corps, the Killingly Planning Department, and Fire Marshal.

5. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas as specified by the regulations of the United States Nuclear Regulatory Commission.

6. Any electrical radiation shall not adversely affect at any point any operations or any equipment, including not only professional research equipment but also equipment reserved for personal uses such as reception of public radio transmissions, use of cellular phones, etc., except equipment belonging to the creator of the electrical radiation.

7. Operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

8. No operation shall cause or allow emission of any odorous air contaminant, smoke, particulate matter or any emission into the air which is a nuisance, hazard or exceeds appropriate federal or state regulations.

9. All applicable federal, state, and local statutes, rules, regulations and ordinances (including, without limitation, those promulgated and/or enforced by the U.S. Environmental Protection Agency, the Connecticut Department of Environmental Protection, the State Fire Marshal's Office, the National Institutes of Health, Centers for Disease Control, the Northeast District Department of Health, or the Food and Drug Administration) shall apply to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, solid wastes or fire hazards (as such terms are defined by any of the applicable statutes, rules, regulations, or ordinances referenced or in effect. (Effective 08-07-00).

10. The Commission may, at its discretion, hire a third party consultant, also acceptable to the applicant, to aid the commission in its review of any proposed facility design and/or program of research and development. The fees charged by the third party consultant shall be borne by the applicant.

4. General office space.

5. Freight and material trucking business and terminals.

6. Cluster Developments.

b. Other Uses:

1. Retail factory stores.
2. Stores exclusively for the conduct of retail trade, including those which store and display goods outside, provided outdoor display and storage areas are clearly segregated from other areas by fencing.
3. Banking and loan establishments including those with drive through facilities.
4. Restaurants, including those with drive through facilities.
5. Repair shops, provided all work and storage is confined within the building itself.
6. Theaters.
7. Hotels and motels.
8. Outdoor events as defined by Council Ordinances Regulating Outdoor Events provided that all such conditions as set by said Ordinances are met.
9. Amusement arcades.
10. Nursery schools and day care centers provided that such facilities meet the requirements of the other sections of the Zoning Regulations.
11. Municipal land uses.

435.5 Site Design Standards.

In addition to the dimensional requirements of Section 450 for the MUI District, the following standards shall apply:

435.5.1. Buffers.

Where an MUI District property abuts a residentially zoned property, a buffer strip 75 feet wide is required, to be planted with year-round screening vegetation adequate to buffer the view from the residential zone of the proposed development. Preservation of existing trees and vegetation is preferred where they provide desired screening.

435.5.2. Interior Circulation.

The MUI District uses shall be served by an internal roadway system. Such roads shall, at a minimum, comply with the Town standards for "local road." The Commission may, in its discretion, designate such roads as "access" or "through" streets as defined in the Town's Subdivision regulations if such standards are warranted by the volume of traffic and type of use proposed. Interior circulation shall provide for the safe movement of vehicles, delivery trucks and pedestrians. Truck delivery routes shall be indicated by signage, pavement marking or other method. Access to industrial uses or commercial delivery points shall be segregated from general public traffic. Provisions for the safe movement of pedestrians between buildings and from buildings to parking areas shall be provided. Non-motorized vehicle pathways are to be provided along the interior roadway system.

435.5.3. Landscaping and Screening.

- a. Street trees at a minimum rate of one tree for every 50 feet or part thereof of street frontage shall be provided in all front yard areas to provide shade and visual interest. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission. Street trees, whether deciduous shade trees, flowering trees or evergreen trees, shall be a minimum of three inch caliper measured at 12 inches above ground, and selected for hardiness and appropriateness of use and soil conditions.
- b. Landscaping shall provide transitions between buildings of different size, scale, architecture or use and to provide continuity of design. Landscaping shall provide shade and visual interest.
- c. All accessory uses shall be screened to minimize visual intrusion or landscaped to integrate these elements into the site development plan.
- d. In order to meet the requirements of this section, landscaping elements may include a variety and combination of trees, shrubs, groundcover, planted earthworks (mounding, grading, etc.), pavement materials, fountains, ponds, flower beds, street furniture and lighting.
- e. If chain link fencing is proposed, it shall be black PVC material.

435.5.4. Utilities. All utilities shall be constructed underground.

435.5.5. Parking Lot Layout.

- a. Parking lots shall provide well defined circulation routes for vehicles, delivery trucks and pedestrians.
- b. To the maximum extent feasible, landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of parking aisles, and the location and pattern of primary internal driveways, and to provide pedestrian walkway where appropriate.
- c. Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations shall be submitted to reduce total required parking. A reserve area for future addition of the undeveloped parking shall be provided on the Site Plan and the reserve spaces noted on the tabular summary of zoning compliance.
- d. Where curbing is provided, it shall be concrete.

435.5.6 Unified Development Design Elements.

Through narrative notes on the Concept Plan or Site Plan and illustrative elevation drawings, the applicant shall explain how treatment of the following design elements contribute to a unified appearance that is harmonious both internally and with the surrounding properties in terms of scale, materials and color:

- a. Landscaping
- b. Architecture
- c. Signage

435.6. Signs.

435.6.1. Signs shall conform with Section 540 of these regulations for each use on the site. "Lot" as used in Section 540.1.4 shall mean the area leased or otherwise dedicated to a use, which area shall be indicated on the Site Plan.

435.6.2. Each MUI district shall be allowed a maximum of two freestanding signs for the overall site which identify only the project and contain no advertising of uses, products or services available within the site. Such signs shall be no more than 50 feet in height. Each sign shall not exceed 100 square feet on each face and a maximum of two faces are permitted. One sign shall be

oriented toward the lot frontage, and one sign oriented towards I-395.

435.7. Applications. There are two application procedures for development in the MUI District:

- (1) a Concept Plan application for the entire MUI District without a Special Permit application for specific land uses and;
- (2) a Special Permit application for each proposed use within the MUI District.

435.7.1. Concept Plan Application.

435.7.1.a. Purpose. The Concept Plan is intended to illustrate the general development plan and expected land uses without requiring the detail and expense of the Site Plan required as a part of a Special Permit submittal.

435.7.1.b. Exemptions. The Concept Plan is not required when the Site Plan submitted with a Special Permit application includes all proposed uses and development in the entire MUI District.

435.7.1.c. Procedure. The following procedure shall apply when an applicant seeks approval only of a Concept Plan.

1. Application. The applicant shall file with the Commission an application for Concept Plan approval on such form as provided by the Commission and such application shall be governed by the requirements of the Connecticut General Statutes for a site plan.

2. Fee. A fee of \$100 is required unless the Concept Plan is submitted with a Special Permit application.

3. Minimum Area. The minimum area covered by the Concept Plan shall be all land within the MUI District.

4. Elements of Concept Plan. The Concept Plan shall be prepared by an engineer, architect, or landscape architect, and shall include:

(a) Drawings at a scale of 1" = 100'.

(b) Existing topography with contours of sufficient spacing to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features (including wooded and open areas, ledge or outcroppings), inland wetlands, watercourses and flood plain.

- (c) The land uses and zoning within 300 feet of the site.
- (d) Boundary description of the district and parcels within it.
- (e) Names of all abutting property owners.
- (f) The location of all proposed roadways, parking areas, setbacks, rail lines, easements, land use areas, open space areas, and access locations from connecting roads and driveways within the site to the existing public road system.
- (g) The site shall be divided into general land use areas, identified as one or more of the specially permitted uses (e.g. retail, restaurant, office, research lab, etc.).
- (h) Proposed building footprints and location of parking areas.
- (i) Letters from the public water company and the Water Pollution Control Authority stating how service is to be provided to the proposed land uses.
- (j) A preliminary traffic analysis prepared by a professional traffic engineer which shall include traffic to be generated by the proposed development and traffic impacts on receiving streets.
- (k) Narrative and illustrative elevations of design elements that contribute to a unified development appearance, per Section 435.5.6.
- l) A table indicating the following:
 - (i) areas of the site for each proposed land use;
 - (ii) the amount of building floor area proposed for each land use;
 - (iii) number of parking and loading spaces for each land use.
 - (iv) wetland areas, flood plain areas, area of ledge or outcroppings;
 - (v) overall lot coverage; and,
 - (vi) building height.
- (m) Limits of phases where development is proposed in phases.

(n) Such other relevant information the applicant may wish to submit or the Commission may request.

435.7.1.d Required Findings. In approving a Concept Plan, the Commission shall find:

1. the application and Concept Plan are complete and meet the requirements of Section 435.7.1.c.
2. that the proposed location of the land use areas on the site avoids placement of incompatible uses adjacent to one another;
3. that the transition between the different proposed uses is suitable and that adequate buffering is provided;
4. that the proposed land uses and development pattern satisfy the purpose and intent of the regulation as set forth in Section 435.1 and the standards and requirements of Sections 435.2 through 435.5.

435.7.1.e. **Changes to Concept Plan.** Changes to an approved Concept Plan are required to be approved by the Commission unless the criteria 1 - 5 of Section 470.1 (Waiver of Site Plan review) are met. Changes meeting the waiver criteria shall be reviewed and approved by the Director of Planning and Development.

435.7.2. **MUI District Special Permit Application.** A Special Permit application in conformance with Article VII, which includes submission of a Site Plan as outlined in Section 470.7, is required for each proposed use. The Special Permit application is also subject to the following requirements.

435.7.2.a. **Concept Plan.** If no Concept Plan has been approved for an MUI district, and the Site Plan does not include proposed development for the entire MUI District, a Concept Plan must be submitted with the Special Permit application(s) for a proposed use or uses. The Commission shall act on the Concept Plan prior to acting on the Special Permit application(s).

435.7.2.b. **Traffic Report.** When a Concept Plan has previously been approved, a Traffic Report prepared by a professional traffic engineer stating that traffic conditions as described in the approved Concept Plan traffic report have not changed or, if they have, in what way.

- 435.7.2.c. A tabular statement of zoning conformance with respect to each land use type contained on the Concept Plan.
- 435.7.2.d In addition to the criteria for special permit approval the requirements and findings of this section must be met.
- 435.7.2.e. **Changes to Special Permit Site Plan.** Changes to an approved Special Permit Site Plan are to be approved by the Commission unless criteria 1 - 5 of Section 470.1 (Waiver of Site Plan Review) are met. Changes meeting the waiver criteria shall be reviewed and approved by the Director of Planning and Development.

Effective date of the Mixed Use Interchange district: 5/12/99

Section 436.

BUSINESS PARK DISTRICT

436.1 Intent.

The intent of the Business Park District is to provide facilities for business consistent with a master plan and restrictions, resulting in the creation of a physical environment that promotes consistency with community goals, efficient business operations, human scale and values, and compatibility with the natural environment. A Business Park District may be located adjacent to, or nearby, residential districts. Therefore, all uses located within this district shall be clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, and glare. In addition, such uses, including related storage, shall be operated entirely within enclosed structures (except for docking areas necessary for receipt of multiple deliveries).

436.2 General Requirements.

The following are the minimum requirements for land proposed to be designated as a BP District:

- a. All uses shall be served by public water and sewer.
- b. Principal access shall be from State roads or arterial or collector streets as identified in the Town's Plan of Development.
- c. Principal access to the development shall be within eighteen hundred (1,800) feet of an 1-395 interchange.
- d. The minimum district frontage on a public street shall be four hundred (400) feet.
- e. The minimum area of land in the BP District shall be seventy-five (75) acres.
- f. The district boundary line shall abut 1-395 for a minimum distance of eight hundred (800) feet.
- g. Any application to the commission for a proposed use within the business park district on land situated between any public road or street or a previously approved private access way and the remaining land in the business park district shall provide a defined right of way over the land area owned in whole or in part by the owner or owner's applicant to the remaining land in the business park district. Such right of way shall have a minimum width of sixty feet or such width specified by the commission. Said right of way shall permit the future installation of all utilities including, but not limited to, sanitary sewer lines, public water, electric, natural gas, communication cables and storm water drainage

structures and lines. The location of such right of way shall be approved by the commission.

436.3 Special Permitted Uses.

All uses in the BP District require the securing of a Special Permit as specified in Article VII. The uses allowed by special permit are:

- a. Research and development facilities, provided the following standards and nuisance avoidance criteria are met: In all cases the more stringent of the appropriate state regulations, federal regulations, and/or accepted industry standards shall apply.
 1. In the establishment, operation, and design of medical and biological research laboratories and facilities, the standards and procedures, as amended, of the National Institutes of Health, Bethesda, Maryland and Centers for Disease Control will apply. No facility may contain or conduct research involving Biological Safety Level-3 (or the equivalent term Risk Group-3) classification or higher.
 2. No noise that due to level, frequency (pitch), duration, periodicity and predictability, total nature and/or impulsive nature will in any way have an objectionable effect upon adjacent or nearby property, shall be permitted. All Connecticut Department of Environmental Protection regulations promulgated in accordance with Chapter 442 of the Connecticut General Statutes shall apply.
 3. Glare, whether direct or reflected, such as from floodlights or high temperature process, and as differentiated from general illumination, shall not be visible at any property line.
 4. No activities involving bulk storage or manufacture of materials or products that could decompose by detonation shall be permitted. These materials include primary explosives such as lead azide, fulminates, lead styphnate, and tetracene; high explosives such as TNT, RDX, HMX, PETN and picric acid propellants and their components such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-235 and plutonium-239. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for

specific research and only after the procurement of all local, state and federal permits. Material type, quantity, storage, handling procedures, and location in the facility shall also be registered with the respective fire district, ambulance corps, the Killingly Planning Department, and Fire Marshall.

5. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas as specified by the regulations of the United States Nuclear Regulatory Commission.

6. Any electrical radiation shall not adversely affect at any point any operations or any equipment, including not only professional research equipment but also equipment reserved for personal uses such as reception of public radio transmissions, use of cellular phones, etc., except equipment belonging to the creator of the electrical radiation.

7. Operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

8. No operation shall cause or allow emission of any odorous air contaminant, smoke, particulate matter or any emission into the air which is a nuisance, hazard or exceeds appropriate federal or state regulations.

9. All applicable federal, state, and local statutes, rules, regulations and ordinances (including, without limitation, those promulgated and/or enforced by the US Environmental Protection Agency, the Connecticut Department of Environmental Protection, the State Fire Marshal's Office, the National Institutes of Health, Centers for Disease Control, the Northeast District Department of Health or the Food and Drug Administration) shall apply to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, solid wastes or fire hazards (as such terms are defined by any of the applicable statutes, rules, regulations, or ordinances referenced) .

10. The commission may, at its discretion, hire a third party consultant, also acceptable to the applicant, to aid the commission in its review of any proposed facility design and/or program of research and development. The fees charged by the third party consultant shall be borne by the applicant.

- b. General office space.
- c. Banking, financial establishments and ATM facilities, excluding drive-in banking facilities not combined with banking and financial

establishments. ATM facilities on the same premises with a permitted use are considered accessory to the permitted use.

- d. Photography, dance, art and music studios, performing arts facilities and other uses similar in nature to those listed herein.
- e. Radio, television, motion picture and computer production and broadcast facilities, excluding manufacturing.
- f. Data centers, internet server farms and other similar uses.
- g. Conference centers, hotels, and motels, all of which may include restaurants and cafeterias excluding drive-through facilities.
- h. Educational training facilities, excluding correctional training programs and facilities.
- i. Wholesale warehouses and distribution centers, provided they are clearly secondary and supplemental to a research or development primary use, have a gross floor storage area of forty thousand (40,000) square feet or less, and are located at least seven hundred fifty (750) feet from the boundary line of any residential district or any residential use.
- j. Nursery schools and day care centers provided they meet the requirements of other sections of the Zoning regulations and safe and reasonable separating distances as determined by the Commission are maintained between the facility and other uses within the district.
- k. Recreational facilities and health clubs
- l. Automobile vehicle rental facilities.
- m. Municipal land uses.
- n. Cluster Developments

436.4 Site Design Standards.

In addition to the dimensional requirements of Section 450 for the BP District, the following standards shall apply:

436.4.1 Buffers.

Where a BP District property abuts a residentially zoned property, a buffer strip one hundred (100) feet wide is required, to be planted with year-round vegetation adequate to buffer the view from the residential zone adjacent to the proposed

development. Preservation of existing trees and vegetation is preferred where they provide desired screening.

436.4.2 Interior Circulation.

The BP District shall be served by an internal roadway system. Such roads shall, at a minimum, comply with the Town standards for "local street". The Commission may, in its discretion, designate such roads as "access" or "through" streets as defined in the Town's Subdivision regulations if such standards are warranted by the volume of traffic and type of use proposed. Interior circulation shall provide for the safe movement of vehicles, delivery trucks and pedestrians. Truck delivery routes shall be indicated by signage, pavement marking or other method. Access to commercial delivery points shall be segregated from general public traffic. Provisions for the safe movement of pedestrians between buildings and from buildings to parking areas shall be provided.

- a. Bicycle/pedestrian pathways a minimum of six (6) feet in width are to be provided along the interior roadway system. Said width may be expanded by the commission to ten (10) feet or to conform with standards of the National Park Service then in effect. The bicycle/pedestrian pathways need not be located adjacent to such roadways. Lots not served by sidewalks shall be served by bicycle/pedestrian pathways. Sidewalks and bicycle/pedestrian pathways shall be constructed simultaneously with the roadways and shall provide continuous circulation from one lot to another. Sidewalks and bicycle/pedestrian pathways shall be illuminated to provide safety and security for their users. Any lighting used shall be shielded or diffused so as to reflect light away from abutting traffic and to prevent skyward glare.

436.4.3 Landscaping and Screening.

- a. Landscaping may include, but not be limited to, pavement materials, fountains, ponds, street furniture, outdoor seating areas, lighting, and the planting of grass, ground cover, flower beds, shrubs, hedges, planted earthworks (mounding, grading, etc.), or trees. All planted areas shall be maintained in a healthy growing condition, neat and orderly in appearance, and free of refuse and debris. All planted areas shall be arranged and maintained so as not to obscure the vision of traffic. Unless so specified, there shall be no parking of vehicles in landscaped areas. All landscaping shall be subject to the approval of the Planning and Zoning Commission or its designated agents.
- b. All trucks in excess of a one-ton carrying capacity shall be parked in rear or side yards and screened from view from adjacent properties or any public roads or rights-of-way in accordance with Planning and Zoning Commission requirements. No trucks in excess of a one ton carrying capacity may be parked in any street yard regardless of screening. Truck

parking associated with wholesale warehouses and distribution centers shall be a minimum of seven hundred fifty (750) feet from any residential district boundary or from any residential use.

- c. Street trees at a minimum rate of one tree for every one hundred (100) feet or part thereof of street frontage shall be provided in all front yard areas to provide shade and visual interest. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission. Street trees, whether deciduous shade trees, flowering trees or evergreen trees, shall be a minimum of three (3) inch caliper measured at twelve (12) inches above ground, and selected for hardiness and appropriateness of use and soil conditions.
- d. Landscaping shall provide transitions between buildings of different size, scale, architecture or use and to provide continuity of design. Landscaping shall provide shade and visual interest.
- e. All accessory uses shall be screened to minimize visual intrusion or landscaped to integrate these elements into the site development plan.
- f. All waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purpose and housed in a refuse enclosure or within a building. Refuse enclosures are to be constructed of material in such a way that they would be at least seventy-five (75) percent solid and shall have a concrete floor. Refuse enclosures shall be located in rear yards only and shall be properly screened to a height of seven (7) feet in accordance with Planning and Zoning Commission requirements.
- g. If chain link fencing is proposed, it shall be black PVC dipped material.

436.4.4 Utilities.

All utilities shall be constructed underground.

436.4.5 Parking Lot Layout.

- a. Parking lots shall provide well defined circulation routes for vehicles, delivery trucks and pedestrians.
- b. To the maximum extent feasible, landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of parking isles, and the location and pattern of internal driveways, and to provide pedestrian walkways where appropriate.

- c. Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations may be submitted to reduce total required parking. A reserve area for the future addition of undeveloped parking shall be provided on the Site Plan. The parking spaces in the reserve area shall be noted on the tabular summary of zoning compliance. Said reserve area shall be maintained in its natural state until developed.
- d. Where curbing is provided, it shall be concrete or stone.
- e. Any lighting used to illuminate parking areas shall be shielded or diffused so as to reflect light away from adjoining property, away from abutting traffic and to prevent skyward glare.

436.4.6 Unified Design Elements.

Through narrative notes on the Concept Plan or Site Plan and illustrative elevation drawings, the applicant shall explain how treatment of the following design elements contribute to a unified appearance that is harmonious internally in terms of scale, materials and color:

- a. Landscaping.
- b. Architecture.
- c. Signage.

436.5 Signs.

436.5.1 Conformity.

Signs shall conform with Section 540 of these regulations for each use on the site. "Lot" as used in Section 540.1.4 shall mean the area leased or otherwise dedicated to a use, which use shall be indicated on the master plan.

436.5.2 Freestanding Site Identity Signs

Each BP District shall be allowed a maximum of two single or double faced freestanding signs for the overall site which identify the project. Such signs shall contain no advertising of uses, products or services available within the site. Said signs shall conform to the requirements for signs contained in Section 540 of these regulations.

436.6 SPECIAL PERMIT Applications.

There are two application procedures for development in the BP District:

- a. A Concept Plan application for the entire BP District without a Special Permit application for specific land uses, and
- b. A Special Permit application for each proposed use within the BP District.

436.6.1 Concept Plan Application

436.6.1.a Purpose.

The Concept Plan is intended to illustrate the general development plan and expected land uses without requiring the detail and expense of the Site Plan required as a part of a Special Permit submittal.

436.6.1.b Exemptions.

The Concept Plan is not required when the Site plan submitted with a Special Permit application includes all proposed uses and development in the entire BP District.

436.6.1.c Procedure.

The following procedure shall apply when an applicant seeks approval only of a Concept Plan.

1. Application.

The applicant shall file an application with the Commission for Concept Plan approval on such form as provided by the Commission and such application shall be governed by the requirements of the Connecticut General statutes for a site plan.

2. Fee.

A fee established by the Killingly Town Council under the terms of The Killingly Code of Ordinances (Chapter 12, Article 5-Land Use Processing Fees) of five hundred (\$500) dollars is required unless the Concept Plan is submitted with a Special Permit application.

3. Minimum Area.

The minimum area covered by the Concept Plan shall be all of the area within the BP District.

4. Elements of Concept Plan.

The concept plan shall be prepared by an engineer, architect, or landscape architect and shall include:

- a. Drawings at a scale of 1" = 100'.
- b. Existing topography with contours of sufficient spacing to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features (including wooded and open areas, ledge or rock outcroppings), inland wetlands, water courses and flood plain.
- c. The land uses and zoning within three hundred (300) feet of the site.
- d. Boundary descriptions of the district and of the parcels within it.
- e. Names of all abutting property owners.
- f. The location of all proposed roadways, parking areas, setbacks, easements, land use areas, reserve areas, open space areas, and access locations from connecting roads and driveways within the site to the existing public road system.
- g. Drainage and storm water management studies.
- h. The site shall be divided into general land use areas. Each area shall be identified as the location for one or more of the specially permitted uses (e.g. Research and Development, General Office, etc.).
- i. Proposed building footprints and location of parking areas.
- j. Letters from the public water company and the Water Pollution Control Authority stating how service is to be provided to the proposed land uses.
- k. A preliminary traffic analysis prepared by a professional traffic engineer may be required by the commission. Said analysis, if required, which shall include estimates of the volumes and types of traffic to be generated by the proposed development and impact of traffic on receiving streets.
 1. Narrative and illustrative elevations of design elements that contribute to a unified development appearance, per section 436.4.6.
- m. A table indicating the following:

1. the areas of the site proposed for each land use;
2. the number of parking spaces and loading areas proposed for each land use;
3. wetland areas, flood plain areas, areas of ledge or rock outcroppings;
4. overall lot coverage; and,
5. building heights.

n. Limits of phases where development is proposed in more than one phase.

o. Such other relevant information as the applicant may wish to submit or the Commission may request.

436.6.1.d Required Findings

In approving a Concept Plan, the Commission shall find:

1. the application and Concept Plan are complete and meet the requirements of Section 436.6.l.c; placement of incompatible uses adjacent to one another;
2. that the proposed location of the land uses on the site avoids placement of incompatible uses adjacent to one another;
3. that the transition between the different proposed uses is suitable and that adequate buffering is provided;
4. that the proposed land uses and development pattern satisfy the purpose and intent of the regulation as set forth in Section 436.1 and the standards and requirements of Sections 436.2 through 436.5.

436.6.1e Changes to Concept Plan

Changes to an approved Concept plan are required to be approved by the Commission unless the criteria 1-5 of Section 470.1 (Waiver of Site Plan review) are met. Changes meeting the waiver criteria shall be reviewed and approved by the Director of Planning and Development.

436.6.2 BP District Special Permit Application.

A Special Permit application in conformance with Article VII, which includes submission of a Site plan as outlined in Section 470.7, is required for each proposed use. The Special Permit application is also subject to the following requirements:

436.6.2.a Concept Plan.

If no concept plan has been approved for a BP District, and the Site plan does not include proposed development for the entire BP District, a Concept Plan must be submitted with the Special Permit application(s) for a proposed use or uses. The Commission shall act on the Concept plan prior to acting on the Special Permit application(s).

436.6.2.b Traffic Report.

When a Concept Plan has previously been approved and said approval included a Traffic Report, a statement by a professional traffic engineer shall be submitted stating that traffic conditions as described in said approved Concept Plan have not changed or, if they have, in what way.

436.6.2.c Statement of Zoning Conformance.

A tabular statement of zoning conformance with respect to each land use type contained on the Concept Plan.

436.6.2.d Section Requirements and Findings.

In addition to the criteria for Special Permit approval the requirements and findings of this section must be met.

436.6.2.e Changes to Special Permit Site Plan.

Changes to an approved Special Permit Site plan must be approved by the Commission unless criteria 1-5 of Section 470.1 (Waiver of Site Plan Review) are met. Changes meeting the waiver criteria shall be reviewed and approved by the Director of Planning and Development.

Section 450. Dimensional Requirements

Add the following dimensional requirements for the BP District:

Minimum lot size (in square feet) 50,000

.....

Minimum road frontage None

.....

Minimum building setback from any street line100 feet *

Minimum building setback from side and rear lot line.... 50feet**

Minimum building setback from district boundary line.100 feet**

Minimum parking setback from street..... 75 feet***

Minimum parking setback from side and rear lot line..... 25 feet***

Maximum height of structure50 feet****

Maximum coverage by impervious surface 50% of BP District. Lot coverage can be increased to 55% provided the applicant demonstrates there are no impacts with the increased 5%

* Yards facing an existing or dedicated public street shall not be less than one hundred (100) feet in depth. The first fifty (50) feet from the street line shall be fully landscaped.

* * Setback of one hundred fifty (150) feet including a one hundred (100) foot buffer strip is required where the BP District line abuts residentially zoned or residentially used land. Buildings within the BP District may have zero (0) feet setback from the side and rear lines of adjacent lots within the BP District with the approval of the Planning and Zoning Commission and provided the rear and/or side line does not constitute a district line.

* * * Setback of one hundred (100) feet including a one hundred (100) foot buffer strip is required where a lot line abuts residentially zoned or residentially used land. Parking areas may have zero (0) feet setback from side and rear lines of adjacent lots within the BP District with the approval of the Planning and Zoning Commission and provided the rear and/or side line does not constitute a district line.

* * * * Office buildings and research and development buildings may have a maximum height of sixty (60) feet or a height sufficient to accommodate four (4) stories in accordance with industry standards, whichever is greater, with the approval of the Planning and Zoning Commission. When a structure exceeds fifty (50) feet in height, all required yards shall be increased by five (5) feet for each additional one (1) foot in building height above fifty (50) feet.

APPROVED: October 29. 2007

EFFECTIVE DATE: 12:01 AM. November 28. 2007

Section 440.

FLOOD HAZARD DISTRICT

In order to prevent future lost of lives and property and to protect the ecological, scenic and recreational quality of stream belts, those areas identified as being subject to special flood hazards on the Flood Boundary and Floodway Map and "Flood Insurance Study for the Town of Killingly", effective January 3, 1985, and any revision thereto provided to the town by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development, shall be considered as a zoning district. Where questions as to the exact boundaries arise, reference shall be made to the above referenced map and study on file at the Town Hall. Any revisions made to this map and study by the Federal Insurance Administration shall also apply to this zoning district, following a public hearing concerning such zoning map revisions.

- a. No filling or other encroachment may take place within the floodway which would impair its ability to carry and discharge flood waters, except where such activity is fully offset by stream improvements. Plans for all filling or other encroachment and for all stream improvements done in conjunction with permitted uses shall be submitted to the Zoning Enforcement Officer and Town Engineer for their approval; plans for such activities done in conjunction with special permit uses shall be submitted to the Commission for approval.
- b. The Commission shall review development proposals to determine whether such proposals will be reasonably safe from flooding. If a development proposal falls within the limits of the Flood Hazard District, such proposal shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood prone area; (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and (iii) adequate drainage is provided to reduce exposure to flood hazards.
- c. The Commission shall require all development proposals within this district greater than 50 lots or 5 acres, whichever is the lesser, to include within such proposals base flood elevation data.
- d. The Commission shall require within this district (i) that all new construction and substantial improvements of residential structures to have the lowest floor (including basement) elevated to or above the base flood level; (ii) that all new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated or flood proofed to or above the base flood level; and (iii) that where the use of fill would result in an increase in flood levels due to a reduction in the storage capacity of the flood plain, or in the potential for negative impacts to sensitive ecological areas, the use of pilings or columns, rather than fill, shall be used for the elevation of structures.
- e. In the absence of base flood elevation data which may be furnished by the Federal Insurance Administrator, the Commission shall, with the assistance of the applicant, obtain, review and reasonably utilize any base flood elevation data from a Federal,

State or other source as criteria for requiring the provisions of the preceding paragraph. Also see Sections 460.1.2 and 530.4 supra.

- f. The commission hereby advises the applicant that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, copies of such permits are to be provided and maintained on file with the development permit. Possible required permits include but are not limited to: Water Diversion, Dam Safety, and Corps of Engineers 404. (Effective 04-14-95).

440.1.1 Permitted uses.

The following uses of buildings and land shall be permitted by right in the Flood Hazard District, requiring only the securing of a zoning permit as specified in Article VI:

- a. Outdoor events as defined by Council Ordinance Regulating Outdoor Event, Town of Killingly, provided that all conditions as set by said ordinance are met.
- b. Cultivation and harvesting of crops in accordance with recognized soil conservation practices, but, including no facilities subject to damage by flooding.
- c. Pasture and grazing land in accordance with recognized soil conservation practices.
- d. Outdoor plant nursery or orchard in accordance with recognized soil conservation practices, but permitting no structures.
- e. Harvesting of any wild crops such as marsh hay, ferns, moss, berries, or wild rice.
- f. Wildlife sanctuary, woodland preserve, arboretum, and passive recreation areas or parks, including hiking, bicycle and bridle trail, but including no facilities subject to damage by flooding.
- g. Forestry, lumbering, and reforestation in accordance with recognized natural resource conservation practices, but permitting no structures.
- h. Utility transmission lines.
- i. Sealed public water supply wells with the approval of the Town Engineer and all pertinent state authorities.
- j. Sanitary sewers, with the approval of the Town Engineer and all pertinent state authorities.
- k. Storm sewers or impoundment basins with the approval of the Town Engineer.

- l. Culverts with the approval of the Town Engineer.
- m. Any other similar uses not listed herein are to be considered special exceptions and subject to the requirements herein.

440.1.2 **Special permit uses.**

In addition to the above, the following may be permitted after the securing of a Special Permit as specified in Article VII:

- a. **Commercial recreation uses**, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing, sport or boating clubs, or beaches, provided:
 - said uses shall not include structures, except for sanitary [facilities,] provided [these] shall be connected to public water and sewage systems.
 - no accessory uses shall be allowed in the flood hazard area.
 - minimum lot size shall be sufficient to accommodate anticipated parking. Gravel or other permeable surfaces shall be used for parking areas in this district.
- b. **Public service corporation, fire district or municipal land use**, provided:
 - The location of such use in this zone shall be necessary for the health, safety, or general welfare of resident of the Town of Killingly.
 - Any such use which in the opinion of the Commission is hazardous in nature shall be fenced (in accordance with g. below) and/or screened so as to avoid creation of a nuisance attractive to children. When required by the Commission, outdoor storage areas shall also be fenced and/or screened. (See Article III, Definitions, "planted screening").
- c. **Sewage treatment plant**, outlet installations for sewage treatment plants and sewage pumping stations, with the approval of the Town Engineer and pertinent sewer authorities;
- d. **Dams and bridges** with the approval of all pertinent State authorities;
- e. **Paved roads and driveways, parking lots** where required by the regulations of the zoning district applicable to the property without consideration of this Article, provided that:
 1. In the case of roads and driveways, no such facilities shall be permitted if alternative, non-floodplain alignments are feasible.
 2. In the case of parking lots, no such lot shall be permitted unless satisfactory evidence is submitted that such parking will not be used during periods of flood flow, thus posing no threat to the safety of the vehicles, their occupants and/or to downstream properties. Temporary parking for periods not to exceed one

hour, and/or parking for recreation uses would be examples of such exceptions.

3. Any road, driveway or parking lot located within the Flood Hazard District shall, to the extent feasible, upon the review and recommendation of the Town Engineer, be constructed of pervious paving materials in accordance with the provisions of Section 530 (Off Street Parking and Loading).
- f. **Grading or re-grading of lands** (except in the floodway), including the deposit of topsoils and the grading thereof. The application for a special permit for such a use shall be accompanied by the following:
1. Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question, including the necessary data to determine whether the boundaries of the Flood Hazard District would be affected if the application was granted.
 2. An application for amending the boundaries of the Flood District, if the boundaries are effected by the grading or re-grading of land.
 3. A plan indicating the deposition of any fill or materials proposed to be deposited by the grading or re-grading of land; such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulk-heading.
- g. **Fences of wood**, wire or other materials which will not impede the flow of floodwaters.
- h. **Single-family dwellings** on lots of 80,000 square feet or more, provided:
- all dimensional and other requirements of Section 410 shall apply; and
 - The portion of the lot located within the Flood Hazard Zone is so great that is impossible to build without using the Flood Hazard area. The portion of the Flood Hazard area to be used is the minimum possible for adequate construction and landscaping.
 - the lowest floor of the dwelling (including the basement or cellar) and all accessory structures are elevated to or above the level of the 100 year flood.
- i. **Expansion of existing industrial structures** on lots of 50,000 square feet or more, provided:
- All dimensional and other requirements of Section 430 shall apply; and
 - every effort has been made by the applicant to locate the proposed expansion outside of the Flood Hazard District; and
 - The existing facility represents a substantial industrial investment; and

- Substantial industrial investment shall be construed to mean structures, the total floor area of which amounts to no less than 5,000 square feet or \$50,000 assessed valuation, and the computation of this minimum floor area expressly excludes the floor area of accessory structures such as small garages, sheds, and the like; and
- In order to maintain the storage capacity of the flood plain, the applicant shall, where practical elevate rather than flood-proof the expansion in accordance with Section 440d. (ii) and (iii); and
- No vacant sites shall be considered under this section.

j. **Expansion of existing commercial structures** on lots of 40,000 square feet or more, provided:

- all dimensional and other requirements of Section 420.2 shall apply, and
- every effort has been made by the applicant to locate the proposed expansion outside of the Flood Hazard District, and
- the existing facility represents a substantial commercial investment; and
- substantial commercial investment shall be construed to mean structures, the total floor area of which amounts to no less than 2,500 square feet, and the computation of this minimum floor area expressly excludes the floor area of accessory structures such as small garages, sheds, and the like, and
- in order to maintain the storage capacity of the floodplain, the applicant shall, where practicable, elevate rather than flood-proof the expansion in accordance with Section 440d. (ii) and (iii); and
- no vacant sites shall be considered under this section.

k. **Expansion of existing village commercial structures** on lots of 20,000 square feet or more, provided:

- all dimensional and other requirements of Section 420.1.1 shall apply; and
- every effort has been made by the applicant to locate the proposed expansion outside of the Flood Hazard District; and
- the existing facility represents a substantial village commercial investment; and
- substantial village commercial investment shall be construed to mean structures, the total floor area of which amounts to no less than 1,000 square feet, and the computation of this minimum floor area expressly excludes the floor area of accessory structures such as small garages, sheds, and the like; and
- in order to maintain the storage capacity of the flood plain, the applicant shall, where practicable, elevate rather than flood-proof the expansion in accordance with Section 440e. (ii) and (iii); and
- no vacant sites shall be considered under this section.

l. **Parks and playgrounds, historic landmarks** provided:

- the purpose of such facility shall clearly be solely educational or recreational, and not for private gain;
- said uses shall not include enclosed structures, except for sanitary facilities, in the flood hazard area. Any sanitary facilities provided shall be connected to public water and sewage systems;
- no accessory uses shall be allowed in the flood hazard area;
- minimum lot size shall be sufficient to accommodate anticipated parking. Gravel or other permeable surfaces shall be used for parking areas in this district.

m. **Retaining or flood proofing walls, provided:**

- The wall is utilized and necessary to protect existing buildings of a substantial investment, defined as principal structures used for commercial industrial or residential purposes and containing no less than 1,000 square feet total floor area and having an assessed value of no less than \$25,000.
- No other feasible and prudent method of flood proofing the structure can be utilized as determined by a licensed professional and verified by the Town Engineer.
- The wall is constructed the minimum distance necessary from the existing building to accomplish flood proofing as determined by a licensed professional and verified by the Town Engineer.
- A detailed flood analysis performed by a Connecticut licensed professional engineer and acceptable to the Town Engineer, including water surface profiles for existing conditions, proposed conditions, and the change in the water surface profile is performed. This analysis shall include a determination of potential impacts to adjacent properties, as well as the applicant's property.
- No portion of the wall or its associated construction shall be placed within the floodway.
- The design of all retaining or flood proofing walls shall be by a Connecticut licensed professional engineer and shall include a stability analysis. Floodwalls can be constructed as cantilever/sheet piling walls, cellular walls, flat dams, buttress walls, or gravity walls, and shall be founded on and keyed into rock where suitable rock is encountered reasonably close to the founding elevations. Where the soil provides inadequate bearing capacity and removal of unsuitable material and replacement is costly, an adequately designed system of piling should be considered.
- All drainage features through walls must be equipped with the necessary devices to prevent backflow.
- Compliance with all provisions of Chapter 7 of the Killingly Code of Ordinances, "Flood Damage Prevention and Control must be demonstrated. (Effective 05/12/99, 12:01AM)

n. **Cluster Developments.**

440.1.3

Prohibited uses. The following, uses shall be specifically prohibited in the Flood Hazard District.

1. Structures, buildings and retaining walls (except where permitted by Special Permit), with the exception of flood retention dams and bridges, as approved by all pertinent State authorities.
2. On-site sewage disposal systems.
3. Private water supply wells.
4. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and materials, and any new or substantially improved structure which will be used for the production, storage or maintenance of a supply of toxic chemical.
5. The construction, enlargement, or expansion of all Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions: Hospitals (public or private); Nursing Homes (public or private).
6. Stripping of top soil, groundcover, vegetation, or removal of trees within twenty (20) feet of a stream bank if said distance falls within the floodway. (Amend. Of 07-14-80; Amend. Of 09-09-80; Amend of 12-10-84).

SECTION 445

MILL MIXED USE DEVELOPMENT DISTRICT

Section 445.1 Intent.

a. The intent of the Mill Mixed Use Development District (hereinafter referred to as MMUD District) is to provide the opportunity to fully utilize former mill structures and related properties that are part of the Town's landscape, character, and history. They are also places of economic activity and economic opportunity. Recognizing the unique and special characteristics of these mill structures the Town has established a special district to protect and maximize their potential. Specifically, this regulation is intended to:

1. Provide maximum flexibility for the development and enhancement of mill properties;
2. retain the potential for business and industrial development in specified mill locations while permitting residential development;
3. foster a greater opportunity for creative development which encourage a mix of uses (residential, commercial, and industrial) within former mill buildings;
4. to enhance business vitality, and provide employment opportunities;
5. to enhance and protect the Town tax revenues, and;
6. encourage the development of flexible space for small and emerging businesses.

Section 445.2 General Requirements.

a. All uses shall be served by public water and sewer. The requirement for public water may be waived in whole or in part by the Commission if the applicant can establish, to the satisfaction of the Commission, that potable water requirements can be realized through on-site systems. A request for a waiver shall be submitted in writing by the applicant at the time application is made. The request shall detail the extent of the waiver requested and contain sufficient data for the Commission to make the

findings required above. The applicant shall submit a written report on the adequacy of the proposed alternative water supply system of each proposed building lot and/or use prepared by a Professional Engineer licensed to practice in the State of Connecticut certifying either that each lot and/or use is satisfactory for private water supply systems constructed in accordance with the standards of the State of Connecticut or specifying the location or conditions under which such systems would meet such standards. All technical work done in conjunction with the submission of such applications shall be done by a State of Connecticut Professional Engineer in accordance with the Rules and Regulations of the State Board of Professional Engineers and Land Surveyors, dated January 1, 1996, as amended. The applicant shall further request and secure documentation from the Northeast District Department of Health that they concur with the findings of the applicant's engineer.

b. All developments shall be reviewed for compatibility with the Killingly Plan of Conservation and Development and be supportive of the public health, general welfare and safety of the community, including adequate provision of public facilities and a minimum number of access points on existing roads.

c. Property shall, at the time application for MMUDD designation is made, have a mill structure located on site, including but not limited to the following:

1. P&A Mill, 42 Maple Street
2. Risom Mill, 43 Connecticut Mills Avenue
3. Prym Mill, 400 Hartford Pike
4. Prym Mill, 444 Hartford Pike
5. Acme Mill, 963 Bailey Hill Road
6. Hale Mill, 244 Ballouville Road

Properties designated as MMUDD are not subdividable.

d. The commission may, at its discretion, hire a third party consultant, also acceptable to the applicant, to aid the commission in its review of any proposed use or site. The fees charged by the third party consultant shall be borne by the applicant.

Section 445.3 **Definitions.**

a. For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word Regulations means these Regulations; shall is always mandatory; may is permissive.

1. Mill Structure shall mean a structure, currently or formally used for industrial purposes, which has been abandoned, idled, or underutilized where expansion or redevelopment is complicated by real or perceived environmental contamination and/or site development costs and which offers potential for new or enhanced development.
2. "Rooming and/or Boarding House" shall mean a building or structure or part of a building or structure kept, used or advertised as or held out to be a place where sleeping accommodation is furnished to roomers whether for remuneration, compensation or not, but shall not include a hotel, hospital or nursing home.

Section 445.4 Allowable Uses by Special Permit.

- a. All Industrial, Commercial and Residential uses not prohibited under Section 445.5, subject to the performance and compatibility standards in Section 445.6 of this section and the application and permitting requirements of Subsection 445.7 are permitted by Special Permit.
- b. Within the MMUD District there shall be no restriction on combining different categories of use, provided such uses conform with the compatibility and performance standards found in Section 445.6, within the same building except any imposed by the State Building Code or other federal, state, or local regulations.
- c. An erosion and sedimentation control plan, under provisions of Section 590 of these Regulations, shall be required when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size, or when the Commission determines that special site conditions warrant such a plan.

Section 445.5 Prohibited Uses.

- a. Adult Entertainment uses
- b. Animal sales
- c. Animal Agriculture
- d. Automobile or truck sales
- e. Bulk storage or manufacture of materials or products¹ that could decompose by detonation

¹ These materials include primary explosives such as lead azide, fulminates, lead styohate, and tetracene; high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and their components such as dry nitrocellulose, black powder, boron hydrides, and hvdrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as acetvlides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, oerchloric acid. perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-23S and plutonium-239.

- f. Camps (day/boarding)
- g. Car Wash
- h. Equestrian Stables (unless the property has ten (10) acres or more)
- i. Cemeteries
- j. Churches
- k. Collection Centers
- l. Dog Kennels
- m. Drive-up services associated with any commercial use (other than banks)
- n. Golf Courses
- o. Letting Of Rooms
- p. A facility that contains or conducts research involving Biological Safety Level-3 (or the equivalent term Risk-Group-3) classification or higher.
- q. Rendering
- r. Rooming and/or boarding House
- s. Seasonal Camping/Tents
- t. Service Stations

Section 445.6 Performance and Compatibility Standards.

- a. Compatibility
 - 1. All new uses shall demonstrate, to the satisfaction of the Commission, that any such new uses (in addition to meeting the requirements of this section) are compatible with all existing uses.
 - a. Any new buildings or accessory structures shall relate harmoniously to each other with adequate light, air circulation, separation between buildings and, to the extent practicable, shall be in harmony with the existing district.
 - b. Buildings or structures that are listed on the National Register of Historic Places shall be converted, constructed, reconstructed, restored or altered to maintain or promote the status of the building

or structure on the State or National Register of Historic Places.

b. Access and Traffic Impacts

1. Traffic and safety impacts to the existing and proposed roads shall be minimized.
2. Access shall be provided to the extent feasible through an existing side street or a shared driveway; curb cuts shall be limited.
3. Pedestrian and vehicular traffic shall be separated;
4. Walkways shall be provided for access to adjacent properties and between businesses.

c. Nuisance Avoidance

1. Uses shall cause no inherent and recurring generated vibration perceptible without instruments at any point between two or more uses or along a property line. Temporary construction is excluded from this restriction.
2. Smoke shall not be visible beyond a shade darker than No. 1 on the Ringleman Smoke Chart.
3. Heat and glare generated from within a structure or use shall not be discernible from the outside of any structure.
4. Odor, dust, and fumes shall be effectively confined to the premises or so disposed as to avoid air pollution.
5. No activities involving bulk storage or manufacture of materials or products that could decompose by detonation shall be permitted. These materials include primary explosives such as lead azide, fulminates, lead styohnate, and tetracene; high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and their components such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as acetvlides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, oerchloric acid. perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-23S and plutonium-239. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for specific research and only after the procurement of all required local, state and federal permits. Material type, quantity, storage. handling procedures, and location in

the facility shall also be registered with the respective fire district, ambulance corps, the Killingly Planning Department, and Fire Marshal.

6. Any electrical radiation shall not adversely affect at any point any operations or any equipment, including not only professional research equipment but also equipment reserved for personal uses such as reception of public radio transmissions, use of cellular phone, etc, except equipment belonging to the creator of the electrical radiation.

7. No use abutting residential use shall engage in or cause very loud activities between the hours of 9 P.M. of one day and 7A.M. of the following day.

8. Non-residential uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents.

9. Common walls between residential and non-residential uses shall be constructed to minimize the transmission of noise and vibration.

d. Lighting

1. A lighting plan showing existing and proposed exterior lighting, including building and ground lighting; locations, supports, mounting heights, and orientation of all luminaires and light distribution patterns is required.

2. Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness.

3. Exterior lighting shall be architecturally integrated with the building style, material and colors.

4. Exterior lighting of the building and site shall be designed so that light is not directed off the site, including above the site and the light source is shielded from direct offsite viewing.

5. Fixture mounting height should be appropriate for the project and the setting. Use of low, bollard-type fixtures, three to four (3-4) feet in height is encouraged as pedestrian area lighting. The mounted height of fixtures in smaller parking lots or service areas should not exceed sixteen (16) feet, with lower mounting heights encouraged, particularly where adjacent to residential areas or other sensitive land uses.

6. Raised light pole bases shall be attractively designed and well-detailed to be compatible with the overall project.

7. The use of vandal resistant well lighting is encouraged for lighting

monument signs.

8. All parking areas and pedestrian facilities serving non-residential uses and open to the general public shall be provided with illumination during all hours from dusk to dawn that those facilities are open to the general public.

e. Residential Use Restriction

1. Residential uses created within the MMUD District shall have a note placed on the deed to the parcel notifying potential buyers of the probability of non-residential uses elsewhere on the district site. Such note shall state: *"This property is currently part of a Mill Mixed Use Development District which allows a variety of non-residential uses within the same district and on the same site."*

2. Residential buildings to be constructed or rehabilitated shall be designed to filter out noise and vibration through construction employing, but not limited to, such techniques as applying soundproofing material between dwelling units laterally and vertically, and between different uses; employing staggered joists and insulation.

3. Residential density will be limited to the density of the abutting residential zoning district. When two or more districts abut the MMUD District, the highest allowable density shall prevail.

4. For any development involving more than 15 residential units in total, it shall be a condition precedent that at least 15% of the total project cost shall be allocated to improvements to the existing mill structure. This minimum shall be determined by the commission based upon cost estimates submitted by a duly licensed engineer or architect. This requirement is based upon the importance - historical, cultural, economic and aesthetic, in maintaining and rehabilitating these mill structures.

This requirement may be met by either actual mill structure construction prior to the issuance of residential building permits outside of the mill structure or by surety acceptable to the town, together with an acceptable concept plan and time line for completion of mill improvements.

5. Residential uses (apartment and condominium units) shall be permitted in existing structures and shall consist of not less than eight-hundred (800) square feet of livable space.

f. Buffers, Density and Height

1. Where a MMUD District abuts a residentially zoned property, a buffer

strip of seventy-five (75') feet shall be required for any new non-residential development. Such buffer shall be planted with year-round screening vegetation adequate to buffer the view from the residential zone. Preservation of existing trees and vegetation is preferred where they provide desired screening.

2. Where the MMUD District abuts a residentially zoned property, a buffer strip equal to the abutting setback requirements shall be required for any new residential development.
3. To reduce the bulk and area of buildings and pavement relative to the overall size of the development; and to provide landscaped areas for visual and sound-buffers, increased groundwater recharge and reduced stormwater runoff, the total area of any MMUD District that may be covered by buildings and paved surfaces shall not exceed fifty (50) percent. The Commission may allow by Special Permit an increase to a maximum of sixty (60) percent impervious coverage when the Commission finds that one or more of the following benefits of the development outweigh the impacts of the increased impervious coverage:
 - a. The use of grass/pavement block systems or similar treatment reduces storm water runoff; and/or
 - b. The development achieves an overall benefit to the community such as elimination of blight conditions, preservation of historic structures, closure of excessive curb cuts, provision of inter-parcel access or service roads or similar benefit.
4. Maximum Building heights shall be as follows:
 - a. Residential - thirty-five (35) feet
 - b. Commercial - forty (40) feet
 - c. Industrial - forty (40) feet
5. For existing mill structures:
 - a. Telecommunication facilities, water tanks, solar collection systems, similar structures and necessary mechanical appurtenances may be erected on an existing mill structure to a height greater than the limit established for the MMUD District provided that no such exception shall cover at any level more than twenty-five percent (25%) of the area of the roof on which it is located, except for a solar collection system which may cover more than twenty-five percent (25%) of the area of the roof on which it is located if the architectural design and layout is compatible with that of the structure to

which it is affixed and generally in keeping with the character of the neighborhood in which it is to be situated; and provided further that no such exception shall be used for residential, commercial or industrial purposes other than such as may be incidental to the permitted use(s) of the main structure.

- b. Roof structures and/or roof lines may be integrated together where more than one roof line or roof style is present.

6. The height limitations of these Regulations for new construction shall not apply to chimneys, gables, cupolas, spires, water towers, flag poles, transmission towers and cables, radio or television antennae or towers or telecommunication service facilities B provided that the telecommunication facility, and its antenna(s) or associated equipment does not extend more than five (5) feet above the highest point of the building or structure to which it is attached.

g. Outdoor Storage and Sales Display

- 1. Except as specified below, outdoor storage or display of goods shall be enclosed within permanent walls or fences integrated into the design of the building.
 - a. Storage or display racks and goods thereon shall not exceed the height of screening walls or fences.
 - b. Goods shall not be displayed in landscaped areas, on exterior walls, or in parking lots.
 - c. The Commission, at its sole discretion, may permit the outdoor display and sale of merchandise on sidewalks if a written request accompanies the application stating the nature of the outdoor sales including: the location, duration, and types of merchandise to be sold.
 - d. Outdoor display areas shall be delineated on the Site Plan and/or Concept Plan and shall not impede the normal use of sidewalks or other pedestrian walkways.
 - e. No vending machines shall be allowed outside of any buildings.
 - f. All materials, supplies and equipment shall be stored in accordance with Fire Prevention Standards of the National Board of Fire underwriters and shall be screened from view from public ways and abutting properties.

h. Waste Disposal

1. Garbage or recycling dumpsters/compactors shall have doors or lids that shall remain closed when not being loaded or unloaded and shall be contained in masonry enclosures supplemented with landscaping if necessary.

2. No delivery, loading, trash removal, compaction or other similar operations shall be permitted between the hours of 8:00 p.m. and 6:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions.

i. Signs

1. Signs shall conform to Section 540, for each use on the site and, in addition to those requirements, the following:

- a. All signs shall be architecturally integrated with their surroundings in terms of size, shape, color, texture, and lighting so that they are complementary to the overall design of the building and are not in visual competition with other signs in the area.
- b. Signs shall be proportionate to the dimensions of their location.
- c. All signs shall complement their surroundings without competing with each other, shall convey their message clearly and legibly, shall be vandal-proof and weather resistant, and if illuminated, shall not be overly bright for their surroundings.
- d. Exterior lighting of the building and site shall be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing.
- e. New signs proposed for existing buildings shall provide a compatible appearance with the building signage of other tenants. With multiple signs on a single building, attempt to bring in a unifying element (such as size), even where no sign program exists.
- f. New construction design shall anticipate signage and, where necessary, a sign program. New building design should provide logical sign areas, allowing flexibility for new users as the building is re-tenanted over time. Designs which provide for convenient and attractive replacement of signs are encouraged.
- g. The use of roof signs shall be prohibited.
- h. Freestanding signs shall not be greater than five (5) feet in height. Monument sign materials shall reflect the character of the use and the building the sign identifies.

- i. Free-standing sign bases shall be made of permanent, durable materials such as concrete or brick. Bases made of texture-coated sheet metal are discouraged.
 - j. Landscaping and irrigation shall be designed around the base of freestanding signs to integrate the sign with the ground plane and screen out any low level flood lights. Irrigation shall be designed so it does not damage the sign.
 - k. Freestanding signs on poles which have a top-heavy appearance are discouraged.
 - l. Driveway directional signs shall only be used for projects where circulation is complex and traffic must proceed through the site along a specific path for service. Where the layout of the parking lot and driveways are obvious and clearly apparent to the driver entering from the street, directional signage is not appropriate. When not appropriate or needed, such signage can visually clutter the site and will be discouraged.
 - m. Any external spot or flood lighting shall be arranged so that the light source is screened from direct view by passersby, and so that the light is directed against the sign and does not shine into adjacent property or blind motorists and pedestrians.
- j. Landscaping Requirements
- 1. Existing trees shall be maintained as practicable and any new trees shall be carefully selected and located where they will complement the building elevation and shall not block all retail storefront signage from view.
 - 2. Screening of mechanical equipment, trash, and loading areas shall be provided through the use of walls, fences, and/or dense, evergreen plant materials.
 - 3. Landscaping and screening plant materials shall not encroach on the public walkways or roadways in a way that impedes pedestrian or vehicular traffic.
 - 4. Shrubs or trees that die shall be replaced within one growing season.
 - 5. All new plant materials shall be sized so that the landscaping has an attractive appearance at the time of installation and a mature appearance within three years of planting.
 - 6. All proposed shrubs except accent, color or ground cover planting shall be a minimum of 5 gallon size. Shrubs and ground cover plants

shall be spaced close enough together to ensure an attractive and mature planting effect.

7. Energy conservation within structures shall be addressed by recognizing the sun exposure on the site and providing or maintaining appropriate tree species (deciduous trees on the southern exposure, coniferous and broadleaf evergreen trees along the eastern and western exposures, and evergreens along the northern exposure.)

8. Tree species, when additional trees are proposed, should be selected with root growth habits that will not cause damage to sidewalks, or such tree species should be sited away from such hardscape areas.

9. Landscaping plans shall show all obstructions such as street lights, meters, backflow devices, utility covers, transformers, and similar objects which may affect plant placement and installation limitations.

10. When constructing new landscape planting areas on surfaces which were previously covered by pavement or structures, all existing asphalt, base rock or other deleterious material shall be removed to the depth of the native soil and clean soil shall be used to backfill the planting area.

11. All exposed dirt areas shall be covered with bark or mulch or other weed control measures included as part of final landscape

12. Street tree placement shall include consideration for vehicle line of sight, entrance and exit curb cuts, street light and traffic control devices, and other site specific conditions as part of design review process.

k. Parking and Loading Areas

1. Parking shall conform to Section 530 and additionally shall meet the following standards:

- a. Parking lots shall provide well defined routes for vehicles, delivery trucks, and pedestrians.
- b. Loading areas visible from a public street or adjacent property shall be screened with masonry walls supplemented by landscaping if necessary.
- c. To the maximum extent feasible, landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of parking aisles, and the location and pattern of primary driveways, and to provide pedestrian walkways where appropriate.

- d. Parking areas shall be screened from adjacent residential uses, streets, and walkways using trees and shrubs adapted to the region, of specimen quality conforming to the American Standard for Nursery Stock, American Standards Institute, Inc., 230 Southern Building, Washington, DC 20005, and shall be planted according to accepted horticultural standards. Berms may be used for screening along the street in conjunction with plant materials.
 - e. Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations shall be submitted to reduce total required parking. A reserve area for future development shall be provided on the Site Plan.
 - f. The use of porous pavement and/or perforated brick or block shall be used to the extent feasible to increase on-site water retention for plant material, groundwater supplies, and to reduce problems associated with runoff.
 - g. Within the Town's right-of-way all curbing shall be constructed of concrete. However, the Town Engineer may waive this requirement, when in his/her opinion the use of concrete curbing is not necessary.
- I. Medical and/or Biological Research
- 1. In the establishment, operation, and design of medical and biological research laboratories and facilities, the standards and procedures, as amended, of the National Institutes of Health, Bethesda, Maryland and Centers for Disease Control will apply. No facility shall contain or conduct research involving Biological Safety Level-3 (or the equivalent term Risk-Group-3) classification or higher.

Section 445.7 Applications and Permit Procedures.

- a. Before an application is made, it is suggested that the applicant become familiar with the regulations contained in this section as well as those contained in Article VII which addresses Special Permits and Section 470.7 which addresses Site Plan, and consult with the Planning and Zoning Commission and/or planning department office for other regulations to consider and for any clarifications.
- b. There are two application procedures for development in the MMUD District:
 - 3. A Concept Plan application for the entire MMUD District without a

Special Permit application for specific land uses and

4. A Special Permit application for each proposed use within the MMUD District.

c. Concept Plan Application.

1. Purpose. The Concept Plan is intended to illustrate the general development plan and expected land uses without requiring the detail and expense of the Site Plan required as a part of a Special Permit submittal.
2. Exemptions.
 - a. The Concept Plan is not required when the Site Plan submitted with a Special Permit application includes all proposed uses and development in the entire MMUD District.
 - b. The Concept Plan is not required when the proposed development is restricted to an existing mill structure and development directly related to such mill structure (parking, landscaping, signs, etc....).
3. Procedure. The following procedure shall apply when an applicant seeks approval only of a Concept Plan.
 - a. Application. The applicant shall file with the Commission an application for Concept Plan approval on such form as provided by the Commission and such application shall be governed by the requirements of the Connecticut General Statutes for a site plan.
 - b. Minimum Area. The minimum area covered by the Concept Plan shall be all land within the MMUD District.
 - c. Elements of Concept Plan. The Concept Plan shall be prepared by an engineer, architect, or landscape architect, and shall include:
 1. Drawings at a scale of 1" = 100'.
 2. Existing topography, with two (2) foot contours, to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features (including wooded and open areas, ledge or outcroppings), inland wetlands, watercourses and flood plain.

3. The land uses and zoning within 300 feet of the site.
4. Boundary description of the district within it.
5. Names of all abutting property owners.
6. The location of all proposed roadways, parking areas, setbacks, rail lines, easements, land use areas, open space areas, and access locations from connecting roads and driveways within the site to the existing public road system.
7. The site shall be divided into general land use areas, identified as one or more of the specially permitted uses (e.g. retail, restaurant, office, research lab, etc.).
8. Proposed building footprints and location of parking areas.
9. Letters from the public water company and the Water Pollution Control Authority stating how service is to be provided to the proposed land uses.
10. A preliminary traffic analysis prepared by a professional engineer which shall include, but not be limited to the following:
 - a. Land use, site and study area boundaries.
 - b. Existing and proposed site uses.
 - c. Existing and proposed roadways and intersections.
 - d. Existing and proposed roadways and intersection capacities and volumes.
 - e. Trip generation and design hour volumes.
 - f. Trip distribution.
 - g. Trip assignments.
 - h. Existing and projected traffic volumes.
 - i. Levels of service of all affected intersections for the design

hour.

j. Future traffic impact analysis

1. Short term horizon - one year after occupancy.
2. Long-term horizon - 20-years after occupancy.

11. A preliminary stormwater discharge plan, prepared by a professional engineer, which shall include as a minimum the following:

- a. A map showing project location, description of the property, acreage, topography, identification of major drainage ways involved, proposed type of development, identification of wetlands based on soils map and a reference to any flood hazard area delineation study applicable to the site
- b. A map of the tributary drainage basin determining the location and magnitude of flows from upstream of the site based on current development or zoning, whichever provides the highest runoff volumes
- c. A conceptual drainage plan showing how intercepted and on-site flows will be received and transported
- d. Designated points of discharge from the site, accompanied by a general analysis of how existing downstream facilities will handle this discharge
- e. Proposed rights-of-way required for drainage easements and detention areas
- f. Storm water storage volume required.
- g. Location of storage areas.

12. Narrative and illustrative elevations of design elements explaining how various design elements (landscaping, architecture, signage, street design, etc....) contribute to a unified appearance that is harmonious both internally and with surrounding properties in terms of scale, materials and color.

13. A table indicating the following:

- a. areas of the site for each proposed land use;
- b. the amount of building floor area proposed for each land use;
- c. number of parking and loading spaces for each land use;
- d. wetland areas, flood plain areas, area of ledge or outcroppings;
- e. overall lot coverage;
- f. and, building height(s).

14. Limits of phases where development is proposed in phases.

15. Such other relevant information as the applicant may wish to submit or the Commission may request.

4. Required Findings. In approving a Concept Plan, the Commission shall find:

- a. the application and Concept Plan are complete;
- b. that the proposed location of the land use areas on the site avoids placement of incompatible uses adjacent to one another;
- c. that the transition between the different proposed uses is suitable and that adequate buffering is provided;
- d. that the proposed land uses and development pattern satisfy the purpose and intent of the regulation as set forth in Section 1 and the standards and requirements of Sections 5 through 6.

5. Changes to Concept Plan.

f. Changes to an approved Concept Plan are required to be approved by the Commission unless the criteria 1 - 5 of Section 470.1 (Waiver of Site Plan review) are met.

g. Changes meeting the waiver criteria shall be reviewed and approved by the Director of Planning and Development.

d. MMUD District Special Permit Application

1. A Special Permit application in conformance with Article VII, which includes submission of a Site Plan as outlined in Section 470.7, is required for each proposed use. The Special Permit application is also subject to the following requirements:

- a. Concept Plan. If no Concept Plan has been approved for an MMUD district, and the Site Plan does not include proposed development for the entire MMUD District, or the proposed development is not restricted to an existing mill structure and development directly related to such mill structure (parking, landscaping, signs, etc....) a Concept Plan must be submitted with the Special Permit application(s) for a proposed use or uses. The Commission shall act on the Concept Plan prior to acting on the Special Permit application(s).
- b. Traffic Report. Report prepared by a professional traffic engineer stating that traffic conditions as described in the approved Concept Plan traffic report have not changed or, if they have, in what way.
- c. A tabular statement of zoning conformance with respect to each land use type contained on the Concept Plan.
- d. In addition to the criteria for special permit approval the requirements and findings of this section must be met.
- e. Conformance with Section 6, Performance and Compatibility Standards.

1. Changes to Special Permit Site Plan. Changes to an approved Special Permit Site Plan are to be approved by the Commission unless criteria 1 - 5 of Section 470.1 (Waiver of Site Plan Review) are met. Changes meeting the waiver criteria shall be reviewed and approved by the Director of Planning and Development.

2. Change in uses within mill structures is also permitted for situations where a use has already been approved in accordance with these regulations upon review and approval by the Planning and Development Office, when

such use does not change the compatibility of such new use with those existing within the mill structure and the change in use does not result in an expansion of space greater than twenty-five (25) percent or ten-thousand (10,000) square feet, whichever is greater.

- a. The Planning and Development Office, at their discretion, may forward any such request to the Commission for review.
- b. The Planning and Development Office may require such information, as it deems appropriate to evaluate any such application, including those listed in subsection c of this section
- c. The Director of the Planning and Development Office shall make a report of any decisions made under this section to the Commission at the next Regular Meeting of the Commission following such decision.

Section 445.8 Invalidity

These MMUDD Regulations are designed to form a cohesive and integrated response to the problem of rehabilitation and re-use of existing mill structures. Therefore the partial illegality or invalidity of any portion of these regulations shall result in the invalidity of the entire MMUDD Regulations. At the point at which applications under the MMUDD regulations have been filed with the commission, have been certified to be substantially complete with all attendant submittals, and have been received/accepted by the Planning and Zoning Commission, the applications are protected and exempted from any actions or decisions that may result from this invalidity section.

Adopted April 19, 2004

Effective Date May 20, 2004, 12:01 AM

SECTION 450

DIMENSIONAL REQUIREMENTS

Section 450. Dimensional Requirements.

"Dimensional Requirements" are hereby declared to be part of these Regulations

- 450.1 **Lot area, width and frontage.** Except as provided elsewhere in these Regulations, each lot shall have the minimum area, width and frontage as specified in Table A.
- 450.1.1 With the exception of minimum lot areas specified for the Rural Development, Flood Hazard, General Commercial, Industrial and Light Industrial Districts in Table A, the minimum lot area for lots without municipal sewer facilities shall be 40,000 square feet. (Effective 10/19/87).
- 450.2 **Setbacks.** No structure shall extend within less than the minimum distances of any street line, side line, rear line or residential district boundary line as specified in Table A.
- 450.2.1 **Signs.** As specified in Section 540, permitted signs may extend within lesser distances of a street or other line.
- 450.2.2 **Projections.** Belt courses, canopies, cornices, eaves, marquees, pilasters and similar architectural features may project three feet into the area required for setback from a street or other line.
- 450.2.3 **Accessory buildings and structures.** Detached accessory buildings and structures, including satellite dish antennas, not over 12 feet in height and no larger than 140 square feet in floor space and not used for human habitation or for the sheltering of motor vehicles or for the housing of animals or poultry may extend to within 6 feet of any side or rear line. (Amend. of 2-10-86). (Amend. of 09-01-87)
- 450.2.4 **Lots adjacent to a railroad.** In the case of that portion of lot in a commercial or industrial district where contiguous to a railroad right-of-way, no setback from such a contiguous lot line shall be required.

450.2.5 **Corner Lots.** On a corner lot, any lot line with frontage on a town street or road shall be classified as a front lot line, and building line setbacks shall be provided off each street or road as indicated under Dimensional Requirements, Table A. (Amend. of 12-22-86)

450.3 **Height.** No structure shall exceed the maximum height as specified in Table A, except that such regulations shall not apply to spires, belfries, cupolas, flagpoles, television aerials, water tanks, ventilators, farm silos, elevator penthouses, chimneys or other appurtenances usually required to be above the roof level and not intended for human occupancy provided such structures are incidental to a permitted use located on the same property.

Additionally, sprinklered public and public service buildings, hospitals, institutions, and schools; and churches, temples and other places of worship, when permitted in a district, may be erected to a height not exceeding 50 feet when

1. the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located, and that
2. the Commission determines the additional height does not interfere with present or reasonably anticipate use of other neighborhood property.

Approved: October 29, 2007 Effective date: November 20, 2007, 12:01AM

450.3.1 **Height in Industrial zones.** Structures in an industrial zone not exempted in Section 450.3 may be allowed under Special Permit to exceed the maximum height as specified in Table A if the Commission determines that the structure is necessary for the efficient operation of the proposed industry and that it does not significantly interfere with present or reasonably anticipated use of other property.

450.4 **Coverage.** The aggregate lot coverage of all structures and impervious surfaces on any lot shall not exceed the percentage of the lot area as specified in Table A.

450.5 **Minimum lot size for lots serviced by municipal sewer and on-site wells.** The Commission may require that minimum lot sizes be increased for those lots serviced by municipal sewer lines and on-site wells. The minimum lot sizes will be determined by the Commission upon review of a Hydrogeological Study submitted by the applicant and accepted by the Commission. By no means shall the minimum lot size of any lot be less than the minimum lot size outlined in these regulations for the particular zoning districts in which the lots are located. (Effective 06-07-88).

450.6 - **Cluster Dimensional Requirements.** A Special Permit for Cluster Development may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements

Lot Area. Each lot shall be at least of a size capable of supporting the construction of a single-family dwelling or primary use structure and its accessory structures in accordance with all applicable state and local regulatory requirements and the purposes of Cluster Development.

Frontage. The frontage of each lot for a building site created in a Cluster Development shall be that necessary, in the opinion of the Commission, to provide for adequate access to the lot. Where shared driveways or other circumstances provided adequate access to an individual lot, frontage may not be required.

Setbacks. All structures shall be set back a minimum of twenty (20) feet from all lot lines, provided, however, that with respect to lot lines which abut land outside the Cluster Development, setbacks from said lot lines shall conform to the setback requirements applicable to conventional development in the underlying zoning district.

Density. The maximum number of lots for building sites in a Cluster Development shall not exceed the number of buildable lots which could be created through conventional development of the site plus any density bonuses allowed. The allowable maximum density shall be based upon the maximum number of buildable lots which may be created through conventional development of the land without substantial waivers from the Commission's Regulations for the Subdivision of Land and in conformance with the conventional dimensional requirements for the underlying zoning district.

TABLE A – DIMENSIONAL REQUIREMENTS FOR TOWN OF KILLINGLY

Referenced Notes -	Rural Dev. 6,8, & 9	Flood Hazard 9	Low Density 3,14 & 17	Medium Density 3,14 & 18	Prof. & Bus. Off. 3,9, & 11	Village Comm. 3 & 9	General Comm. 9	Indus. 9	Lt. Indus. 9	M.U.I. 15	Bus. Park 16	M.U.D.D. See Sec. 445.	ALZOD
Min. lot area in sq. ft.	80,000	80,000*	30,000**	10,000	30,000	20,000	40,000	50,000	40,000		50,000		Existing leased lots shown on Alzod map
Min. lot frontage	250' 8	150'	100'	80'	100'	100'	150'	150'	125'		None		10' (20)
Min. setback from street line	10	40'	40'	40'	30' (12)	40'	50'	50'	40'	50'	100'		6'
Min. setback from side line	25'	25'	20'	12'	20'	12' (4)	25'	25' (5)	25' (5)		50'		15'
Min. setback from rear line	2	30'	20'	20'	20'	30'	30'	30' (5)	30' (5)		50'		35'
Max. height of structure	35'	35'	35'	35'	35'	35'	40'	50'	40'	50'	50'		50%
Max lot coverage	15%	15%	20%	30%	70% (13)	60%	65% (19)	70%	65%	70%	50%		50%

- 1 Where necessary for improved subdivision design, such as for residential lots fronting on the turning circle of a cul-de-sac, this requirement may be waived provided the width of each such lot at the building line is equal to the required frontage.
- 2 For a corner lot or one fronting on more than one street, one line, not a street line, shall be designated a rear line.
- 3 Lots without public sewers shall be increased to 40,000 square feet. Amend. of 10/19/87; Eff. 11/19/87
- 4 Where a proposed commercial development adjoins a residential district, this distance shall be increased to 25 feet.
- 5 Where a proposed industrial use adjoins a commercial or residential district, a 25 ft. to 50 ft. wide buffer strip is required. See Section 430.2.5
- 6 The minimum lot area for interior lots only shall be 160,000 square feet.
- 7 In accordance with Section 620.3, all building lots without the frontage on an accepted public street, a proposed public street, or an approved private street shall have an access strip (or access right-of-way) not less than 50' in width to an accepted public street, a proposed public street, or an approved private street. (Amend. 10-17-83, S E).
- 8a Any unbuilt lot contained within any complete subdivision application and either submitted to the Commission (and not denied) or approved by the Commission for sale and/or building development purposes prior to the effective date of this amendment (3/14/79) need not conform to these requirements, however, unbuilt lots contained within such subdivisions must meet the requirements in effect prior to 3/14/79.
- 8b These requirements were: (Rural District) Minimums: lot area 40,000 s.f. - frontage 150 feet - setback from street line 40 feet. Any unbuilt lot existing and lawful on the effective date of these Zoning Regulations or as amended, need not conform to the dimensional requirements effective March 14, 1979, however, such lots must meet the regulations in effect prior to March 14, 1979. Amend. of 2/9/87; Effective Date: 2/16/87
- 9 For interior lots, that area of land designated as an access strip on a proposed subdivision plan or site plan shall not be considered as lot area. This requirement is for all lots with the exception of those zoned Low Density and Medium Density Districts. (See note 14) Amend. 5/4/88; Eff. 5/26/88
- 10 In the case of an interior lot, required setback shall be measured from the point at which the width of said lot equals the required frontage for a given district, as measured along a line drawn parallel to the front lot line. Lots whose widths do not meet the minimum frontage requirement shall be prohibited by these regulations. This requirement is for all lots with the exception of those zoned Low Density and Medium Density Districts. (See Note 14) Amend.5/4/88; Eff. 5/26/88
- 11 Except as provided in Section 415.1.2j.
- 12 Except as provided in Section 415.1.2k
- 13 Except as provided in Section 415.1.3c
- 14 Interior lots are not permitted in the Low Density and Medium Density Districts. Amend 5/4/88; Eff. 5/26/88
- 15 See Section 435, Mixed Use Interchange for additional requirements
- 16 See Section 436, Business Park for additional setback requirements
- 17 Low Density zone - Two family dwellings - 20,000 s.f. per dwelling unit with public sewers - 30,000 s.f. per dwelling unit without public sewers.
- 18 Medium Density zone - Two family dwellings - 10,000 s.f. per dwelling unit with public sewers.
- 19 General Commercial lot coverage - may be increased to 75% with Special Permit approval from P & Z Comm. See section 420.2
- 20 Front setback for leased lots fronting on a public street shall be in accordance with the underlying zone.
- * Previously 60,000 s.f., Amend. 10/19/87
- ** Previously 20,000 s.f., Amend. 6/13/88

SECTION 460

ZONING MAP

The boundaries of the zoning districts indicated in Section 460 are shown on the map entitled, "Official Zoning Map, Town of Killingly, Connecticut" on file at the office of the Killingly Town Clerk. The above maps and any amendment thereto are hereby made a part of these Regulations.

460.1 Interpretation of district boundaries. Where uncertainty exists as to boundaries of districts as shown on the official Zoning Map, the following rule shall apply:

460.1.1 Boundaries indicated as approximately following lot lines, the center lines of right-of-way, town limits, shore lines, or stream center lines shall be construed as following such lines or limits.

460.1.2 The limits of the Flood Hazard Zone shall be determined by reference to the Special Flood Hazard Maps prepared by the U.S. Department of Housing and Urban Development on file in the office of the Town Clerk.

Section 470

SITE PLAN REVIEW

Prior to the issuance of a zoning permit, all Industrial, Light Industrial, Village Commercial and General Commercial permitted uses shall be subject to a site plan review by the Director of Planning & Development. Site Plan review shall be required for any building or use, or enlargement in size or other alteration of any building or change in use or actual use of any building including accessory structures. Site Plan review is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the actual use thereof. (Amend. of 03-08-82)

470.2

Site plan procedure.

Each applicant for site plan approval shall file with the Secretary of the Planning and Zoning commission: Six (6) blue or black line prints of the proposed site plan, 24"x 36" in size with a scale of 1"=40' or 1"=100'; the required application form; and the required application fees.

If the Director's approval is granted for said site plan application, a recordable copy of the approved site plan (replete with the Director's letter of approval reproduced thereon and all required modifications), shall be furnished to the Commission for endorsement, and then shall be filed by the applicant (at his expense) in the office of the Town Clerk, and any plan not so filed within ninety (90) days of the date said approved and endorsed plan is delivered to the applicant (except where extensions are granted by the Director in advance of said ninety (90) day expiration deadline), shall become null and void, as shall the approval of said site plan application. No such site plan may be filed or recorded in the office of the Town Clerk until its approval has been endorsed thereon by the Chairman or Secretary of the Planning and Zoning Commission; and not until the applicant has furnished the Director with three (3) complete blue or black line prints of the site plans (replete with the Director's letter of approval reproduced thereon and all required modifications). The filing or recording of a site plan without the Commission's approval endorsed thereon shall render said site plan null and void. The Director shall determine which sheets of the site plan shall be filed in the office of the Town Clerk. A recording fee per sheet shall accompany each site plan. The applicant is encouraged to meet with the Town Planner and Town Engineer prior to submission of formal site plan application. (Amend. of 9-8-86; Amend. of 1-12-87) (Effective 8-16-89) (Amend. of 12/11/00) (Effective 1/10/01)

- 470.3 The Director of Planning and Development shall approve, modify and approve or deny the site plan within sixty five (65) days of its receipt. Said official shall state the reasons for his decision. Failure to act within sixty five (65) days shall be deemed as approval unless an extension is consented to by the applicant pursuant to Section 8.7d(b) of the Connecticut General Statutes. (Amended 12-11-00, Effective 01-10-01).
- 470.4 **Bonding.** The Director may require that applicants post a bond or other acceptable surety to insure completion of the required site improvements such as road or parking area construction, landscaping, grading, storm drainage and any other items, the failure of which to complete would adversely affect the environment and/or health, safety and welfare of residents of the Town.
- 470.5 **Conditions of approval.** Approval of a site plan review application under Section 470 of these regulations shall constitute approval conditioned upon the completion of the proposed development, in accordance with plans as approved and any conditions set forth, within a period of two (2) years after approval is given. However, the Director may require earlier compliance with any conditions, if the Director finds such compliance to be necessary for protection of the public health safety, and/or welfare. The Director shall set a date for final compliance with such conditions. Approval of the application shall become null and void in the event of failure to meet any of the time limits set in accordance with this paragraph, unless an extension of time is applied for and granted by the Director. (Amend. of 1-12-81).
- 470.6 **Revisions.** Any substantial revision of an approved site plan application and any reconstruction, enlargement, regrading, extension, moving or structural alteration of a building or use of land in connection with an approved site plan application, shall require submission of a site plan application as for the original application.
- 470.7 Contents of site plan. A site plan drawn to a scale of no more than forty (40) feet to the inch, showing:
- A. Existing and proposed property lines accurate to the standards of A-2 classification as defined in the Code of Practices for Standards of Accuracy of Surveys and Maps adopted December 10, 1975 as amended by the Connecticut Association of Land Surveyors, Inc.
 - B. Names of all abutting property owners and approximate locations of buildings, wetlands, and flood plains within one hundred (100) feet of the property, including across the street.

- C. Location, elevation and dimensions of all existing and proposed buildings and site features. Uses including but not limited to signs, sidewalks, streets, drives, recreation facilities, parking facilities, utilities, electric, gas sanitary storm and water supply, buffer strips, landscaping, including species and size, open space, trees with a diameter in excess of eighteen (18) inches, ledge outcrops and other physical features.
- D. Location of all right of ways, easements and the like.
- E. Title block in the lower right hand corner of the plan showing name(s) of property owners and applicants, date of original plan and any revision dates, zoning district of lot, and use proposed.
- F. North arrow.
- G. Signature block for Planning and Zoning Commission Chairman as follows:
 Site Plan # (or Special Permit #)
 Date approved _____
 Planning and Zoning Commission Chairman _____
 Date _____
- H. Location of abutting zoning districts.
- I. Location map including zoning districts at a scale of 1" = 1000'
- J. Detail design of signs, lighting, retaining walls, pavement, sidewalks, catch basins, rip rap, erosion control measures, curbing, drainage facilities, etc.
- K. Location of all driveways. Return curbs for drives accessing a town road shall have a minimum radius of 15' for multifamily and offices and 25' for commercial and industrial uses.
- L. Topographic information at two foot intervals in areas of re-grading and five foot intervals in areas of steep slopes. Additional elevations may be required if deemed necessary by the Town Engineer.
- M. Legend giving the "Required" and "Provided" figures for each of the following: Lot area, lot width, front yard setback, side yard setback, rear yard setback, lot coverage (by percent), building height (stories and height), parking requirements.
- N. Conceptual approval letters when applicable from water company, sewer authority, Inland Wetlands and Water Courses Commission, Department of Environmental Protection, Department of Health, Department of Transportation, or any other agency that has jurisdiction over the application.
- O. Seal and original signature of the Connecticut Licensed Professional Engineer and Land Surveyor when applicable.
- P. Soil erosion and sediment control plan.
- Q. Sight distances for proposed drives existing onto any town and state road.
- R. Any other information as required by the Director.

- 470.8 **Architectural plans.** Preliminary architectural plans of all buildings, structures, and signs including:
- General exterior elevations – including type of materials to be used.
 - Generalized floor plans illustrating at least proposed entrances and exits. (Amend. of 10/19/87)
- 470.9 **Site plan objectives.** In reviewing a site plan application the Director shall take into account the public health, safety, and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following general objectives.
- 470.9.1 **Public safety.** That all buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.
- 470.9.2 **Storm drainage.** That storm drainage shall be provided for and designed in accord with standard engineering practice by a Connecticut registered professional engineer. The Director shall require that such storm drainage plans be approved by the Town Engineer.
- 470.9.3 **Pedestrian and vehicular access.** That the plans minimize pedestrian-vehicular conflicts by providing for safe pedestrian walks especially in parking areas and adjacent to buildings
- 470.9.4 **Noise abatement.** That all machinery and devices such as ventilation fans, drying fans, air compressors, air conditioning units, etc., shall be shielded and insulated in a manner which shall deaden the noise and deflect sound waves away from abutting premises.
- 470.9.5 **Other pollution or related problems.** That the obstruction of light or air, or the emission of light, smoke, odor, gas, dust or vibration in noxious or offensive quantities shall be minimized.
- 470.9.6 **Landscaping and screening.** That the general landscaping and screening of the site provides adequate tree plantings, ground cover and buffering of adjacent residential districts or other properties with shrubs or fencing as the Director deems necessary.
- 450.9.7 **Neighborhood impact.** That the overall effect on property values and utilization of neighborhood properties do not have a substantial adverse effect.

- 470.9.8 **Architectural and aesthetic impact.** That the basic design of the proposed uses, buildings or development; the relationship between the buildings and the land; the relationships between uses and between buildings or structures; the overall physical appearance of the proposed use, building or development shall be in general harmony with the character of the surrounding neighborhood and will not serve to blight or detract from abutting residences or other property.
- 470.9.9 **Zoning regulations.** Other sections of the Killingly Zoning Regulations shall apply in the consideration of a site plan review.
- 470.10 Nothing herein shall prohibit the Director of Planning and Development from submitting any such site plan review application to the commission for its review.
(Effective 01-10-01)

Section 580 Aquifer Protection Overlay Zone

The aquifer protection overlay zone shall consist of the land overlying stratified drift aquifers which are present or potential sources of municipal water supply together with the primary and secondary recharge areas associated with them. The intent of the regulations in this section is to prevent the contamination or other impairment of these valuable sources of potable water. This zone will be superimposed on zones otherwise established and it is not the intent of this section to permit uses otherwise prohibited or not in conformity with restrictions imposed in the applicable underlying zone.

Within the designated aquifer protection overlay zone, no land shall be used and no structure erected, constructed, reconstructed, altered or used except in conformance with this subsection and all other requirements of the applicable underlying zone. (Amend. of 9-9-80)

580.1 Boundary. The aquifer protection overlay zone shall be all land which is so designated on the Killingly Zoning Map and shall include primary and secondary recharge areas delineated in accordance with assumptions and procedures established by the U.S. Geological Survey, Hartford Office. (Amend. of 9-9-80)

580.2 Allowed uses. All uses which are allowed in the existing underlying zones as permitted or special permit uses are also allowed in the aquifer protection overlay zone with the following exceptions, restrictions and requirements:

A. Sanitary waste water discharge from on-site septic systems or their equivalent shall not average more than six hundred (600) gallons per acre per day, unless a denitrifying waste disposal system is designed, installed and reviewed by a professional, licensed for such work.

B. The following uses are prohibited:

1. Road salt storage and loading facilities.
2. Solid materials disposal sites. The location of sanitary landfill or dump for the disposal of solid materials is prohibited in the aquifer protection overlay zone.
3. Septage disposal sites and lagoons. Disposal of septage in lagoons is prohibited in the aquifer protection overlay zone.

C. Conditioned Uses:

1. Large scale use and/or storage or manufacture of hazardous materials requires the securing of necessary permits from the Department of Energy and Environmental Protection and after the applicant has demonstrated to the commission's satisfaction that the quality of the groundwater will not be affected.
2. Effluent disposal into surface or groundwater associated with any land use requires securing the necessary permits from the Department of Energy and Environmental Protection;

3. Underground flammable and combustible liquid storage tanks are prohibited except after review and approval by the building inspector, fire marshal, and the commission. The applicant will demonstrate to the commission that measures have been taken to prevent accidental contamination of the groundwater

a. Tanks shall be designed and constructed in accordance with the standards of:

- (1) Underwriters' Laboratories, Inc.
- (2) Canadian Standards Administration
- (3) National Fire Prevention Association
- (4) Connecticut General Statutes and Regulations

b. Approved non-corrosive tanks shall be used for gasoline storage at all service stations.

4. New and enlarged manure storage sites require approval from the Department of Energy and Environmental Protection. (Amend. of 9-9-80)

580.3 Permit Approval —Prior to the issuance of a zoning permit in the aquifer protection overlay zone, all proposed industrial and commercial permitted uses in new facilities or for reoccupation, change of use or actual use of existing facilities, shall be subject to site plan review approval by the Director of Planning and Development. Nothing herein shall prohibit the Director of Planning and Development from submitting any such site plan review application to the commission for its review. (Adopted 12/11/00; effective 1/10/01 12:01 AM) Prior to the issuance of a zoning permit in the aquifer protection overlay zone, all proposed industrial, commercial and residential special permitted uses shall be referred to the commission and subject to Special Permit approval.

580.3.1 In reviewing an application for within the aquifer protection overlay zone, the Commission and/or its staff shall take into account the health, safety and welfare of the public in general and the immediate neighborhood in particular. The applicant shall show to the Commission's and/or its staff's satisfaction that adequate safeguards have been incorporated into the proposed facility to protect the aquifer from contamination. Towards this end, the Commission and/or its staff may prescribe reasonable conditions, modifications and safeguards (i.e., spill prevention and control provisions; security provisions; management, operation and inspection procedures) as conditions of approval of an application submitted under these regulations

In cases where state and/or federal approval(s) is required, local approval shall be conditioned upon said approvals being granted. (Amend. of 9-9-80; Amend. of 2-11-85)

580.3.2 Contents of site plan: In addition to the requirements set forth in Section 470 and/or Article VII of these regulations, the required site plan shall be accompanied by plans and/or a report detailing the following information:

- A. Amount and composition of industrial or commercial wastes including ash from combustion and proposed method of disposal of such waste outside the aquifer protection overlay zone.
- B. Amount and composition of any hazardous materials and other chemical products including but not limited to those identified by Section 3001 of the Resource Conservation and Recovery Act, that are handled, transported, stored or discharged to the air or the ground at the site; provision of Material Safety Data Sheets information.
- C. Floor plan of the proposed facility detailing areas proposed for the storage of hazardous materials and provisions for the secondary containment of accidental spills within the building, including construction or treatment to protect the surface of the floor from deterioration due to spillage of any such material
- D. Details of areas proposed for the outdoor storage and/or transfer of hazardous materials and provisions for the secondary containment of accidental spills in said areas, including construction or treatment to protect the pavement surface from deterioration due to spillage of any such material
- E. Security provisions for storage and transfer areas (both inside and outside).
- F. Emergency management plan for the handling of accidental spills.
(Amend. of 9-9-80; Amend. of 2-11-85)
- G. Storm water management plan assuring that storm water run-off generated by the subject regulated activity is (i) managed in a manner so as to prevent pollution of groundwater, and (ii) shall comply with all of the requirements for the General Permit of the Discharge of Storm Water associated with a Commercial Activity issued pursuant to section 22a-430b of the Connecticut General Statutes.

580.3.3 - Reserved.

(Amend. of 9-9-80; Amend. of 2-11-85)

580.4 Nonconforming Uses

- A. It is not the intent of these regulations to encourage the continued existence of any nonconforming use. Therefore, any such use in existence within the confines of the aquifer protection overlay zone which is not in conformance with this provision (Section 580) may remain until such time that fifty (50) percent or more of the assessed valuation of the property is destroyed by fire, flood, or other natural disaster, or
- B. Improvements to the property in excess of ten (10) percent of the assessed valuation will not be permitted unless said improvements are intended to make the existing use more conforming to the intent of this regulation. (Amend. of 9-9-80)

Approved by P&Z Commission on October 20, 2014

Effective Date: Wednesday, November 12, 2014 at 12:01 AM

SECTION 581 FIVE MILE RIVER PROTECTION OVERLAY DISTRICT

Purpose - The Five Mile River Protection Overlay District shall be defined as the Five Mile River within the Town of Killingly, including the area within the river's ordinary high water marks, floodplain, wetlands, and a contiguous buffer strip which together constitutes a culturally significant and environmentally sensitive river corridor. Its establishment furthers the goals of the state and municipality in river protection efforts under Connecticut General Statutes Section 25-102xx. All uses and activities established after the effective date of this regulation shall be in accordance with the standards and requirements in this regulation which are established to accomplish the following publicly recognized purposes:

- A. To establish standards and requirements for the use and conservation of the district and to contribute to the regional conservation of the river corridor
- B. To prevent any alterations to the natural flow of the river, in order to maintain its ecological, recreational, aesthetic and other qualities.
- C. To prevent water pollution caused by erosion, sedimentation, nutrient or pesticide run-off, and waste disposal facilities and to encourage retention and enhancement of shore vegetative cover, including diversity of native species, age distribution, and ground cover density to provide a protected buffer and pollution filter strip along the river as required in other important river corridors and as recommended in numerous pollution prevention studies, such as published by the Smithsonian Environmental Research Center.
- D. To conserve the ecological, water supply and flood storage functions of the river's flood plain and related groundwater table and aquifer recharge areas and to protect life, public safety and property from flooding hazards.
- E. To protect valuable fisheries and wildlife habitat within and along the Five Mile River.
- F. To conserve and enhance the natural scenic and topographic conditions in the river corridor and its environmental quality, recognizing that these are vital to the economic and environmental health of the Town, and to preserve the natural scenic quality of the river by maintaining, where possible, screening of man-made structures from the river view, and:
- G. To carry out the recommendations of the Town Plan of Conservation and Development and the State Plan of Conservation and Development and to prevent unnecessary or excessive expenditures of municipal funds for services

and utilities which might be required as a result of improper development of land within the district.

Boundary - The limits of the Five Mile River Overlay Protection District are:

Beginning at a point in the Killingly/Putnam Town Line which is the western most point of property now or formerly of Douglas C. Cutler and known as Killingly Tax Map 7658 Block 377 Lot 1; thence easterly following the southerly line of the above property until its intersection with the westerly line of Cutler Road; thence southerly along Cutler Road to its intersection with North Road; thence in an easterly direction along the southerly line of North Road to the 400' USGS contour; thence in a southerly and westerly direction along the 400' USGS contour crossing Yosemite Valley Road and Mason Hill Road to a point in the easterly line of Chestnut Hill Road; thence northerly along the easterly line of Chestnut Hill Road and Pineville Road to Putnam Road; thence easterly and southerly along Putnam Road to Stone Road; thence northerly and easterly along the easterly line of Stone Road to Chase Road; thence northerly and easterly along the easterly line of Chase Road to the Putnam/Killingly Town Line; thence easterly along the Putnam/Killingly Town Line to the point of beginning.

Reference is made to a map entitled "Five Mile River Protection Overlay District".

Permitted Uses - all uses which are permitted in the underlying, existing zones by right or by special permit are also permitted in the Five Mile River Overlay Protection District with the following exceptions, restrictions and requirements:

- A. Sanitary waste water discharge from on-site septic systems or their equivalent shall not average more than six hundred (600) gallons per acre per day, unless a denitrifying waste disposal system is installed and reviewed by a registered sanitarian.
- B. Any new or enlarged waste storage facilities accessory to agricultural and other permitted and special permitted uses shall obtain required permits or approvals from the Connecticut Department of Environmental Protection in accordance with the provisions of Chapter 446k of the Connecticut General Statutes as amended.
- C. The following uses are prohibited:
 1. Road salt storage and loading facilities.
 2. Solid materials disposal sites. The location of sanitary landfill or dump for the disposal of solid materials is prohibited.
 3. Septage disposal sites and lagoons. Disposal of septage in lagoons is prohibited.

4. The use and/or storage or manufacture of hazardous materials.
5. Effluent disposal into surface or groundwater associated with any land use is prohibited.
6. Underground fuel storage tanks
7. Golf Courses.
8. Commercial earth removal.
9. Outdoor commercial recreation.
10. Impoundments, dams or structures which would alter the rate, volume or character of the flow of the river.
11. Public service corporation
12. Motor vehicle junk yard
13. Collection centers for recycling operations
14. Bulk Storage of cement and petroleum products; concrete mixing plant; bituminous paving mixing plants;
15. Commercial storage and sale of fuel and bottled gas
16. Freight and materials trucking business and terminals
17. Clear cutting except for maintenance of existing agricultural fields and/or the minimum necessary to accommodate permitted structures and their appurtenances.

Adopted December 11, 2000

Effective Date: 12:01 AM, January 10, 2001

SECTION 582 ALEXANDER LAKE OVERLAY ZONING DISTRICT

DESCRIPTION OF DISTRICT

The Alexander Lake Zoning Overlay District ("ALZOD") shall consist of the area shown and designated as such on the Town of Killingly Zoning Map, as amended. Properties located within the ALZOD shall also be deemed to be located within the underlying zoning districts shown on the Zoning Map. Therefore, except as otherwise provided in these regulations, properties located within the ALZOD shall be subject to the regulations applicable to the underlying district.

PURPOSE OF DISTRICT

The area around and near Alexander Lake has been historically developed for residential and recreational uses in a unique pattern, not typical of or similar to other residential areas within the Town. As a result, most of the established uses within the ALZOD are nonconforming; that is, they do not conform to the use standards and criteria set forth in the Zoning Regulations for the underlying zoning districts. Nonconforming uses generally cannot be extended or expanded without a variance of the Zoning Regulations upon proof of legal hardship.

The ALZOD is being established to provide reasonable flexibility to the owners of those nonconforming uses to maintain and improve their property, while limiting the negative impact further development of those properties might otherwise have on the comprehensive plan of zoning, as reflected by the Zoning Regulations applicable to the underlying districts. These ALZOD regulations are not intended, and shall not be deemed, to convey any rights other than those expressly set forth herein, and shall not oblige the Town of Killingly to provide any additional public services or facilities to the ALZOD.

ADDITIONAL DEFINITIONS

The definitions set forth in section 310 of the Zoning Regulations shall be applicable to the ALZOD. In addition, the following definitions shall apply:

"Leased Tract" means one of the land areas shown and designated as a "Leased Tract" on the official ALZOD Zoning Map. It is the intention of these ALZOD regulations that only those areas specifically shown and designated as "Leased Tracts" on the official ALZOD Zoning Map be deemed to be "Leased Tracts" for the purposes of these regulations, regardless of whether other land areas in the

ALZOD may also have been leased prior to the effective date of these regulations. "Leased Tracts" shall not be deemed to be "lots," as defined in Section 310 of these Zoning Regulations.

"Lessor" means the owner of the fee interest in any Leased Tract.

"Standard Leased Tract" shall mean a Leased Tract having all of the following characteristics as of the effective date of these ALZOD regulations: (i) the Leased Tract must contain at least 3,000 square feet of contiguous land; (ii) the Leased Tract must be served by public sewer and a sufficient quantity of potable water to adequately serve a single-family residence.

"Substandard Leased Tract" shall mean a Leased Tract does not meet one or more of the criteria for a Standard Tract.

PERMITTED USES

The following uses shall be deemed to be permitted Standard and Substandard Leased Tracts in the ALZOD:

(i) One single-family dwelling, provided that no other building or structure on the Leased Tract is used as a dwelling or a seasonal cottage or camp;

(ii) One seasonal cottage or camp (seasonal occupancy defined as occupancy only during the period from May 1 to November 1 in any year, and for no more than a total of 30 days during the period from November 2 in any year through April 30 of the following year), provided that no other building or structure on the Leased Tract is used as a dwelling or a seasonal cottage or camp;

(iii) Public utility substations and pump stations buildings, provided they meet the setback requirements set forth herein; and

(iv) Customary accessory structures located on the same Leased Tract as the principal structure.

No more than one principal building, structure, or use shall be deemed to be permitted on any Leased Tract.

MODIFICATION OF USES: LEASED TRACTS

Permitted uses existing on Leased Tracts in the ALZOD as of the effective date of these ALZOD regulations may be modified only in conformance with all of the following standards and criteria:

Permit Required

Any modification or alteration of such use shall require the issuance of a zoning permit. No such permit shall be issued unless the applicant provides proof of (i) the applicant's ownership of any building or structure to be modified or altered, and (ii) the location of the boundaries of the Leased Tract. The proof required for (i) and (ii) above shall be the following:

- (a) a bill of sale showing ownership of the building or structure to be modified or altered.
- (b) a class "B" survey in those situations wherein the modification or alteration will result in a change in the "footprint" of (i.e., the ground area occupied by) the building or structure; and
- (c) proof of any taxes paid on the Leased Tract and on the building or structure during the preceding year.

All applicants shall also be required to submit proof of compliance with all other applicable provisions of these regulations.

Period of Use

Seasonal uses may be converted to year-round uses on Leased Tracts under the conditions set forth in this section. A zoning permit is required for such conversion. Before any such permit is issued for a Leased Tract that is not served by a public water supply, the applicant must provide a certificate of potability from the Northeast District Department of Health as to the water supply for the principal structure. The applicant must also provide a certificate, approval, permit, or other assurance from the Northeast District Department of Health, the Connecticut Department of Environmental Protection, or the Connecticut Department of Health Services that any subsurface sewage disposal system intended to serve the year-round use will be adequate for such use without risk to public health or safety.

Setbacks

Minimum setbacks shall be as follows:

Side Yard 6 feet

Rear Yard 15 feet

Front Yard 10 feet

Front yard setback for leased tracts fronting on a public road shall be in accordance with the requirements of the underlying zone. (Effective: 7/13/92)

Front and side yard setbacks shall be measured from the boundaries of the Leased Tract. Rear yard setbacks shall be measured either from the boundary of the Leased Tract or from the closest point of the lake water's edge (at lake elevation 251 feet) , as appropriate.

Building Height

The maximum height of buildings and structures shall be 35 feet above average grade at the foundation.

Leased Tract Coverage

Coverage of Leased Tracts shall not exceed the lesser of (i) 50% or (ii) 6,000 square feet. Leased Tract coverage shall be determined in the same manner as lot coverage under section 310 of the Zoning Regulations.

Open Decks and Porches

Any open decks and/or porches attached to the principal structure shall conform to the development standards for principal structures in the ALZOD.

MODIFICATION OF USES: NONCONFORMING LOTS

Existing uses on nonconforming lots of record in the ALZOD may be modified to the same extent and in the same manner as existing uses on Leased Tracts under the preceding section of these ALZOD regulations.

NEW PRINCIPAL STRUCTURES: LEASED TRACTS

One principal building or structure may be erected, constructed, or placed on a Leased Tract only if there is no other principal building or structure on the Leased Tract.

One principal building or structure may be erected, constructed, or placed on a Substandard Leased Tract only if (i) the Leased Tract is 3,000 square feet or larger; (ii) there is no other principal building or structure on the Leased Tract; and (iii) the Northeast District Department of Health, the Connecticut Department of Environmental Protection, or the Connecticut Department of Health Services

issues a written certificate, approval, permit, or other assurance that a subsurface sewage disposal system can be safely established and used on the Leased Tract without risk to public health or safety.

NEW PRINCIPAL STRUCTURES: NONCONFORMING LOTS

The owner of any nonconforming lot of record located in the ALZOD and containing no principal building or structure shall be entitled to construct, erect, or place one principal building or structure on such lot, provided all of the other requirements of these ALZOD regulations are met, and further provided that the owner submits proof that the lot was in existence and of record as of the effective date of these ALZOD regulations.

MERGER

Any two or more adjacent Leased Tracts which, as of the effective date of these ALZOD regulations, are leased by the same person or persons and do not have a principal building or structure shall be deemed to have merged as of that date into a single Leased Tract. Only one principal building or structure may thereafter be permitted on the entire merged Leased Tract.

ACCESS

The provisions of Section 620.3 of the Zoning Regulations, entitled "Structures to have access," do not apply to structures located on Leased Tracts in the ALZOD. However, the Commission encourages the widening of the private streets serving the Leased Tracts to a minimum of 16 feet to provide additional safety.

APPLICATION OF STANDARDS

If, and to the extent that, any proposed new building, structure, or use, or modification of an existing building, structure, or use, may be erected, constructed, placed, or made in the ALZOD in conformance with the standards and criteria for the underlying zoning district, expressly excluding lot coverage provisions, such standards and criteria shall be applied. The less restrictive standards and criteria of these ALZOD regulations shall be applied only when those of the underlying district, expressly excluding lot coverage provisions, cannot be met.

APPLICATION OF OTHER REGULATIONS

The provisions of these ALZOD regulations do not limit, excuse, or obviate any requirements that may exist under other regulations, such as the Killingly Inland Wetlands and Watercourses Regulations.

Note: Map of ALZOD filed in the Town Clerk's Office September 1, 1992 (HF-178A).

Amend. approved April 6, 1992

Section 583 – Cluster Developments

Applicability

An owner or owners of land may apply to the Commission for a Special Permit, as stated in Article Seven of these Regulations, for Cluster Development under this Section. This will exempt such land from the lot area, frontage, setback and other applicable dimensional requirements set forth in the dimensional requirements for the underlying zone as required by these regulations. As well, Cluster Developments using the common driveway design detailed in Subdivision regulation Article 4, Section 12 are exempt from the maximum two principal building limitation stated in Section 620.3 for access purposes.

Purpose

The purpose of this regulation is to provide a Cluster method for development of land which permits a reduction in lot sizes without a significant increase in density of population or development, while at the same time providing for the protection of surrounding properties, persons and neighborhood value and allow greater flexibility and creativity in the design and layout of residential and/or commercial development in order to:

- minimize alteration of or damage to the natural and cultural features and topography of the land;
- avoid undue adverse impacts of new development on existing homes and neighborhoods;
- preserve wooded areas and other undeveloped open land particularly along Town roads;
- reduce public costs for the maintenance of roads and other public infrastructure;
- reduce the amount of impervious surfaces caused by development; and,
- preserve the existing rural appearance of the Town.

Procedure

A landowner seeking to create a Cluster Development of land may file with the Commission an application for a Special Permit for Cluster Development. The Application shall conform to the applicable requirements for a Subdivision Plan as set forth in the Commission's Subdivision Regulations and Cluster Development requirements contained herein and all other requirements of a Special Permit.

Dimensional Requirements

A Special Permit for Cluster Development may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements

Lot Area. Each lot shall be at least of a size capable of supporting the construction of a single-family dwelling or primary use structure and its accessory structures in accordance with all applicable state and local regulatory requirements and the purposes of Cluster Development.

Frontage. The frontage of each lot for a building site created in a Cluster Development shall be that necessary, in the opinion of the Commission, to provide for adequate access to the lot. Where shared driveways or other circumstances provided adequate access to an individual lot, frontage may not be required.

Setbacks. All structures shall be set back a minimum of twenty (20) feet from all lot lines, provided, however, that with respect to lot lines which abut land outside the Cluster Development, setbacks from said lot lines shall conform to the setback requirements applicable to conventional development in the underlying zoning district.

Density. The maximum number of lots for building sites in a Cluster Development shall not exceed the number of buildable lots which could be created through conventional development of the site plus any allowable density bonuses allowed. The allowable maximum density shall be based upon the maximum number of buildable lots which may be created through conventional development of the land without substantial waivers from the Commission's Subdivision Regulations and in conformance with the conventional dimensional requirements for the underlying zoning district.

Restrictions Against Further Development. No Cluster Development for which a Special Permit has been issued under this Section may be further subdivided. A notation to that effect shall be made on the Plan as to be endorsed by the Commission and recorded with the Town Clerk. In addition, a perpetual restriction, running with the land, and enforceable by the Town of Killingly, shall be recorded with respect to the land within the Cluster Development. Such restriction shall provide that no lot in the Cluster Development may be further subdivided into additional building lots. Said restriction shall be in such form and substance as the Commission shall prescribe and may contain such additional restrictions on development and use of the lots as the Commission may deem appropriate.

Standards

In reviewing an Application for a Special Permit for Cluster Development, the Commission shall consider the extent to which the Application meets the purposes of Cluster Development by satisfying the following standards:

- a.** The laying out of Developed Areas, roads, storm drains, sewage disposal systems, and utilities shall be in conformance with the natural features of the parcel, minimizing changes to the topography and maximizing the amount of preserved wooded areas and other open space.
- b.** The amount of land to be disturbed for the construction of buildings, driveways, septic systems, utilities, storm drainage systems, and roads shall be minimized.
- c.** Important natural and historic features of the land, as determined by the Commission, shall be protected.
- d.** The impacts of road and utility installations for each dwelling unit served shall be less than those generated by a conventional development of the same land.
- e.** The design, number, and location of curb cuts shall be such that any conflict with existing traffic flow is minimized.
- f.** Provision, satisfactory to the Commission, shall be made with regard to the ownership and maintenance of any and all private roads, common driveways, common land, or other common facilities within the Cluster Development.
- g.** The design shall minimize the size of Developed Areas.
- h.** The balance of the land not contained in the building lots shall be in condition, size and shape as to be readily usable for recreation or conservation, and shall be reserved by one of the following means:
 - 1.** conveyance of fee simple ownership to the Town of Killingly;
 - 2.** creation of a Conservation Easement in favor of the Town of Killingly;

3. creation of a Conservation Easement in favor of the Town of Killingly reserving specific agricultural rights as approved by the Commission;
4. conveyance of fee simple ownership to a Tax-Exempt Organization approved by the Commission;
5. creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission;
6. conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or resubdivision are members, along with a conservation easement over the entire open space area; or
7. any other method which accomplishes permanent dedication in accordance with the requirements set forth in this Section.

ARTICLE V. GENERAL PROVISIONS

Section 510. Prohibited Uses

It is intended that any use not included in these regulations as a permitted use, expressly including new mobile home parks, is prohibited. To assist in the interpretation of such permitted uses, the following guide lines are established. No use shall be permitted which in the determination of the Commission:

- is dangerous by reason of fire, radiation, or explosion;
- is injurious, noxious, or detrimental to the surrounding neighborhood by reason of the possible emission of excessive dust, odor, fumes, chemicals, gas, refuse matter, noise, vibration, glare or light;
- poses the threat of contamination to any watercourse, aquifer, or other water source or body;
- presents a possible hazard or dangerous nuisance to any residents of the Town;
- violates the regulations of any other Town Official, agency, commission, or other body.

In addition, no fences, signs, lighting, hedges, landscaping, or the like shall be so located or designed as to create a traffic hazard by limiting visibility or creating distraction.

Section 520 Nonconforming Uses

Section 520.1 Nonconforming uses: Any lawful use of land existing at the time of adoption of these regulations which is not allowed under the terms of these regulations may be continued, subject to the following conditions:

Manufactured home parks containing fewer than thirty (30) manufactured homes, however, may be expanded by special permit up to a maximum total of thirty (30) manufactured homes for the entire park. Any manufactured home park containing thirty or more homes shall not be expanded. (Amend. of 10/19/87)

Any nonconforming use which is damaged or destroyed by natural disaster or any other means out of the control of the owner may be rebuilt if the reconstruction is begun within one year of the destruction and the restored building occupies the same amount of floor area as did the original building.

Any nonconforming use may be sold or otherwise transferred. (Amend. Of 11-10-80; Amend. Of 4-13-87, sec. 2).

Section 520.1.1 Nonconforming mobile homes.

Expansions of mobile home parks in existence on the effective date of these amendments may be allowed by special permit, however. Section 520.5 concerning cessation of use shall apply, as well as the following conditions:

- Expansions shall not increase the total number of mobile homes situated within the mobile home park to more than thirty (30).
- The mobile home park site shall be at least five (5) acres in size.
- All mobile home parks shall be licensed by the Connecticut Real Estate Commission as per Chapter 412 of the General Statutes, as amended, and shall conform to the requirements of the State Building Code, the State Health Code, the Fire Safety Code and all applicable Town Ordinances and regulations.
- All roads and related drainage facilities within a mobile home park expansion, and roads and related drainage facilities common to the proposed expansion and the existing park, shall be constructed in accordance with the design standards and procedures, as stated in the Killingly Subdivision Regulations, effective May 11, 1977, as amended.
- In addition to the requirements of Section 720.1.1, the site plan shall show the location, square footage, setback lines and dimensions of all mobile home spaces and shall portray the entire park site.
- Safe pedestrian and bicyclists' circulation shall be provided such to safely inter-link the site's facilities with the dwelling units, and to safely interlink the development with the adjoining neighborhood.
- Where solid waste disposal services are to be provided, all stations shall be screened and shown on the site plan.

- In the event regular public passenger transportation is available to residents of the development, a shelter shall be provided by the applicant at a location convenient to said residents and readily serviceable by the public passenger transportation operator.
- The applicant shall furnish the Commission with a detailed written description of the proposed development's landscaping plan, such to include a schedule for completion of all landscaping elements. The landscaping plan shall be visually portrayed on the site plan.
- In cases of proposed expansions of three or more mobile homes, the applicant's site plan shall show proposed grade contours at two (2) foot or one (1) foot intervals, and the elevation at all corners and control points of all parking facilities shall likewise be shown.
- The site plan shall show vegetative or other physical controls which will serve to restrict motorists from traveling on landscaped areas and further restrict vehicular parking to designated parking areas.
- Parking shall be restricted to designated areas which are removed from the development's principal access streets.
- The Commission may waive Section 720.1.2 where it pertains to the architectural plans of proposed mobile homes.
- Each mobile home space which is to be served by a subsurface septic system shall be approved by the District Department of Health, and written approval for each such space shall accompany the application. The location of all test holes shall be shown on the site plan.
- The applicant shall make every effort to upgrade any nonconforming elements of the existing park to the requirements for mobile home park expansions as per this Section.
- All facilities common to the existing park and proposed expansion shall conform to the standards and requirements for such facilities as per this section.
- No such expansion shall be permitted in the Flood Hazard District.
- Public open spaces may be required by the Commission in amount and locations it considers proper and reasonable for parks and playgrounds. Where required by the Commission, such an area shall be at a rate of not more than 10% of the total area of the mobile home park, but not less than 10,000 square feet. This land shall be adequately prepared to serve the intended purposes.
- Where the proposed mobile home park expansion adjoins a residential zone, save when the adjoining property constitutes an approved mobile home park expansion, a buffer strip at least 20 feet in width containing planted screening shall be provided. "Planted screening" shall be construed to mean a strip of trees and shrubs, or wooden fences, stone walls and the like, as defined in Article III of these regulations.
- Zoning permits shall be required for the placement of a mobile home on an approved mobile home space, and for the placement or replacement of a mobile home in any mobile home park in existence on the effective date of this section, however, Section 520.5 concerning cessation of use shall apply.
- All mobile home spaces shall front on a street which has been constructed in accordance with the design standards of the Killingly Subdivision Regulations, as amended, or shall front on an improved town road.
- For each space minimum lot frontage shall be 35'.
- For each space minimum setback from side lines shall be five (5) feet.

- For each space minimum setback from the rear line shall be ten (10) feet.
- For each space minimum setback from the street line shall be twenty-five (25) feet.
- There shall be a minimum clearance of fifteen (15) feet between mobile homes. Each mobile home shall be located on its space at least ten (10) feet from all public sidewalks and roads.
- The minimum mobile home space size shall be 6,000 square feet, however, the applicant is cautioned that where subsurface septic systems are planned, larger sites may be required in order to meet the requirements of the District Department of Health. Each lot shall be defined by semi-permanent markers.
- No mobile home shall be placed on any approved mobile home space if the setback or the dimensional requirements of this section will be violated.
- No mobile home or accessory structure shall have a setback less than 25 feet from the boundary line of the park, save when the adjoining property constitutes an approved mobile home park expansion, in which case the aforementioned setback shall apply.
- Two (2) off-street parking spaces shall be required for each mobile home space.
- Maximum mobile home space coverage with impervious surfaces, including the mobile home, shall be 25%.
- Each mobile home shall be placed on a foundation or concrete slab.
- The applicant shall specify the manner in which street maintenance, street lighting and garbage collection shall be provided.
- Section 770 shall apply.
- Mobile homes shall be used for residential purposes only.
- Each mobile home shall be skirted with appropriate materials, expressly excluding cardboard, polyethylene, and the like; skirting must be made of fire resistant material, there shall be ventilation of at least one square inch of vent space per square foot of floor space in the unit; provision must be made to permit any possible gas leaks to escape into the atmosphere by ventilation at both the top and bottom of the skirting so that natural gas which rises and liquid propane which settles, can escape; there shall be vents on each side of the mobile home for proper cross ventilation; Skirting vented by design shall not be required to have additional vents; there shall be adequate access in all mobile home skirting for inspection of utilities and all utility maintenance; there shall be adequate provision in the skirting for frost heave.
- Zoning permits shall be required for the replacement of mobile homes on individual lots or in mobile home parks in existence (on the effective date of the mobile home amendments). Such permits may be issued, provided:
 - Mobile homes shall be used for residential purposes only.
 - Each mobile home shall be skirted with appropriate materials, expressly excluding cardboard, polyethylene, and the like; skirting must be made of fire resistant material, there shall be ventilation of at least one square inch of vent space per square foot of floor space in the unit; provision must be made to permit any possible gas leaks to escape into the atmosphere by ventilation at both the top and bottom of the skirting so that natural gas which rises and liquid propane which settles, can escape; there shall be vents on each side of the mobile home for proper cross ventilation; skirting vented by design shall not be required to have additional vents; there shall be adequate access in all mobile home

skirting for inspection of utilities and all utility maintenance; there shall be adequate provision in the skirting for frost heave.

- Each mobile home shall be placed on a foundation or concrete slab.
- Such zoning permits shall be issued for mobile homes which are replacing mobile homes which on the effective date of these amendments were occupying the proposed site of said replacement mobile home only, or shall be issued for mobile homes which are replacing a mobile home, on its site, for which a zoning permit has been previously issued.
- When a mobile home is replaced by a mobile home, as per the requirements of this section, the mobile home that has been replaced shall be permanently removed from that lot within sixty (60) days of the occupancy of the replacement mobile home. (Amend. Of 9-12-83).
- In the event that a lot containing a nonconforming mobile home has constructed on it a conforming residential building, said mobile home shall be permanently removed from the lot within sixty (60) days of the date of issuance of a Certificate of Occupancy for the conforming residential building. (Amend. of 9-12-83).

Section 520.2 Nonconforming structures.

Any building or structure in existence at the time of these regulations housing a permitted use which does not comply with the minimum area, frontage, or other dimensional requirements of these regulations shall be considered a nonconforming structure. Such structures may continue to be used, subject to the following conditions:

- Any nonconforming structure which is damaged or destroyed by natural disaster or any other means out of the control of the owner may be rebuilt to the same floor area as existed prior to the destruction, provided such reconstruction does not exceed the nonconformity of the structure in any way and such reconstruction commences within one year of the structure's destruction;
- Any nonconforming structure may be sold or otherwise transferred (Amend. of 3-14-88).

520.3 Nonconforming Lots.

Any unbuilt lot existing and lawful on the effective date of these Zoning Regulations, or as amended, may be sold or used as a building lot subject to these regulations, provided all yard setbacks for the zoning district in which said lot is located are met, and approval is obtained from the Northeast District Department of Health for a subsurface sewage disposal system, where applicable. Any unbuilt lot in a subdivision approved by the Planning and Zoning Commission and filed with the Town Clerk prior to the adoption of these regulations may be used as a building lot for a period of 5 years after the effective date of these regulations without conforming to these regulations.

520.3.1 Nonconforming contiguous lots.

Where two or more nonconforming, unbuilt, contiguous lots of less than the required minimum lot area are held in single or common ownership, whether or not separately acquired or shown on Assessor's Aerial maps, such lots shall be combined and replotted on said maps so as to be more nearly in conformity with the minimum required lot area, and shall not be sold separately.

520.3.2 Nonconforming and conforming contiguous lots.

Where any nonconforming, unbuilt lot of less than the required minimum lot area lies contiguous with a large conforming lot held in single or common ownership by the same owner(s), such nonconforming lot shall be enlarged, replotted on Assessor's Aerial Maps, and made conforming wherever sufficient land area is available, without creating or retaining a nonconforming lot. The change of lot lines may require subdivision approval. Amend. of 2/9/87, Effective 2/16/87

520.4 Change in plans.

To avoid undue hardship nothing in these Regulations shall be deemed to require a change in the plans, construction or designated use of any structure for which a required building permit has been issued prior to the effective date of adoption or amendment of these regulations provided actual construction, which is defined as the placing of construction materials in a permanent position and fastening in a permanent manner, was begun no later than six months after such effective date and diligently prosecuted to completion within one year following such effective date. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such activity shall be deemed actual construction provided that work shall be carried on diligently.

520.5 Cessation of use.

No nonconforming use which shall have been discontinued by reason of abandonment for a continuous period of one year shall thereafter be resumed or be replaced by any other nonconforming use or nonconforming actual use. (Amend. of 11-10-80)

520.6 Moving.

No nonconforming use or structure shall be moved to another part of a lot or outside the lot, unless the result of such moving is to reduce or eliminate its nonconformity.

520.7 Change.

Any nonconforming use, actual use, or structure may be changed to a conforming use, actual use, or structure. Any nonconforming use, actual use, or structure may by special permit be changed to another nonconforming use, actual use, or structure, provided such change is found to be more nearly conforming to these regulations. No nonconforming

use, actual use, or structure, if once changed to conform or more nearly conform to these regulations as provided above, shall thereafter be changed so as to be less conforming again.

(Amend. 11-10-80)

SECTION 530 OFF STREET PARKING AND LOADING

530. Off Street Parking and Loading

It is the intent of this section to assure that off-street parking and loading spaces are provided to accommodate the motor vehicles of all persons normally using or visiting a use or structure at any one time. For any permitted use hereafter established, such spaces shall be provided in accordance with standards hereinafter specified. Any off-street parking and loading provision existing shall conform to these standards to the extent that they conform at the time of adoption of these Regulations. All spaces required to be provided by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land or structures for which such spaces are herein required. If any existing use of land or structure is changed to a use requiring additional spaces to comply with this Section, such additional spaces shall be provided for the new use in accordance with the standards hereinafter specified.

530.1 Parking and loading space standards. Notwithstanding other requirements of these Regulations, off-street parking facilities shall satisfy the following minimum requirements with regard to number of spaces and location. Where parking is located on a lot separate from that of the facility, such lot shall also be owned by the applicant or shall be under a lease sufficiently long in term to assure that adequate parking will be available for the probable duration of the use. Parking requirements may be lessened where the applicant can prove that adequate municipal parking already exists.

530.1.1 Dwellings:

- a. Single-family detached: Two (2) spaces per unit.
- b. Two-family dwelling: One and one-half (1.5) spaces per unit.
- c. Multifamily dwelling: One and one-half (1.5) spaces per unit, but if located within one half mile of an existing neighborhood center, the commission may reduce this requirement to one space per unit.
- d. Public housing for the elderly: Three-fourths (3/4) of a space per unit. (Amend. of 3-9-81)

530.1.2 Churches, places of worship, theaters, assembly hall or stadia and the like: one space for each four (4) seats and located on the same lot with the facility or on another lot any part of which is within five hundred (500) feet in a direct line from the facility. If the facility is located in a residential zone, such spaces shall be on the same lot as the facility or on a contiguous lot.

530.1.3 Hospitals and convalescent homes: for hospitals, two (2) spaces per bed and for convalescent homes, one space for every two (2) beds. (Amend. of 3-9-81)

- 530.1.4 Hotels, motels, tourist courts, rooms to let in a dwelling unit and the like: one and one-half (1.5) spaces per guest unit, plus normal required parking for any restaurant, theater or other nonresidential use located within the development. (Amend. of 3-9-81)
- 530.1.5 Restaurants and food service establishments: one (1) space for each seventy-five (75) square feet of public bar area/lounge area, plus one (1) space for every three (3) table seats and one space for every two (2) bar/counter seats. (Amend. 6/20/05).
- For fast food restaurants or other food service establishments without drive-in window service: one (1) space for every three (3) permanent seats and one (1) space for each fifteen (15) square feet of public standing space in front of the counter. The public standing space shall be defined as an area no more than 10' deep in front of the counter times the length of the counter devoted to customer service, exclusive of counter space used for displays. (Amend. 6/20/05).
- For fast food restaurants or other food service establishments with drive-in window service: one space for every three (3) seats plus provisions shall be made to queue at least ten (10) waiting automobiles between the street line and the drive-in window being approached, with provisions also made to queue at least one (1) exiting automobile between said window and the street. (Amend. of 8-25-87, 6/20/05).
- 530.1.6 Gasoline stations and motor vehicle dealers and repairers: one space for every two hundred (200) square feet of gross floor area or five spaces, whichever is greater.
- For auto washing and cleaning establishments: at least five (5) standing spaces per bay without impacting normal site circulation, plus two (2) spaces per vacuum machine. (Amend. of 3-9-81, 6/20/05).
- For gasoline stations having food service and seating areas: one space for every two hundred (200) square feet of gross floor area, excluding the floor area devoted to seating, plus one (1) space for every three (3) seats. (Amend. 6/20/05).
- 530.1.7 Retail store, service establishments, financial institutions, professional office, business office, clinics: one space for every two hundred (200) square feet of gross floor area. (Amend. of 10/19/87)
- Dedicated warehouse space in a retail facility shall be calculated at a ratio of 1 space per 500 square feet of warehouse floor area, (Amend. 01/01/94).
- 530.1.8 Undertakers' establishments: forty (40) spaces plus ten (10) spaces for each chapel or parlor in excess of one all located on the same lot with the building or on another lot any part of which is within three hundred (300) feet in a direct line from the building.
- 530.1.9 Wholesale businesses, trucking terminals, contractor's businesses, research laboratories, establishments for the manufactured, processing or assembling of goods, printing and publishing establishments, painting,

woodworking, sheet metal, blacksmith, welding, tire recapping, and machine shops, laundry, cleaning and dyeing plants and the like: one space for every five hundred (500) square feet of floor area devoted to manufacture, plus one space for every two hundred fifty (250) square feet of floor area devoted to office space.

Warehouse: one space for every two thousand (2,000) square feet of storage floor area, plus one space for every two hundred fifty (250) square feet of office floor area. (Amend. of 3-9-81)

- 530.1.10 Private clubs, country clubs including golf courses and other similar recreation facilities: one space for every one thousand (1,000) square feet of fully enclosed area, plus spaces as required herein for restaurant areas, retail areas, etc. In those cases where golf courses are involved, parking shall be provided for at least one hundred (100) parking spaces, and where tennis facilities, racquetball courts or the like are involved, two (2) parking spaces per court. (Amend. of 3-9-81; Amend. of 8-25-87) (Eff. 11-1-87)
- 530.1.11 Home occupation: three (3) spaces, plus required residential parking. Parking for such home occupation need not comply with the parking standards and pavement requirements. (Amend. Of 10/19/87)
- 530.1.12 School, educational service, or educationally related facility:
- a. Day care: one space for every five hundred (500) square feet of gross floor area.
 - b. Elementary: two (2) spaces per classroom, plus one space for every three (3) seats in a public assembly space within the building.
 - c. Middle/secondary: six (6) spaces for every classroom, plus one space for every three (3) seats in a public assembly space within the building.
 - d. University, college, professional education: ten (10) spaces per classroom, plus one space for every three (3) seats in a public assembly space within the building.
 - e. Fraternity, sorority, dormitory: one space per sleeping room. (Amend. of 3-9-81)
- 530.1.13 Library, museum, art gallery: one space for every six hundred (600) square feet of gross floor area. (Amend. of 3-9-81)
- 530.1.14 Furniture, appliance, carpet store: one space for every five hundred (500) square feet of gross floor area. (Amend. of 3-9-81)
- 530.1.15 Open or outdoor businesses including, but not limited to, those which sell new and used mobile homes, building supplies, machinery equipment,

swimming pools, and garden supplies: one space for each one thousand (1000) square feet of lot area. (Amend. of 8-25-87) (Eff.11-1-87)

530.1.16 Other activities not specifically mentioned: such as the Commission deems adequate based upon demand generation for a similar use. (Amend. of 3-9-81; Amend. of 8-25-87)

530.2 **Design standards.**

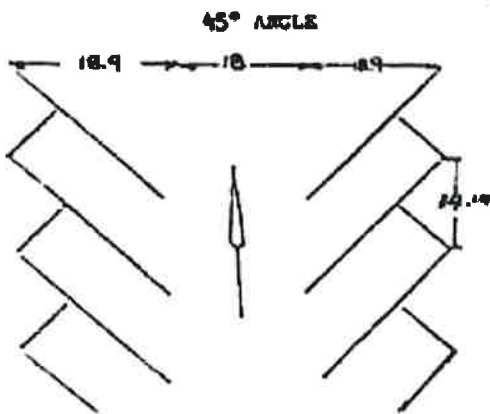
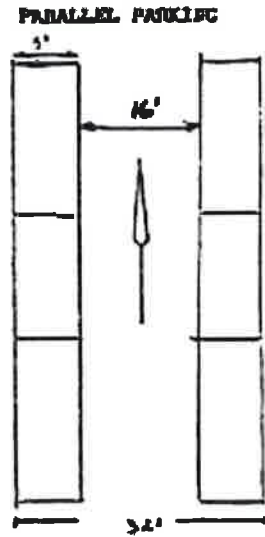
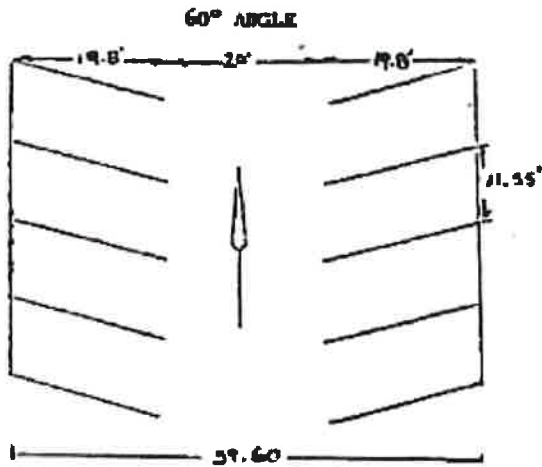
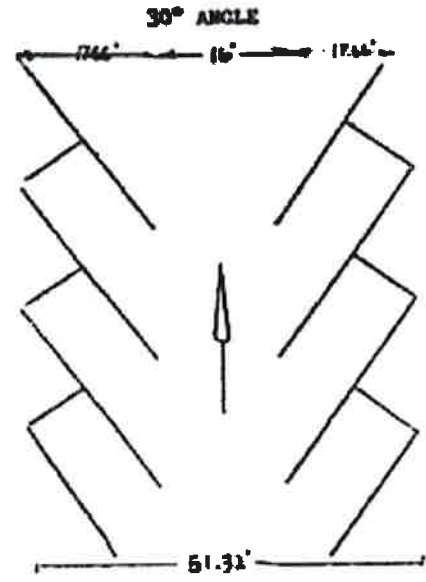
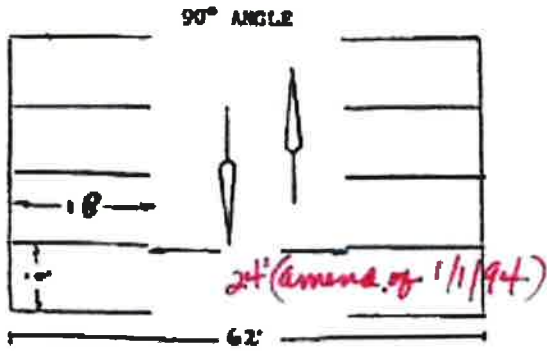
530.2.1 **Loading space standards.** Every commercial, industrial, wholesale and hospital or convalescent use, or addition thereto must maintain at least one paved off-street loading space of not less than 15 feet in width, 40 feet in length and 14 feet vertical clearance. For wholesale and industrial buildings, there shall be one such off-street loading space for every 40,000 square feet of floor area or portion thereof, excluding basements. No such loading space shall be less than 20 feet from any property line or street line.

530.2.2 **Parking Lot (space) Standards:**

- a. No parking lot area shall be located within twenty (20) feet of any property line, street, or road, if abutting property is zoned or used residentially. The parking lot area may be located within ten (10) feet of the property line if the abutting lots are not zoned and not used for residential purposes. Such requirements do not include the driveway entering or exiting the site. (Amend. Of 10/19/87)
- b. No parking lot shall be located less than five (5) feet from any wall of any building to allow for pedestrian walks and/or landscaping. (Amend. of 8-25-87- Effective 11/1/87)
- c. Dead-end parking aisle interior drives shall be extended five (5) feet further than the last space to allow movement of a vehicle in and out of a parking space. (Amend. of 8-25-87 - Effective 11/1/87)
- d. Where reasonable alternate access is available, the vehicular access to the lot shall be arranged to avoid traffic use of local residential streets situated in or bordered by residential districts. (Amend. of 8-25-87 – Effective 11/1/87)
- e. Where a lot has frontage on two (2) or more streets, the access to the lot shall be provided from the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. (Amend. of 8-25-87 – Effective 11/1/87)
- f. The street giving access to the lot shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. (Amend. of 8-25-87 – Effective 11/11/87)

- g. Where the lot has frontage on an existing street, proper provisions shall be made for grading and improvement of shoulder and sidewalk areas within the right-of-way of the street and for the provision of curbs and sidewalks, as approved by the Commission and in accordance with the pattern of development along the street. (Amend. of 8-25-87 – Effective 11/1/87)
- h. Appropriate provisions shall be made to prevent vehicles from overhanging walkways and from damaging trees or other landscaping materials. (Amend. of 8.25-87 – Effective 11/1/87)
- i. Adequate lighting shall be provided in all lots. Lighting shall be arranged and installed to minimize glare of adjacent property and adjacent streets and highways. (Amend. of 8-25-87 – Effective 11/1/87)
- j. For each parking space, a minimum of twenty (20) square feet of landscaped area shall be provided within the parking area or along the periphery of the parking area. For the purposes of this section, the parking area shall be defined as that area used for parking, backup space and driveways associated with the parking lot. For those parking lots containing in excess of twenty spaces, a minimum of fifty percent of the required landscaping must be provided within the parking area. (Amend. of 10/19/87)

Typical Parking Standards:



(Amend. of 8-25-87)

Ninety degree parking stalls dimensions shall be 10' X 18' (Amend. 01/01/94).

Two-way aisle width for 90° parking shall be 24' (Amend. of 1/1/94)

- 530.3 **Entrances and exits.** Each parking or loading space shall be provided with adequate area for approach, turning and exit of the vehicle for which it was designed without need to use any part of a public street right-of-way. Points of entrance and exit for driveways onto the street shall be not less than 12 feet in width for each lane of traffic using the driveway, but the total width of such entrance or exit shall not exceed 30 feet. No such driveway shall be within 10 feet of any other driveway on the same property or within 10 feet of any property line.
- 530.4 **Construction.** All off-street parking and loading areas shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from surface water flow. All such areas shall have a slope of no less than one percent and should in general not exceed a slope of three percent. However, the maximum allowed slope for all such areas shall be five (5) percent. All parking areas developed for commercial, industrial or multi-family purposes shall be paved with a minimum of three (3) inches of bituminous concrete over four (4) inches of processed aggregate base on a prepared sub-grade and shall be defined by curbs and all parking spaces shall be defined by lines, except that a parking area in a flood hazard district shall have a dust free permeable surface to allow the absorption of flood.
- In the event the Inland Wetlands Commission determines that paving a parking area (located in an area under its jurisdiction) will be injurious to an adjacent wetland, the Planning and Zoning Commission may waive the above paving requirements. (Amend. of 8-9-82; Amend. of 3-11-85; Amend. of 8-25-87)
- 530.5 **Joint use.** Joint parking areas and loading spaces may be established by the owners of separate contiguous lots in order to provide the total number of off-street parking and loading spaces required. In such case, the 20 foot requirement specified in 530.2.2 may be waived for the common property line.
- 530.6 **Prohibited parking.** In the Low and Medium Density residential district(s), the parking of any tractor semi-trailer or tractor-trailer combination, any semi-trailer, or any truck (or earth moving machine, motorized equipment, or vehicle) having a light weight in excess of three tons for more than eight hours, expressly excluding registered farm vehicles or farm implements and no more than two (2) emergency repair vehicles of a public service company, or vehicles or equipment being used exclusively for either on-site construction for which a building permit has been issued, or on-site earthwork permitted by right or for which a special permit has been issued, shall be prohibited.

530.6.1 In the Rural Development District, the parking on any lot under separate ownership of more than one tractor semi-trailer or tractor trailer combination, more than one semi-trailer, or more than one truck having a light weight in excess of 30,000 pounds for more than eight (8) hours, expressly excluding registered farm vehicles or farm implements, or vehicles or equipment being used exclusively for either on-site construction for which a building permit has been issued, or on-site earthwork permitted by right or for which a special permit has been issued, shall be prohibited.

530.6.2 No parking of more than five commercially registered vehicles or earth moving machines, or any combination thereof, expressly excluding registered farm vehicles or farm implements, or vehicles or equipment being used exclusively for either on-site construction for which a building permit has been issued, or on-site earthwork permitted by right or for which a special permit has been issued, shall be permitted on any lot under separate ownership in the Rural Development District. Section 530.6.1 however, which is more restrictive for certain commercial vehicles, shall apply. No parking of more than three commercially registered vehicles, expressly excluding farm vehicles, or farm implements, or vehicles or equipment being used exclusively for either on-site construction for which a building permit has been issued or on-site earth work permitted by right or for which a special permit has been issued, shall be permitted on any lot under separate ownership in the low density residential district. Section 530.6, however, which is more restrictive for certain commercial vehicles, shall apply. No parking of more than two commercially registered vehicles, expressly excluding farm vehicles or farm implements, or vehicles or equipment being used exclusively for either on-site construction for which a building permit has been issued, or on-site earthwork permitted by right or for which a special permit has been issued, shall be permitted on any lot under separate ownership in the medium density residential district. Section 530.6, however, which is more restrictive for certain commercial vehicles shall apply.

530.7 **Phased parking development.** The commission may, depending on the specific parking needs of a particular use, approve a phased development of the off-street parking area for a proposed or an existing development, in accordance with the following conditions:

- The total number of spaces required to be shown on the site plan shall be determined in accordance with the standards for that particular use, as specified in Section 530.1 of these regulations.
- The construction of the parking area and the installation of the spaces may be phased according to term requirements, except that no less than fifty (50) percent of the total spaces required shall be constructed as part of the initial term requirement. If this results in a fractional number, the requirement shall be the next highest whole number.

- The balance of the spaces not constructed shall be designated as "reserve spaces" on the site plan, laid out as an integral part of the overall parking layout, must be located on land suitable for parking area development and either left in its natural state or suitably landscaped.
- Under any circumstances, the applicant may construct the total number of parking spaces required as per Section 530.1 of these regulations; or if the commission determines that additional spaces, identified as reserve spaces on the site plan, may be required, the commission shall notify the owner of the property concerning its findings and the owner shall, construct the required spaces within ninety (90) days of such notification. (Amend. of 3-9-81)

530.8

Interpretation of off-street parking requirements.

a. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

b. In the case of mixed uses, uses with different parking requirement occupying the same building or premises, the parking spaces required shall equal the sum of the requirement of the various uses computed separately except in the case of public, parochial or private schools. (Amend. of 8-25-87) (Amend. of 10-19-87)

SECTION 540

SIGNS

Section 540. Signs

No sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered except in accordance with these regulations. A zoning permit shall be required in accordance with Section 620 for all signs except those in Section 540.1.

- 540.1 Permitted signs, number, height, and size allowed in all districts. All signs shall conform to the following regulations with regard to purpose, number height, and size.
 - 540.1.1 Identification of premises, professional or business office in a dwelling, or home occupation: one sign per dwelling unit and each not exceeding six square feet in area and six (6) feet in height. Signs on the exterior of barns or other farm outbuildings to identify the farmer or the name of the farm shall not be required to conform to this limitation.
 - 540.1.2 Temporary advertisement or notification of sale, rental or improvement of the premises including construction: one non illuminated sign per each street frontage and not exceeding 10 square feet in residential districts, 32 square feet in all commercial districts and 48 square feet in all industrial, mixed use interchange, and light industrial districts. Such signs shall be removed within 30 days of the completion of the activity advertised.
 - 540.1.3 Temporary political signs erected on private property may be posted not more than sixty (60) days prior to the election at which they are directed and shall be removed by the person or organization responsible for the posting of such signs within two (2) weeks following the election.
 - 540.1.4 Warning and traffic control signs on private premises provided all signs are in conformance with the size, shape, color and use provisions as specified in the latest revision of the State of Connecticut Manual of Uniform Traffic Control Devices, except where in the opinion of the Commission an alternative sign is of better design, more functional, more attractive, and less imposing.
 - 540.1.5 Identification of historic buildings as listed in a national or local historic district and/or any of the historic or architectural inventories undertaken by the Killingly Historic District Commission: one non-illuminated wood or metal sign attached to the building and not to exceed 2 square feet in area.
- 540.2. Permitted signs, number, height, and size allowed by use and district and requiring a zoning permit in accordance with Section 620.
 - 540.2.1. Identification of farms, nurseries, churches or places of worship, parish halls, museums, cemeteries, philanthropic, scientific, literary,

historical and charitable institutions, agricultural and horticultural societies, private parks, campgrounds, historical landmarks and similar uses: one freestanding, indirectly illuminated sign per each street frontage and not exceeding sixteen (16) square feet in size and twelve (12) feet in height, plus one wall sign for each exterior wall not to exceed five (5) percent of the area of the wall.

- 540.2.2 Identification of colleges, universities, schools, hospitals, Town of Killingly and Killingly Board of Education facilities: one freestanding sign per each street frontage and not exceeding forty eight (48) square feet for premises of three acres or less, or sixty four (64) square feet and 12 feet in height for premises greater than 3 acres, plus one wall sign for each exterior wall not to exceed ten (10) percent of the area of the wall.
- 540.2.3. Identification of permitted conforming commercial and industrial uses: one freestanding sign per street frontage not to exceed 48 square feet for premises of three acres or less or sixty four (64) square feet for premises greater than three acres. Such sign shall be no greater than 20 feet in height. Additionally, industrial and commercial uses may have the following signage: wall signage for identification and advertising not to exceed ten (10) percent of each exterior wall of the occupancy on structures 0 to 49 feet from the street line, and fifteen (15) percent of each exterior wall of the occupancy on structures greater than 49 feet from the street line.
one "open" flag not to exceed 3 'X5' .
one custom design business or a seasonal flag not to exceed 3 'X5'.
one perpendicular sign at each business entrance with no more than one per wall of the occupancy not to exceed four square feet in area and no less than 10 feet above sidewalk grade; and
awning signage with copy not to exceed 30 percent of the total background area of the awning.
The commission may grant as a special permit use additional detached signs in lieu of one or more exterior wall signs. The total area of said signs shall not exceed five (5) percent of the area of the wall upon which one of the relinquished exterior wall sign(s) would have been placed, and not exceed the size of allowed freestanding signs. No such special permit shall be approved where in the opinion of the commission additional detached signs are unnecessary or where the special permit review in accordance with Section 720.4, proves unfavorable.
- 540.2.4.1 Identification of fire district uses, subdivision, multifamily housing or other residential developments: one freestanding sign per street frontage not exceeding 32 square feet in area and 10 feet in height.
- 540.2.5. Churches, municipal facilities, colleges, universities and schools in addition to their allowed freestanding identification sign may have one announcement bulletin board no greater than sixteen square feet in area and not to exceed 8 feet in height.

540.2.6 Off-site directional signs designed in accordance with standards for Killingly street signs: with white reflective lettering and arrows on maroon background not to exceed 9" by 36" in size and posted only on official street sign posts in co-ordination with the Superintendent of Public Works. All costs for such installation shall be borne by the sign applicant. (Amend. of 1/18/ 05; Amend. of 8/21/06 – Eff. 9/13/06)

540.2.7 Section 540.2.7- Industrial, commercial and economic development promotional signs through recommendation of the Economic Development Commission and approval of the Town Manager and Director of Planning and Development: no more than two signs town-wide to be located on property abutting interstate highway 395. The installation of Digital Billboard shall be permitted under this section providing the following standards are met:

540.2.7.a- Digital Billboard shall meet the following criteria:

1. have a static display lasting no less then 12 seconds;
2. achieve a message change in 1 second or less;
3. do not display any illumination that moves, appears to move, flashes, or changes in intensity during the static display.
4. shall not exceed 900 square feet in size including borders, but excluding supports, nor exceed 35 feet in height.
5. shall be equipped with a photocell that automatically and continuously adjusts the sign intensity based upon ambient light conditions to the satisfaction of the Economic Development Commission, the Town Manager and the director of Planning and Development.

540.2.7.b- Digital Billboard shall be for the purpose of advertisement and information and shall display Amber Alert Messages as disseminated by the State of Connecticut Department of Public Safety as well as traffic alerts and public safety messages disseminated by other public agencies.

Time shall be reserved on Digital Billboard during the hours of 6:00 AM to 8:00 PM for advertising by the Town of Killingly for economic development announcement of community activities, municipal information and advertising, and emergency announcements, without charges or fees. The Town of Killingly shall be responsible for providing the substance of the announcements or advertising.

540.2.7.c- No part of any Digital Billboard shall be located more than 200 feet from the right of way line of I-395 and said sign shall not be visible to properties outside a line 200 feet from and on the same side of said highway. Digital Billboards shall be a minimum of 1000 feet apart measured horizontally between lines perpendicular to said sign and which separating distance shall include signs on the opposite side of the interstate highway. No digital sign shall be located within 700 feet of any portion of interchange, nor shall one be located within 1500 feet of a park or playground adjacent to and on the same said of an interstate highway. Signs are permitted within all zones subject to

spatial restrictions contained herein.

540.2.8 Identification of Mixed Use Interchange District projects and containing no advertising of uses, products or services available within the site: two free standing signs for the overall district not exceeding 100 square feet in area and no more than 50 feet in height. One sign shall be oriented toward the District frontage, and one sign oriented towards I-395.

540.2.9 Off-site cluster arrangements identifying civic, fraternal and religious organizations: each sign shall not exceed 3 square feet in area, the cluster must be located along numbered arterial roads, written permission from the property owner must be submitted to the Zoning Enforcement Officer, and unless otherwise agreed to by the property owner, the identified organization or organizations shall be responsible for the general maintenance of such signs or cluster arrangement. One community welcome sign not exceeding 6 square feet in area may be part of such cluster arrangement and no more than 10 individual organization signs may be in any one cluster.

540.2.10 A-frames. In addition to permanent signage, each lawfully existing business in a commercial, mixed use interchange, or industrial zoning district shall be allowed one temporary non-illuminated A-frame sign not to exceed 9 square feet in area. Temporary A-frame signs shall not be placed in the public right of way nor interfere with vehicular or pedestrian traffic.

540.2.11 Instructional signs which are intended to guide motorist through the use of words such as "In", "Out", "Entrance" and "Exit" or the depiction of directional arrows: located on-premise and limited to one signpost per entrance or exit. Corporate emblems and logos on instructional signs must be incidental and shall not exceed 25% of the total area of the maximum 6 square feet sign size. Such signs may not exceed 4' in height.

540.3 All signage proposed in conjunction with a new special permit use shall be reviewed and approved as part of that special permit review. No signage proposed in conjunction with a new special permit use shall be approved where the special permit review in accordance with Section 720.4, proves unfavorable.

540.4 Purpose. All signs shall pertain only to goods sold, services rendered and establishments, enterprises, activities, persons, organizations and facilities on the lot where the sign is located, except signs permitted under Sections 540.2.6, 540.2.7 and 540.2.9.

540.5 Location -No part of any freestanding sign or cluster arrangement or sign support shall extend within 5 feet of any street or property line except signs permitted under Sections 540.1.1, 540.1.3, 540.1.4, 540.2.6, 540.2.10 and 540.2.11. No such sign or arrangement shall be permitted within the right of way of any town road, or any road or area regulated or owned by the State of Connecticut unless the

necessary permits are applied for and issued by the state and/or town. Any sign attached to a building shall not project above the highest point of the roof of the building or more than four (4) feet above the wall of the building, whichever is higher .

- 540.6 Obstruction. No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or me escape or exit or to cause any other hazard to the public health or safety.
- 540.7 Light and motion. Signs which revolve, rotate, flash, move, reflect intermittent lighting, or involve the electronic or automatic switching of lamps or illuminated tubes, except time and temperature, shall not be permitted. All lighting of signs shall be internal or indirect with exterior illumination confined and directed to the surface of the sign so that no direct rays or glare or source of illumination shall be visible beyond the property lines or create a danger to pedestrian or vehicular traffic.
- 540.8 Measurements. Any sign may be double facing and only one face shall be counted in determining conformity with these regulations. All dimensions for signs shall be based on measurements to the outside edge of the sign excluding any structure necessary to support the sign. The area of signs shall be computed from either the outer dimensions of the frame or as the included area of a geometric figure including the outer edges of all lettering, designs and/or symbols, whichever is greater. If attached, the area shall include any background different from the balance of the wall if
- 540.9 Landscaping. All freestanding signs of a permanent nature shall have a landscaped strip at least 5 feet in width and the same length as the greatest dimension of the sign. The sign shall not extend beyond the landscaped area. Landscaping shall consist of a mix of shrubs, herbaceous growth, and ground cover, with plantings approved by the Planning and Zoning Commission or its designee.
- 540.10 Prohibited signs. The following signs are prohibited: Off-premise signs, except as otherwise provided for in these regulations; portable trailer or wheeled signs; signs which copy or imitate or in any way approximate or obstruct an official highway sign or device or carry the words "stop" or "danger" for advertising purposes; and search lights. (Amend. of 6/9/00)
- 540.11 Nonconforming signs. Any sign lawfully existing or under construction on the effective date of these regulations which does not conform to one or more of the provisions of these regulations may be continued in operation and maintained indefinitely as a legal non-conforming sign subject to the following: normal maintenance including changing of copy and structural and nonstructural repair shall be permitted.
- 540.12 Obsolete signs. Any sign, whether existing on or erected after the effective date of these regulations, which advertises or identifies a

business or use no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be removed within statutory guidelines upon written notice from the Zoning Enforcement Officer to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located.

Effective: July 9, 1999, 12:01 AM

SECTION 550

SWIMMING POOLS

- 550.1 For purposes of these Regulations swimming pools shall be considered as accessory structures in residential zones.
- 550.2 No swimming pool shall be constructed or placed in any single family residential lot in that area between the street line and front building line.
- 550.3 If a swimming pool is accessory to a residential use, the pool shall be intended and solely used for the enjoyment of the occupants of the property on which it is located and their guests.
- 550.4 The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from adjacent properties or streets. Fences shall be as a minimum constructed in accordance with those standards of the State of Connecticut Basic Building Code.

SECTION 555 MULTI-FAMILY DEVELOPMENT

Multi-Family development may be allowed in the LD, MD and Residential High (Boro) zones only by Special Permit.

Multi-Family development standards:

1. Public water and sewer must be used.
2. The property shall meet the minimum lot size and frontage for the zone in which the development is proposed, and shall not exceed the maximum lot size allowance as established in the definition of Multi-Family Development.
3. Multi-family development shall comply with the underlying zone lot coverage and height requirement.
4. Multi-family developments shall comply with the minimum setbacks as established for the underlying zone. Principal structures within the development shall be separated by not less than forty 40 feet.
5. Multi-family developments shall comply with off-street parking design and ratio.
6. Multi-family development driveways shall be owned and maintained by the property owner(s). Said drives shall be constructed to Town standards, as amended, and shall meet the design requirements of Section 530.2.
7. Driveway curb-cuts shall be located along the lot frontage so as to maximize public safety. The Planning & Zoning Commission shall have the discretion to modify driveway location if in its opinion a proposed driveway location is unsafe.
8. Side and rear yards shall be established as planted buffers to provide privacy between the multi-family development and abutting properties.
9. As a Special Permit provision, sidewalks may be required to interconnect the project main entrances, parking areas, Community facilities and the road(s) where the frontage is (are) calculated. A pedestrian circulation system must be so designed wherever possible for separation between pedestrian and vehicular traffic. All such walks shall be designed and built as handicap accessible.

The Commission may require that existing walks on a subject property be upgraded or improved. Where sidewalks are to be repaired or constructed they shall meet or exceed town standard as amended.

10. Multi-family densities shall be determined in accordance with the requirements of the underlying zone. (LD, MD, RH-B)
11. Structures within the Multi-family development shall be externally marked or identified. Exterior unit identification (or directories) also shall be provided as necessary and shall be externally lighted.
12. Solid waste receptacles shall be provided on-site, and shall be screened from the view from the street giving access, and abutting properties. Provisions shall be made for the collection of separated wastes, as required by Town ordinance.
13. All Multi-family housing developments shall be designed so as to require minimal earth grading. Final designs shall permit direct and rapid access and alternate access by emergency response vehicles and personnel.
14. Driveways and parking areas shall be lighted. Lighting shall be shielded to prevent direct glare into streets and onto abutting properties.
15. The developer shall furnish such performance bond or bonds that may be determined by the Planning and Zoning Commission to assure performance in the construction of public utilities, and other facilities in accordance with the approved plan and to protect the public interest in the event of abandonment of the project by the developer.
16. Utilities in a Multi-family housing development shall be installed underground where practical.
17. Principal buildings within a Multi-family housing development shall be coordinated in terms of architecture colors texture and scale.

Effective date August 16, 1989

SECTION 560. EARTH FILLING AND EXCAVATION

560.1 Intent

The following Regulations regarding the establishment and continuance of earth filling and excavation operations have been developed to:

- a. Protect the health, welfare, and safety of the citizens of the Town of Killingly.
- b. Preserve and protect the Town's environmental resources, including but not limited to:
 1. Maintaining an adequate supply and quality of surface and underground water.
 2. Preventing the contamination of air, water and soils.
 3. Hydrological stability and control of flooding and erosion.
 4. Wildlife habitat protection.
- c. Protect property values by insuring that, following such activities, land utilized for filling, and/or excavation will be usable for residential, commercial or industrial purposes consistent with the underlying zoning district in which such use is located.
- d. Protect property values and quality of life for those properties neighboring earth filling, and/or excavation operations.

560.2 Definitions

For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "Regulations" means "these Regulations."; "shall" is always mandatory; "may" is permissive.

- a. "Agricultural Production Purposes" means activities directly related to the production of agricultural commodities for the purpose of sale.
- b. "Bedrock" means the solid rock that underlies the soil and other unconsolidated material or that is exposed at the surface.
- c. "Bond, Performance" means sums of money placed in escrow by the applicant which may be used by the Town to complete and/or correct

permitted activities provided the applicant does not complete and/or correct the permitted activities as approved. This bonding assures that the Town will not be left with an incomplete or unsafe project should the applicant default or go bankrupt, and it allows the applicant to proceed in an orderly fashion and utilize staged financing.

- d. "Blasting" means the detonation of an explosive device as defined by NFPA 495.
- e. "Boulder" means a large rock of not less than one (1) cubic yard in size.
- f. "Clay" means a mineral soil consisting of particles less than 0.005 to 0.002 millimeters in equivalent diameter, depending on soil classification system.
- g. "Commercial Earth Excavation and/or Processing Operation" means a business engaged in the removal and/or alteration of earth materials on site, including screening, washing and mixing with other approved materials for sale.
- h. "Crushing" means a process by which rock is reduced in size.
- i. "Earth Products" means: natural soil, loam, sand, gravel, clay, rock or any other excavated natural material.
- j. "Excavate" means to sever from the earth's surface or to remove earth materials from the ground.
- k. "Gravel" means a loose mixture or unconsolidated deposit of pebbles and rock fragments sometimes mixed with clay, and other materials, rounded or angular fragments of rock.
- l. "Guidelines for Soil Erosion and Sedimentation Control" means a document (DEP Bulletin 34, ISBN 0-942085-10-8) prepared and amended by the Connecticut Council on Soil and Water Conservation in Cooperation with the Connecticut Department of Environmental Protection.
- m. "Imported Materials" means earth materials brought to a permit area.
- n. "Loam" means a soil consisting of a mixture of clay, silt and sand.
- o. "Overburden" means the surface soil material overlying a desired earth material that must be removed for excavation of the desired earth material to take place.

Comment [JF1]: New language. This comes from the new subdivision regulations and is matched later in the regulations where performance bonds are cited.

- p. "Peat" means unconsolidated soil material consisting largely of undecomposed, or slightly decomposed, organic matter accumulated under conditions of excessive moisture.
- q. "Processing" means an alteration of earth materials on site, including screening, washing and mixing with other approved materials.
- r. "Reclamation" means the restoration to conditions similar to what existed prior to the operation or that will be compatible with what existed prior to the operation on the area of land affected by mining under a reclamation plan. This may include but is not limited to, grading and shaping of the land, the planting of trees and shrubs, the seeding of grasses, legumes, or crops for harvest, or the enhancement of wildlife and aquatic resources.
- s. "Reclamation Plan" means a plan which depicts how the project area will be restored, or altered for the productive use of the land, after excavation is complete.
- t. "Rock Quarry" means a commercial surface excavation or pit from which bedrock is obtained by drilling, cutting or blasting for the preparation of marketable rock materials. A rock quarry shall not include the removal of solid rock materials in the preparation of a site as the result of an approved zoning permit.
- u. "Sand" means a soil separate, individual rock or mineral fragments from 0.05 millimeter to 2.0 millimeters in diameter.
- v. "Sand and gravel operation" means any operation the principal product of which is sand, gravel, pumice or any other common variety of material.
- w. "Silt" means a mineral soil generally consisting of soil particle ranging between 0.05 and 0.002 millimeter in size.
- x. "Slope" means the inclination of the land surface from the horizontal, measured as a percentage, as a numerical ratio or in degrees.
- y. "Soil" means the unconsolidated minerals and material on the immediate surface of the earth that serve as a natural medium for the growth of plants.
- z. "Soil analysis" means a chemical testing procedure to determine the nutrient content of soils in a given field.
- aa. "Subsoil" means technically, the B horizon; roughly, the part of the solum below plow depth (The upper part of a soil profile, above the C horizon, in which the processes of soil formation are active).

Comment [JF2]: The second sentence of this definition has been deleted for the sake of simplicity.

Comment [JF3]: "Soil Horizon" has been deleted. The term is not used in the regulations. If necessary there are any number of reliable reference materials that define this term.

Comment [JF4]: "solum" has been deleted. The term is not used in the regulations. If necessary there are numerous reliable reference materials that define this term.

- bb. "Topsoil" means the upper part of the soil, which is the most favorable material for plant growth. It is ordinarily rich in organic matter and is used to top-dress road banks, lawns, and land affected by mining.
- cc. "Water Table" means the location beneath the ground where water saturated rock or sediment is first encountered.

560.3 Existing Operations

- a. Each permit issued by the Commission dated prior to 12:01 AM, Monday, October 10, 2005, shall continue in effect, and shall be governed and renewed by the Regulations that were in place when the permit was issued.

Comment [JF5]: Moved from the last section to clarify that certain operations in effect mat continue.

560.4 Permitted Activities

- a. Residential maintenance purposes such as landscaping, driveway repair, etc. involving ≤ 100 cubic yards of material shall be entirely exempt provided that there is no off the premises effect.
- b. Filling of property is permitted in accordance with an approved zoning permit, an approved subdivision plan, or a site plan approved by the Commission. Additional filling is permitted for situations over and above what has already been approved upon review and approval by the Planning and Development Office, when such filling is incidental to an existing structural use on a property so long as such filling does not exceed one thousand (1000) cubic yards.
 - 1. The Planning and Development Office, at their discretion, may forward any such request to the Commission for review.
 - 2. The Planning and Development Office may require such information as set forth in sections 560.6(b) and 560.7 of these regulations, as it deems appropriate to evaluate any such application, including those listed in subsection c of this section.
 - 3. In the event that the volume of fill exceeds one thousand (1000) cubic yards, the zoning permit, special permit, subdivision plan, or site plan shall include a plan for filling as detailed in subsections 560.6(b) and 560.7.
 - 4. Road sweepings as fill material requires a zoning permit and shall be subject to the recommended guidelines of the Connecticut Department of Environmental Protection and may

be further regulated by the Commission, when in their opinion, further regulation is warranted.

- c. Non-commercial excavation and removal of earth products is permitted in accordance with and as part of an approved zoning permit, special permit, an approved subdivision plan, or a site plan approved by the Commission. Additional excavation and removal is permitted for situations over and above what has already been approved upon review and approval by the Planning and Development Office, when such excavation or removal of earth products is incidental to an existing permitted use.
 - 1. The Commission may require such information as set forth in sections 560.6(b) and 560.7 of these regulations, as it deems appropriate to evaluate any such application. In the event that the volume of material to be excavated exceeds one-thousand (1,000) cubic yards, such zoning permit, subdivision plan, or site plan shall include a plan for such excavation as detailed in subsection 560.6(b) and 560.7.
- d. Excavation for agricultural production purposes is permitted, upon review and approval by the Planning and Development Office, when such excavation is essential to the agricultural production process, in the opinion of the Planning and Development Staff, to the farming operation.
- e. Excavation and filling is permitted for the repair or replacement of an on-site septic system.
- f. Commercial excavation and removal from the premises of sand, loam, gravel, peat, stone, topsoil or other earth products shall be permitted in all zoning districts with the exception of those contained in the Borough of Danielson and the Five-Mile River Overlay District upon the issuance of a Special Permit by the Commission in accordance with Article VII of these Regulations, after a public hearing with notice given as required by the General Statutes.
- g. Importation of material for sale or processing shall be allowed in Industrial Zones only, except as otherwise stated in these Regulations.
- h. On-site crushing is allowed:
 - 1. In conjunction with a project that has received Commission approval for on-site crushing as part of that project's required permits;

2. As part of an existing operations performing documented crushing prior to the adoption of these Regulations, or;
 3. In conjunction with new operations located in the Industrial zone only and receiving approval for crushing under these Regulations.
- i. Municipal sewer, drainage and road projects are permitted with pre-notification of the Town Planning Office.

560.5 Prohibited Activities

- a. Rock quarries are not permitted in any zone.

Comment [JF6]: Language moved from Section 560.41(d)

560.6 Activities Permitted with a Special Permit

Filling and excavation operations, except as prescribed by section 560.4, may be permitted upon the granting of a Special Permit by the Planning and Zoning Commission in accordance with Article VII of these Regulations and as detailed in this section.

- b. Application for such a permit shall be made by the owner of the property or his authorized agent. Such application shall be accompanied by a map prepared with an accuracy meeting or exceeding standards for a Class A-2 Survey as defined in the Code of Practice for Standards and Accuracy for Surveyors and Maps as published by the State of Connecticut Board of Professional Engineers and Land Surveyors. The map shall be clearly and legibly drawn and shall be submitted on good quality mylar or on other material that would be suitable for filing in the public Land Records on sheets having a size prescribed by Section 7-31 of the Connecticut General Statutes, as amended and as the same may, from time to time, be amended. The map shall preferably be drawn to a scale of one inch equals forty (40) feet but in no case smaller than 1 inch equals two hundred (200) feet. The map and plan, in addition to those requirements stated in Section 470 and Article VII of these Regulations, shall show the following:

Location of the premises, names of abutting owners, property lines, relations to roadway systems, wooded areas, outcrops, existing rivers, streams, watercourses, pond, swamps, and wetlands on or within two hundred (200) feet of the site

An operations statement that includes an estimate of the number of cubic yards of material to be brought to the site, cubic yards of material to be excavated, processed (including materials not originating at the site), or removed – including the rate of removal, which shall be done in phases appropriate to the site and scope of the proposed operation, and estimated time length for the operation including necessary sedimentation and erosion control measures in accordance with the State of

Connecticut "Guidelines for Soil Erosion and Sedimentation Control" as amended and the estimated time length for the operation.

Location of stockpiled material.

Grading plan showing existing contours in the area to be filled and proposed contours for the area after operations. Such plans shall include the area to be filled as well as the surrounding area within two-hundred (200) feet of the filling and shall be drawn at a scale of not less than forty (40) feet to the inch and with contours shown at intervals of not less than two (2) feet.

Existing and proposed drainage of the site (temporary and permanent). Such evaluation shall be based on the recommendation of the Town Engineer and may entail the analysis for a two (2), five (5), ten (10), twenty-five (25), fifty (50), and/or one-hundred (100) year storm.

Comment [JF7]: New language to make clarify the former language.

Delineation of the one-hundred (100) year flood plain (if applicable).

The location and type of any building or fixed machinery to be used.

Details of final grading and planting of the site to prevent erosion of the site at the conclusion of operations made in accordance with the State of Connecticut "Guidelines for Soil Erosion and Sedimentation Control" as amended.

An estimate of the number and types of trucks and other machinery to be used on the site, including: the location and size of refueling pads, and maintenance locations for machinery and vehicles. Proposed truck access – including number of daily trips.

Credible evidence of the presence of an endangered or threatened species, or other natural resources, and/or archeological or historically significant features may require study by appropriate consultants. The results of these studies shall be considered in the approval process and the Commission may stipulate protective measures.

Comment [JF8]: The word "anecdotal" has been deleted from the text.

Details, to the satisfaction of the Commission, as to how all noise will be held to the site and not reach an unacceptable level to neighboring properties.

Proposed use and storage of explosives (excavation only). Application should detail the extent of such usage (amount, times to be used, places, circumstances etc.), location of temporary and permanent storage of explosives, and copies of all applicable State and/or Federal licenses/permits.

Proposed fencing, signage and gates.

Geological soundings and/or borings to determine level and drainage patterns of underlying bedrock (excavation only).

A statement and supporting documentation regarding potential impact, if any, of any change in surface or groundwater levels or water quality that may be caused by the proposed activities including impacts on private wells and wetlands habitats.

Other information the Commission deems necessary.

Specific requirements may be waived by the Commission when in its opinion such requirement is unnecessary because of the limited size of the operation, or other valid reason whereby the health, safety and public welfare will not be adversely affected.

560.7 Performance Standards

The following shall apply, in accordance with Section 560.4 of these regulations:

Screening, sifting, washing, crushing or other forms of processing shall, for commercial extraction and/or processing operations only, be conducted upon the premises between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, Saturdays 7:00 a.m. and 12:00 p.m. There shall be no operational activities Sundays and the following holidays: Christmas, New Years Day, Memorial Day, Fourth of July, Labor Day, and Thanksgiving Day, except by special permission of the Commission.

No fixed or portable machinery used in a commercial operation shall be erected or maintained within two hundred (200) feet of any property or street line and not less than five-hundred (500) feet from any residence.

The location of crushing operations shall be dependant on a noise study performed by a qualified firm at the cost of the applicant.

Measures, to the satisfaction of the Commission, shall be taken to minimize nuisance from noise, dust, vibration and flying debris; all trucks shall be covered for off-site transport; suitable fences or other barricades shall be provide around the excavation to protect pedestrians and vehicles.

The operation shall not result in sharp declivities, pits or depressions or soil erosion, drainage or sewerage problems or conditions which would impair the reasonable reuse and development of the lot for purposes permitted under these Regulations in the District where the site is located.

It shall be the responsibility of the permittee to ensure that vehicles removing earth materials from the premises are so loaded and/or secured, including load covers, that there will be no spillage or release of such materials within the Town of Killingly. The permittee shall be liable for the cost of cleaning any earth material spillage or repairing any damage to a road or roads of the Town of Killingly caused by improper loading, securing of loads or other operationally related activities.

No building except a field office or temporary shelter for machinery shall be erected on the premises except as may be permitted in the Zoning Regulations subject to approval by the Commission.

At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

No excavation conducted under a Permit issued pursuant to these Regulations shall be:

made below the grade of any abutting highway within one-hundred and fifty (150) feet thereof, unless approved by the commission, or

below the grade of any adjoining property at the property line within fifty (50) feet thereof, or

within one-hundred and fifty (150) feet of any dwelling existing at the date the permit is issued without the written approval of the abutting owner of private property or of the owner of the dwelling to be affected and the approval of the commission.

At no time shall an overhang and/or undercut be permitted on any face. At no time shall slopes in excess of 2:1 (horizontal-vertical) be present on any face except the face where active excavation is being carried on. Fencing may be required at the discretion of the Commission.

Comment [JF9]: This represents a change from 1:3

Truck access to the excavation 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 minimize dust.

The use and storage of explosives shall be limited to those times, locations specifically authorized by the Commission.

When filling, excavation and removal operation is completed the excavated area shall be graded so that slope in disturbed area shall be no steeper than one on two (2:1) (horizontal-vertical).

Comment [JF10]: Change from original 1:3

All debris, including but not limited to tree stumps shall be removed from the lot and all loose boulders not conducive to future development shall be removed.

Minimum separation distance between any excavation and the groundwater table shall be not less than six (6) feet, unless it can be demonstrated to the Commission's satisfaction that a smaller separation distance will not adversely impact groundwater and/or neighboring uses or future uses on the site. No excavation or fill shall be made that would reduce the final elevation below flood plain, change the area of the flood plain, or expose groundwater unless, after proper

analysis, it is determined that no pollution or silting of existing watercourses, or increased flood or erosion hazards, or other effect on water supply or purity will result and any necessary permits have been issued by the Killingly Inland Wetlands and Watercourses Agency.

Where necessary to protect the surrounding properties, the Commission may require a landscape buffer and/or an earthen berm of a size, to be determined by the Commission, necessary to protect such properties. Existing vegetation and natural topography shall be preserved where feasible.

Connecticut's "Guidelines for Soil Erosion and Sedimentation Control" as amended shall be followed.

Groundwater quality monitoring wells may be required by the Commission as a means of protecting water quality.

implementation of an erosion and sedimentation control plan.

Following a filling operation there shall be a layer of top-soil applied to the area to a depth of not less than four (4) inches. The area is to be seeded with a suitable ground cover and maintained until the area is stabilized. The depth of topsoil required may be increased at the discretion of the Commission based on the ultimate use of the property. The area is to be limed and fertilized as appropriate. Seeding is to be done between April 15 and June 15 or between August 15 and October 15.

In all cases, material used for filling shall be limited to suitable earth material for construction as approved by the Commission. Use of trash, garbage, or other junk material is expressly prohibited. Burial of stumps is not permitted under any circumstances.

The area disturbed by the excavation is to be restored by the spreading of subsoil and topsoil at depths not greater than those found at the site in its original state - to a maximum of twenty-four (24) inches, and not less than four (4) inches - dependant on the ultimate use of the property. Restoration shall be a continuous operation. The following shall govern all restoration.

a. Topsoil for re-spreading shall be used at a minimum depth of four (4) inches over the excavated area. The depth of topsoil required may be increased at the discretion of the Commission based on the ultimate use of the property. The area for the storage of topsoil shall be shown on the plans approved by the Commission. All stockpiled topsoil shall be seeded with appropriate perennial grasses and surrounded by appropriate erosion controls.

b. Following the re-spreading of topsoil, the area is to be seeded with a suitable ground cover and maintained until the area is stabilized. The area is to be limed and

fertilized as appropriate. Seeding is to be done between April 15 and June 15 or between August 15th and October 15.

Following the re-spreading of topsoil and in addition to the seeding requirements of Subsection 1 and 2 above, the Commission may require the planting of deciduous and non-deciduous trees (which may be root stock at the time of such planting) at a density appropriate for the site and its intended usage. To the extent practical, the trees shall be hardy native species and compatible with the post excavation site characteristics.

If blasting is proposed as part of a permit application, a plan for such activity shall be prepared and submitted to the Town Fire Marshal for review. Such plan shall include provision for monitoring weather conditions for production blasts, including plans to schedule blasting well enough in advance to take advantage of the days when air shock is likely to be at a minimum and to avoid blasting on days during times of unstable air masses and temperature inversions when air shock is more likely to occur. Additionally, the following Blasting Notice, Monitoring, and Damage Complaint requirements shall be in force:

Permittee shall provide the Town Planning Office with notification at least twenty-four (24) hours prior to any anticipated production blast and shall notify other individuals requesting such notification of a production blast.

All production and test blasts shall be monitored with air pressure, seismic, and decibel meters at no fewer than five (5) sites for each blast.

Permittee shall notify, in writing, any property owner who could reasonably be affected by the blasting.

Permittee shall provide, prior to any blasting, Certificates of Insurance written by sureties or insurers licensed in the State of Connecticut. The policies required shall be acceptable to the Town of Killingly. If, at any time, any of the insurance policies shall be or become unsatisfactory to the Town of Killingly in form or substance, or if the surety or insurer issuing any such policies is unsatisfactory to the Town of Killingly, the Permittee shall promptly obtain a new policy and submit a Certificate of Insurance to the Town of Killingly for approval. The Permittee and its insurers shall waive all rights of subrogation against the Town of Killingly and their respective agents and employees for losses arising from work performed under the permit. If any policy is a claims made policy, then following the expiration or termination of this contract contractor will continue such insurance coverage for a period of at least three (3) years or purchase a tail policy reasonably satisfactory to the Town of Killingly.

All work shall be done in phases whereby no more than five (5) acres of land may be disturbed at any one time. The Commission may, at their discretion, increase or decrease the maximum allowable phasing acreage.

Such other information and/or appropriate safeguards as the Commission deems necessary.

560.8 Performance Bond

Prior to the issuance of a permit by the Commission, the applicant shall post a performance bond with the Town in an amount and form and with surety and conditions satisfactory to the Commission and the Town Council, and to Town Counsel, with the following exception: Performance bonds in an amount of five thousand dollars (\$5000) or less do not require review and approval by Town Counsel and may, at the discretion of the Town Planner, be posted at the time that an application for a zoning permit for the work to be covered by the bond is submitted.

The performance bond shall secure to the Town of Killingly the actual construction, installation, and completion of each approved phase of permitted activities in accordance with these Regulations including without limitation soil erosion and sedimentation control, streets, private streets, drainage, inspection and monitoring fees, and any specific requirements of any conditions of approval by the Commission.

The applicant shall submit cost calculations for all permitted activities to be covered by the bond, which will be reviewed by the Town Planning Office and the Town Engineering Office and adjusted to include contingency and inflation factors; monitoring and inspection fee costs, calculated as 5% of the total calculated costs of activities; and revised cost figures as necessary. The bond will cover a period of two years and may be renewed until completion of all approved activities or the expiration of any approvals issued by the Commission.

Performance bonds shall be in the following:

A certified check payable only to the Town of Killingly, a certificate of deposit, a money market account, or a passbook savings account, which account shall be federally insured. The names of the applicant and the Town of Killingly shall be on the account and a signed withdrawal slip shall be provided.

4. The applicant may apply for a partial release of the performance bond. After submittal of an A2 as-built survey of the completed permitted activities and inspection by the Commission and the Town Council, the Commission may, with the agreement of the Town Council, release up to an amount equal to the costs of the completed permitted activities, but no more than 90% of the original bond.

5. If for any reason the performance bond is insufficient to pay for all costs of activities covered by the bond, and the applicant and/or property owner do not complete such activities to the satisfaction of the Commission and the Town Council, the applicant and/or property owner shall remain liable for the costs in excess of the performance bonds.

The performance bond shall be released in its entirety after:

The permitted activities covered by the bond have been completed to the satisfaction of the Commission;

As-built plans and survey, sealed by a land surveyor or engineer licensed to practice in the State of Connecticut, have been filed with the Town Planning Office; and

Waivers of Mechanic's Liens by all parties furnishing materials or services in connection with the project have been filed with the Town Council

560.9 Approval Criteria

After the public hearing, the commission may approve the plan and grant the special permit only when it is satisfied that the following conditions will be complied with in the undertaking of the proposed filling or excavation activity:

That the proposed activity will be carried out in accordance with the maps, operational statements and plans submitted by the applicant and in accordance with these Regulations.

The effect upon the premises and upon the surrounding premises; upon property values, health and any effect upon the future use of the premises involved consistent with the intent of these Regulations as stated in section 560.1.

The Commission or its authorized agents, shall at all times, have reasonable access to the site for the purpose of inspection and determination of compliance with this section.

Comment [JF11]: Section re-written to provide more flexibility

The Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.

In order to protect the character of the existing neighborhood or the environment, the Commission may restrict the hours of operation, the type of operation, the types and location of equipment, the use of explosive or any other aspect of the operation which may have adverse impacts on the surrounding properties and provide for increased buffering of surrounding properties.

No permit shall be issued by the Commission for a period exceeding twenty-four (24) months, but upon application, the permit may be renewed by the Commission for an additional twelve (12) month period. Any application to renew or amend an existing permit shall be filed with the Commission at least sixty-five (65) days prior to the expiration date for the permit. Any application to renew or amend such an existing permit shall be made in accordance with these Regulations provided:

Comment [JF12]: New language to address renewals

The application may incorporate by reference, the documentation and record of the prior application;

The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;

The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;

The application shall describe any changes in facts or circumstances for which the permit was issued;

The Commission may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity.

Failure to comply with the plans and conditions as approved and any deviation therefrom shall be a violation and the Commission may revoke the permit.

If the filling operation, as approved by the Commission is not undertaken within twenty-four (24) months after granting (subject to appeals that may result) of the permit, the permit will be automatically revoked.

Amend of September 19, 2005; Effective 12:01 AM, Monday, October 10, 2005

Comment [JF13]: The word "shall" has been replaced with the word "may."

Comment [JF14]: The original draft had a twelve month period.

SECTION 565 HOUSE CONVERSION

No House Conversion shall exceed the density allowances for the zone in which it is located, (as amended) AND must have public sewer and water at the time of conversion. All conversions shall meet frontage and off-street parking design requirements as amended.

Conversions of existing mixed uses in the LD, MD, RH-B and RM-B zones are prohibited. Any existing mixed-uses will be nonconforming in these zones.

House Conversions are a Permitted use only in the LD, MD, RH-B and RM-B zones.

All House Conversions are subject to Site Plan Review approval.

SECTION 570. PLANNED RESIDENTIAL DEVELOPMENT

570.1 Definition:

A parcel of land to be developed in the Low or Medium Density zones as a single entity for not less than ten dwelling units, the lot for which meets or exceeds the minimum requirements and specifications as provided in Section 570.5.18, and may include any combination of detached single and attached single-family dwellings or townhouses, to meet the densities permitted by the Planned Residential Development Regulations. A portion of, or the entire development may be designated as Active Adult housing, age 55 and over in accordance with state and federal law.

570.2 Intent:

The intent of this Planned Residential Development section is to, A) provide for controlled flexibility in land development schemes; B) establish performance criteria for residential development, and C) establish opportunity for innovative combinations of housing by encouraging:

- (1) A creative clustering approach to the development of residential land in the Low and Medium Density zones
- (2) A desirable community environment that would not be possible through the strict application of minimum requirements of the Zoning Regulations and Subdivision Code.
- (3) A wide choice in the types of living units available in Killingly.
- (4) Open areas and/or recreational opportunities for the Planned Residential Development
- (5) An efficient use of land with shorter networks of utilities and streets and greater economies in development costs.
- (6) Residential developments which are compatible with surrounding land use intensity, the existing town road system, sanitary sewer system and public water system.

570.3 Findings:

The Commission recognizes that one of Killingly's most important assets is its varied and unique physical features. Pursuant to the Planned Residential Development intent, the Commission must determine that A) the lot is maintained as a single, common property, with common open areas which preserves or enhances the appearance, character and natural features of an area, B) the Planned Residential Development meets the requirements of this section, and C) three or more of the following findings will be accomplished with the granting of a Special Permit for a Planned Residential Development.

- (1) Undeveloped land within the Planned Residential Development is preserved and serves park and recreation needs; the development conserves natural resources as applicable.

(2) The Planned Residential Development design incorporates measures to shorten road and utility networks.

(3) The Planned Residential Development preserves and protects particular areas and terrain having qualities of natural features or historic significance.

(4) The Planned Residential Development protects streams, rivers, wetlands and ponds so as to avoid flooding, erosion, filling and water pollution.

(5) The Planned Residential Development offers architectural styling and detailing which complements the surrounding land uses, and provides quality housing opportunities to meet the growing needs of the community and

(6) The Planned Residential Development incorporates features and designs to enhance public safety and minimize potential hazards

570.4 Special Permit Use:

Planned Residential Developments are permitted only in the Low and Medium Density zoning districts as a Special Permit use.

The use of the Planned Residential Development procedures contained herein are not mandatory for the development of land in the Low Density and Medium Density zones, nor incumbent on the Commission to grant approval to an applicant if the Commission finds that the proposal fails to meet the intent of this section, and/or cannot make the necessary Planned Residential Development findings contained in Section 570.3.

A pre-application meeting with Town Staff is required and a pre-application concept review with the Planning and Zoning Commission is encouraged. At the pre-application meeting, a written narrative shall be submitted which includes the following information:

- (1)(a) A description of the site, including assessor's parcel identification number(s), total area in sq. ft., and total developable area in sq. ft.;
- (b) The specific uses proposed including housing types, and project facilities such as community centers, recreational facilities, play areas, trails, and other common use areas
- (c) The specific density and dimensional provisions proposed
 - [1] Maximum number of dwelling units to be constructed in the PRD, and
 - [2] Maximum ratio of impervious surfaces to the total developable area of the site;
- (d) The proposed maximum number of off-street parking and loading spaces, and the proposed number of parking spaces per dwelling unit by unit type;
- (e) Basic traffic information. A traffic analysis prepared by a CT licensed professional engineer may be required if requested by the Town Engineer.
- (f) An analysis of the environmental impacts of development in the proposed development, in general terms, considering wetlands, surface water and groundwater resources, wildlife habitat, air quality, and scenic views;
- (g) A current list of all abutters of the proposed PRD, including across the street
- (h) Any additional specifications the owner wishes to propose for the PRD, which specifications shall be binding;

(2) Plans and drawings including

(a) Preliminary building plans, showing building types and their approximate locations, and floor plans and typical elevations to scale, for all proposed buildings and structures,

(b) Any additional drawings which the land owner wishes to include for the proposed PRD, provided that such additional drawings shall be binding to the same extent as the required drawings.

570.5 Planning and Design Requirements

570.5.1 Open Areas

All Planned Residential Developments shall preserve Open areas in perpetuity in the amount of a minimum of 20% of the total lot area. Such Open areas shall be owned and maintained as a common element by the Planned Residential Development Association or owner(s).

Open areas are defined as: portions of a Planned Residential Development, including land, water or a combination thereof, proposed and designed for the active and/or passive use and enjoyment of the Planned Residential Development residents.

Common Open areas shall be devoted to active and passive usage on the following schedule: Not less than 30% or more than 50% of the Open area land shall be dedicated to active recreation use

Active Open areas may contain complementary structures and improvements necessary and desirable for social, educational, recreational or cultural uses.

Passive Open areas shall preserve significant stands of trees, stream belts, historic, traditional or significant uses, structures, architectural elements and flood hazard areas where appropriate, and may be subject to the Town acquiring conservation rights and/or pedestrian thoroughfare rights.

Both active and passive Open areas should be in locations easily accessible to the living units and where they do not impair the view and privacy of the living units. Children's informal play areas, parks, picnic areas, playgrounds, golf putting green, swimming pools, tennis courts, scenic open areas, and walking and/or biking trails are examples of the types of common open areas and recreational activities considered acceptable.

Wherever possible, the common open area(s) shall be contiguous and linked as a unit, and linked to other existing open space. The Town may require easement protection or deeding of sensitive property or resources to the town or a third party conservation group.

To ensure that common open areas and common facilities will be maintained properly, each PRD shall have a residents association in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate state law by a suitable legal instrument or instruments properly recorded in the Town Clerk's Office. As part of the definitive plan submission, the proponent shall supply copies of such proposed instruments to the Planning and Zoning Commission.

570.5.2 Roadways

Topography, view sheds, tree cover, and natural drainage ways shall be treated as fixed determinants of road and site lay-out rather than as elements that can be changed to follow a particular development scheme.

Roadways shall be provided on the site where necessary to furnish traffic-ways for access to the living units and other facilities on the property.

A roadway is any paved street which provides vehicle access within the Planned Residential Development, and serves more than 10 dwelling units. All Planned Residential Development roadways shall be constructed in accordance with the procedures and design standards and specifications of the Killingly Subdivision-Regulations.

The developer shall clearly specify and/or supply appropriate legal documents assuring the Commission of permanent private ownership, and adequate and continuing maintenance to the standards contained herein. Planned Residential Development roads shall enter public streets at safe locations.

570.5.3 Common Driveways

A common driveway is a paved driving surface within the Planned Residential Development which serves ten or fewer dwelling units, and shall be constructed in accordance with—the procedures and design standards and specifications of the Killingly Subdivision-Regulations.

The minimum separation distance between public street curb cuts and/or internal driveway intersections shall be 35'.

570.5.4 Pavements

Pavements shall be constructed in accordance with the Pavement Structure requirements of the Subdivision Regulations, as amended.

570.5.5 Storm Drainage

Roadway storm drainage shall be based on a 25-year return Storm Frequency, with 100 year storm design retention/detention areas, and shall be constructed in accordance with—the procedures and design standards and specifications of the Killingly Subdivision-Regulations.

The Planning and Zoning Commission shall encourage and may require the use of nonstructural storm water management techniques, such as swales, and other drainage techniques that reduce impervious surface and enable infiltration where appropriate. When curbing is proposed, it shall be of materials consistent with the Town requirements, as amended.

570.5.6 Parking

All Planned Residential Developments shall include off-street parking which meets or exceeds the design requirements of Section 530.2 et. seq. of the Zoning Regulations. At least 2.3 spaces shall be provided for each dwelling unit.

570.5.7 Public transportation

In the event regular public passenger transportation is available to residents of the development, a shelter shall be provided by the applicant at a location convenient to said residents and readily serviceable by the public transportation operator. A convenient and reasonable shelter location shall be reserved and indicated on site plans of developments in areas that, in the opinion of the Commission, may receive public transportation services within ten (10) years.

570.5.8 Fire Safety

Each structure shall be within 200' of a fire hydrant, or as specified by the Town Fire Marshal after consultation with the Fire District chief.

All dwelling structures shall be separated by a minimum of 30' on all sides from all other dwelling structures, except that the minimum separation distance may be reduced with the use of fire-rated materials and the approval of the Building Official and Fire Marshal.

Each dwelling unit and cluster shall be clearly identified. At the entrance to the Planned Residential Development from the Town Road (a) cluster directory(ies) shall identify the direction to each cluster and building, and shall be externally lit.

570.5.9 Lighting

Outside lighting shall be provided on the site, as appropriate to the project, in order to illuminate building entries and sidewalk approaches, as well as parking areas. Motion detectors and/or timing devices are to be used on all lighting in visitor parking areas. Lighting shall be arranged to minimize glare, to not shine beyond the perimeter of the site, and to prevent light pollution by using Dark Sky methods.

570.5.10- Sidewalks

Sidewalks shall be provided, and shall interconnect all dwelling units, off-street parking areas, Planned Residential Development facilities, and the Town Road where frontage(s) is/are calculated. Additional frontage sidewalks constructed to Town specifications may be required by the Commission. Where appropriate, the Commission may require such sidewalks within the development to serve pedestrian movements to nearby off-site community facilities such as existing public facilities, conservation areas, recreation facilities, sidewalks or bicycle paths, streets, transportation systems, or utility systems;

570.5.11 Lot Coverage

Lot coverages in a Planned Residential Development shall not exceed 30% in the Low Density zone, and 35% in the Medium Density zone.

570.5.12 Utilities

All Planned Residential Development shall be serviced by Municipal Sewer System, and Public Water. Satellite or Community water systems are prohibited. Sanitary Sewers shall be designed and installed to meet the minimum Town requirements. All utilities including sewer, water gas, telephone, C.A.T.V. and electric shall be installed underground. Sewer and water

lines shall be installed in the roadway, where possible. Gas lines may be installed in the roadway.

At the time of application submission, a letter shall be provided from the Killingly Water Pollution Control Authority and the Public Water Company stating the adequacy of the design and the ability of the utility to service the Planned Residential Development proposal as designed. Easements shall be provided to the Town where sewers are proposed to be owned by the Town.

570.5.13 Landscaping

A comprehensive aesthetic plan shall be provided which establishes planting zones in and around parking areas, in front of, alongside, and behind structures, and along street lines and drives. Street trees, not less than 2" caliper d.b.h. may be required at a rate of not less than 1 per 50' of a Planned Residential Development road length. Preserved interior stands of trees may be substituted for the street tree requirement at the Commission's discretion. Insofar as practicable, the site shall be preserved in its natural state by minimizing tree and soil removal, and manmade features such as stone walls shall be maintained with minimal alteration or disruption. Awareness of the existence of a development, particularly a higher-density development, shall be minimized by screening views of the development from nearby streets or single-family neighborhoods, by the effective use of existing land forms, or alterations thereto, such as berms, and by existing vegetation or supplemental planting.

Landscaping shall be composed of non-invasive, drought-resistant plantings that may include trees, flowers, shrubs, succulents and ornamental grasses. High-water use turf shall not exceed twenty (20) percent of all landscaped areas or open areas on the site.

Visual relief from buildings and hard materials shall be accomplished with landscape treatments such as shrubs, trees, flower boxes and other greenery around buildings or in recessed places.

Facilities such as storage, refuse disposal, utility buildings, and structures for recreational activities shall be located and screened to minimize visibility from public ways and adjacent residential areas.

570.5.14 Architecturals

Architectural drawings showing styling and detailing shall be provided at the time of application submission. Drawings shall show front, side and rear elevations and typicals of proposed structures. Without specifying any particular architectural style, the scale, massing and detailing of buildings should be compatible with other buildings prevalent in the neighborhood. Where a PRD development is located adjacent to a neighborhood of single-family dwellings, the massing scheme and selection of exterior materials for buildings shall be complementary to a single-family neighborhood. The development shall maintain or enhance the character and appearance of the town.

570.5.15 Soil Erosion & Sediment Control

The proposed planned Residential Development shall meet at least the minimum requirements of section 590 of the zoning Regulations.

570.5.16 Densities

Maximum allowable density is 5 dwelling units per acre in the Low Density zone and 6 dwelling units per acre in the Medium Density zone.

Failure to meet both the density requirements and the necessary Planning Requirements contained in this Planned Residential Development section shall result in denial of the application.

570.5.17 Structures

Structures shall be limited to not more than six attached dwelling units per structure in the Low Density zone.

Structures shall be limited to not more than eight attached dwelling units per structure in the Medium Density zone.

Maximum Height of Structures - 35' and no more than two stories.

Setbacks –

Front setback from a Town Road - Medium Density - 40' minimum; Low Density - 40' minimum;
From a private or Planned Residential Development Road or PRD common driveway - Medium Density - 25' minimum; Low Density -25' minimum.

Side setback from an interior corner (i.e. PRD common driveway/PRD road intersection or PRD common driveway/PRD common driveway intersection) – minimum 12'

From side and rear property lines - minimum - 35'.

570.5.18 Frontage and Lot Area

Every lot upon which a Planned Residential Development is proposed shall have, as a minimum, the minimum frontage and lot area as indicated on Table A for the district.

570.5.19 Easements & Rights-of-Way

All easements and rights-of-way shall be clearly identified on the plans proposing a Planned Residential Development. Prior to the filing of any Planned Residential Development approval, all easement and right-of-way documents shall be provided to the Town.

570.6 Other

Additional stipulations

1. The Commission may permit/require phased construction of the Planned Residential Development dwelling structures, and may regulate the issuance of zoning compliance approvals, contingent upon the level of completion of common areas.

2. The Commission requires Professional Certification by an independent and licensed engineering party that roads, common driveways, drainage, curbing, sidewalks and sewers are constructed in accordance with the approved plans.

3. The Commission may require stubbing of sewer and water lines at property lines for future use on adjacent properties.

4. No part of this Planned Residential Development regulation (Section 570) may be varied by the Zoning Board of Appeals. The Planning and Zoning Commission may, for formal applications made to the Commission, waive certain requirements of these PRD regulations by three-quarters vote of all the members of the commission ("Members of the commission" refers to the five seated voting members) in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area when it is demonstrated that strict compliance with such regulations will cause an exceptional difficulty or unusual hardship. No waiver shall be granted under this section that would have a significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its records the reasons for which a waiver is granted in each case. Only the minimum waiver necessary to comply with the intent of the PRD regulations shall be granted. A request for waiver shall be submitted in writing by the applicant at the time application for PRD approval is made. The request shall detail the extent of the waiver requested and contain sufficient data for the Commission to make the findings required below. The Commission may require that a public hearing be held in conjunction with a request for a waiver.

i. The Commission shall not grant a waiver unless it finds all of the following conditions are met:

1. The property for which the waiver is sought is uniquely affected by these PRD regulations;
2. Physical features of the property or its location cause exceptional difficulty or unusual hardship in meeting the requirements of these PRD regulations;
3. The granting of a waiver will not have a significantly adverse effect upon adjacent property or the public health and safety; and,
4. The granting of the waiver will not be in conflict with the Plan of Conservation and Development.

570.7 Amendments to the Approved Plans

1. Minor Amendments. Amendments to the approved plan which do not substantially change the concept of the planned development may be approved by the Director of Planning and Development. Such minor changes may include, but not be limited to, small site alterations such as realignment of minor roads, or relocation of utility lines due to engineering necessity.

The developer shall request such amendment in writing, clearly setting forth the reasons for such changes. If the change is approved, the plan shall be so amended. Appeal from the decision of the Director of Planning and Development may be taken by the applicant to the Planning & Zoning Commission.

2. Major Amendments. Amendments to the approved plan which the Director of Planning and Development determines to be substantial deviations from the concept of the approved Planned Residential Development shall require application and review and modification pursuant to Section 470 of these Regulations.

Also:

Delete Section 575 – Elderly Housing in its entirety

In Section 300, delete the Planned Elderly Housing definition

Delete the Planned Elderly Housing use in:

Low Density Section 410.2.2m,
Medium Density Section 410.3.2l,
General Commercial Section 420.2 and
Residential High –Borough Section 420

Effective 11/27/89; Amendment Date of 11/9/11 at 12:01 AM

Section 585 Agriculture

585.1 Intent

The purpose of these regulations is to preserve existing agriculture uses, encourage new agriculture uses, and to maintain and promote a healthy and sustainable environment for people, livestock, plants and wildlife in the Town of Killingly through the use of appropriate standards and permit procedures. Agriculture in Killingly has its roots in the tradition of colonial New England subsistence farming. It continued to survive and evolve even as Killingly's water resources were harnessed to power mills at the start of the Industrial Revolution. Small dairies, orchards and poultry houses were present in the early twentieth century, with beef cattle, sheep, goats, produce, orchards, equine and horticultural activities existing today. These diverse farms and farming enterprises contribute to Killingly's economy and sense of place by providing a scenic, rural atmosphere, a local source of ornamental plants and fresh foods and recreation.

585.2 Definition

See Section 310 - Definitions.

585.3 Right to Farm Law

The Commission recognizes and supports the CT Right to Farm law as contained in Connecticut General Statutes Section 19a-341 and the "Killingly Agriculture Commission and Right to Farm Ordinance" adopted October 9th, 2012.

585.4 Best Management Practices

All agricultural practitioners should utilize best management practices recommended by the USDA National Resources Conservation Service, the USDA National Organic Program Standards, the State Department of Agriculture, the University of Connecticut Cooperative Extension Service, the University of Connecticut Animal Science and Plant Science Departments, the Connecticut Agricultural Experiment Station and/or the Connecticut Department of Energy and Environmental Protection as appropriate to their operation. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his/her designee shall be prima facie evidence that such operation follows generally accepted agricultural practices. The CT Department of Agriculture website can be accessed at <http://www.ct.gov/doag> and consulted for best management and agricultural practices' information. All State and Federal requirements, including but not limited to manure management, pest control and provisions for the storage and use of fertilizers, pesticides, fungicides and other chemicals, shall be met. The Connecticut Public Health Code shall be met. Drainage shall be designed and constructed to avoid the creation of standing water, the pollution of surface or subsurface water supplies, and shall comply with the Connecticut Department of Energy and Environmental Protection's Water Quality Standards. All livestock operations shall follow generally accepted agricultural practices and best management practices as determined by the CT Department of Agriculture. For livestock operations, animal keeping areas shall be sited to protect clean water and avoid stormwater drainage flow patterns. The Commission and/or its designee reserves the right to revoke permits if it is determined that best management/generally accepted agricultural practices are not being met.

585.5 "Agricultural Use Table"

Referral is made to the "Agricultural Use Table" for a summary of the agricultural uses allowed in the various zoning districts. Agricultural uses are also listed in individual zoning districts as appropriate.

585.6 Agriculture Permitted Uses

The following uses of buildings and land are permitted by right in the Rural Development District, and in other districts only as listed herein, on the "Agricultural Use Table" and in the individual zoning district, requiring only the securing of a zoning permit as specified in Article VI. However, any building, structure, on-site sewage disposal system, grading, excavation, or dumping of fill or materials on slopes of or greater than fifteen (15) per cent shall be subject to a site plan review. In addition, the applicant may, at the discretion of the Commission or its agent(s) be required to file an erosion and sediment control plan if it is determined that special site conditions or constraints (i.e., excessive steep slopes, unstable soils) warrant such a plan.

- a. Growing, selling and processing of field and orchard crops
 - Permitted in the Rural Development, Low Density and Medium Density districts
 - Examples of processing include but are not limited to: Cheese making, soap production, baked goods and other food product preparation such as jams and jellies, condiments, vinegars, meat products, dehydrated fruits and vegetables, sauces and dips, pickling and cider
 - "Pick-your-own" operations, with adequate off-street parking as determined by the Zoning Enforcement Officer, are permitted.
- b. Greenhouses and/or nurseries, with or without retail sales
 - Permitted in the Rural Development, Low Density and Medium Density districts
- c. Seasonal Farm Stands, provided
 - Permitted in the Rural Development, Low Density and Medium Density districts using the setbacks below in all districts
 - It is located on the same site as the agricultural or horticultural use or is on other land owned, leased or used by the farmer, and is not a permanent structure
 - Maximum size is 200 square feet
 - Required setbacks are a minimum of 20 feet from any street right of way, 50 feet from any road intersection and 15 feet from any side lot line.
 - Only agricultural or horticultural products may be sold and a minimum of 51% of gross sales shall be raised, grown and harvested onsite or on other land owned, leased or used by the farmer, or are related products made from raw agricultural or horticultural products grown and harvested onsite or on other land owned, leased or used by the farmer. Examples of acceptable related products include but are not limited to: wreaths, jams, jellies, baked goods, herb vinegars, cider and maple syrup. Supplemental agricultural or horticultural product as needed to maintain supply inventory shall be grown by other farmers in CT or within a 50 mile radius of Killingly.
 - A minimum of 2 off-street parking spaces are provided
- d. Seasonal or Year-round Retail Farm Stores, provided
 - Permitted only in the Rural Development and Low Density Districts; located only on the same site as the agricultural or horticultural use or is on other land owned, leased or used by the farmer, lot size is a minimum of 3 acres, and a local source of fresh foods, ornamental plants, or other agricultural products is offered.
 - Maximum size for a store structure, or the maximum space devoted to retail farm store use in a larger, existing structure, is 1000 square feet.

- Required minimum setbacks for retail farm stores in both the Rural Development and Low Density Districts are the minimum Rural Development District requirements and 50 feet from any road intersection.
 - A minimum of 51% of gross sales, for at least three of the immediately preceding five years, shall be of agricultural and horticultural products raised, grown and harvested onsite or on other land owned, leased or used by the farmer, or are related products made from raw agricultural or horticultural products grown and harvested onsite or on other land owned, leased or used by the farmer. Examples of acceptable related products include but are not limited to: wreaths, jams, jellies, baked goods, herb vinegars, cider and maple syrup. Supplemental agricultural or horticultural product as needed to maintain supply inventory shall be grown by other farmers in CT or within a 50 mile radius of Killingly.
 - Accessory products associated with the agricultural or horticultural products sold on the subject site may be sold. Examples of accessory products include but are not limited to: tree stands and tree trimmings associated with a Christmas tree farm, seeds, pots, planters, garden decorations, fertilizers, peat moss, and other soil amendments, and seasonings, barbeque sauce and grilling accessories for meat products.
 - It is recognized that for certain periods each year, due to seasonal or weather related issues or cooperative arrangements between agricultural property owners, that the display and sale of products grown on land not owned, leased or used by the subject property owner/farmer may occur to ensure a steady supply of the primary farm products to customers. The Planning and Zoning Commission, or its designee shall resolve any concerns or complaints regarding whether the display and sale of agricultural and accessory products are in compliance with the intent of these regulations.
 - Adequate off-street parking shall be provided at the rate of one parking space for every 200 sf of store area.
- e. Farm Wineries, provided
- Permitted only in the Rural Development and Low Density Districts
 - The lot size is a minimum of 5 acres
 - All requirements of the applicable Connecticut General Statutes and state regulations are met.
- f. Portable sawmills, provided
- They are located on conforming Rural Development lots, or in the Low Density Zone on lots that are a minimum of ten acres in size, and operated by a farmer on land he owns or farms
- g. Raising, processing and sale of livestock and livestock products, provided
- Five or fewer cows, horses, llamas or other large livestock or twenty-five or fewer sheep, goats, alpacas, pigs or other similar medium livestock or 100 or fewer poultry, fowl, rabbits or similar small livestock may be kept on any minimum-sized Rural Development lot of 80,000 sf (1.84 acres) or more. This section shall also apply to the Low Density and Medium Density districts provided minimum lot size is the Rural Development's 80,000 sf (1.84 acres) or more and Rural Development minimum setbacks are met. For the keeping of chickens on lots less than 80,000 sf in area in the Rural Development, Low Density and Medium Density districts, refer to Section 585.6.i - Keeping of backyard chickens.
 - For each additional 20,000 sf of lot area in the Rural Development, Low Density and Medium Density districts beyond the minimum 80,000 square foot lot size, one additional

large livestock, five additional medium livestock or 50 additional small livestock may be kept.

- For lots equal to or greater than five acres in size in the Rural Development, Low Density and Medium Density districts, with the exception of livestock uses which require a special permit, there is no limitation on the number of livestock that can be kept, provided Section 585.4 (Best Management Practices) is met.
- Greater numbers of animals than as allowed above for the keeping of livestock on lots smaller than 5 acres in size may be permitted in the Rural Development and Low Density districts, provided that a written livestock management plan, approved by the CT Department of Agriculture, is submitted with the zoning permit application.
- Miniature breeds of large animals such as miniature horses and miniature donkeys shall be considered medium livestock. Juvenile and young animals are not included in the livestock counts.
- No building in which more than five cows, horses, or other large livestock, more than twenty five sheep, goats, pigs or other medium livestock, or more than 250 fowl or rabbits or other small livestock are housed shall be located less than 100 feet from the boundary line of any adjacent property owner, except that Connecticut Public Health Code Section 19-13-B23(a), whichever is more restrictive, shall apply for pigs. Storage of manure/waste shall be located no less than 150' from boundary lines. Housing, enclosures and manure storage may only be located in side or rear yards.
- Horse slaughterhouses are specifically prohibited in the Town of Killingly.
- Property owners should check for any private deed restrictions which prohibit or limit the keeping of livestock on their lot.

h. Aquaculture, provided all requirements of the Connecticut General Statutes and state and federal regulations are met.

- Permitted in the Rural Development, Low Density and Medium Density districts

i. Keeping of backyard chickens, provided

- Permitted on any lot in the Rural Development, Low Density and Medium Density districts, including those that are less than 80,000 sf in area.
- No more than 6 hens are kept at any one time and must be confined to the owner's side or rear yards
- Roosters are prohibited
- Housing, enclosures and manure storage are only located in side or rear yards and must be located a minimum of 20' from side and rear property lines
- Property owners should check for any private deed restrictions which prohibit or limit the keeping of livestock on their lot.
- For the keeping of more than 6 hens or for the keeping of other types of livestock in the Rural Development, Low Density and Medium Density districts, refer to the requirements of Section 585.6g.

j. 4H or FFA Student Projects, provided

- Permitted on any lot in the Rural Development, Low Density and Medium Density districts
- Student projects involving the temporary keeping of farm animals are authorized provided a Statement of Use and Animal Management Plan that comprehensively describes the proposed project, including shelter provisions, outside keeping areas and manure management, is prepared and found acceptable with respect to animal welfare

and potential environmental and neighborhood impacts by the 4H Club Agent of the Cooperative Extension Service or a qualified school instructor or project manager.

- Property owners should check for any private deed restrictions which prohibit or limit the keeping of livestock on their lot.

k. Keeping of Bees, provided

- Permitted on any lot in the Rural Development, Low Density and Medium Density districts
- All requirements of the applicable Connecticut General Statutes and state regulations are met.
- An adequate on-site source of water for the bees shall be provided
- Colonies shall be set back a minimum of 20 feet off any property line.
- Hive openings shall be oriented away from traffic and property lines
- If hive orientation and setbacks cannot be met, then the beekeeper must establish and maintain a flyway barrier at least 6 feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the property line and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the colony.
- Minimize swarming and re-queen hives if necessary to maintain gentleness.
- In the Medium Density district, a maximum of 12 hives and 6 nucleus colonies may be kept on any lot in accordance with the above criteria.

l. Periodic (limited duration) or seasonal agricultural related uses

- Permitted in the Rural Development, Low Density and Medium Density districts
- Examples include events such as corn mazes, harvest festivals, educational demonstrations, hay rides, or other similar accessory agricultural uses. The Commission or its designee(s) shall determine whether any proposed use or event is in compliance with the intent of these regulations. Referral may be made to the Agriculture Committee for advisory opinions.

m. Signage, in addition to that allowed in Sections 540.1.1 and 540.2.1, consisting of one (1) open flag (3'x5'), one (1) seasonal or custom design business flags (3'x5') and one (1) A-frame (9 SF)

- Permitted in the Rural Development, Low Density and Medium Density districts

Section 585.7 Special Permitted Uses. The following uses of buildings and land require the securing of a Special Permit as specified in Article VII. The Planning and Zoning Commission shall refer Special Permit applications pursuant to this section to the Killingly Agriculture Commission for their advice and comment.

a. Large-scale poultry/fowl farms, provided

- Permitted in the Rural Development district only
- Lots shall contain at least 10 acres.
- No building or structure in which poultry and/or fowl are housed and no manure pit or storage area shall be located less than 200 feet from any property line. Housing, enclosures and manure storage may only be located in side or rear yards and poultry/fowl and their wastes shall be located to avoid the creation of any public nuisance due to noise, odor, or other objectionable effect.

- Animals shall be kept in a location that complies with the Connecticut Public Health Code and which does not negatively impact on-site sewage disposal system(s) or surface water.
 - Drainage shall be designed and constructed to avoid the creation of standing water, the pollution of surface or subsurface water supplies, and shall comply with the Connecticut Department of Energy and Environmental Protection's Water Quality Standards.
- b. Riding stables or academies, or boarding stables for five or more equines provided:
- Permitted in the Rural Development and Low Density districts
 - any such facility shall be located on a lot at least 10 acres in area.
 - all buildings and structures, including riding rings, shall be located at least 100 feet from any street or property line. Manure pits or storage areas must be at least 150 feet from property lines.
 - Drainage shall be designed and constructed to avoid the creation of standing water, the pollution of surface or subsurface water supplies, and shall comply with the Connecticut Department of Energy and Environmental Protection's Water Quality Standards.
 - the use of temporary buildings or trailers for the stabling of horses in excess of 15 days is prohibited
 - the storage of supplies outside of permanent buildings is subject to Commission review
 - all regulations on the stabling of horses made by state or local health authorities shall be complied with.
 - where the holding of frequent shows or competitions is intended, off street parking shall be provided at a rate of one for every five spectators. Such parking need not be paved, but shall be graveled or treated to reduce dust.
- c. Related Uses: Fee-based activities that are part of a farm operation's total offerings, but are not included in Section 585.6l above, provided
- Permitted in the Rural Development district only
 - Such uses include but are not limited to fee-based non-motorized outdoor recreation, such as cross country skiing, snow shoeing, fishing, canoeing and kayaking and periodic event hosting such as weddings, Bar BQs, etc.
 - Minimum lot size shall be 5 acres
 - Any uses where neighbors would be disturbed by noise or fumes are not allowed under this section.
 - Compliance with the Council Ordinance Regulating Outdoor Events, Town of Killingly, and zoning regulations governing Outdoor Events, as appropriate, must be demonstrated and met.
- d. Farm Labor Living Quarters, provided
- Permitted in the Rural Development and Low Density districts
 - Connecticut Public Health Code requirements are met
 - Temporary, portable structures ("granny flats", portable cabins, etc.) which can easily be removed from the site upon cessation of the need or use shall be used.

Approved: May 20, 2013

Effective date: June 13, 2013 at 12:01 AM

AG USE	Field & Orchard Crops	Green-houses & Nurseries	Farm Stands	Farm Stores	Farm Wineries	Port. Saw-Mills	Large Livestock* (Cows, horses, llamas, bison and similar) *See also 585.7b	Livestock Medium (Sheep, goats, pigs, alpacas, etc.) & Small* (Rabbits, fowl, poultry, etc.) *See also 585.7a	Backyard Chickens	Student Projects 4H/FAA	Bees	Seasonal or Periodic Ag Acc. Uses	Aqua-culture	Large - scale Poultry/ Fowl Farm	Riding/ Boarding Stables >5 horses	Related Ag Uses (Fee based)	Labor Living Quarters
Rural Develop.	√ Sec. 585.6a	√ Sec. 585.6b	√ Sec. 585.6c	√ ≥ 3 acres; Sec. 585.6d	√ ≥ 5 acres; Sec. 585.6e	√ Min. 80K sf; Sec. 585.6f	√ 5 or fewer on ≥80K sf lots; 1 add'l for each 20K sf add'l of lot area; no limit over 5 acres Sec. 585.6g	√ 25 or fewer med. on ≥80K sf lots; 5 add'l for each 20K sf add'l of lot area; no limit ≥5 acres; 100 or fewer small on ≥80K; 50 add'l for each 20K sf add'l of lot area; no limit ≥5 acres; Sec. 585.6g	√ Sec. 585.6i (Allowed on any size lot)	√ Sec. 585.6j	√ Sec. 585.6k	√ Sec. 585.6l	√ Sec. 585.6h	SpP. Sec. 585.7a	SpP. Sec. 585.7b	SpP. Sec. 585.7c	SpP. Sec. 585.7d
Low Density	√ Sec. 585.6a	√ Sec. 585.6b	√ Sec. 585.6c	√ ≥ 3 acres; Sec. 585.6d	√ ≥ 5 acres; Sec. 585.6e	√ ≥ 10 Acres; Sec. 585.6f	√ 5 or fewer on ≥80K sf lots; 1 add'l for each 20K sf add'l of lot area; no limit over 5 acres Sec. 585.6g	√ 25 or fewer med. on ≥80K sf lots; 5 add'l for each 20K sf add'l of lot area; no limit ≥5 acres; 100 or fewer small on ≥80K; 50 add'l for each 20K sf add'l of lot area; no limit ≥5 acres; Sec. 585.6g	√ Sec. 585.6i (Allowed on any size lot)	√ Sec. 585.6j	√ Sec. 585.6k	√ Sec. 585.6l	√ Sec. 585.6h	X	SpP. Sec. 585.7b	X	SpP. Sec. 585.7d
Medium Density	√ Sec. 585.6a	√ Sec. 585.6b	√ Sec. 585.6c	X	X	X	√ 5 or fewer on ≥80K sf lots; 1 add'l for each 20K sf add'l of lot area; no limit over 5 acres Sec. 585.6g	√ 25 or fewer med. on ≥80K sf lots; 5 add'l for each 20K sf add'l of lot area; no limit ≥5 acres; 100 or fewer small on ≥80K; 50 add'l for each 20K sf add'l of lot area; no limit ≥5 acres; Sec. 585.6g	√ Sec. 585.6i (Allowed on any size lot)	√ Sec. 585.6j	√ Sec. 585.6k	√ Sec. 585.6l	√ Sec. 585.6h	X	X	X	X

√ = Allowed

X = Not allowed

SpP. = Special Permit Required

Agricultural Use Town Table Section 585.5 (Approved: May 20, 2013; Effective Date: June 13, 2013)

Section 590 Soil Erosion and Sediment Control.

590.1 Intent. It is the intent of the following regulations to reduce soil erosion and sediment deposition associated with the construction of residential, industrial and commercial uses and other land-disturbing activities, thereby reducing the potential for pollution of Killingly's surface water by sediment; damage to fish, wildlife and other resources; destruction of land by erosion, and; danger from storm water runoff.

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

590.3 Exemptions. The construction of a single-family dwelling on a lot that is not, nor never was, a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

590.4 Erosion and sediment control plan:

590.4.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and rescue 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 Sedimentation Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the commission.

590.4.2 Said plan shall contain, but not be limited to:

A. A narrative describing:

- 1.** The development;
- 2.** The schedule for grading and construction activities including:
 - a.** start and completion dates;
 - b.** sequence of grading and construction activities;
 - c.** sequence for installation and/or application of soil erosion and sediment control measures;
 - d.** sequence for final stabilization of the project site;
- 3.** The design criteria from proposed soil erosion and sediment control measures and storm water management facilities;
- 4.** The construction details for proposed soil erosion and sediment control measures and storm water management facilities;

5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
 6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities;
 7. Course of action for unforeseen conditions (i.e., heavy rains).
- B. A site plan map at a sufficient scale to show:
1. The location of the proposed development and adjacent properties;
 2. The existing and proposed topography including soil types, wetlands, watercourse and water bodies;
 3. The existing structures on the project site, if any;
 4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
 5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 6. The sequence of grading and construction activities;
 7. The sequence for installation and/or application of soil erosion and sediment control measures;
 8. The sequence for final stabilization of the development site.
- C. Any other information deemed necessary and appropriate by the applicant or required by the Commission or its designated agent.

590.5 Minimum acceptable standards:

590.5.1 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 (1985) 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.

590.5.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. The Com-

mission may grant exceptions when requested by the applicant if technically sound reasons are presented.

590.5.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

590.6 Issuance or denial of certification.

590.6.1 The Killingly Planning and Zoning Commission, upon the advice of the Town Planner, Town Engineer and, when applicable, the Windham County Soil and Water Conservation District (Section 590.6.3), 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. In the case of a development proposal involving the construction of a permitted single-family or two-family dwelling on a single lot, the required soil erosion and sediment control plan may be certified by the Town Planner and Town Engineer as the designated agents of the Planning and Zoning Commission, (See Section 590, "Certification") (Amend. of 5-20-85)

590.6.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 121, 124A, or 126 of the General Statutes.

590.6.3 Prior to certification, any plan submitted to the municipality may, when the Commission deems it necessary, be reviewed by the Windham County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.

590.7 Conditions relating to soil erosion and sedimentation control:

590.7.1 As provided by Section 790 of these regulations, the estimated costs of measures required to control soil erosion and sedimentation (said estimated costs to be determined by the Town Engineer) may be required to be covered in a bond or other assurance acceptable to the Commission.

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

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

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

590.8 Inspection:

590.8.1 Inspections shall be made by the Commission or its designated agent (i.e., Town Planner, Town Engineer) 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. (Amend. of 2-11-85)

Section 595. Home Occupations

The purpose of "Home Occupations" is to permit the conduct of a business for income purposes in a residential district while ensuring that the residential character of said district is maintained and preserved.

595.1 Home occupations are permitted accessory uses in Rural Development and Low Density Residential zones only so long as all the following conditions and requirements are observed.

- A. The occupation is operated entirely within the confines of the dwelling by the occupant of such dwelling, except as provided in Section 595.2.
- B. Storage and display of any materials and/or products shall not be permitted on the premises outside of the dwelling unit.
- C. The occupation shall be clearly secondary to the residential use of the dwelling.
- D. Such occupation shall not occupy more than a total of 1,000 square feet of floor area.
- E. No more than two nonresident employees shall be employed on the premises.
- F. Such occupation shall not change the residential character of the dwelling in any visible manner.
- G. Such occupation shall not create objectionable noise, smoke, odor, toxic fumes, waste products, vibration or unsightly conditions that would set the dwelling apart in its surroundings or degrade residential property in the neighborhood.
- H. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- I. Such occupation shall not create interference with radio or television reception in the neighborhood.
- J. Off street parking shall be provided at a rate of one space for each employee. Where on-site sales are intended, there shall be customer parking at the rate of one space for each 200 square feet of floor area (or portion thereof) devoted to the use.

- K. Articles sold on the premises as part of said home occupation shall only be the product for which the permit is issued.
- L. Such occupation shall comply with all applicable state and federal regulations.
- M. All alterations to the dwelling must be approved by the Killingly Building Official.

595.2 The Commission may, by Special Permit, permit the conduct of a home occupation outside the confines of the dwelling if it determines that the occupation will otherwise meet all conditions of 595.1 A through M

595.3 All home occupations operated within the confines of a dwelling must be authorized by a zoning permit issued by the Zoning Enforcement Officer .

Both zoning permits and special permits granted under the above provisions allow the home occupation use for a two (2) year period. Applications for zoning and special permit renewal must be applied for two (2) months prior to their expiration.

ARTICLE VI.
ADMINISTRATION AND ENFORCEMENT

Section 600. Intent

It is the intent of these Regulations that all questions arising in connection with the enforcement or the interpretation of these Regulations (except as otherwise expressly provided herein) shall be first presented to the Zoning Enforcement Officer, who may confer with the Commission, and that such questions or actions shall be presented to the Zoning Board of Appeals only on appeal from the Zoning Enforcement Officer, and that from the decisions of the Zoning Board of Appeals, recourse may be taken to the courts as provided by law.

Section 610. Enforcement Officer

These regulations shall be enforced by the Zoning Enforcement Officer, who shall be appointed in accordance with the Killingly Town Charter subject to the supervision and appropriate direction of the Planning and Zoning Commission. The Zoning Enforcement Officer is authorized to cause any building, structure, premise or use to be examined and to order in writing the remedying of any condition found to exist in violation of any provision of these regulations. The Enforcement Officer shall review with the Commission any action of his which is disputed.

In the absence of the Zoning Enforcement Officer, the Town Planner shall be authorized to act in the capacity of Zoning Enforcement Officer. In the absence of the Zoning Enforcement Officer and the Town Planner, the Chairman shall be authorized to act in the capacity of the Zoning Enforcement Officer. Where in the opinion of the Zoning Enforcement Officer the Town Planner is more familiar with a particular zoning Permit application than he, or similarly the Town Planner is more familiar with a particular zoning violation, the Zoning Enforcement Officer may authorize the Town Planner to act in the capacity of the Zoning Enforcement Officer.

Section 620. Zoning Permit Required

No land shall be used (except for agricultural purposes) and no building or structure shall be used, erected, moved enlarged, or structurally altered, and no building permit shall be issued until a zoning permit for the proposed work or use has been issued by the Zoning Enforcement Officer. A Zoning Permit is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the actual use thereof. A Zoning Permit shall also be required for

signs as specified in Section 540. (See Article III, Definitions, "actual use"), and satellite dish antennas (See Article III, Definitions, "accessory use"). (Amend. of 2-10-86, § 6)

620.1 Applications: An application for a permit shall be filed with the Zoning Enforcement Officer in triplicate on a form to be provided by the Commission. For new buildings or structures or changes increasing the floor area of an existing building or structure, the application shall include a site plan of the premises showing the location and size of existing and proposed buildings, structures, driveways, and parking, dimensions of the lot, setbacks, wetlands, and watercourses. Other information may be required by the Enforcement Officer to determine that the proposed project complies with the Regulations.

620.2 Time limits. A permit shall be void if the work described therein is not commenced within a period of one year from the date of issue and diligently prosecuted to completion.

620.3 Structures to have access. Every building hereafter erected or moved shall be on a lot with frontage on an accepted public street, a proposed public street, or an approved private street or shall have an unobstructed access strip in fee simple (an unobstructed easement of access or an unobstructed right-of-way are acceptable substitutes) not less than fifty (50) feet in width to an accepted public street, a proposed public street, or an approved private street, provided no more than two (2) principal buildings shall use such access strip. No two (2) or more access strips, serving interior lots, shall abut each other. (Amend. of 7 -13-81)

630. Violations. Any person, firm or corporation violating any provision of these regulations shall be subject to the remedies and penalties prescribed by the Connecticut General Statutes as amended.

ARTICLE VII.

SPECIAL PERMITS

Section 700. Special Permits

The Planning and Zoning Commission may grant a special permit for the establishment of a use requiring such a permit under the provisions of Articles IV and V. All requirements of this section shall be in addition to other requirements applicable in the district in which the special permit use is located. (Amend. of 10-19-87)

Section 710. Intent

While these Zoning Regulations are based upon the division of the Town into districts, within each of which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform, it is recognized that there are certain other uses and features that would be appropriate in such districts if controlled as to number, area, location, or relation to the neighborhood so as to promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Where provided elsewhere in these Regulations, such uses and features shall be treated as a special permit use and shall be deemed to be permitted in their respective districts subject to the satisfaction of the requirements and standards set forth herein in addition to other requirements of these Regulations. All such uses are declared to possess such special characteristics that each shall be considered as an individual case.

Section 720. Procedure

All applicants for a special permit are urged to familiarize themselves with these Regulations and to consult with the Commission where any clarification is needed. It is recommended that a preliminary sketch plan, indicating property lines and existing and proposed buildings, structures, roads, parking and loading areas be submitted to the Commission prior to the submission of a formal application so that the Commission can inform the applicant of potential problem areas.

Whenever a Special Permit application involves Inland Wetlands and Water Courses, an application shall be submitted to the Killingly Inland Wetlands and Water Courses Commission. The applicant must secure approval from the Wetlands Commission prior to any final action by the Killingly Planning and Zoning Commission.

720.1 Application.

Each application for special permit shall be made to the Commission on forms prescribed by the Commission. The site plan review application shall be included as part of this application. All requirements noted in Section 470 "Site plan review" shall be part of the requirements of the special permit requirements. In addition, the requirements as prescribed below (Sections 720.2 to 790) shall be complied with. (Amend. of 10-19-87)

720.1.1 Site plan.

A site plan drawn to a scale of no more than 100 feet to the inch, showing :

- existing and proposed property boundary lines and the names of all abutting property owners, including those across any street.
- location and dimensions of existing and proposed buildings, structures, streets, drives, sidewalks, recreation facilities, open spaces, easements and/or rights-of-way, parking and loading spaces (and the total number of such spaces), signs, outdoor illumination, outside storage areas and utilities, including water supply, sewage disposal, storm drainage and electrical service.
- where construction or regrading is proposed, existing and proposed grade contours (at 5-foot intervals), including major trees and shrub areas, watercourses and wetlands.
- title block, in lower right hand corner of site plan, showing names of property owner and developer, date of original plan and revisions if any, scale, north arrow, and a blank for the signature of the Commission Chairman.

720.1.2 Architectural plans.

Preliminary architectural plans of all proposed buildings, structures and signs, including:

- general exterior elevations
- generalized floor plans, illustrating at least proposed entrances and exits.

720.1.3 Fee

A fee is to be paid to the Treasurer of the Town of Killingly, to defray the costs of advertising required public hearings. The Commission may by majority vote waive the submission of all or part of the information required in 720.1 if it finds the information is

not necessary in deciding on the application. Unless such a waiver is given, no application shall be considered completed until the above information has been supplied to the satisfaction of the Commission. (Amend. 01-11-88)

720.2 Receipt of application.

Applications for Special Permits shall be officially received by the Planning and Zoning Commission only at a regular meeting, but must be filed in the Office of the Commission at least seven days prior to such meeting for review and placement on the agenda.

720.9 Review of applications.

The Commission shall review all plans to determine their compliance with Section 720.1 and .2. Any application judged incomplete will be returned to the applicant prior to the next regular meeting or within 35 days, whichever comes first. Resubmissions of returned applications shall follow the procedure set forth in Article VII.

720.4 Review of site and architectural plans.

The Commission shall review all plans in order to determine that the proposed use or the proposed extension or alteration of an existing use is in accord with the public health, safety and welfare after taking into account, where appropriate:

- a. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures.
- b. The resulting traffic patterns, adequacy of proposed off-street parking and loading and avoidance of hazards to pedestrians.
- c. The nature of the surrounding area and the extent to which the proposed use or feature will be in harmony with the surrounding area or will serve as a transition between unlike areas and will protect property values and preserve and enhance the beauty of the area.
- d. The proximity of dwellings, churches, schools, public buildings, and other places of public gatherings.
- e. The avoidance of potential nuisance.
- f. All standards contained in these Regulations.
- g. The Plan of Development for the Town of Killingly and other expressions of the purpose and intent of these Regulations.

Section 730. Public Hearing

Within 65 days of the official receipt of a completed application, the Commission shall hold a public hearing on the proposed Special Permit use. Notice of the time and place of the public hearing shall be published at least twice, at intervals of not less than 2 days in a newspaper of general circulation in the Town, the first such publication not more than fifteen days nor less than ten days, and the second not less than two days before the date of the hearing. At such hearing any party may appear and may be represented by agent or attorney.

The Commission shall decide on an application within 65 days of the public hearing unless the application involves action by the Inland Wetlands Commission. If such sixty-five (65) day time limit elapses prior to thirty-five (35) days after the decision by the Inland Wetlands Commission, the time limit shall be extended to thirty-five days after the decision of the Inland Wetlands Commission. The Commission shall state upon its records the reason for its decision. Notice of the decision of the Commission shall be published in a newspaper of general circulation in the Town by sending a copy thereof to the applicant by registered or certified mail within 15 days of the decision, and by filing a copy thereof with the Town Clerk. Failure of the Commission to act thereon shall be considered as an approval. and a certificate to that effect shall be issued by the Commission upon written demand by the applicant received within 30 days after the expiration of the 65-day period for action. An extension of the 65-day period for action may be had with the written consent of the applicant. (Amend. of 2-8-88)

If Commission approval is granted for said special permit application, a recordable copy of the approved site plan accompanying said application (replete with the Commission's letter of approval reproduced thereon and all required modifications), shall be furnished to the Commission for endorsement, and then shall be filed by the applicant (at his expense) in the Office of the Town Clerk, and any plan not so filed within ninety (90) days of the date said approved and endorsed plan is delivered to the applicant (except where extensions are granted by the Commission in advance of said ninety (90) day expiration deadline), shall become null and void, as shall the approval of said special permit application. No such site plan may be filed or recorded in the Office of the Town Clerk until its approval has been endorsed thereon by the Chairman or Secretary of the Planning and Zoning Commission; and not until the applicant has furnished the Commission with three (3) complete blue or black line prints of the site plans (replete with the Commission's letter of approval reproduced thereon and all required modifications). The filing or recording of a special permit's site plan without the Commission's approval endorsed thereon shall render said site plan null and void. The Commission shall determine which sheets of the site plan shall be filed in the Office of the Town Clerk. A \$20.00 recording fee per sheet shall accompany each site plan. The applicant is encouraged to meet with the Town Planner and Town Engineer prior to submission of a formal special permit application. (Amend. of 9-8-86; Amend. of 1-12-87)

The applicant shall erect or cause to have erected a sign on the premises affected by the proposed Special Permit application at least ten (10) days prior to the public hearing on such Special Permit.

Signs shall be provided by the Town for each Special Permit Application. Said sign shall be securely fastened or staked, and be clearly visible from the street closest to the affected property and be maintained as such until the day following the public hearing.

A report from the Zoning Enforcement Officer attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of a petitioner to comply with this requirement may be grounds for automatic denial of the Special Permit, with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign.

This amendment would be applicable to both the Town of Killingly and Borough of Danielson. (Effective date: 3/1/90)

Section 740. Additional conditions and safeguards

In granting any special permit the Commission shall attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as but not limited to the following:

- 740.1 Requirement of setbacks greater than the minimum required by these Regulations.
- 740.2 Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices as specified by the Commission.
- 740.3 Modification of the exterior features or appearance of any structure where necessary to be in harmony with the surrounding area.
- 740.4 Limitation of size, number of occupants, methods or time of operation, or extent of facilities.
- 740.5 Regulation of number, design, and location of access drives or other traffic features including pedestrian ways.
- 740.6 Requirement of off street parking or other special features beyond the minimum required by these Regulations or other applicable codes or regulations.
- 740.7 Regulation of the number, type and location of outdoor lighting facilities.

740.8 Any data, plans, or drawings, including architect's plans or drawings, voluntarily submitted by the applicant or his duly authorized agent in support of his application and not required by this and other applicable sections of these Regulations may be accepted in whole or in part by the Commission and may be made additional requirements and conditions of the permit when granted.

Section 750. Condition of approval

Approval of an application for a special permit under Article VII of these regulations shall constitute approval conditioned upon completion of the proposed development. in accordance with plans as approved and any conditions set forth, within a period of two (2) years after approval is given. However, the commission may require earlier compliance with any conditions, if the commission finds such compliance to be necessary for protection of the public health, safety, and/or welfare. The commission shall set a date for final compliance with such conditions. Approval of the application shall become null and void in the event of failure to meet any of the time limits set in accordance with this section. The commission may by resolution and without public hearing extend its approval for one year periods for good cause shown, and may extend any time limits for compliance with conditions. (Amend. of 1-12-81)

Section 760. Certificate of Occupancy

No Certificate of Occupancy shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the approval as granted by the Planning Commission have been complied with. In those cases where seasonal conditions prevent compliance with the provisions of the approval before the building is complete, the Zoning Enforcement Officer may authorize issuance of the Certificate of Occupancy on the condition that all provisions of the approval are complied with as the season permits. Noncompliance within that stated time shall make the approval null and void unless further extended for good cause.

Section 770. Revisions and Extensions

Any substantial revision of an approved special permit application and any reconstruction, enlargement, extension, moving or structural alteration of an approved special permit use or any building or structure in connection therewith shall require submission of a special permit application as for the original application.

Section 780. Resubmissions

No special permit application for which a public hearing has been held and the permit denied by the Commission may be resubmitted for a period of one year unless the

Commission finds that substantial change has taken place in the proposed use or other circumstances which were the basis for the denial.

Section 790. Bonding

The Commission may require that applicants post a bond to insure the completion of required site improvements such as road or parking area construction, landscaping, grading, storm drainage and any other items, the failure of which to complete would adversely affect the environment and/or health, safety and welfare of residents of the Town.

ARTICLE VIII.

ZONING BOARD OF APPEALS

Section 800. Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties :

- 800.1 Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Zoning Enforcement Officer in the enforcement of these Regulations.
- 800.2 Variances; Conditions covering applications; Procedures:
To authorize upon appeal in specific cases such variance from the terms of these Regulations where, owing to special conditions, a literal enforcement of the provisions of these Regulations would result in unnecessary hardship. (Financial detriment shall not be considered an unnecessary hardship). A variance from the terms of these Regulations shall not be granted by the Zoning Board of Appeals unless and until :
- 800.2.1 A written application shall be submitted with a fee payable to the Treasurer, Town of Killingly. The application is submitted on a form prescribed by the Commission demonstrating (Amend. of 1-11-88, effective 8/16/89)
- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations.
 - c. That the special conditions and circumstances do not result from the actions of the applicant. Purchase or lease of property shall not constitute such an "action" in this instance.
 - d. That granting the variance requested will not confer upon the applicant any special privilege that is denied by these Regulations to other lands, structures or buildings in the same district.

No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

800.2.2 Notice of public hearing shall be given as prescribed in Section 8-7, Chapter 124 of the 1958 Revision of the Connecticut Statutes as amended.

The applicant shall erect or cause to have erected a sign on the premises affected by the proposed variance application at least ten (10) days prior to the public hearing on such variance.

Signs shall be provided by the Town for each variance application. Said sign shall be securely fastened or staked, and be clearly visible from the street closest to the affected property and be maintained as such until the day following the public hearing.

A report from the Zoning Enforcement Officer attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of an applicant to comply with this requirement may be grounds for automatic denial of the variance, with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign.

This amendment would be applicable to both the Town of Killingly and Borough of Danielson. (Eff. 3/1/90)

800.2.3 The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

800.2.4 The Board of Appeals shall make findings whether or not the requirements of Section 800.2.1 have been met by the applicant for a variance.

800.2.5 The Board of Appeals shall further make a finding whether or not the reasons set forth in the application justify the granting of the variance, and assure that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with these Regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these Regulations and punishable under Section 630 of these Regulations.

800.3 **Board has powers of zoning enforcement officer on appeals; reversing decision of administrative official.**

In exercising the above-mentioned powers the Zoning Board of Appeals may, so long as such action is in conformity with the terms of these

Regulations, reverse or affirm, wholly, or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Enforcement Officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer to decide in favor of the application of any matter upon which it is required to pass under these Regulations, or to effect any variation in the application of these Regulations.

800.3.1 An appeal may be taken in accordance with the Connecticut General Statutes to the zoning board of appeals by any person aggrieved or by any officer, department, board or bureau of any municipality aggrieved and shall be taken within fifteen (15) days, by filing with the zoning commission or the officer from whom the appeal has been taken and with said board a notice of appeal specifying the grounds thereof. Such appeal period shall commence for an aggrieved person at the earliest of the following: (1) upon receipt of the order, requirement or decision from which such person may appeal, (2) upon the publication of a notice in accordance with Connecticut General Statutes subsection (f) of section 8-3, as amended by Public Act 03-144, or (3) upon actual or constructive notice of such order, requirement or decision. (Effective 12/24/03)

800.4 **Other.**

The board shall have such other powers and duties as provided in the Connecticut General Statutes as amended.

ARTICLE IX.
AMENDMENTS

Section 900. Application

These regulations, or the official Zoning Map, may be amended or repealed as provided herein. Such change may be requested by the Commission or by petition. Application for amendment shall be made on a form specified by the Commission and shall be accompanied by:

900.1 A fee is required for a Zone Change application and Change to Regulations application.

900.1.1 The applicant shall erect or cause to have erected a sign on the premises affected by the proposed zone change application at least ten (10) days prior to the public hearing on such zone change.

Signs shall be provided by the Town for each Zone Change Application. Said sign shall be securely fastened or staked, and be clearly visible from the street closest to the affected property and be maintained as such until the day following the public hearing.

A report from the Zoning Enforcement Officer attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of a petitioner to comply with this requirement may be grounds for automatic denial of the zone change, with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign. (Effective 3/1/90).

900.2 In case of an amendment to the Zoning map, a site plan drawn to a scale of 100 feet to the inch for a change involving 10 acres or less, or a scale of 200 feet to the inch for larger tracts. Such plan shall contain the following information :

900.2.1 Property lines, including streets and watercourses and the names of all abutting property owners including those across any streets.

900.2.2 Existing and proposed zoning district boundaries.

900.2.3 Location of any existing or proposed buildings, structures, streets, driveways, parking and loading spaces, and outside storage areas.

900.2.4 Location of any existing or proposed watercourses, 100 year flood plains, special flood hazard areas, wetlands, storm drainage and sewage disposal facilities. The required provision of any of the above information may be waived at the discretion of the Commission. Applications will be received only at regular meetings of the Commission, but must be submitted to the office of the Commission at least seven days prior to such meeting for review and placement on the agenda.

Section 901. Procedure

No such amendment shall become effective until a public hearing has been held thereon by a majority of the members of the Commission. Such hearing shall be held within 65 days of the receipt of a completed application. At such hearing, parties in interest and citizens shall have an opportunity to be heard.

901.1 Notice of hearings.

Notice of the time and place of such hearings shall be published in the form of a legal advertisement, in a newspaper of general circulation in the Town, at least twice at intervals of not less than two days, the first not more than fifteen nor less than ten days and the second not less than two days before such hearing. A copy of such proposed amendment shall be filed in the office of the Town Clerk at least ten days before such hearing and may be published in full in such newspaper.

901.2 Requirements for adoption.

Amendments may be adopted by a majority vote of the Commission, except that if a protest is filed at the public hearing signed by the owners of twenty percent or more of the lots included in such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of the members of the Commission.

901.3 Decision of the commission.

The Commission shall adopt or deny the amendment requested within 65 days after the public hearing. The petitioner may consent to extension of the periods provided for hearing or decision, provided such extension does not exceed 65 days, or may withdraw such petition. If the amendment is approved, the

Commission shall state upon its records the reasons why the change was made.

Section 902. Criteria

In judging any such proposed amendment, the Commission shall take into account the various factors favorable and unfavorable to such a change, including but not limited to:

- 902.1 Errors in the existing zoning regulations, changes that have taken place in the rate and pattern of the Town's development and land use; the supply of land available in the present and proposed zones; the physical suitability of the land for the proposed zone; the effect of the change on the surrounding area (physical, social and economic), the purposes of zoning and the objectives of the Plan of Development; and neighborhood acceptance weighed against community needs.
- 902.2 The legality of the proposed amendment and whether some other method or procedure is more appropriate under the zoning regulations; and
- 902.3 The size of the area involved. Changes creating a total contiguous zone of less than 10 acres are, in general, not to be considered favorably.

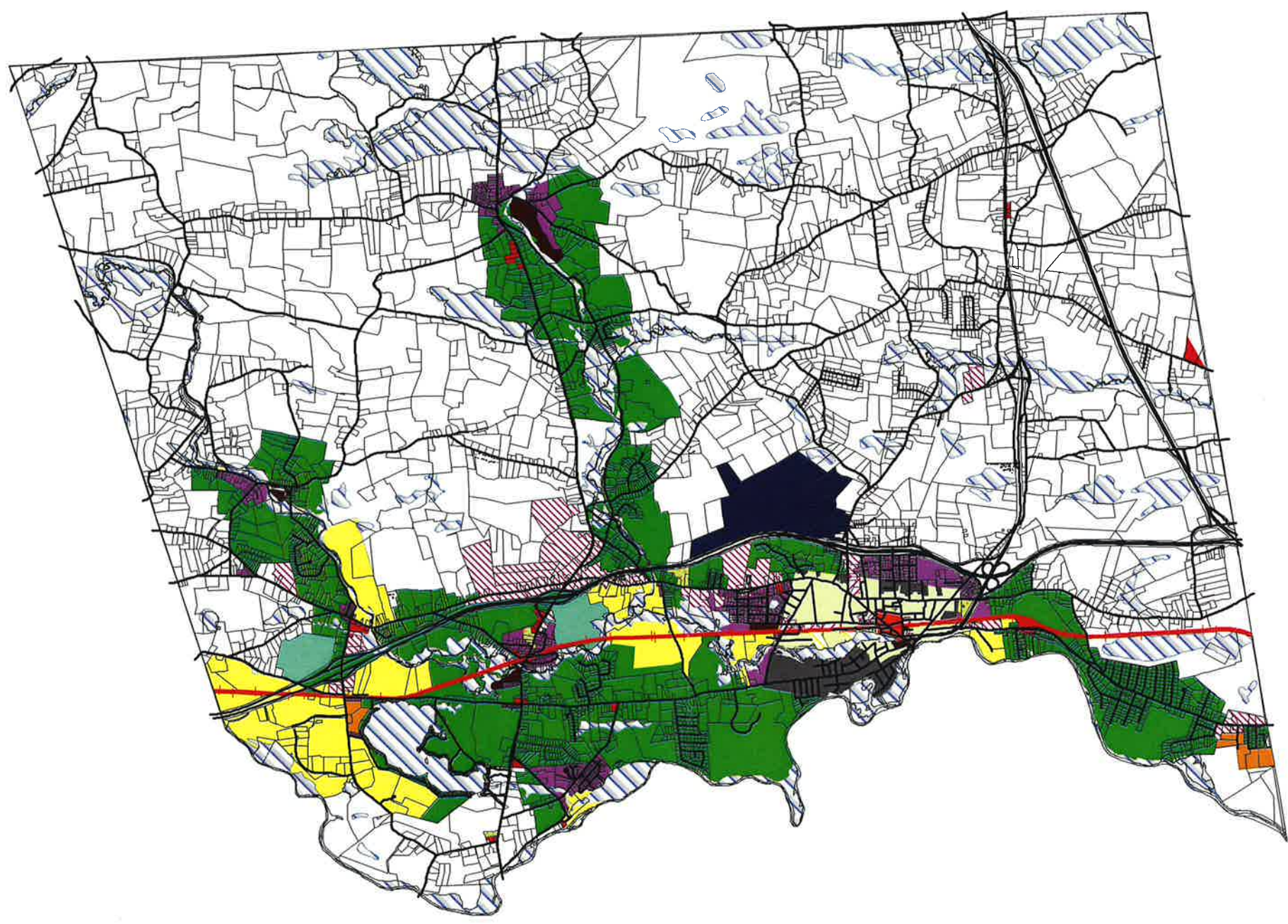
Section 903. Effective Date

Amendments shall become effective at such time as is fixed by the Commission, provided a copy of such change shall be filed with the Town Clerk and notice of the decision shall have been published in a newspaper of general circulation in the Town.

Section 904. Rehearings

The Commission shall not be required to hear any petition relating to the same changes, or substantially the same changes, more than once in a period of twelve months.

Killingly Town of Killingly Zoning



Legend

- Streets
- +— Rail
- Zones**
- Borough Commercial
- Borough Central Bus. Dist.
- Borough Industrial
- Borough Residential High
- Borough Residential Medium
- 100 Year Flood
- Business Park
- Industrial
- Light Industrial
- General Commercial
- Mixed Use Interchange
- MMUDD
- Professional Business Office
- Village Commercial
- Low Density
- Medium Density
- Rural Development



This map is for planning purposes only - it contains no authoritative data
Source: Town of Killingly GIS



4/26/10