TOWN OF

PLAINVILLE

ZONING REGULATIONS

Effective – December 1, 2010

Revised to August 7, 2015 – See Appendix "B"

As provided in Subsection 8.04.1:

Any use of land, buildings or structures not expressly permitted by these Regulations in the various zoning districts is prohibited …

… in the event of uncertainty as to whether a use is permitted, the Commission shall be responsible for interpreting these Regulations.

This regulation, effective December 1, 2010 was revised in part through a grant from the Connecticut Department of Environmental Protection through the Farmington River Enhancement Grant Program.

The intent of the grant is to:

- review existing municipal regulations and ordinances, and
- draft recommended changes to remove barriers to low impact development (LID) and create opportunity for low impact development practices to be employed in Plainville.
- reorganize the town's zoning regulations to accommodate low impact development.

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Article 1. RESIDENTIAL ZONES

Section 1.01 Purpose

The various residential districts are intended to provide for suitable areas for residential use and development appropriate to the environmental characteristics of the land and the character of the neighborhood. The differentiation among the residential districts is intended to provide for variety in the density of residential neighborhoods and a diversity of housing opportunities after consideration of soil types, terrain, and infrastructure capacity. The residential districts may allow for certain non-residential uses (such as schools, churches, etc.) when it can be demonstrated that they are compatible with nearby residential uses and preserve neighborhood character and property values.

Section 1.02 Permitted Uses & Structures

ZONING DISTRICT LEGEND

R-40	Single Family Residence
R-20	Single Family Residence
R-15	Single Family Residence
R-12	Multi-Family / Single Family Residence
R-11	Multi-Family / Single Family Residence
R-10	Multi-Family / Single Family Residence
R	Multi-Family / Single Family Residence
NPH/ GAR	Non-Profit Housing / Government Assisted Residence

CODE LEGEND

A	**Allowed –** no permit required for the use, building or structure
ZP	**Allowed** - Zoning Permit required for the use, building or structure
SP	**Allowed** - Site Plan approval required by the Planning and Zoning Commission for the use, building or structure
SE	**Conditional** - The use, building or structure may be allowed by the Planning and Zoning Commission upon approval of a Special Exception application
	Not permitted

Any use not listed is prohibited.

A. Permitted Principal Uses and Structures

Buildings and land may be used and buildings may be altered or erected to be used for the following principal uses:

1. Residential Uses	R-40	R-20	R-15	R-12	R-11	R-10	R	NPH/ GAR
1.1. Dwellings for one family.	ZP	ZP	ZP	ZP	ZP	ZP	ZP	
1.2. Rear lots in accordance with Subsection 1.04.A.	SE	SE	SE	SE	SE	SE		
1.3. Open Space Development in accordance with Subsection 1.04.B.	SE	SE						
1.4. Non-profit and/or governmentally assisted housing in accordance with Subsection 1.04.C.								SP
1.5. Condominium and multi-family developments in accordance with Subsection 1.04.D.				SE	SE	SE	SE	
1.6. Age restricted condominium and multi-family developments in accordance with Subsection 1.04.D.		SE	SE	SE	SE	SE	SE	

2. Agricultural / Open Space Uses	R-40	R-20	R-15	R-12	R-11	R-10	R	NPH/ GAR
2.1. Farming, raising poultry, forestry, truck or nursery gardening in accordance with Subsection 1.04.E.	A	A	A	A	A	A	A	
2.2. Passive open space with no structural improvements.	A	A	A	A	A	A	A	A
2.3. Park or playground operated by: • A community association. • A non-profit corporation located in the Town of Plainville. • An employing corporation for the benefit of its employees. • A governmental unit.	SE	SE	SE	SE	SE	SE	SE	SE

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3. Institutional Uses	R-40	R-20	R-15	R-12	R-11	R-10	R	NPH/ GAR
3.1. Church	SE	SE	SE	SE	SE	SE	SE	SE
3.2. Public or private school	SE	SE	SE	SE	SE	SE	SE	SE
3.3. Library / Public Museum	SE	SE	SE	SE	SE	SE	SE	SE
3.4. Public or private convalescent home	SE	SE	SE	SE	SE	SE	SE	SE
3.5. Hospital or clinic	SE	SE	SE	SE	SE	SE	SE	SE
3.6. Town Hall, Police Station or Firehouse	SE	SE	SE	SE	SE	SE	SE	SE
3.7. Any other similar educational, religious, or governmental use.	SE	SE	SE	SE	SE	SE	SE	SE

4. Other Uses	R-40	R-20	R-15	R-12	R-11	R-10	R	NPH/ GAR
4.1. Public or private cemetery	SE	SE	SE	SE	SE	SE	SE	SE
4.2. Public utility, building or facility with the exception of a wireless telecommunication facility	SE	SE	SE	SE	SE	SE	SE	SE
4.3. Telecommunication facility in accordance with the provisions of Section 6.03	A/SP	A/SP	A/SP	A/SP	A/SP	A/SP	A/SP	A/SP
4.4. Heavy Traffic Generator creating 100 peak hour vehicle trips in accordance with Subsection 2.04.K	SE	SE	SE	SE	SE	SE	SE	SE

B. Permitted Accessory Uses and Structures

The following uses and/or structures, including signs in accordance with Section 4.02, may be permitted as accessory uses and/or structures in accordance with the provisions of these Regulations provided:

- No accessory structure shall be constructed or located on any lot prior to the time of construction of the principal building to which it is accessory.
- No such accessory use or structure shall be permitted in a common interest or multi-family community unless approved by the Commission.
- It is accessory and clearly subordinate to the principal use.

1. Home Based-Business	R-40	R-20	R-15	R-12	R-11	R-10	R	NPH/ GAR
1.1. Low Impact Home Occupation in accordance with section 1.04.I.1	A	A	A	A	A	A	A	
1.2. Moderate Impact Home Occupations in accordance with Section 1.04.I.2	SE	SE	SE	SE	SE	SE	SE	

2. Accessory Apartment	R-40	R-20	R-15	R-12	R-11	R-10	R	NPH/ GAR
2.1. Accessory apartments when accessory to a single family dwelling and when in accordance with Subsection 1.04.F except that no accessory building may be used as a residence.	SP	SP	SP	SP	SP	SP	SP	

3. Commercial Vehicle Storage	R-40	R-20	R-15	R-12	R-11	R-10	R	NPH/ GAR
3.1. One commercial vehicle in compliance with Section 1.04.H may be stored in a private garage or driveway when accessory to a single family dwelling.	A	A	A	A	A	A	A	

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4. Other Accessory Uses	R-40	R-20	R-15	R-12	R-11	R-10	R	NPH/ GAR
4.1. Other accessory uses that are customary and incidental to a permitted use as determined by the Commission.	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
4.2. Day Care Center, Family	**A**	**A**	**A**	**A**	**A**	**A**	**A**	
4.3. Farming, raising poultry, forestry, truck or nursery gardening accessory to a permitted use in accordance with Subsection 1.04.E.	**A**	**A**	**A**	**A**	**A**	**A**		
4.4. Storage and repair of trailers and recreational vehicles in accordance with Subsection 1.04.G.	**A**	**A**	**A**	**A**	**A**	**A**	**A**	

Section 1.03 Dimensional Standards

All buildings or structures or uses of land, erected or altered after the enactment of these Regulations shall conform to the requirements specified for the zone in which the building or structure or use of land is located, as shown in the following subsections.

A. Minimum Lot Requirements

ZONE	Minimum Lot Area (1) (S.F.)	Minimum Frontage (2) (Ft.)
R-40	40,000	150
R-20	20,000	100
R-15	15,000	100
R-12	12,000	100
R-11	11,000	90
R-10	10,000	80
R	8,750	70
NPH / GAR	In accordance with Subsection 1.04.C	-
Open Space Development	In accordance with Subsection 1.04.B.	In accordance with Subsection 1.04.B.

(1) Designated wetlands and flood plain areas shall not be permitted as a part of minimum lot area requirements and areas shall be deemed the minimum required per dwelling unit.

(2) On an irregular shaped lot having sufficient area to meet the requirements of the zone in which it is located and the mean width is equal to or exceeds the minimum frontage specified for the lots in the zone, a permit for erection of buildings thereon may be granted if the width of the lot at the street line is eighty (80) percent or more of the width of that part of the lot back from the street line a distance equal to the specified minimum frontage of the lots in that zone.

B. Minimum Yard Requirements

ZONE	Minimum Front Yd. (1) (2) (4) (Feet)	Minimum Side Yd. (3) (Feet)	Minimum Rear Yd. (3) (4) (Feet)
R-40	50	20 each	30
R-20	24	15 each	30
R-15	24	15 each	30
R-12	24	15 each	30
R-11	24	10 each	30
R-10	24	10 each	20
R	24	10 each	20
NPH / GAR	In accordance with Subsection 1.04.C	In accordance with Subsection 1.04.C	In accordance with Subsection 1.04.C
Open Space Development	In accordance with Subsection 1.04.B.	In accordance with Subsection 1.04.B.	In accordance with Subsection 1.04.B.

(1) The minimum front yard shall be provided when no building line has been established by the Planning and Zoning Commission.

(2) The minimum front yard for property in any zone may be established at a dimension different than that prescribed in Section 1.03 by the initiative and action of the Commission in the administration of Section 7.02 if the Commission determines that a change in the front yard dimension will (1) effect better placement of structures, parking, and other site features related to new development or substantial redevelopment of a parcel and (2) advance a public interest in maintaining or improving the relationship between public and private spaces along the street on which the property fronts.

(3) Detached accessory structures not more than twelve (12) feet in height, not used for human habitation or for the housing of animals, may be located in the required rear yard provided that they are located not less than five (5) feet from any side or rear lot line, and provided further that they occupy, in the aggregate, not more than 700 square feet. Swimming pools and decks shall not be considered a part of the allowable structure area in required rear yards. In an effort to reduce the profusion of structures having a commercial appearance in residential zones, sheds, pool houses, garages and other similar detached accessory structures shall be of a construction that reasonably matches that of the primary structure and/or the residential character of the neighborhood. Metallic sheds up to 100 square feet are permitted.

(4) Attached garages and/or storage space not exceeding 700 square feet or 35% of the heated, habitable square footage of the primary dwelling, whichever is greater, but never to exceed 1,350 square feet, are permitted in accordance with bulk requirements established for the zone, except that no attached structure shall exceed the height or elevation of the primary structure. To a feasible extent, any such attached garage shall be constructed using like or similar material and color to match or compliment the primary structure. Any other permissible second story space shall not count towards the maximum square footage.

(5) Swimming pools and decks shall comply with the following standards:
   a. If attached to the primary structure, swimming pools and associated decks shall meet the minimum setback required for the zone. A swimming pool that is integral to an attached deck shall be considered an attached structure for the purpose of this section. Integral shall mean having direct access to the pool from the dwelling over an attached deck.
   b. If detached from the primary structure, swimming pools and associated and non-associated decks in excess of an average of 18 inches in height shall be located not less than 10 feet from the permitted property line.
   c. Swimming pools and at grade decks of less than an average of 18 inches in height may be located in a required rear or side yard provided they are not less than five (5) feet from any side or rear lot line.

(6) Greenhouses and barns may be exempted from the accessory structure area limitation of 700 square feet provided that:

a. The lot is two (2) acres or more in area.
b. The land is used for commercial farming, forestry, truck or nursery gardening or education.
c. Location of the greenhouse or barn otherwise complies with these regulations and receives site plan approval by the Commission.
d. A plan is filed with the Planning Department showing the location of all structures on the land.
e. Appropriate construction permits are obtained.

C. Maximum Building Limitations

ZONE	Maximum Height (Feet)	Maximum Stories	Maximum Coverage (Percent)
R-40	30	2	-
R-20	30	2	-
R-15	30	2	-
R-12	30	2	-
R-11	30	2	-
R-10	30	2	-
R	30	2	-
NPH / GAR	30 feet or 2.5 stories, whichever is less		25 percent
Open Space Development	30	2	-

D. Required Floor Area

1. All structures hereafter erected, structurally altered or enlarged for use in whole or in part as dwellings shall have the following minimum requirements for living quarters per dwelling unit:

2. R-40, R-20 and R-15 Zones: a minimum of 1000 square feet.

3. R-12, R-11, R-10, R Zones, a single family dwelling shall contain a minimum of 768 square feet.

4. Multi-family unit size in commercial zones shall conform to applicable requirements for the respective zone and type of unit in accordance with Section 2.04.C.

Section 1.04 Use Regulations

A. Rear Lots

1. The provisions of this section are intended to permit, as a special exception, the utilization of land for uses permitted in the residential zone in which it may be located, which has been landlocked or deprived of the required minimum frontage on a street or, in the case of a subdivision, where the topography or unusual shape of the property lends itself to the use of a rear lot to accomplish the best use of the land.

2. In the case of subdivision, the Commission shall not approve rear lots unless it finds that such lots provide the best development of the land because of the topography and shape of the land.

3. For R-40, R-20 and R-15 Zones, the area of the lot shall be at least fifty (50) percent greater than the lot area requirement for the zone in which it is located. For R-12, R-11 and R-10 Zones all the requirements of an R-15 Zone shall be met. Permitted uses shall be limited to a single-family dwelling.

4. For R-40, R-20 and R-15 Zones, the lot line from which the right of access leads shall be deemed the front lot line of the rear lot and the lot width for the rear lot shall be at least fifty (50) percent greater than the frontage requirement for the zone in which the lot is located. For R-12, R-11 and R-10 Zones all the requirements of an R-15 Zone shall be met.

5. The front lot line of the rear lot shall be parallel to the street line or not greater than ten degrees (10°) from parallel to the street line or to the chord drawn from the intersection of the side lot lines of the rear lot with the arc of a curvilinear street line.

6. No building to be used in whole or in part as a dwelling shall be erected on any rear lot unless:
   a. Said rear lot abuts on an accepted street or highway paved with bituminous concrete hard surface.
   b. Said rear lot shall have unobstructed right of access to the street or highway over a segment of the lot intended for that purpose having a minimum width of twenty (20) feet, containing a driveway constructed and maintained by the owner(s).
   c. Where two or more access ways to rear lots adjoin, a common driveway may be provided within them.
   d. Maximum dwellings served with a common driveway shall not exceed three (3).

7. The applicant shall be responsible to prepare and record an access and maintenance agreement identifying perpetual access and maintenance rights and responsibilities for future lot owners prior to the sale of any lots.

8. The Commission shall require a site plan sealed by a registered land surveyor, licensed by the State of Connecticut, prepared to Class A-2 accuracy and drawn to a scale not less than 40 feet to the inch and which shall show: property lines and adjacent public streets or highways; site grading; proposed landscaping and any other features considered necessary by the Commission for the adequate protection of abutting property owners and the study of the proposed rear lot.

B. Open Space Development

1. **Purpose** - The purpose of this section is to provide, through a Special Exception process, for flexibility in residential development patterns in order to encourage the:
   - Preservation of open space and interconnection of open space areas.
   - Protection of important natural and scenic resources.
   - Provision for public access.

2. As part of the Special Exception for the Open Space Development, the Commission may, in its sole discretion, allow the application of the following requirements on any lot(s) within the proposed Open Space Development in the zone indicated:

R-40 Zone	**Open Space Set-Aside**					
	Less than 25%	**25% to 34.99%**	**35% to 44.99%**	**45% to 54.99%**	**55% to 64.99%**	**66% or greater**
Minimum Lot Area (square feet)	40,000	36,000	32,000	28,000	24,000	20,000
Minimum Frontage (feet) provided the lot has the required frontage on and obtains access from a new road to be built as part of the development (otherwise 150 feet)	150	135	120	105	90	75
Minimum Front Yard (feet) provided the lot has the required frontage on and obtains access from a new road to be built as part of the development (otherwise 50 feet)	50	45	40	35	30	25
Minimum Side Yard (feet)	20	18	16	14	12	10
Minimum Rear Yard (feet)	30	27	24	21	18	15

R-20 Zone	Open Space Set-Aside					
	Less than 25%	**25% to 34.99%**	**35% to 44.99%**	**45% to 54.99%**	**55% to 64.99%**	**66% or greater**
Minimum Lot Area (square feet)	20,000	18,000	16,000	14,000	12,000	10,000
Minimum Frontage (feet) provided the lot has the required frontage on and obtains access from a new road to be built as part of the development (otherwise 100 feet)	100	90	80	70	60	50
Minimum Front Yard (feet) provided the lot has the required frontage on and obtains access from a new road to be built as part of the develop (otherwise 24 feet)	24	22	20	18	16	15
Minimum Side Yard (feet)	15	13.5	12	10.5	9	8
Minimum Rear Yard (feet)	30	27	24	21	18	15

3. The area dedicated for open space or other public purposes in the development shall be in a location, shape, topography, and character approved by the Commission.

4. The Commission may modify any application so as to designate open space in locations other than those proposed if such modification will conserve noteworthy natural or cultural features and/or contribute to creation of greenways or connection to neighboring open space.

5. Not more than fifty (50) percent of the designated open space shall contain wetlands, watercourses, and slopes in excess of twenty (20) percent. Open space shall not contain storm water detention basins or other constructed drainage features unless designed as a functioning equivalent to a naturally occurring water resource and deemed appropriate by the Commission.

6. Regardless of any reduction of dimensional standard which may be permitted by the Commission, each lot within a subdivision shall conform to the requirements of the Health Code.

C. Non-Profit and/or Governmentally Assisted Housing Zone

1. Non-profit and/or Governmentally Assisted Housing Zones may be established in order to help meet the housing needs of Plainville residents.

2. **Establishment of Zone** - A request to establish a Non-Profit and/or Governmentally Assisted Housing Zone may only be submitted by:
   a. The Plainville Housing Authority.
   b. A non-profit and/or local, state or federal financially-assisted housing group designated as a Community Housing Development Corporation by the Plainville Town Council.
   c. Establishment of the Zone shall comply with both state statutes and local regulations.

3. **Evidence Required** - Any request to establish a Non-Profit and/or Governmentally Assisted Housing Zone must be accompanied by evidence which shows:
   a. The need in Plainville for such housing.
   b. Reasons for selecting the area requested for zone change.
   c. That a feasibility determination has been made by the Federal, State or Local Agency from which financial assistance is required to complete the project.

4. **Permitted Uses** - Single, duplex or multi-unit residence, parking, recreation and home-making areas intended and designed for the use of residents.

5. **Area and Dimensional Requirements**

Building Coverage	• Not to exceed twenty-five percent (25%) of the land area of the parcel.
Building Height	• Not to exceed two and one-half (2-1/2) stories or thirty (30) feet, whichever is less.
Maximum Density	• Single family dwellings – one dwelling unit per 7,000 square feet of land area. • Two family dwellings - one dwelling unit per 5,000 square feet of land area. • Multi-family dwellings - one dwelling unit per 3,000 square feet of land area.
Yard Setbacks	• At least fifty (50) feet from any street or property line unless unusual topography, natural feature or specific design criteria warrants a waiver by the Planning and Zoning Commission.
Dwelling Unit Size	• Single family units shall contain at least 768 square feet per dwelling unit. • A two family unit shall contain at least 768 square feet per family unit. • Each dwelling unit in a multi-unit structure of more than two units shall consist of at least 400 square feet of floor space for a two room apartment (in addition to a bathroom and a hall) and each additional room shall contain a minimum of 120 square feet. • If housing for the elderly is provided under the State of Connecticut or Federal programs, then the applicable State or Federal requirements shall prevail.

6. **Standards**
   a. **Parking**
      1. Condominium and multi-family dwellings: two (2) spaces per unit.
      2. For three (3) bedroom units: three (3) spaces per unit.
      3. Visitor parking shall be twenty (20) percent of the required project parking.
   b. **Landscaping for Multi-Unit Dwellings** - At least twenty (20) percent of the parcel or site shall be in landscaped area.
   c. **Utilities** - Public sewer and water must be provided; stormwater must be managed in accordance with the Town's LID requirements.

D. Common Interest Communities and Multi-Family Dwellings

1. **Purpose**: Common Interest Communities (condominiums) and multi-family dwellings are hereby permitted after approval of a special exception and site plan application. These regulations are intended:
   a. to establish innovative housing that constitutes well-planned, functional, and aesthetically pleasing residential environments, which by design are compatible with adjacent zones and uses;
   b. to expand the choice of housing in Plainville from individual lots and structures to the planning and development of larger areas with groups of structures erected as a coordinated entity for rental or ownership opportunities under Connecticut's Common Interest Ownership Act;
   c. to preserve and make available open space for conservation, preservation of natural resources, farmland, recreation and wildlife habitat, while maintaining and enhancing the small town charm of Plainville, both for the residents of the proposed development and the community at large; and,
   d. to create unique communities with unifying features and amenities that distinguish and define the community.

2. **Objectives**: In addition to the considerations and standards required for approval of a special exception, the following criteria must be met before a Special Exception may be approved:
   a. The applicant shall provide a creative approach to the development of residential land. The term creative is viewed as more than merely the "creation" of a plan. In order to comply with this requirement, the proposal must present significant deviation from a standard high-density development. Examples include:
      1. Overall community design that embodies traditional New England styles.
      2. Unique street design and geometry.
      3. Added features such as period lighting and central meeting places.
      4. Innovative housing design, taking into consideration the storage needs of the target occupants.
      5. Alternate types of housing by design.
      6. Recreational facilities geared toward the target occupants.
      7. Open space that is complimentary and accessible to the development's target occupants.
      8. If applicable, well drafted community by-laws geared toward the preservation of the development as approved by the Planning and Zoning Commission.
      9. An emphasis on landscaping elements that utilize existing site characteristics and native species.
      10. An emphasis on solar orientation and other passive energy conservation techniques.
   b. The development shall provide a more desirable environment than would be possible through the strict application of the minimum requirements of the Zoning and Subdivision Regulations.
   c. The development will be an efficient use of land resulting in smaller networks of utilities and streets.
   d. The development shall be capable of existing in harmony with surrounding uses of property and shall not significantly alter the character of adjacent properties.

3. **Permitted Uses**: The following uses shall be permitted after the approval of special exception and site plan applications within the R, R-10, R-11, R-12, GC, and CC zones, subject to the requirements of these regulations:
   a. One-family, two-family, and multi-family detached and attached rental or common interest community (condominium) dwelling units in principal buildings in compliance with the required standards of this section.
      1. Single family detached multifamily developments approved as condominium units with unit boundaries encompassing land area in addition to the dwelling shall be deemed a home site, the boundaries of which must be defined on the site plan accompanying the application.
      2. For the purposes of this section, a home site is not an approved lot, but a portion owned in fee of the overall property that comprises the subject development.
      3. Home site boundaries shall act as property lines when determining structural setback requirements for this specific type of development.

4. **Accessory Uses**: Accessory uses to dwellings as determined appropriate and approved by the Commission and which are intended and designed for the enjoyment, maintenance and/or operation of the development, limited to the following:
   a. Private attached garages as shown on an approved site plan.
   b. Community maintenance and utility buildings for the upkeep and repair of buildings, landscaping, structures and equipment on the site.
   c. Community recreation facilities limited to the common use of residents living in an approved development including playgrounds and associated equipment, swimming pools, sporting courts, trail systems and community centers.
   d. Private swimming pools limited to a quantity of one pool per home site of at least 5,000 square feet.
   e. Manager's office.
   f. Temporary Sales Office.
   g. Community fences and unit boundary fences. Home site boundary fences as shown on the approved plan may be constructed by the home site owner at any time with an appropriate zoning certificate of compliance and/or building permit.
   h. Storage sheds for home sites where lawn maintenance is required of the end user not to exceed 80 square feet. Individual storage sheds as shown on the approved plan may be constructed by the home site owner at any time with an appropriate zoning certificate of compliance and/or building permit.
   i. Decks shall be permitted in a size and style only as shown on the approved site plan. Individual decks shown on the approved plan may be constructed by the unit owner at any time with an appropriate zoning certificate of compliance and/or building permit.
      1. For the purposes of this section:
         i. Accessory structures shall comply with the standard required setback for accessory structures in the underlying zones.
         ii. Accessory structures shall comply with the underlying bulk regulations for the zone in which they are located.
         iii. If all land area within the development is owned in common, the standards governing maximum allowable square footage for accessory structures shall apply to the entire site.
         iv. If the land area is divided into home sites that are owned in fee, the standards governing maximum allowable square footage for accessory structures shall apply to each home site.

5. **Conflict**: The provisions of this Section, in their entirety, are applicable to all land within Common Interest and Multi-Family Developments, regardless of ownership, and supersede any contradictory land use rights granted in any lease, public offering statement, covenant, ownership declaration or association by-laws. Where any requirement of this regulation, in its entirety, is in conflict with any requirement of this section governing multi-family development, the stricter of the two shall govern.

6. **Special Exception and Site Plan Approvals:** No building permit shall be issued, no building or structure shall be erected and no primary or accessory land use or land development activity shall be undertaken until a Special Exception and Site Plan have been approved by the Commission and filed in the Town Clerk's Office in accordance with these regulations.
   a. A site plan shall be submitted in compliance with the minimum standards required under these regulations.
   b. Sufficient information allowing the Commission to render a determination of appropriateness in accordance with the considerations and standards for special exception approval must be submitted with the application.
   c. In addition to the site plan submission requirements, all special exception applications under this section shall include
      1. Typical floor plans for dwelling units and accessory buildings.
      2. Architectural elevations including a description of the exterior building materials to be used.
      3. Outdoor lighting plans.
      4. Detailed landscaping plans.

7. **Development Standards:** The following standards and requirements shall apply to any regulated development:
   a. **Density**: Except as provided below, the density of the development shall not exceed that permitted in the zone by applying the minimum lot area per dwelling unit. Designated inland wetlands, watercourses, and flood plains are excluded from the calculation of density. A map and table shall be provided, which clearly shows each of the above attributes with tabulated calculations.
   b. **Water and Sewer**: The parcel shall be serviced by sanitary sewers and public water supply.
   c. **Dimensional Requirements**:
      1. **Building Height**: No structure shall exceed thirty (30) feet in height, nor shall any building contain more than two (2) stories. A basement shall not count as an additional story.
      2. **Lot Coverage**: Maximum lot coverage with buildings, parking lots, and other impervious surfaces shall not exceed fifty percent (50%) of the site area exclusive of land set aside and designated as open space.
      3. **Minimum Setbacks**: Minimum setbacks at the perimeter of the site shall be as prescribed for the underlying zone for the front, side, and rear yards.
      4. **Minimum Frontage:** Minimum frontage requirements of the site shall be as prescribed for the underlying zone.
      5. **Minimum Building Separation**: Minimum separation between any building containing dwelling units and any other building containing dwelling units shall be fifteen (15) feet at the closest point. Minimum separation between primary and accessory buildings shall be consistent with function and aesthetics, as well as provide for emergency access, as approved by the Commission.

8. **Design Standards**: The architectural design, scale and mass of buildings and other structures, including, among other elements: the exterior building material, color, roofline, and building elevations shall be residential in character so as to harmonize and be compatible with the neighborhood. Designs shall endeavor to protect property values in the neighborhood and preserve and improve the appearance and beauty of the community.
   a. **Architectural Drawings**: Architectural drawings shall be provided to the Commission depicting the elevations of various unit styles and floor plans, including attached garages, accessory structures, exterior porches, pools, decks and patios, both common and private. Units shall be permitted and constructed only as approved by the Commission. The Commission will allow deck expansion only to the extent of those documented options originally offered and made part of the record by the developer. Accessory structures will be allowed only to the extent of those structures as shown on the approved site plan.
   b. **Site Design**: Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible. Increases in elevation shall be avoided in order to control stormwater runoff more effectively on site.
   c. **Facades**: Dwelling unit facades shall be designed to avoid a barracks or dormitory appearance. Staggered or offset unit facades and/or varied unit facade materials shall be considered. Staggered or offset unit fronts shall not be less than 3 feet in depth.
   d. **Number of Dwelling Units per Building**: No more than four (4) dwelling units shall be housed within a single building unless otherwise permitted.
   e. **Roof Design**: The roof of each building shall have a pitch of not less than 1:12.
   f. **Roof-top mechanical equipment**: Other than solar energy panels, roof-top mechanical equipment shall be concealed from all sides.
   g. **Noise Control**: Each common wall, floor and ceiling between dwelling units and corridors, lobbies and other public areas, and an exterior wall of a dwelling unit, shall be designed and constructed to minimize the transmission of noise.
   h. **Shock Mounting**: Any permanent mechanical equipment such as a motor, compressor, pump or compactor, which may be a potential source of structural vibration or structure borne noise, shall be shock-mounted in a manner approved by the Building Official.

i. **Bus Shelters**: The Commission may require that a bus shelter be provided by the developer on-site or within the public right-of-way on which the site fronts at a location convenient to the residents and is readily serviceable by the development's management.
   1. The design and material composition of a shelter shall be approved by the Commission.
   2. A shelter area contained within a building accessible and convenient to all residents of the development such as a community building may be substituted for a free standing structure if approved by the Commission.
   3. The Commission may require an adequate bus shelter for school age children in non-age restricted developments.
   4. The Commission may require an adequate bus shelter for commuter use if the development is located on an existing bus line.

j. **Handicapped Access**: Provisions for the physically handicapped, including wheelchair access, curb cuts and curb inclines for sidewalks, dwelling units expressly designed for the handicapped, accessory building access, parking space location and signage, and other architectural treatments, shall be in accordance with the State of Connecticut Basic Building Code, and other applicable laws including the Americans with Disabilities Act. The Commission may modify the application and plans to ensure that special needs of handicapped residents are met.

k. **Storage:** All residential buildings are encouraged to incorporate an area equal to at least l0% of the total habitable floor area as separate storage space, exclusive of utility rooms. This storage space may be closets. Additional storage for individual lawn maintenance equipment, if applicable, may be provided in individual unit garages or other areas designed into the footprint of the proposed units. Such storage areas shall not be distinguishable from the primary structure. This technique is preferable to detached sheds.

l. **Community Recreation Facilities**: Swimming pools, tennis courts, playgrounds and community centers and other recreational facilities shall be as centrally located as possible and if required by the Commission, protected with a suitable and safe fence located at least 30 feet from any dwelling unit and shall not be located within any of the required setbacks.

m. **Solar Orientation**: Applicants shall demonstrate to the Commission that they have considered, in developing the plan, using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions. Passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The passive solar energy site design techniques shall include, but not be limited to:
   1. House orientation;
   2. Street and lot layout;
   3. Vegetation;
   4. Natural and man-made topographical features;
   5. Protection of solar access within the development.

9. Improvements

a. **Off Site Improvements**: Where, in the judgment of the Commission, off-site improvements to the municipality's infrastructure including, but not limited to, streets, sidewalks, storm drainage facilities, sanitary sewer or other systems are required in order to minimize the adverse impacts of the development on the infrastructure, or to ensure the development will function adequately, the Commission may require the applicant to make such off-site improvements at the expense of the applicant.

b. **Streets**: All streets and access ways within the development shall be constructed by the applicant in accordance with these regulations; all such streets and access ways shall be owned and maintained by the owners of the development.
   1. Internal access ways shall be the property of the management association and the Town of Plainville will not maintain such access ways within a private development.

2. Primary access ways, if to be deeded to and maintained by the Town of Plainville, shall be constructed in accordance with town specifications for the constructions of a new road.
3. The Commission may require and set a reasonable bond as estimated by the applicant and approved by the Town Engineer to guarantee any improvements slated for public acceptance.
4. Street or internal access way pavement shall be installed no closer than fifteen (15) feet from any external property line.
5. Centerlines for all streets shall be shown on the site plan.
6. The Commission may require more than one point of ingress/egress for safety purposes.
7. Points of vehicular ingress and egress into and within the development shall be consistent with public safety and welfare, and shall provide no undue hindrance to the safety conditions of existing or proposed streets.
8. Two-way streets shall have a minimum width of twenty-six (26) feet. One-way streets and access ways shall have a minimum width of sixteen (16) feet, except greater widths may be required to accommodate vehicular movements where parking is provided contiguous to access ways.
9. Internal private streets and access ways shall be constructed with a minimum pavement thickness of 2-½" and a minimum compacted base of 6 inches. Alternate designs, if proposed, shall be submitted with engineering certification in the form of signed and sealed drawings prepared by a CT Licensed Professional Engineer.
10. Cul-de-sac design shall take into consideration emergency vehicle access and may employ design features such as mountable curbs and reinforced shoulders where deemed necessary to provide adequate turning radii for emergency vehicles.
11. Snow removal shall be taken into consideration when designing street and unit layout to minimize adverse impacts to landscaping and prevent access concerns for residents.

c. **Parking**: the following standards shall supersede other parking standards found elsewhere in these regulations.

1. At least two (2) off-street parking spaces shall be provided for each dwelling unit; however, the Commission reserves the right to require up to 2.5 spaces per dwelling unit. Detached garage space shall not be counted toward meeting this requirement.
2. Dwelling units shall be located at a distance from such off-street parking as determined by the Commission; however, no dwelling unit shall be located more than two hundred (200) feet from the parking spaces serving said unit.
3. Except for parking areas expressly designated for the physically handicapped, minimum setback shall be twenty-five (25) feet between any unenclosed parking space and the centerline of the principal street in front of the dwelling unit; the centerline for a cul-de-sac shall be tangent to the centerline of the street serving the cul-de-sac.
4. Except for parking areas expressly designated for the physically handicapped, minimum setback shall be fifty (50) feet between any unenclosed parking space and any property line.
5. In addition to the parking lot landscaping standards found elsewhere in these regulations, parking lot areas shall be divided into sections containing not more than twenty-five (25) parking spaces by means of landscaped strips/areas planted with noninvasive trees and shrubs. Such landscaped areas shall be designed to preclude vehicles from damaging said trees and shrubs.
6. Where shared parking is employed, handicap accessible spaces shall be provided in compliance with ADA requirements in a manner that places such parking spaces in closest proximity to dwelling units.
7. Elevations at all corners and control points of all parking facilities shall be shown on the topographic map.
8. The width, location and arrangement of access ways and parking shall be consistent with public safety and welfare and shall provide no undue hindrance to fire or other emergency apparatus, or to the safety of existing or proposed ways.
9. Minimum width of one-way traffic access ways, i.e., or shared driveways, with parking on one or more sides of and contiguous to said access ways, shall be sixteen (16) feet with 45-degree parking on one side, eighteen (18) feet with 60-degree parking on one side, and twenty-six (26) feet with 90-degree parking on one side or with parking (at any angle) on both sides. All two-way traffic streets or access ways, including those between parking spaces and in parking lots, shall be twenty-six (26) feet

in width. All required widths of access ways, streets, and driveways set forth above, are in addition to required parking spaces. Parking shall be prohibited within the minimum required widths of streets, access ways or shared driveways.

10. Required parking spaces shall be not less than nine (9) feet by eighteen (18) feet where such parking is outdoors and no less than two hundred (200) square feet where in a garage. All parking spaces shall be paved with bituminous concrete, concrete, or other suitable surface material as approved by the Commission. Pervious paving materials are encouraged.
11. Care shall be taken to provide adequate off-street visitor parking without compromising traffic circulation and safety. Any community not designed specifically for an aging clientele shall take into consideration the additional parking required for communities with youth of driving age.

d. **Fire Hydrants**: Fire hydrants shall be installed in accordance with requirements established by the Fire Marshal.
e. **Utilities**: All such developments shall be serviced by operating public sewer and public water systems. All utilities shall be placed underground. Underground installation may be waived in part by the Commission due to documented site constraints that present insurmountable engineering challenges, but not for financial reasons.
f. **Solid Waste Disposal and Recycling**: Solid waste removal and recycling services shall be provided by the owners of the development, with all costs thereof incurred by same. If used, solid waste and recycling stations (dumpsters) shall be appropriately screened, maintained, and shall be shown on the site development plan.
g. **Mail Delivery:** The placement of mail receptacles shall be designed to minimize crowding in the streets. Mail receptacles should be approved by the local U.S. Postal Service prior to Commission approval.
h. **Outdoor Illumination**: Outdoor lighting shall be provided, to ensure proper illumination of streets, parking areas, appropriate recreational facilities, and walkways, in locations and type as approved by the Commission. Such lighting shall be full cutoff, shielded, and directed so that no light shall fall outside the development and shall not cause a nuisance from glare to anyone internal or external to the site.
i. **Pedestrian/Bicyclist Circulation:** The Commission deems the provision of alternate transportation services paramount and may require that pedestrian and bicyclist circulation be provided to safely interlink facilities within the development, and to provide linkage with nearby sidewalk and trail networks, residential areas, shopping, service, educational, institutional and governmental facilities and/or to provide linkage to adjacent open space or recreational areas. The Commission shall determine the composition and location of sidewalks and/or trails.

10. Storm Water Management: A storm water management system shall be designed in accordance with the following guidelines:

a. It shall comply with the Plainville Low Impact Development and Stormwater Management Design Manual.
b. It shall consider the total environmental impact of stormwater generated by the proposed development.
c. It shall consider stormwater quality as well as stormwater volume.
d. It shall be consistent with the Plainville Plan of Conservation and Development and any existing watershed management plan(s).
e. It shall be coordinated with erosion control measures and aquifer protection regulations where applicable.
f. It shall minimize disturbance of natural grades and vegetation and use existing topography for natural drainage systems.
g. It shall preserve natural vegetated buffers along water resources.
h. It shall minimize impervious surfaces and maximize infiltration of runoff to appropriate soils.
i. It shall direct runoff to minimize off-site volume.
j. It shall reduce peak flow to minimize the likelihood of soil erosion, stream channel instability, flooding, and habitat destruction.
k. It shall use wetlands and water bodies to receive or treat runoff only when it is assured that these natural systems will not be overloaded or degraded, and only after sufficient pre-treatment of the stormwater.
l. It shall provide a maintenance schedule for management practices, including designation of maintenance responsibilities.

11. **Open Space/Recreation:** It is the express intent of this regulation to cluster dwellings in closer proximity to minimize infrastructure costs and environmental impacts. In order to conserve sensitive or exceptional features of the site and to provide adequate passive or active recreational facilities for the development's residents, the site development plan shall set aside and designate protected open space in the form of conservation areas and/or recreational areas and facilities which provide passive and active recreational opportunities.
    a. At least twenty (20) percent of the total site area shall be set aside as open space. This required open space shall not include applicable front, rear, and side yard setback requirements of these regulations; any required buffers at the perimeter of the site; areas designated for exclusive use of unit occupants; or landscaping/lawn areas associated with units, parking, streets, and driveways. Not more than fifty (50) percent of the designated open space shall contain wetlands, watercourses, and slopes in excess of twenty (20) percent. Open space shall not contain storm water detention basins or other constructed drainage features unless designed as a functioning equivalent to a naturally occurring water resource and deemed appropriate by the Commission.
    b. A map highlighting the areas and specific features used in calculating the open space shall be provided by the applicant. Areas shall also be indicated in tabulated form on the open space plan.
    c. Open space may also contain such facilities as pedestrian paths; garden plots; child playgrounds or tot lots; gently sloping sports fields of sufficient size to accommodate active sports such as softball; courts for tennis or basketball; and swimming pools, but shall be generally accessible by residents of the proposed community. Enclosed structures, regardless of use, shall not be counted toward the minimum required open space.
    d. Conservation areas may include stream belts, waterbodies and watercourses, wetlands, steep slopes, woodlands, flood plains, and other sensitive or exceptional natural features of the site.
    e. If the open space consists entirely of conservation area, including passive recreation such as hiking trails, the Developer shall record an instrument granting such restrictions in perpetuity.
    f. The location of conservation and open space land, as well as the constitution of recreation facilities, shall be determined by the Commission for the entire site notwithstanding phasing of construction. The Commission may require the posting of performance bonds to secure the allocation and/or improvement of conservation and open space land in future phases. The boundaries of conservation and open space lands shall be identified in a conspicuous manner by fencing and/or markers, which are available in the Planning Department.
    g. At the discretion of the Commission, all open space shall be dedicated to an appropriate entity under terms acceptable to the Commission; established legally as part of a common interest community; deeded to a duly formed non-profit land trust; or owned and maintained by the owner of the property with duly recorded restrictions.
    h. The applicant shall declare the disposition and management of all open space in a plan approved by the Commission as part of the development application.
    i. In recognition of the unique character of the Central Commercial Zone and the desire to foster multifamily residential and common interest community development therein, the foregoing open space requirements shall not be applicable in the Central Commercial Zone.
    j. **Open Space Threshold**: The Commission recognizes that slight open space/conservation areas associated with small multifamily developments within densely settled areas do not serve the purposes generally thought of as having a positive impact in terms of recreation and habitat protection. In addition, the Commission does not wish to restrict or prohibit the development of smaller multifamily developments through the imposition of an open space requirement. In light of these findings, the Commission shall not require development proposals on lots of less than two (2) acres, exclusive of wetlands, slopes in excess of 20%, and flood plain areas, to meet the 20% open space requirement.

12. Landscaping: The applicant shall furnish the Commission with a detailed landscaping plan, including a schedule for completion of all landscaping elements, the type, size, and maturity at installation of all trees and shrubs, and type and density of all ground cover.

a. **Landscaping Plan**: The landscaping 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. The Commission may modify the landscaping plan in order to ensure a functional and aesthetically pleasing environment. Large trees and clusters of large trees are to remain undisturbed where practicable. All trees to remain undisturbed shall be tagged prior to initiation of site work.
   1. An overall landscaping plan shall be required.
   2. A typical unit landscaping plan shall be required.
   3. Both plans shall provide detail for the location and description of all existing species, species to be saved and proposed species.

b. **Street Trees**: The following are minimum street tree requirements:
   1. Street trees shall be deciduous and shall be planted on both sides of the street, no less than 15 feet or more than 25 feet from the curb line or edge of pavement to accommodate the required underground utilities.
   2. One specimen shall be required on each side of any existing or proposed street or access way at a rate of one specimen for every 60 linear feet of road/access way.
      i. Street trees shall be situated to maximize solar access to the proposed units and may vary in location to accommodate driveways, street corners, utilities and planting conditions.
   3. Street trees shall have at least a 2.5-inch caliper at breast height and shall have a minimum height of 10 feet.
   4. Species selected should be native, non-invasive and chosen to accommodate particular physical site conditions such as sun, shade, slope and soil type.
   5. Existing trees may be used in place of new trees where approved by the Commission.

c. **Buffers**: Buffers shall be established along the perimeters of the site except where road, utility, drainage, or other improvements may be designed.
   1. Buffers shall consist of natural vegetation supplemented by suitable noninvasive landscape material and/or open vistas where undevelopable natural areas exist to provide visual relief along the boundaries of adjoining properties.
   2. Buffers shall have a minimum width of ten (10) feet and may be placed within the requisite setbacks.
   3. Buffer variety shall consist of a mix of native deciduous and evergreen trees and shrubs specifically chosen for screening or accent.
   4. Minimum height at the time of planting shall be 10 feet for deciduous trees and 6 feet for evergreens trees where solid buffers are required.
   5. Additional buffering may be required by the Commission to meet the purposes and intentions of this section. Existing development on abutting property shall not be deemed as automatically requiring additional buffering; however, where conditions warrant, in order to maintain community character and protect the privacy of abutting property owners and residents of the proposed development, the Commission may require additional landscape buffer.
   6. The landscape buffer, if not consisting of pre-existing natural vegetation, shall be planted with native, non-invasive species chosen to accommodate particular physical site conditions such as sun, shade, slope and soil type. Where deemed necessary, the Commission may require pre-existing natural buffer areas to be augmented with additional plantings.
   7. Final landscaping elements shall conform to the approved plan.

13. Signs: Signage shall conform to the requirements of these regulations. Additional internal signs for directional purposes and for the identification of individual buildings/facilities and warning and traffic control may be required. All signs shall be located on the site development plan, and shall be described as to area, dimensions, height, materials and purpose.

14. **Community Association and Management**: At the time of application for any Special Exception for a multi-family residential development or common interest community, the applicant shall submit to the Commission a written certification of the following, as applicable:
    a. If a common interest community, that the applicant or his assigns, shall comply with Chapter 828 of the Connecticut General Statutes, i.e., the Common Interest Ownership Act;
    b. If retained under single ownership, that the applicant or his assigns, shall establish the management structure to direct and oversee the operations and maintenance of the development.
    c. In all cases, that no land use rights granted in any lease, public offering statement, sales and/or lease agreements, covenant or ownership declaration or association by-laws, supersede or contradict the requirements of this section and the entirety of the Plainville Zoning Regulations.

15. **Active Adult Housing Communities**: Notwithstanding the lot area requirement per unit as set forth in above, an Active Adult Housing Community shall be permitted under the standards otherwise set forth in this subsection subject to the following requirements:
    a. In R, R-10, R-11 R-12, CC and GC Zones, each community shall contain a minimum of two (2) acres of land; however, the area of inland wetlands or watercourses or easements with above-ground structures on the subject site shall not be computed in the required lot area per unit.
        1. The density of an active Adult Housing Community in the R, R-10, R-11, R-12, CC and GC Zones shall be 5,000 square feet per dwelling unit.
        2. There shall be no more than four (4) dwelling units per building.
    b. In R-15 and R-20 Zones, each community shall contain a minimum of five (5) acres of land; however, the area of inland wetlands or watercourses or easements with above-ground structures on the subject site shall not be computed in the required lot area per unit.
        1. The density of an Active Adult Housing Community in the R-15 Zone shall be 8,000 square feet per dwelling unit.
        2. The density of an Active Adult Housing Community in the R-20 Zone shall be 10,600 square feet per dwelling unit.
        3. There shall be no more than one (1) dwelling unit per building.
    c. Each unit shall be occupied by:
        1. Persons who are at least age 55 years;
        2. A spouse of an occupant in (1) above;
        3. An occupant from (2) above who survives his or her spouse or whose spouse has entered a long-term continuing care facility;
        4. A bona fide personal care attendant for a qualified occupant provided that the personal care attendant is age 21 or older and has been recommended by a physician for the occupant.
        5. One child age twenty-one (21) years or older may reside with an otherwise qualified occupant.
    d. An Active Adult Housing Community shall be a common interest ownership community established pursuant to Chapter 828, Sections 47-200 of the Connecticut General Statutes as amended.
    e. The rear yard shall be a minimum of twenty-five (25) feet and the side yards shall be a minimum of fifteen (15) feet each.
    f. Each unit shall have at least two parking spaces, one (1) of which shall be within an attached, enclosed garage which is directly accessible from the dwelling area. Visitor parking in the amount of 20% shall be provided in a manner equally accessible from all dwelling units.
    g. Separate buildings/garages shall be at least twenty (20) feet apart.
    h. The first floor of living space of a unit shall be designed with a bedroom and full bathroom. The first floor of living space shall be no more than three steps above the elevation outside the front door and shall be designed and built to accommodate a ramp from the driveway.
    i. A unit shall be owned only by a qualified occupant as provided in this section or by a relative of an occupant pursuant to subsection c. above.

16. **Nonconforming Uses**: On December 18, 2004, this multifamily regulation (then§540) was introduced in response to concerns over poorly planned multi-family developments. As a result, significant amounts of pre-existing multi-family developments were made nonconforming. To counter the effects of this change, these regulations provide that any multi-family development duly approved or with pre-existing nonconforming status prior to December 18, 2004 shall be considered existing nonconforming and shall not be subject to certain requirements under this section as detailed below.

    a. Modifications to existing multifamily developments approved after December 18, 2004:
        1. Any addition of new dwelling units shall comply with these regulations in their entirety.
        2. Addition of dwelling space within existing units shall require site plan approval and the proposal shall be required to comply with the underlying bulk regulations.
        3. The addition of any type of accessory structure to a development approved after December 18, 2004, but prior to June 20, 2014 may receive administrative approval and the proposal shall otherwise be required to comply with the underlying bulk regulations and this subsection in its entirety.
        4. The addition of any type of accessory structure to a development approved after June 20, 2014 shall require site plan modification approval and the proposal shall otherwise be required to comply with these regulations in their entirety
        5. The Commission may waive the requirement for an A-2 survey for the required site plan modification application.
            i. An accurate and detailed scale sketch shall be required at a minimum.
            ii. When available, a valid copy of an as-built location survey shall be used for the proposed accessory structure in relation to required setbacks and bulk requirements.
    b. Modifications to existing multifamily developments previously approved and/or having existing nonconforming status before December 18, 2004 shall adhere to the following standards:
        1. Any addition of new dwelling units shall comply with these regulations in their entirety.
        2. Addition of dwelling space within existing units may receive administrative approval and the proposal shall otherwise be required to comply with the underlying bulk regulations.
        3. The addition of any type of accessory structure may receive administrative approval and the proposal shall otherwise be required to comply with the underlying bulk regulations.

E. Farming

1. Farming where allowed by these Regulations provided that:
   a. With the exception of residential gardening for food production for consumption by residents of the premises, no farming or agricultural activity shall occur on any lot of less than two acres.
   b. In no case shall rosters be permitted on any premises.
   c. The commercial raising of fur bearing animals and the commercial raising of pigs are prohibited.
   d. The keeping of greater than four (4) rabbits shall be considered farming and shall meet all the full requirements of this regulation.
   e. All housing of farm animals and storage of manure or other animal refuse shall be located not less than 100 feet from any street line or property line.
   f. All accessory buildings not used for the housing of animals or storage of manure or other animal refuse shall comply with setbacks established for primary structures in the zone.
   g. One accessory greenhouse and/or barn used solely for a farming operation of no more than 700 square feet each in area may be located on any lot of two or more acres, or as provided under Subsection 1.03.B (footnote 6).
   h. The number of animals kept per acre shall meet the guidelines established by Natural Resources Conservation Service and the United State Department of Agriculture.

2. The display of products, produce and nursery stock, other than livestock, raised on the premises is permitted and for this purpose, one roadside stand not over 100 square feet in area may be located within the required front yard, but not nearer to the side lot lines than the required side yard and not less than ten (10) feet from the street line. Appropriate provisions for the safe and efficient management of consumer traffic must be provided.

F. Accessory Apartments

The requirements set forth herein are adjudged to be the standards necessary and reasonably related to the purpose of permitting the introduction of accessory apartments within single family dwellings in a manner that promotes housing opportunity without detriment to health, safety, and general welfare of the community. To maintain these standards and promote community health, safety, and general welfare, the requirements of this section shall not be varied by the Zoning Board of Appeals.

1. Accessory apartments may be established within single family dwellings upon issuance of a site plan modification approval by the Commission.
   a. The requirement to file an A-2 survey may be waived by the Commission where no site improvements are proposed, or where the Commission determines one is not necessary due to the limited nature of the activity.
   b. The applicant shall not be required to file a Mylar of the approved plan in the Town Clerk's Office.

2. A detailed scale drawing of existing and proposed floor plans shall be provided by the applicant to allow an accurate review of these requirements.

3. If the A-2 Survey is waived, a site plan, drawn to scale, and based on the best available information at the time of the application, shall be required to illustrate compliance with applicable zoning requirements.

4. Accessory apartments are permitted only in single family dwellings in all residential zones.

5. Accessory apartments shall not be permitted in any accessory and/or detached structure.

6. Not more than one accessory apartment may be established in a single family dwelling; a single family dwelling containing an accessory apartment shall not be considered a multi-family dwelling under this zoning regulation.

7. The principal dwelling and accessory apartment shall remain under common ownership; the owner of the property shall reside in the principal dwelling or in the accessory apartment so long as the accessory apartment is maintained.

8. An accessory apartment and the principal dwelling shall meet all applicable housing, building, and life safety codes and shall be inspected by the Building Official prior to its first-time occupancy.

9. An accessory apartment shall be at all times subordinate to the principal dwelling.

10. The permitted floor area of an accessory apartment shall contain a minimum of 400 square feet, but shall not contain more than thirty percent (30%) of the floor area of the entire structure or 800 square feet, whichever is smaller.
    a. For the purposes of this section, floor area shall be defined as interior, finished, habitable space.
    b. Addition of interior finished, habitable space, proposed as part of an application for an accessory apartment, may also be counted as habitable floor area.
    c. Conversion of existing interior uninhabitable space such as a garage, proposed as part of an application for an accessory apartment, may also be counted as habitable floor area.
    d. No such converted area shall be counted as floor area for the purposes of determining permitted square footage of an accessory apartment unless it is demonstrated that such areas may be legally converted to interior, finished, and habitable space meeting all applicable codes.
    e. Any common areas used by both units shall count towards the allowable size of the accessory unit at one half square foot per square foot of common area.

11. Entry to the accessory apartment shall be provided and maintained at all times through the principal dwelling. This entryway may be kept locked or unlocked. At least one exterior doorway shall be provided for the primary dwelling and accessory apartment. Any new door openings shall be allowed only on the side or rear of the structure.

12. The entire structure shall be maintained in appearance as a single family dwelling.
    a. An addition may be made to the structure for use in total or in part as an accessory apartment.
    b. The Commission may request photographs of existing conditions and an architectural rendering of any proposed exterior improvements, including elevation drawings and material specifications, in order to confirm compliance with this section.
    c. The accessory apartment shall be equipped with its own sleeping**,** kitchen and bath facilities.
    d. The accessory apartment may share utilities in common with the principal dwelling or may have separate metering devices.
    e. The construction and layout of the accessory apartment shall be completed in such a manner so as to provide for ease of decommissioning should present or future owners wish to remove the facilities.
    f. Off-street parking for two motor vehicles shall be provided for the accessory apartment in addition to the required off-street parking for the principal dwelling. Additional driveways are discouraged, but must be shown on a site plan if requested.

13. Prior to the issuance of a building permit for renovations and/or a building addition to accommodate an approved accessory apartment, the owner shall cause a Declaration to be filed on the land records providing notice of the right to establish an accessory apartment in accordance with the provisions of the Plainville Zoning Regulations.
    a. Said Declaration shall state that approval of an accessory apartment may transfer to a new owner of the premises provided that the new owner must submit a notarized affidavit to the Planning Office indicating they are aware of the regulations governing such use and will continue to abide by such regulations until such time as they may seek to decommission the accessory apartment through a valid permit process, or vacate said premises in favor of a new owner. A copy of the recorded Declaration shall be returned to the Planning Department by the applicant on the date that it is recorded. Failure to record the Declaration within 90 days of the approval shall render the approval null and void.

14. Accessory apartments approved after May 1, 2013 shall comply with these regulations is full.

15. Accessory apartments approved on or after October 15, 2006, but prior to May 1, 2013, shall be required to comply with the provisions of the regulations in effect at the time of approval.

16. Accessory apartments established prior to October 15, 2006 by valid building permit shall hereafter be considered an existing [legal] nonconforming use.

17. Accessory apartments established prior to October 15, 2006 without the benefit of a valid building permit shall be considered a zoning violation.

G. Trailers, Campers, Luxury Motor Coaches and Recreational Vehicles

1. In any residential zone, a hauling trailer, luxury motor coach or recreational vehicle shall be garaged, parked or stored in any side or rear yard provided that such storage may not project beyond the front line of the building or structure on the parcel where such storage is proposed. Parking and/or storage of these regulated items and any associated equipment is not permitted on any public street.

2. In the case of a corner lot, only interior rear and interior side yard storage shall be allowed unless the regulated item(s) can be completely screened from view with a conforming fence or landscaping buffer.

3. Not more than two (2) luxury motor homes, campers, hauling trailers, or recreational vehicles, or any combination thereof shall be allowed on any one residential lot, whether single family or multi-family residential. In the case of such combination, at least one of the items shall be stored within a garage.

4. No hauling trailer, camper, luxury motor coach or recreational vehicle shall be used as living quarters.

5. No hauling trailer shall be used to store, haul or sell for commercial purposes including, but not limited to, contractor's equipment or miscellaneous material and supplies of any kind.

6. Repair of a hauling trailer, luxury motor coach, camper, or recreational vehicle, or any combination thereof is permitted provided that:
   a. Such repair is undertaken by the owner or occupant of the property.
   b. All such repairs shall be undertaken in an enclosed accessory structure on the property except that such repair may be conducted in a side or rear yard, or in the case of a corner lot, an interior side or rear yard, provided that such repair can be completed in the same day in which said repair is begun.

7. This section shall not be construed to allow repair or storage of luxury motor coaches, campers, hauling trailers, recreational vehicles or any other motor vehicle or combination thereof for profit, hobby or business.

H. Commercial Vehicle Storage in Residential Zones

The following standards for the storage of commercial vehicles are found to be necessary to minimize the impact from commercial vehicles in residential zones, protect property values and the reasonable use and enjoyment of residential properties.

1. The parking or garaging of commercial vehicles may be permitted in any residential district as an accessory use only in compliance with and subject to the following restriction:
   a. Only one commercial vehicle not exceeding 14,000 pounds gross vehicle weight (GVW) may be parked or garaged provided it also does not exceed ten (10) feet in height from the base of the wheel to the top (including any cargo) or ten (10) feet in cargo (box) length. For the purposes of this section, gross vehicle weight rating is the maximum operating weight/mass of a vehicle as specified by the manufacturer, including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers.

2. All commercial vehicles, regardless of GVW, shall meet the following standards:
   a. No vehicle shall have more than two (2) axles.
   b. No vehicle shall be parked so as to obstruct the view of traffic from adjacent driveways or streets.
   c. No vehicle containing hazardous materials or waste may be parked on a residential lot.
   d. No construction equipment, including but not limited to backhoes, bobcats, bucket loaders, track vehicles, or similar machinery, self-propelled or not, shall be permitted.

e. No tanker trucks or similar type vehicles used for hauling liquids including but not limited to, oil trucks, septic cleanout trucks, etc., shall be allowed.
f. All commercial vehicles shall be parked on the driveway of the occupied residential lot, provided no commercial vehicle shall be parked closer than five (5) feet from any adjacent property line unless appropriately screened by a fully opaque fence or vegetation of at least six (6) feet in height.
g. The commercial vehicle shall be owned or operated by the permanent resident of the property on which it is to be parked.
h. No maintenance or repair of a commercial vehicle shall be allowed on the residential property.
i. There shall be no loading or unloading of commercial contents.
j. No garbage hauling, dump trucks, or any other trucks that haul cargo that emits objectionable odors shall be permitted to park in a residential zone.
k. No tractor and/or trailer shall be parked in a residential district at any time except in connection with a moving or delivery operation.
l. No idling of diesel engines or operation of refrigeration equipment shall be permitted at any time the vehicle is stored on a residential lot.

3. Nothing herein shall be construed to permit a home occupation that is not otherwise permitted under the regulations. Any home occupation that is conducted in conjunction with the parking of a commercial vehicle must meet the applicable requirements.

4. Nothing herein shall be construed to prohibit commercial vehicles parked temporarily while engaged in providing products or services to the owner or occupant of the property.

5. Nothing herein shall be construed to prohibit commercial vehicles that are used as part of the following:
   a. Approved construction projects
   b. A permitted agriculture, farming, forestry, or nursery gardening use
   c. A permitted earth excavation (removal or deposition) activity
   d. Use of a facility operated by the Town of Plainville, a Fire Department, the State of Connecticut, or the Federal Government
   e. A maintenance facility in support of a multiple dwelling project on the lot, and/or in support of any Special Exception use, if authorized under such Special Exception.

6. No equipment associated with a commercial vehicle shall be allowed as outside storage on any residential property including, but not limited to, landscaping or construction trailers or equipment, construction supplies, snow plows, sanders or any visible product associated with the commercial vehicle, with the exception of those commercial supplies that fit into the bed of the vehicle or on a rack system without violating the height and length provisions of this section.

I. Home Occupations

1. **Low Impact Home Occupations:** In order to support telecommuting, and to legitimize a growing population of home occupations, the Commission finds that minor home office operations used to support a home occupation, or to provide telecommuting opportunities, and which are otherwise unnoticeable from adjacent properties, is permitted by right in any residential zone provided the following criteria are met:
   a. The office is situated in a principal single family dwelling unit and shall occupy no more than 10% of the total living area of the dwelling unit, including storage areas for goods and materials. No home occupation, or storage related thereto is permitted in accessory structures.
   b. Only those residing in the dwelling may engage in the home office use.
   c. No clients, customers, or outside employees may visit, receive services or work from the premises in which the home office is located.
   d. No business shall be conducted from the premises except by phone, computer, facsimile machine, email or standard mail.
   e. The premises must maintain the appearance of a residential dwelling at all times.
   f. Goods, materials or supplies of any kind related to the home office may be delivered to or from the premises by passenger automobile and delivery vehicles such as a UPS or Federal Express van, but not by tractor trailer.
   g. No goods, materials or supplies of any kind related to the home office may be stored outside of the premises containing the home office.
   h. Home offices that exceed the requirements of this section may be permitted as medium impact home occupations by special exception under section 1.04.H.2.
   i. One sign may be installed in accordance with Section 4.05 of these regulations.

2. **Moderate Impact Home Occupations**: Moderate impact home occupations may reduce commuting traffic and improve economic conditions as well provide an effective incubator for small business. Recognizing that they may also have potential for negative impacts on surrounding residential properties, regulatory oversight is indicated. Moderate home occupations exceeding the requirements of Section 1.04.H.1 may be permitted in single family residential dwellings in zones R, R-10, R-11, R-12, R-15, R-20 and R-40 by special exception in accordance with Section 7.02 of these regulations, provided the following criteria are met:
   a. The home occupation is situated in a principal single family dwelling unit and shall occupy no more than 20% of the total living area of the dwelling unit. No home occupations are permitted in accessory structures.
   b. In addition to those residing in the dwelling, not more than one outside employee may engage in the home occupation.
   c. No sale of items shall be permitted from the premises; this provision does not apply to items sold by catalog and shipped from an alternate address directly to the consumer.
   d. The premises must maintain the appearance of a residential dwelling at all times.
   e. No display of articles in connection with the home occupation shall be visible from outside of the premises at any time.
   f. No goods, materials or supplies of any kind related to the home occupation may be stored outside of the premises at any time.
   g. The applicant for special exception shall present a site plan, including sufficient information for the Commission to make a determination that such use will have adequate parking for the intended use.

3. Because the granting of a Special Exception is tied to the property, and not the applicant, the Commission shall use the highest discretion in granting an approval under this section.

h. The Commission may apply reasonable conditions to a special exception approval to avoid adverse impacts to neighboring properties, including, but not limited to:
   1. Hours of operation.
   2. Days of operation.
   3. Buffer and screening requirements.
   4. The manner in which the items related to the Moderate Impact Home Occupation may be delivered to and from the premises.
   5. Site plan revisions deemed necessary to accommodate the proposed use.

i. One sign may be installed in accordance with Section 4.05 of these regulations.

4. Home occupations, including those listed below, exceed the requirements of this section and are not permitted:
   a. Contractor's business of any kind except a home office as permitted in Section 1.04.H.1.
   b. Classes, school or instruction where greater than one student at a time will be instructed.
   c. Retail use of any kind.
   d. Any equipment, process or instruction which can be reasonably determined to create noise, vibration, glare, fumes, odors or electrical interference discernible from the property line of the home occupation.
   e. For any uses not mentioned, the Commission may make a determination on a case by case basis.

5. Failure to comply with the conditions of approval shall subject the Special Exception to revocation by the Commission after due process.

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Article 2. BUSINESS ZONES

Section 2.01 Purposes

The purpose of the various commercial, industrial, and other business zones is to permit such development along the major thoroughfares and collector streets and other locations in Town where such development may be appropriate.

Section 2.02 Permitted Uses & Structures

ZONING DISTRICT LEGEND

CC	Central Commercial
GC	General Commercial
RI	Restricted Industrial
GI	General Industrial
TP	Technology Park
QI	Quarry Industrial

CODE LEGEND

A	**Allowed –** no permit required for the use, building or structure
ZP	**Allowed** - Zoning Permit required for the use, building or structure
SP	**Allowed** - Site Plan approval required by the Planning and Zoning Commission for the use, building or structure
SE	**Conditional** - The use, building or structure may be allowed upon approval of a Special Exception application by the Planning and Zoning Commission subject to special requirements and/or conditions
	Not permitted – Any use not listed is prohibited.

A. Permitted Principal Uses and Structures

Buildings and land may be used and buildings may be altered or erected to be used for the following purposes:

1. RETAIL-TYPE USES	CC	GC	TP	RI	GI	QI
1.1. Commercial or retail establishment	SP	SP				
1.2. Commercial or retail establishment as adaptive reuse of an existing building in accordance with the provisions of Subsection 2.04.B of the Regulations					SP	SP

2. SERVICE-TYPE USES	CC	GC	TP	RI	GI	QI
2.1. Bank and/or financial institution	SP	SP	SP	SP	SP	SP
2.2. Personal service establishment	SP	SP				
2.3. Personal service establishment as adaptive reuse of an existing building in accordance with the provisions of Subsection 2.04.B of the Regulations					SP	SP
2.4. Sample room	SP	SP				
2.5. Funeral home	SP	SP				
2.6. Day care center for children or adults	SP	SP	SP	SP	SP	SP
2.7. Printing / publishing establishment	SP	SP	SP	SP	SP	SP
2.8. Studios, arts and broadcasting	SP	SP	SP	SP	SP	SP
2.9. Dog Day Care Facility in accordance with the provisions of section 2.04.M	SE	SP		SP	SP	

3. OFFICE-TYPE USES	CC	GC	TP	RI	GI	QI
3.1. Business, professional, medical, semi-public, utility, or government office	SP	SP	SP	SP	SP	SP
3.2. Data processing facility		SP	SP	SP	SP	SP
3.3. Research and/or development			SP	SP	SP	SP
3.4. Any office use as adaptive reuse of an existing building in accordance with the provisions of subsection 2.04.B of the Regulations					SP	

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4. HOSPITALITY USES	CC	GC	TP	RI	GI	QI
4.1. Restaurant or food service establishment for consumption of food on or off the premises where no alcohol is served, and as adaptive reuse of an existing building in the GI zone in accordance with the provisions of Subsection 2.04.B of the Regulations	**SP**	**SP**			**SP**	
4.2. Restaurants, taverns, cafes and other food service establishments for the consumption of food and alcohol on the premises, and as adaptive reuse of an existing building in the GI zone in accordance with the provisions of Subsection 2.04.B of the Regulations	**SE**	**SE**			**SE**	
4.3. Hotel / Motel	**SE**	**SP**		**SE**	**SE**	**SE**
4.4. Conference/banquet centers and related facilities		**SP**	**SP**	**SE**	**SE**	**SE**

5. ENTERTAINMENT / RECREATION-TYPE USES	CC	GC	TP	RI	GI	QI
5.1. Indoor theater	**SP**	**SP**				
5.2. Indoor recreation center		**SE**		**SE**	**SE**	**SE**
5.3. Health Fitness Club	**SP**	**SP**	**SP**	**SE**	**SP**	
5.4. Other amusement use except arcades or electronic game establishments, amusement parks, pool halls, roller skating rinks and race tracks of any kind	**SP**	**SP**		**SE**	**SP**	
5.5. Accessory amusement machines or games not to exceed one per 1,000 square feet of approved establishment area	**A**	**A**		**A**	**A**	

6. HEALTH AND MEDICAL-TYPE USES	CC	GC	TP	RI	GI	QI
6.1. Public or private hospital	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
6.2. Public or private convalescent home or assisted living facility	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
6.3. Clinic	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
6.4. Veterinary clinic	**SE**	**SE**		**SE**	**SE**	**SE**
6.5. Medical Marijuana dispensary facility in accordance with the provisions of Subsection 2.04.N of these regulations and Sections 21a-408-1 to 21a-408-70 of the CT General Statutes as may be amended		**SE**				
6.6. Medical Marijuana production facility in accordance with the provisions of Subsection 2.04.N of these regulations and Sections 21a-408-1 to 21a-408-70 of the CT General Statutes as may be amended				**SE**	**SE**	

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7. INDUSTRIAL-TYPE USES	CC	GC	TP	RI	GI	QI
7.1. Industrial park				**SP**	**SP**	**SP**
7.2. Assembling, fabricating, manufacturing, and/or processing of components or goods				**SP**	**SP**	**SP**
7.3. Small scale assembly, processing or fabrication (such uses as: baker, caterer, decorator, laundry, dry cleaners not located in a primary Aquifer Protection Area, photographer, printer, shoe repair, or upholsterer provided that such activity shall take place only for immediate sale or direct service to customers from the premises and provided further that no noise, odor, dust, vibration or disorder is experienced beyond the lot lines of said business	**SP**	**SP**				
7.4. Contractor's primary business establishment including trades, construction, rigging and staging. Storage and equipment yards for a contractor's primary business establishment may be permitted as an accessory use only if properly screened, but not in the GC Zone		**SP**		**SP**	**SP**	**SP**
7.5. Earth material stockpiles associated with an approved contractor's storage yard subject to height limitation and visual screening as deemed necessary to protect the privacy of adjacent properties.				**SE**	**SP**	**SP**
7.6. Painting, woodworking and sheet metal shops				**SP**	**SP**	**SP**
7.7. Industrial launderers, not located in a primary aquifer recharge area				**SP**	**SP**	**SP**
7.8. Recycling Facility or Salvage Facility, subject to the requirements of Subsection 2.04.O					**SE**	

8. WAREHOUSE / STORAGE USES	CC	GC	TP	RI	GI	QI
8.1. Warehousing and wholesale trade				**SP**	**SP**	**SP**
8.2. Distribution and/or fulfillment center				**SE**	**SP**	**SP**
8.3. Self-storage facility in accordance with Subsection 2.04.F of the Regulations				**SE**		
8.4. Self-storage facility					**SP**	**SP**

9. QUARRYING USES	CC	GC	TP	RI	GI	QI
9.1. The quarrying, processing and removal of stone, subject to the requirements of Subsection 2.04.E						**SP**

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10. INSTITUTIONAL-TYPE USES	CC	GC	TP	RI	GI	QI
10.1. Town Hall, Police Station or Firehouse	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
10.2. Public or private school	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
10.3. Public or private library	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
10.4. Public museum	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
10.5. Park or playground operated by a community association, non-profit corporation located in the Town of Plainville, employing corporation for the benefit of its employees or by a governmental unit	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
10.6. Churches / places of worship	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
10.7. Community centers				**SE**	**SE**	**SE**
10.8. Clubs, public or private as adaptive reuse of an existing building in accordance with the provisions of Subsection 2.04.B of the Regulations					**SE**	**SE**
10.9. Postal facilities				**SE**	**SE**	**SE**
10.10. Any other similar educational, religious, philanthropic, charitable, fraternal or governmental use	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**

11. TRANSPORTATION / UTILITY-TYPE USES	CC	GC	TP	RI	GI	QI
11.1. Public utility, building or facility with the exception of a wireless telecommunication facility	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
11.2. Telecommunication facility in accordance with the provisions of Section 6.03	**A/SP**	**A/SP**	**A/SP**	**A/SP**	**A/SP**	**A/SP**
11.3. Utilities, public and private	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
11.4. Wastewater treatment plants				**SE**	**SE**	**SE**
11.5. Park and ride facilities and commuter parking lots		**SE**		**SE**	**SE**	**SE**
11.6. Railroad stations and yards		**SE**		**SE**	**SE**	**SE**
11.7. Airports				**SE**		

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12. AUTOMOTIVE-TYPE USES	CC	GC	TP	RI	GI	QI
12.1. Gasoline service station in accordance with the provisions of Subsection 2.04.J		SE				
12.2. Motor vehicles sales, rental, repair, and/or service in accordance with the provisions of Subsection 2.04.J		SE			SE	
12.3. Expansion of automobile repair and sales facilities which existed prior to July 31, 1996				SE		
12.4. Open storage and sale of personal and commercial hauling trailers, but not tractor trailers, in accordance with the provisions of Subsection 2.04.J and 2.04.I		SE				
12.5. Open storage and sale of recreational vehicles in accordance with the provisions of Subsection 2.04.J		SE				
12.6. Luxury Motor Coach Sales and Service in accordance with the provisions of Section 2.04.L				SE		

13. MIXED USE COMMERCIAL / RESIDENTIAL USES	CC	GC	TP	RI	GI	QI
13.1. Efficiency dwelling units not to exceed 15% of the total residential units per property in accordance with the provisions of Subsection 2.04.C		SP				
13.2. One and two bedroom dwelling units in accordance with the provisions of Subsection 2.04.C	SP	SP				
13.3. Condominium and multi-family developments in accordance with Subsection 1.04.D	SE	SE				
13.4. Redevelopment Design District in accordance with the provisions of subsection 2.04.P	SE*	SE*			SE	SE

*Primary industrial parcel required.

14. OTHER USES	CC	GC	TP	RI	GI	QI
14.1. Multiple buildings and structures on a single lot in accordance with the provisions of Subsection 2.04.G of the Regulations				SP / SE	SP / SE	SP / SE
14.2. Public or private cemetery	SE	SE	SE	SE	SE	SE
14.3. Adult uses in accordance with the provisions of Subsection 2.04.H		SE				
14.4. Heavy traffic generator creating 100 peak hour vehicle trips in accordance with Subsection 2.04K	SE	SE	SE	SE	SE	SE

B. Permitted Accessory Uses and Structures

The following uses and/or structures, including signs in accordance with Section 4.02, may be permitted as accessory uses and/or structures in accordance with the provisions of these Regulations provided they are accessory and clearly subordinate to the principal use.

1. DRIVE-THROUGH SERVICE	CC	GC	TP	RI	GI	QI
1.1. Drive through windows for banks and financial institutions in accordance with the requirements of Subsection 2.04.A	SE	SE		SE	SE	
1.2. Drive through windows for retail stores and restaurants in accordance with the requirements of Subsection 2.04.A	SE	SE				

2. RESIDENTIAL USES	CC	GC	TP	RI	GI	QI
2.1. A dwelling unit or living quarters for one watchman or caretaker of the immediate premises			A	A	A	A

3. BUSINESS / SERVICE USES	CC	GC	TP	RI	GI	QI
3.1. An ancillary restaurant, retail, or commercial use for employees in accordance with the provisions of Subsection 2.04.D of the Regulations			SP	SP		
3.2. An ancillary retail use that is clearly accessory and complementary to the primary permitted use, not to exceed 20% of the floor area of the building, and provided all other requirements of this regulation are met				SP	SP	
3.3. Adult and child care centers for employees. These adult and child centers must be located in the same building as the primary use		SP	SP	SP	SP	

4. INDUSTRIAL / TRANSPORTATION USES	CC	GC	TP	RI	GI	QI
4.1. Electroplating as an accessory use to the primary manufacturing, processing and/or fabricating process, not located in a primary aquifer recharge area					SE	
4.2. Heliports			SE		SE	

5. OTHER ACCESSORY USES	CC	GC	TP	RI	GI	QI
5.1. Accessory use customary to a permitted use (requires same level of approval as the principal use)	ZP / SP / SE	ZP / SP / SE	ZP / SP / SE	ZP / SP / SE	ZP / SP / SE	ZP / SP / SE

Section 2.03 Dimensional Standards

All buildings or structures or uses of land, erected or altered after the enactment of these Regulations shall conform to the requirements specified for the zone in which the building or structure or use of land is located, as shown in the following subsections.

A. Minimum Lot Requirements

ZONE	Minimum Lot Area (1) (S.F.)	Minimum Frontage (2) (Ft.)
Central Commercial	No requirement	No Requirement
General Commercial	No requirement	No requirement
Technology Park	80,000	200
Restricted Industrial	No requirement	No requirement
General Industrial	No requirement	No requirement
Quarry Industrial	No requirement	No requirement

(1) Designated wetlands and flood plain areas shall not be permitted as a part of minimum lot area requirements.

(2) With regard to a regional shopping mall with anchor stores under separate ownership, the frontage requirements shall not be applicable to any lots that might be created through a subsequent subdivision or resubdivision of a regional shopping mall site. However, the regional shopping mall site as a whole shall meet the frontage requirements for the respective zone(s), and each lot so subdivided shall have access to a paved street either directly or via easement or license.

B. Minimum Yard Requirements

ZONE	Minimum Front Yd. (1) (2) (3)	Minimum Side Yd. (4)	Minimum Rear Yd. (3) (4)
Central Commercial	12 feet	one yard of 15 feet	10 feet
General Commercial (5)	24 feet	1 of 15 feet / total of 20 feet	10 feet
Technology Park	50 feet	20 feet (30 feet if abutting a residential zone)	20 feet (35 feet if abutting a residential zone)
Restricted Industrial	35 feet	1 of 20 feet total of 50 feet	50 feet
General Industrial (3) (5)	20 feet (35 feet if abutting a residential zone)	20 feet (30 feet if abutting a residential zone)	20 feet (35 feet if abutting a residential zone)
Quarry Industrial	20 feet (50 feet if abutting a residential zone)	20 feet (50 feet if abutting a residential zone)	20 feet (50 feet if abutting a residential zone)

(1) The minimum front yard shall be provided when no building line has been established by the Planning and Zoning Commission.

(2) The minimum front yard for property in any zone may be established at a dimension different than that prescribed in Section 2.03 by the initiative and action of the Commission in the administration of Section 7.02 if the Commission determines that a change in the front yard dimension will (1) effect better placement of structures, parking, and other site features related to new development or substantial redevelopment of a parcel and (2) advance a public interest in maintaining or improving the relationship between public and private spaces along the street on which the property fronts.

(3) Except where otherwise provided for in these regulations, no building to be used as a dwelling, shall be constructed or altered in the rear yard of, or moved to the rear yard of a dwelling situated on the same lot. No building shall be constructed in front of or moved to the front of a dwelling situated on the same lot.

(4) In the case of corner lots, the side and rear yards may be five feet (5') by permission of the Commission.

(5) With regard to a regional shopping mall with anchor stores under separate ownership, the yard requirements shall not be applicable to any lots that might be created through a subsequent subdivision or resubdivision of a regional shopping mall site. However, the regional shopping mall site as a whole shall meet the yard requirements for the respective zone(s), and each lot so subdivided shall have access to a paved street either directly or via easement or license.

C. Maximum Building Limitations

ZONE	Maximum Height (Feet)	Maximum Stories	Maximum Coverage (Percent)
Central Commercial	60	-	-
General Commercial (1)	30	(2)	50
Technology Park	60	(3)	30
Restricted Industrial	40	-	50
General Industrial	60	-	-
Quarry Industrial	-	-	-

(1) With regard to a regional shopping mall with anchor stores under separate ownership, the percent coverage requirements shall not be applicable to any lots that might be created through a subsequent subdivision or resubdivision of a regional shopping mall site. However, the regional shopping mall site as a whole shall meet the percent coverage requirements for the respective zone(s), and each lot so subdivided shall have access to a paved street either directly or via easement or license.

(2) The maximum height permitted in a regional shopping mall shall not exceed 75'.

(3) Office building - six (6) stories
Industrial use - 1 story

Section 2.04 Use Regulations

A. Drive Through Windows

1. Drive through windows may be permitted by Special Exception for retail establishments, restaurants and financial institutions only in a manner and district specifically permitted by these regulations.
2. A traffic impact analysis/report shall be required for any restaurant use but may be required for any other use if deemed necessary by the Commission.
3. The drive through window shall be accessory to the primary use and require a Special Exception in accordance with the provisions of Section 7.03 of the Regulations.
4. Each stacking lane for the drive through window shall be separated from pedestrian traffic and other vehicular traffic circulation lanes. Parking areas shall be identified with appropriate pavement markings, internal walkways, speed bumps, directional signs and the like.
5. Each stacking lane for retail and financial institutions shall provide a minimum stacking area for five vehicles.
6. Each stacking lane for restaurants shall provide a minimum stacking area for 10 vehicles.
7. The Commission may require additional stacking area for restaurant drive through windows if it determines that a longer stacking lane is necessary to ensure the safety and welfare of vehicular and pedestrian traffic on the site and on adjacent streets.
8. Each vehicle space shall be measured as follows: ten feet by twenty feet (10’ X 20’) per vehicle.
9. Exits and entrances for stacking lanes shall be located at a safe distance from any street intersection and shall not impair the flow of vehicular and pedestrian traffic on or off the subject site.

B. Adaptive Reuse

1. In order to promote flexibility and the environmentally friendly use of land within the certain zones, particularly in areas designated as Aquifer Protection Areas, the Commission may, by Site Plan or Special Exception, as indicated in the use tables, allow for the adaptive reuse of an existing building or buildings under the following conditions:
   a. The building in which said adaptive reuse is proposed must be at least 50 years old at the time of the application.
   b. The Commission must find that the proposed use does not:
      1. Impair the character of the building, site or surrounding properties.
      2. Interfere or create conflict with any remaining industrial use or uses on the premises.
   c. The Commission shall require a site plan detailing how the applicant proposes to upgrade or improve site access, landscaping, parking lot layout and design and external illumination in accordance with the provisions of Section 7.02 of the Regulations.
   d. Where a proposed adaptive reuse also requires approval of a special exception by the Commission, the considerations and criteria under Section 7.03 of these regulations shall be weighed carefully to insure that the proposed reuse does not conflict with adjacent uses or neighborhood character.

C. Residential / Mixed Use

1. Except as hereinafter provided in this subsection, residential dwelling units may be permitted as part of a mixed use building in Central Commercial and General Commercial Zones provided that one hundred percent (100%) of the first floor level of the building is used for retail or office use. Two (2) residential dwelling units may be constructed on the first floor level to comply with disability accessibility requirements of the Americans with Disabilities Act of 1990 as incorporated into the Connecticut State Building Code. If additional accessible units are required to comply with State Code and the ADA, they must be located on upper floors. The following standards shall be met:
   a. Efficiency dwelling units located above the required first floor commercial space shall be permitted in a General Commercial (GC) Zone subject to the following:
      1. Each efficiency dwelling unit shall contain a minimum of four hundred (400) square feet and a maximum of 500 square feet of gross floor area.
      2. There shall not be more than one efficiency unit per 2,000 square feet of lot area and the number of efficiency dwelling units shall not exceed 15% of the total number of residential dwelling units per lot.
      3. Adequate provision for parking, water and sewerage shall be made for the proposed site.

   b. One and two bedroom dwelling units located above the required first floor commercial space shall be permitted in the Central Commercial (CC) and General Commercial (GC) Zones subject to the following:
      1. A one bedroom dwelling unit shall contain a minimum of 550 square feet of gross floor area at a density not to exceed one unit per 3,000 square feet of lot area.
      2. A two bedroom dwelling unit shall contain a minimum of 750 square feet of gross floor area at a density not to exceed one unit per 4,000 square feet of lot area.
      3. Kitchen, dining and/or living room areas may be arranged in any manner to meet the requirements of this section.
      4. Adequate provision for parking, water and sewerage shall be made for the proposed site.

D. Ancillary Restaurant / Retail Uses

1. Within the Restricted Industrial and Technology Park Zones, the Commission may, by Site Plan Approval, allow a commercial and/or retail use and/or a restaurant where such services are provided on the premises for employees of the primary use and authorized visitors only provided such use occupies less than 20% of the total floor area of the primary building or 10,000 square feet, which ever amount is less.

2. The Commission must find that the proposed restaurant, commercial or retail use is clearly subordinate and related to the primary use and does not impair the character of the building, site or surrounding properties.

3. Nothing herein shall be construed as granting permission to construct or apply for permission to construct residential units.

4. Ancillary retail is also permitted in Restricted Industrial Zones for offsite consumers in accordance with Section 2.02.B.3.2.

E. Quarrying, Processing and Removal Of Stone

1. The Planning and Zoning Commission may approve a site plan for the quarrying, processing and removal of stone provided the following conditions are met:
   a. Adequate provision is made for drainage of the site during and at the conclusion of operations.
   b. Any finished quarry face or bank, where further operations are not contemplated, shall be left at an angle not to exceed 45 degrees, or in a series of stepped cliff faces, the total of which shall not exceed an angle of 45 degrees.
   c. Any finished quarry face or bank shall be permanently fenced at the top so as to prevent accidents.
   d. During operations, temporary fences and/or warning signs shall be placed at the top of any quarry face or bank.
   e. Any completed bank not composed of ledge rock or stone shall be covered with at least four inches of topsoil and seeded with suitable cover crop.
   f. Lateral support shall be maintained for all adjacent properties.

2. The Commission shall require the submission of a revised plan of operations once each calendar year to facilitate its review of operations.

F. Self-Storage Facility

1. In the RI Zone, a self-storage facility may be permitted by Special Exception provided the following requirements are met:
   a. No individual storage unit shall exceed three-hundred (300) square feet.
   b. No electrical outlets, plumbing facilities or floor drains shall be allowed within the units.
   c. No Self-Storage Facility shall be less than three (3) acres in size.
   d. No Self-Storage Facility shall be located within 1000 feet of another Self-Storage Facility within the same zone.
   e. With the exception of the driveway, each self-storage facility shall have a minimum of a twenty-four (24) foot wide landscaped border along the entire front yard(s). The landscaped border shall be designed and constructed to provide visual breaks of the mass of the building(s).
   f. A self-storage facility shall require a six (6) foot high fence around the perimeter of all the buildings. A decorative fence shall be provided along the road frontage and a solid fence shall be provided along any abutting residential zones or properties utilized for residential purposes.
   g. A self-storage facility shall include an on-site office and provide an on-site manager.
   h. A self-storage facility shall provide a minimum of three (3) parking spaces and an additional 1 space for every 100 units or portion thereof.
   i. No building that fronts on a public street shall have a length greater than 200 feet; multiple buildings fronting on a public street shall have a minimum separation of ten (10) feet; the space between such fronting buildings shall be fully landscaped, except for the paved driveway.
   j. Interior buildings that exceed a height from grade of eight feet - six inches (8’ - 6”) shall have architectural treatment to resemble a habitable commercial building for the portion of the buildings facing the public street(s) that exceed the specified height; interior buildings shall not exceed a length of 300 feet.

G. Multiple Structures (Business)

   a. Multiple permitted structures may be erected in Central Commercial, General Commercial, Restricted Industrial, Technology Park, General Industrial Quarry Industrial Zones without subdivision requirement, provided that within the Central Commercial Zone, multiple principal structures shall not be permitted on a lot occupied by a one or two-family dwelling.

H. Adult Uses

1. **Purpose**: The purpose of this regulation is to prevent a concentration of adult entertainment uses and/or establishments which may adversely affect existing and potential neighborhoods, property values, retail, wholesale and industrial trade, public and private schools, libraries, public parks, places of public assembly and places of worship.

2. **Regulated Uses**: Adult entertainment uses and establishments shall include adult cabarets, adult book stores and video stores, adult mini-motion picture theaters and adult motion picture theaters, in which specified anatomical areas are exposed or specified sexual activities are depicted.

3. **Required Permit**: Adult entertainment uses and establishments shall require the granting of a Special Exception in compliance with Section 7.03 of these regulations.

4. **Separating Distances**: No adult entertainment use and/or establishment shall be located within one-thousand (1,000) feet of a residential zone, within one-thousand (1,000) feet of an another existing adult use and/or establishment located within the Town of Plainville and/or within 1, one-thousand (1,000) feet of public and private schools, libraries, public parks, places of public assembly and places of worship. The distance shall be measured in a direct line between lots on which these uses are located.

5. **Alcoholic Beverages** - The sale and/or consumption of alcoholic beverages is prohibited in and/or at an adult entertainment use or establishment as defined in these Regulations.

6. **Signs and Exterior Displays**
   a. Signs advertising an adult entertainment use and/or establishment shall not depict any material which depicts, describes or relates to specified anatomical areas and/or specified sexual activities.
   b. Exterior displays associated with an adult entertainment use and/or establishment, including but not limited to displays, windows, decorations or other openings which may be observed from a public street or right of way, shall not permit the observation of material which depicts, includes, describes or relates to specified anatomical areas and/or specified sexual activities.

I. Storage Trailers

1. In any Commercial or Industrial Zone, no box trailer or open hauling trailer, whether registered or not, may be used for items or materials to be stored or offered for sale except if:
   a. Approved by the Commission and located in an Industrial Zone
   b. Located at the site of a bona-fide construction site during construction activity.
   c. An integral part of an existing non-conforming use in the zone in which they are located.

2. This section shall not be construed to allow repair or storage of trailers, recreational or any other motor vehicle, luxury motor coach or combination thereof for profit, business or hobby unless specifically approved by the Commission.

3. No hauling trailer or recreational vehicle shall be used as living quarters.

J. Automotive / Recreational Vehicle / Trailer Uses

1. For automotive Uses:
   a. All repairs, except for emergency repairs, shall take place within a building.
   b. Storage of motor vehicles, recreational vehicles, luxury motor coaches or trailers that are unregistered or unfit for repair is prohibited.
   c. Storage of vehicle stock shall occur only in display areas approved by the Commission. The size of such display spaces may be smaller than allowed for standard parking spaces, but such spaces shall be delineated on a site plan.
   d. Storage areas shall be reasonably screened from view to the street and abutting properties.
   e. Sales areas in the front yard are discouraged, but may be permitted by the Planning and Zoning Commission only when it can be determined that no alternatives are available, and appropriate mitigating measures such as landscaping and screening are incorporated into the approved plan.
   f. Automotive uses regulated under Sections 22a-354a through 22a-354bb of the Connecticut General Statutes, as amended, shall not be permitted in areas designated as Level "A" Aquifer Protection Areas.

K. Heavy Traffic Generators

1. Any development generating 100 peak hour vehicle trips may be permitted by Special Exception in any business/commercial/industrial/residential zone and shall require submittal of a Traffic Impact Study using the standards set forth in the most recent edition of the Institute of Transportation Engineers, Trip Generation, or a more accurate source, if available, subject to the following:
   a. The study shall contain present roadway conditions, existing roadway capacity, existing and projected traffic volumes (ADT, Peak A.M. and Peak P.M.), existing and projected capacity analyses to include volume/capacity ratios and levels of service, available sight distances along with sight distance requirements for the posted speed limit and speeds of ten miles per hour greater than the speed limit (per CTDOT requirements), site generated trips, traffic distribution, and traffic accident experience, all in accordance with standard and accepted traffic engineering practices.
   b. A Traffic Impact Study will also be required for an expansion to an existing use, which presently or with the expansion, will generate 100 peak hour trips.
   c. In all cases in which the Commission feels that a peer review of the applicant's Traffic Impact Study is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review in accordance with Section 7.08.E. of these regulations.

2. A onetime exemption from the requirements of this section for parking expansions on existing sites of no greater than 25% of the total existing parking may be permitted by the Commission if in its judgment the expansion will not significantly increase congestion in the streets or create any unsafe conditions. Any such exempted expansion is otherwise subject to the requirements of the regulations in their entirety. Applicants are encouraged to seek input from the Commission in advance of a formal application.

L. Luxury Motor Coach Sales and Service

1. Sales and service (accessory modification) of luxury motor coaches meeting the definition found under Section 9.02 of these regulations is deemed to be a unique use requiring sufficient land area to maneuver and store such vehicles and may be permitted only after the issuance of a Special Exception in accordance with the considerations and criteria set forth in Section 7.03 and the following standards:
   a. A minimum lot size of three (3) acres is required. Wetlands, steep slopes exceeding 15% and floodplain shall not be included in the minimum lot size calculations.
   b. All repairs, except for emergency repairs, shall take place within the facility.
   c. Storage of luxury motor coaches or any motor vehicles that are unregistered or unfit for repair is prohibited.
   d. Repair and modification to accommodate tow or dory vehicles (standard motor vehicles) directly related to a luxury motor coach are also permitted and considered to be accessory to the permitted use.
   e. Storage for repairs shall occur only in areas approved by the Commission.
   f. Repair storage areas shall be reasonably screened from view to abutting properties. Landscaping a minimum of five feet in height at the time of planting with a height at maturity of no less than six feet or opaque fencing, six (6) feet in height shall be required.
   g. Gated openings facing the street may be constructed of ornate fencing to enhance the appearance of the facility. If not fully opaque, storage shall be arranged in a manner so that repair vehicles are not readily visible from the street.
   h. Sales areas in the front yard are discouraged, but may be permitted by the Planning and Zoning Commission only when it can be determined that no alternatives are available and appropriate mitigating measures are provided such as site elements that discourage display within the required landscaped areas.
   i. Uses regulated under Sections 22a-354a through 22a-354bb of the Connecticut General Statutes, as amended, shall not be permitted in areas designated as Level “A” Aquifer Protection Areas.
   j. Ancillary service of motor vehicles may be conducted as a condition of the Special Exception within the facility in an area not exceeding 25% of the service floor area, or 3,500 square feet, whichever is less.
   k. Ancillary sales of motor vehicles may be conducted as a condition of the Special Exception.
   l. Display spaces for ancillary motor vehicle sales are discouraged, but may be permitted in an amount not to exceed four (4) spaces per establishment. In no instance shall display spaces be permitted within the required front yard setback.
   m. Other than the permitted sign, no banners, flags, balloons, or other methods or devices of customer attraction shall be permitted on the site.
   n. Failure on the part of the applicant to adhere to the above standards and any conditions of an approved special exception shall result in the revocation of any approval under this section. The Commission shall cause a notice to be filed on the Land Records revoking such approval and shall seek enforcement in accordance with Connecticut General Statutes Section 8-12. Approval revocation may be reversed only if the applicant seeks and receives approval for a new special exception certificate.

M. Dog Day Care Facilities

1. Dog day care facilities are permitted after site plan approval by the Commission in General Commercial, Restricted Industrial and General Industrial Zones.

2. Dog day care facilities are permitted after special exception and site plan review and approval by the Commission in Central Commercial Zones.

3. A site plan shall be submitted with each application showing drop off and pick up areas, staff and customer parking.

4. Each facility approved under this section shall provide a minimum of seventy (70) square feet of floor area for each dog, exclusive of office and support areas, and in no case shall there be more than thirty (30) dogs permitted in any facility at any one time.

5. No unlicensed dogs shall be accepted into the facility.

6. No overnight housing of dogs is allowed.

7. All dogs are to be housed indoors.

8. Hours of operation are limited to 6:00 A.M. to 8:00 P.M.

9. The dog day care facility must meet requirements set forth by The State of Connecticut Department of Agriculture, which is the licensing authority.

10. A detailed waste management plan shall be submitted with the application. Such plan shall take into consideration the disposal of solid waste and stormwater impacts.

11. The facility will not breed, sell or provide medical care to any dog.

12. The facility may permit indoor training and grooming as additional services.

N. Medical Marijuana Dispensing and Growing Facilities

1. **Purpose**: The purpose of this regulation is to prevent a concentration of regulated medical marijuana dispensing and production facilities or establishments (regulated facilities) which may adversely affect existing and potential neighborhoods, property values, retail, wholesale and industrial trade, schools, public buildings, public parks, public and private recreation areas and places of worship.

2. **Required Permit**: Regulated facilities shall require the granting of a Special Exception in compliance with Section 7.03 of these regulations. Site plan approval in compliance with Section 7.02 is also required. Regulated facilities shall be required to comply with applicable State and local fire, health and building codes.

3. **State Compliance**: Any regulated facility shall, prior to operation, provide a copy of a License to operate issued under the authority of the Commissioner of the Department of Consumer Protection.

4. **Separating Distances**:
   a. Production facilities shall not be located within two hundred (200) feet of a residentially zoned property, within one hundred (100) feet of a property containing a residential use, within one-thousand (1,000) feet of an another existing dispensary or production facility located within the Town of Plainville and/or within

five hundred (500) feet of schools, public buildings, public parks, public and private recreation areas and places of worship.

b. Dispensing facilities shall not be located within two hundred (200) feet of a residentially zoned property, within one hundred (100) feet of a property containing a residential use, within one-thousand (1,000) feet of an another existing dispensary or production facility located within the Town of Plainville and/or within five hundred (500) feet of schools, public buildings, public parks, public and private recreation areas and places of worship.

c. For the purposes of this section:
   1. **School** means any public, private or parochial educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.
   2. **Public Building** means any building owned, leased or otherwise held by the United States, the state, the town, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the state, which building is used for governmental purposes.
   3. **Public Park and Recreation Area** means public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within the town that is under the control, operation, or management of the town, any other town, or the state.
   4. **Private Recreation Area** means any private business, whether for-profit or not-for-profit, intended to serve or attract clients, customers, or users under 18 years of age, for the purpose of engaging in indoor or outdoor youth-oriented programs or activities, including but not limited to sports or fitness centers, martial arts, dance, gymnastics, music or art studios, indoor open or guided play areas, camps, and the like.
   5. **Place of Worship** means a building or place that by design is intended for conducting organized religious services and may be referred to more commonly as a church.
   6. **Separation Distance** means a straight measurement taken from the nearest lot line of the proposed use to the nearest lot line of the protected use.

O. Recycling Facility or Salvage Facility

1. **Purpose**: The Commission may, by special exception, allow a recycling facility or a salvage facility in the General Industrial (GI) zone provided the following requirements are met:
   a. The lot upon which the facility is located shall be at least seven (7) acres in size and shall be at least 300' from any residential, General Commercial or Central Commercial zone(s).
   b. A front, side or rear yard may be reduced to 0 feet for a structure within a facility that utilizes a rail line for incoming or outgoing deliveries where such rail enters the structure.
   c. The Commission may restrict such operation to transactions only with contract customers and it may restrict or prohibit transactions with the general public.
   d. Except for off-loading of deliveries or on-loading of end products, the recycling salvage facility operations shall occur within an enclosed building and no exterior storage of either incoming materials or end products shall be allowed.
   e. An application for such use shall include a narrative of the traffic generated by the operation including the time and number of trips and the types of vehicles used to enable the Commission to attach conditions for such permit to protect surrounding neighborhoods, if necessary.

P. Redevelopment Design District

1. **Purpose and Intent –** The Redevelopment Design District (RDD) was developed to foster high-quality redevelopment of old industrial sites that have outlived their useful life or have been adversely affected by perceived or actual environmental contamination. The intent of a Redevelopment Design District is to permit principal buildings and uses or groups of principal buildings and uses as a unified development on a single parcel or across contiguous parcels that have been combined for this purpose. The regulation strives to permit flexibility from underlying zoning requirements with an emphasis on design standards to assure that all projects reflect a quality aesthetic while enhancing the character of the town/neighborhood. Redevelopment Design Districts shall inspire a more harmonious relationship between the development, the parcel(s), and the surrounding area than is possible using underlying zoning regulations. The RDD shall promote access to services and transportation while protecting the character of the community and abutting parcels through thoughtful site design. In addition, it is the purpose of this regulation to:

    a. Revitalize targeted parcels with mixed-use development that will provide for a variety of housing and business opportunities.
    b. Invigorate industrial parcels into distinctive retail/service/residential environment.
    c. Encourage smart growth and low-impact development.
    d. Promote the development of human-scale neighborhoods in walking distance of public transit.
    e. Assist the Town of Plainville to comply with the State Zoning Enabling Act, Connecticut General Statutes § 8-2, by adopting zoning regulations that promote economic diversity and housing choice.
    f. Ensure high quality site planning, architecture, and landscape design that is consistent with the surrounding neighborhoods and the distinct visual character of the historic structures in Plainville.
    g. Establish development standards that ensure context-sensitive design and creative site planning in the reuse of existing buildings and construction of new buildings.
    h. Notwithstanding approval of a Redevelopment Design District, the requirements of the underlying zone shall continue to apply if a project approved as a Redevelopment Design District is not constructed within statutory timeframes.

2. **General Concepts** – The RDD is an optional development that may be permitted in lieu of a standard development under the requirements of the underlying zone via special exception and site plan approval. The RDD regulations pay careful attention to the design and aesthetics of buildings and site development features with special consideration given to insure that surrounding areas and neighborhoods are not negatively impacted. The establishment of a mixed land use pattern must accomplish the stated purpose of the regulation and the successful applicant will present a planned community with features and amenities that are supportive of and complimentary to the proposed uses. It is the express intent of these regulations to provide a framework for development proposals by indicating use and design requirements while offering the applicant flexibility to fit market demand and existing site conditions.

3. **Required Primary Parcel Characteristics** – The RDD must be located on parcels designated as brownfields, grayfields, or vacant and/or underutilized parcels and shall contain either: 1) vacant or underutilized industrial buildings or groupings of buildings, or 2) vacant parcels that have previously contained vacant or underutilized commercial or industrial buildings or groupings of buildings that have been demolished, or 3) vacant parcels that have otherwise been used for industrial quarry activity. The primary RDD parcel may not be used to develop greenfields, open space, or any other area that has not been previously developed or used for commercial or industrial purposes. The primary parcel, whether or not combined with other parcels, must exhibit one or more of the aforementioned characteristics. For the purposes of this regulation, underutilized shall mean that the facility is less than 50% occupied at the time of the application.

The primary parcel(s) shall:

a. contain no less than 40% of the required minimum acreage before approval,
b. have the required parcel characteristics making it eligible under this section, and
c. be located in a General or Quarry Industrial Zone.

4. **Pre-Application Discussion** – Applicants are encouraged to participate in a pre-application meeting with town staff or with the Commission as provided for in accordance with Section 7.07 of these regulations to discuss the conceptual design and physical attributes of a proposed development. Applicants are also encouraged to engage the State Department of Transportation and/or the Office of the State Transportation Administration in the early stages of the development process where a State Traffic Certificate will be required.

5. **Where Permitted** – The RDD shall be permitted in the General Industrial, Quarry Industrial, General Commercial and Central Commercial Zones. Limited consolidation with parcels in the General and Central Commercial Zones may only be permitted as specified below.
   a. **Parcel Consolidation –** The consolidation of contiguous parcels may be necessary to meet the minimum area requirements of the regulations.
      1. It shall be acceptable to consolidate adjacent parcels in order to provide the minimum required parcel size and/or to accommodate a larger cohesive development. There shall be established one primary parcel that qualifies as having the desired parcel characteristics within a qualifying zone (GI or QI). That parcel shall be deemed the "Primary Parcel" for the purposes of consolidation.
      2. Secondary parcels used in combination with the primary parcel may have any property history including residential, but may be located in general commercial and central commercial zones only.
      3. Any such secondary parcel used in combination with the primary parcel shall be combined in fee to insure a cohesive development.

6. **Permitted Uses**
   a. **Primary Uses** – The following uses shall be permitted in the Redevelopment Design District.
      1. Commercial uses in accordance with Subsection 2.04.O.16.
      2. Residential uses in accordance with Subsection 2.04.O.17.
   b. **Accessory Uses** – In addition to the primary structures, accessory structures designed in accordance with these regulations may be permitted as follows only if shown on the approved site plan:
      1. Storage buildings necessary for the maintenance of the facility
      2. Fences
      3. Residential decks
      4. Outdoor dining and gathering areas
      5. Community amenities such as swimming pools and game courts
      6. Parking structures meeting the requirements of this section

7. **Bulk Requirements** – The following bulk requirements are deemed to be the minimum allowable in the Redevelopment Design District.
   a. Minimum district size shall be three (3) acres and may include one or more approved parcels.
   b. Minimum street frontage shall be 100 feet total, and may include two access points with the smaller of the two not being less than 40 feet wide.
   c. Maximum building coverage shall be 30%; however, that may be increased to 40% if structured parking is used that provides at least 40% of the required on-site parking spaces, or 50% if structured parking is used that provides at least 50% of the required on-site parking spaces.
   d. Total site coverage including structures, parking and circulation aisles, sidewalks, equipment platforms, courtyard areas, utility platforms and patios, weather permeable or not, shall not exceed 70% of the total site area. Permeable pavement, sidewalks and common surfaces may be utilized to meet Low Impact Development requirements.

e. Landscaped areas shall otherwise comprise at least 30% of the site and may be used to satisfy the requirements of LID standards.
f. Minimum front yard setback shall be 24 feet; however, the Commission may approve and/or require a reduction in the amount of the minimum front yard setbacks in accordance with Subsection (2) of Section 2.03.B with due consideration to streetscape design, pedestrian circulation and safety. Vegetation within the required front yard may count towards required landscape area.
g. Minimum side yard setbacks, if utilized as a vegetated buffer, may count towards the required landscape area. The following shall be required:
   1. 25 feet where abutting a residential zone or use.
   2. 20 feet where abutting a commercial or industrial use or zone.
   3. 10 feet where abutting an active rail line.

   The Commission, with due consideration to the abutting use and/or uses, shall require a buffer in the form of landscaping, fencing, landscaped berm or any combination thereof.
h. Minimum rear yard setback, if utilized as a vegetated buffer, may count towards the required landscape area. The following shall be required:
   1. 25 feet where abutting a residential zone or use.
   2. 20 feet where abutting a commercial or industrial use or zone.
   3. 10 feet where abutting an active rail line.

   The Commission, with due consideration to the abutting use and/or uses, shall require a buffer in the form of landscaping, fencing, landscaped berm or any combination thereof.
i. Maximum building height shall be as permitted in the underlying zone, except that building height in the General Commercial zone may be increased to 45 feet.
j. Maximum building height may be superseded by the airport approach zone height requirements if applicable.
k. Maximum residential unit density shall first be determined by the limiting factors of this regulation such as required parking, landscaping, buffers, and compliance with Low Impact Development standards. In addition, residential density must also comply with permitted residential to commercial floor area ratio but shall in no case exceed 20 units per acre, except as provided under subsection 8 of this regulation.
l. Commercial density shall be determined by the minimum permitted commercial to residential floor area ratio.
m. Notwithstanding the bulk requirements contained herein, where questions arise as to interpretation, the more restrictive shall apply.

8. Workforce Housing

Residential unit density may be increased to 25 units per acre if at least 20% of the units are designed as Workforce Housing and are available only to individuals and families whose household income is at or below 80% of the median income level for the Town of Plainville as determined and reported by the United States Department of Housing and Urban Development (HUD) in accordance with the following:

a. **Workforce Deed restriction**

   The following shall be inserted in each deed for a Workforce Housing Unit and may not be removed until the expiration of the period specified herein.

b. **Definitions**
   1. Eligible Household — a household whose annual income is at or below eighty percent (80%) of the median income for a household of the same size in the Town of Plainville.
   2. Obligation — the binding commitment the owner is obliged to uphold under the conditions of this regulation when utilizing the density bonus permitted herein.
   3. Owner – is construed to include applicant, developer, landlord, manager, project owner, individual unit owner and lessor and includes all heirs, successors and assigns of any category mentioned herein.

4. Workforce Housing Deed Restriction — a deed restriction constitutes a binding obligation with respect to the restrictions on household income, sale or resale price, lease and rental and housing costs. This definition shall also be construed to include the term covenant.
5. Workforce Housing Administrator – a party or entity appointed by the owner to administer ongoing eligibility requirements for the duration of any deed restrictions/covenants required by this regulation. The Workforce Housing Administrator shall be responsible to provide a written annual report to the Planning and Zoning Commission. Such report shall be subject to legal review.
6. Workforce Housing Unit — a dwelling unit within a Workforce Housing Development that is subject to a Workforce Housing Deed Restriction.

c. **Deed Restrictions - identify address and unit numbers**

1. **Preamble**

   The property conveyed/leased/rented hereby is a Workforce Housing Unit, subject to a Workforce Housing Deed Restriction as defined herein. Strict enforcement of the Workforce Housing Deed Restriction is required and any owner hereby obligates themselves to do so in compliance with the authorizing Plainville Zoning Regulation known as the Redevelopment Design District adopted on May 22, 2015.

2. **Stipulations**

   i. For a period of thirty (30) years from the date of initial residential occupancy, the Workforce Housing Unit may only be sold, transferred, leased, or rented to households whose annual income is less than or equal to eighty percent (80%) of the median income based on household size in the Town of Plainville as calculated by the U.S. Department of Housing and Urban Development, for no more than a price or rate that, inclusive of utility and maintenance costs as necessary and applicable, shall not impose gross housing costs that exceed thirty percent (30%) of the buyer/lessee/renter income at the time of sale, transfer, lease or rental.

   ii. Maximum income and maximum sale price shall be calculated upon property sale or transfer.

   iii. Maximum annual income and maximum lease (henceforth defined to include rental) rate shall be calculated upon new lease. For renewals or extensions of existing lease arrangements, recalculation of maximum annual income is not necessary, but recalculation of maximum lease rate may be undertaken at the discretion of the owner or landlord (henceforth lessor). For leased units without a written lease agreement, maximum lease rate may be recalculated on an annual basis.

   iv. Any such Workforce Housing Deed Restriction shall be noted within a declaration filed in the Land Records of the Plainville Town Clerk and any subsequent deeds and/or leases shall refer to the declaration by its location in the land records.

3. **Sale and transfer**

   i. For the duration of the Workforce Housing Restriction, the owner of said Workforce Housing Unit shall sell or transfer said Workforce Housing Unit only to an Eligible Household. Determination of buyer eligibility shall be made by the Workforce Housing Administrator as specified below.

   ii. In the event said owner desires to make said property available for sale, said owner shall notify the Workforce Housing Administrator in writing. Said owner shall inform any potential buyer of the Workforce Housing Restriction before any purchase and sale agreement is executed by furnishing the potential buyer with a copy of this Deed Restriction. The purchase and sale agreement shall contain a provision that the sale is contingent upon determination by the Workforce Housing Administrator that the buyer meets the eligibility criteria set forth herein.

   iii. Once the purchase and sale agreement is executed by said owner and the buyer, the latter shall immediately notify the Administrator in writing. The Administrator shall have thirty (30) days from receipt of such notice to determine the eligibility of the buyer. The Administrator shall notify said owner and buyer of its determination of eligibility in writing within said

thirty (30) day period. If the Administrator determines that the buyer is not eligible, the purchase and sale agreement shall be void, and said owner may solicit other potential buyers. If the Incentive Housing Administrator determines that the buyer is eligible, the Administrator shall provide the said owner and buyer with a signed certification, executed in recordable form, to the effect that the sale of the particular Workforce Housing Unit has complied with the provisions herein. The owner shall bear the cost of recording said certification.

4. **Lease (including "rental")**
   i. For the duration of the Workforce Housing Restriction, the lessor of said Workforce Housing Unit may lease said Workforce Housing Unit only to an Eligible Household. Determination of lessee (henceforth defined to cover the term "renter") eligibility shall be made by the Workforce Housing Administrator for the Workforce Housing Development specified below.
   ii. In the event said lessor desires to make said property available for lease, said lessor shall notify the Incentive Housing Administrator in writing. Said lessor shall inform any potential lessee of the Workforce Housing Restriction before any lease agreement is executed by furnishing the potential lessee with a copy of this Deed Restriction. The lease agreement shall contain a provision that the lease is contingent upon determination by the Workforce Housing Administrator that the lessee meet the eligibility criteria set forth herein.
   iii. Once the lease agreement is executed by said lessor and the lessee, the latter shall immediately notify the Administrator in writing. The Administrator shall have thirty (30) days from receipt of such notice to determine the eligibility of the lessee. The Administrator shall notify said lessor and lessee of its determination of eligibility in writing within said thirty (30) day period. If the Administrator determines that the lessee is not eligible, the lease agreement shall be void, and said lessor may solicit other potential lessees. If the Workforce Housing Administrator determines that the lessee is eligible, the Administrator shall provide the said lessor and lessee with signed certification to the effect that the lease of the particular Workforce Housing Unit has complied with the provisions herein.

d. **Sublease**

Subleases of more than ninety (90) days shall be treated as leases and comply with the conditions applicable to leases in this Deed Restriction, with the exception that maximum annual income and maximum lease rate shall be recalculated upon renewal or extension of an existing sublease. Subleases of ninety days or less are exempt from the requirements of this Deed Restriction. Nothing in this paragraph shall be construed to affect the lease agreement between the lessor and lessee, including, if specified, the permissibility or prohibition of sublease.

e. **Yearly notification**

The Workforce Housing Administrator shall file a report with the Plainville Planning and Zoning Commission or alternate body as designated by the Commission on an annual basis to certify compliance with the Workforce Housing Deed Restriction. Such reports shall also include name, address and contact information of the Workforce Housing Administrator.

f. **Monitoring and enforcement**

Violation of the Workforce Housing Restriction shall not result in a forfeiture of title, but the Plainville Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including § 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect said property and to examine the books and records of the Administrator to determine compliance of said property with the regulations named above and with this Workforce Deed Restriction.

g. **Succession Plan**

The owner, its heirs, successors and assigns are hereby obligated to institute the provisions of workforce housing compliance and to insure that in the event of a transfer of ownership, public or private, that the provisions of this regulation are fulfilled for the entire time period required herein.

9. **Application Procedure/Approvals Required** – Within the RDD, a project may be proposed in a permitted zone on a parcel or a consolidation of parcels meeting the prescribed parcel characteristics. The minimum standards for submittals are as follows:
   a. **Special Exception/Concept Plan** – A concept plan (10 copies) shall be required for approval of a special exception in accordance with Section 7.03 of these regulations. The concept plan will demonstrate the viability of the redevelopment project without a full investment in engineered site details. The applicant may choose to obtain approval of a special exception prior to applying for site plan approval, or both approvals may be sought concurrently. The concept plan shall graphically illustrate the spatial and physical layout of the proposed redevelopment. At a minimum, the concept plan shall include:
      1. **A concept plan showing such features as**:
         i. Existing features such as buildings, parking, landscaping, topography and utilities
         ii. Proposed building location(s)
         iii. Landscaping elements including proposed buffers
         iv. LID features – proposed location and type
         v. Public spaces
         vi. Parking and lighting
      2. **Elevation drawings of key features including:**
         i. Building façades
         ii. Public spaces
         iii. Key building and site design elements
         iv. At least one perspective rendering from a prominent viewing angle
      3. **Project narrative to include:**
         i. Financing plan
         ii. Project management team
         iii. Zoning data including, but not limited to:
            a. Existing historical and/or natural features
            b. Zoning compliance statement for proposed development
            c. Proposed tenant mix by type, area and use designations in tabular form
            d. Parking compliance statement in tabular form
            e. Phasing plans if applicable
            f. Estimated project duration
   b. **Site Development Plan/Site Plan** – The site plan approval process shall comply with all the requirements of Section 7.02 of these regulations and shall meet the standards found in Appendix "A" (Site Plan Checklist) of the regulations.
      1. The site plan shall be an accurate reflection of the conditions presented on the approved concept plan. Minor deviations from the concept plan may be approved administratively. Minor deviations may include:
         i. Movement of a structure in any direction in an amount equivalent to 10% of structure width or length relative to the direction of movement so long as required yard and buffer regulations are not violated, and parking, landscaping, and/or LID requirements are not adversely impacted.
         ii. Reduction in the size of a structure that does not affect any required use ratios.
         iii. Increase in the amount of commercial space built that does not increase impervious surface area.
         iv. In all other instances, or where site circulation, aesthetics and overall design are concerned, the Commission shall be the sole authority as to whether any plan deviation is minor or significant. If deemed minor, the Commission may permit administrative approval. If deemed significant, the applicant may be required to seek a site plan modification and/or re-approval of the concept plan via special exception.

10. **General Development Standards** – Careful site planning is an essential element of the RDD. It is the express intent of these regulations to garner projects that do not result in conventional commercial or residential development. Rather, the regulations will require that development plans take into consideration the following factors:
    a. The project design shall incorporate a village theme into responsible, sustainable mixed-use development.
    b. Site design shall comply with the Design Requirements (subsection 11) and take into consideration the functionality and importance of pedestrian and transit-friendly amenities as well as guiding building and site design.
    c. Project design shall incorporate interior and/or exterior plaza or court features to serve as central gathering, dining and/or vendor spaces.
    d. The project design shall protect and promote significant historic or natural features and shall take into account structures of historic and/or cultural value.
    e. Low impact development techniques (LID) shall be incorporated into all redevelopment plans and all plans shall strive to manage stormwater on the site, providing opportunities for groundwater recharge and stormwater renovation in accordance with the "Plainville Low Impact Development and Stormwater Management Manual."
    f. Landscaping and buffer design shall be incorporated in accordance with subsection 12.

11. **Design Requirements**
    a. The requirements found in this subsection are not merely guidelines. Applicants must use the following requirements in the design of the site and buildings.
    b. Scale shall be compatible to surrounding uses and shall relate to the human form as well as other buildings in the area.
    c. Massing of new structures shall be arranged in a manner that minimizes the appearance of a barracks style-structure
        1. No contiguous building surface shall have a length greater than 35 feet.
        2. In order to minimize massing, building surface projections or recesses shall have a depth of at least 5% or 5 feet, whichever is greater, rounded up to the nearest foot of the length of the façade and at minimum, such recesses shall create a visual break that can be easily identified from any viewing angle.
        3. Such projections or recesses shall be equally spaced or uniformly arranged along the entirety of the façade.
        4. Massing shall be further reduced through the use of varying architectural treatments.
        5. Where applicable, new structures shall be aesthetically compatible with adjacent buildings.
        6. Ground-floor façades that face streets shall have arcades, display windows, entry areas, awnings, or other architectural features along no less than 60% of their horizontal length.
        7. Pedestrian-friendly features such as benches, niches, plantings, and pavers are required in order to create visual interest along ground floor façades.
    d. Architecture embraces creativity and ingenuity in design.
        1. Flat, blank building surfaces are not permitted.
        2. Building façades shall have an attractive appearance from any viewing angle.
    e. Proportionality shall be considered. Spatial relationships between windows, doors, signs and other architectural elements shall be compatible with the architectural style of the building and its surroundings.
    f. Signs – Signs shall be designed to complement the required village theme of the development for both commercial and residential applications.
        1. Site plan applications shall include a sheet to specifically illustrate a coordinated signage plan.
            i. Signage shall be designed as a unified theme which shall be enforced throughout the life of the project.
            ii. Internally illuminated signage within the RDD shall be restricted to attached signage only.
            iii. Detached pole signs shall be limited to 24 square feet, and five feet in height.

iv. External illumination, if used, shall be downcast onto signs with care to insure that glare will not spill beyond the property line of the development.
v. Sign area will be strictly apportioned to permit one square foot of signage for each linear foot of building frontage used per use.

2. For the purposes of these regulations, prototypical architecture is equivalent to signage.
3. Franchise, logo or brand-name prototype architecture is strongly discouraged but certain design elements may be used to the extent that its appearance otherwise satisfies the spirit of these design regulations. If presented in the spirit of a New England village theme, the Commission may consider variations of prototypical architectural and sign features.
4. Internal directional and way-finding signs are permitted so long as commercial logos are not used and each directional sign is less than 2 square feet, not higher than 5 feet from grade, and does not impair visibility in any way. Such signs do not include necessary traffic safety signage.
5. Where otherwise unspecified, the sign standards set forth in Section 4.02 of these regulations shall apply.

g. Roofs – where applicable, roof shapes and pitches shall be compatible with or provide enhancement to, surrounding structures. Pitched roofs are preferred, but flat roofing may be considered to maintain the character of a specific area. Green roofs may be used to offset LID requirements on the ground.

h. Windows and doors shall be designed so that placement patterns maintain a balance, conveying a sense of continuity and unity.
1. Placement shall provide and strengthen a sense of unity with surrounding structures.
2. Fenestration design shall take into consideration building views from all sides.

i. Building materials shall be selected based upon:
1. Their ability to create a New England Village aesthetic
2. Their ability to provide continuity with the surrounding area
3. Their durability
4. The predominant exterior building materials shall be as follows:
i. Brick
ii. Wood
iii. Non-sedimentary stone
iv. Textured masonry
v. Vinyl or fiber cement (Hardie Board) siding boards may be permitted to simulate natural wood siding such as clapboard and shakes only when used in conjunction with alternating architectural materials to produce a visually desired aesthetic.
5. The use of smooth-faced concrete block and panels, pre-fabricated steel, exterior insulation and finish system (EIFS), fiberglass or metal panels (excluding metal roofs and approved accents) is prohibited.

j. Colors of surface materials are harmonious with compatible accents and:
   1. are harmonious with surrounding architecture,
   2. avoid large expanses of bright logo colors, and
   3. are of low-reflectance earth-tone colors.

k. Mechanical equipment, utilities and dumpsters shall be:
   1. Screened from view at any angle or located underground.
      i. Screening materials must be compatible with that of the redevelopment project.
      ii. Screening materials shall be made from durable materials.
      iii. Screening may be comprised of vegetated buffers, fences or architectural material if approved as compatible with other project materials by the Commission.

l. Outdoor display and sales are permitted only for the following purposes:
   1. Outside display of merchandise for sale within a designed pedestrian environment such as in a village-style shopping center or courtyard area with kiosks or market carts, where outside merchandise display is an integral part of the theme and enhances the appearance of the site, and only as shown on the approved plan.
   2. This subsection is not intended to allow the display of merchandise typically sold inside retail stores; rather, it is intended to encourage true pedestrian-oriented areas in a village atmosphere.

m. Outside dining areas shall not occupy sidewalks intended for pedestrian use and access. Outside dining and display areas are permitted only to the extent they are shown on an approved site plan.

n. Plazas/Courtyards/Squares are an important part of any mixed-use development serving as focal features of the development and providing areas for congregation. As such they shall be integrated into the project design in an amount equal to 5% of the gross floor area of the development up to the first 10,000 gross square feet of the development and thereafter in an amount equal to 1% of the gross square feet of the development.
   1. No single plaza, courtyard or square required herein be less than 400 square feet in total area
   2. In no case shall the entire plaza, courtyard or square area required herein be less than 800 square feet.
   3. Computations shall accompany the concept and site plans.
   4. Such space may be indoors and/or outdoors.
   5. Such public spaces may be used for gathering, dining, outdoor sales, trade and vending, entertainment to the exclusion of live music, or other such public uses as deemed appropriate and approved by the Commission as part of the formal application process.
   6. Such space shall not include common areas such as elevator lobbies, hallways, vestibules and foyers.

o. Loading docks and areas shall not be visible from public streets or from residential zones. All such facilities shall be designed as an integral part of the building, shall be suitably screened, shall not detract from the appearance of the building or site, and shall be accessible to all commercial areas within the building.

p. Dumpsters shall be screened so as not to be visible from public streets or from residential zones. All dumpsters shall be placed on a concrete pad, appropriately screened with commercial grade opaque fencing, and maintained for the life of the project. The location and design of the screening/enclosure shall be shown on the Site Plan. Restaurant dumpsters shall be located a minimum of 50 horizontal feet from any residential use and shall be maintained and cleaned regularly to reduce odors, including the use of environmentally friendly chemical additives to combat odor.

q. Reuse of existing structures, where applicable, shall conform to the requirements and guidelines of this section. In order to maintain the character of an existing structure, if desirable, the Commission may waive certain architectural requirements within this subsection that cannot be reasonably accommodated while saving the structure, but shall not waive requirements relating to plazas, courtyards, squares, signs, loading and dumpster areas, and required screening of these elements.

12. **Landscaping, Buffers and Screening -** Landscaping shall be provided in accordance with this regulation.
    a. Where the Commission deems that a reduction in the required front yard setback is beneficial to the project, required front yard landscaping may be reduced in kind, but shall not reduce the overall amount of landscaped area as required by these regulations.
    b. Landscape areas shall include vegetated buffers, screening, and low impact development elements used for creative stormwater management, except that no detention/retention basins shall be permitted within the required landscape area unless designed to mimic a functional and natural water feature, or as an aesthetically pleasing landscape focal point.
    c. Not more than 30% of such landscape area may be comprised of wetlands, watercourses, special flood hazard areas or slopes in excess of 20% unless the Commission can make a finding that such areas are subject to development and are worthy of such conservation.
        1. An area computation shall be provided in tabular form on the landscaping plan to confirm the appropriate makeup of landscaped area.
    d. In addition to the required minimum landscaped area of this subsection:
        1. Front Yard landscaping shall comply with Section 4.03.1 of the regulations.
        2. Parking lot landscaping shall comply with Section 4.03.2 of the regulations.
        3. Buffers and screening shall comply with Section 4.03.3 of the regulations.
    e. Where a conflict exists between the requirements of this regulation and the requirements found elsewhere in the regulation, the more restrictive shall apply.

13. **Parking**
    a. Due to the mixed-use nature within the RDD, parking shall be as follows:
        1. Where feasible, parking structures shall be utilized. Any such parking structures, if so situated, shall incorporate street level commercial façades.
        2. All other parking shall be provided in open lots and/or common or private garages.
        3. Open lot parking shall be shielded from street view with landscaping and or structures.
        4. If parking is to be combined, the applicant may avail themselves of percentage reductions as permitted in Section 4.01 of these regulations.
        5. If residential parking is segregated from commercial parking, the number of parking spaces shall comply with the parking standards found within Section 4.01 of the regulations and the project narrative shall provide details as to how parking segregation will be accomplished and managed.
        6. The density of development permitted in the RDD requires that special attention is paid to Low Impact Development Techniques. Such measures shall be utilized in parking lot design to maximize infiltration, improve water quality, and diminish flooding. Permeable paving is recommended but shall be required for any parking in excess of the minimum required by this regulation.
        7. No required front yard setbacks shall be used for parking regardless of frontage reductions required or granted by the Commission.
        8. The applicant shall provide a parking data table on the site plan indicating required and provided parking for each use and dwelling type including any specified reduction.

14. **Access Management** – The implementation of Access Management should focus on the following:
    a. Limit the number of access points.
    b. Choose access locations that reduce conflicts within the development and on adjacent streets.
    c. Encourage shared access between lots.
    d. Consolidate access for contiguous lots.
    e. Where possible, access locations shall be designed to be no less than 100 feet from intersections, unless aligned with a signalized intersection.

15. **Storm-Water Management** – A storm-water management plan shall be submitted at the time of site plan application. Such plan shall utilize and follow the tenets of the "Plainville Low Impact Development and Storm-Water Management Design Manual."

16. **Commercial Development** – The development shall be required to construct and maintain the following indoor commercial space.
    a. Commercial space – In no case shall the net indoor floor area of commercial space be less than 35% of the net indoor floor area within the entire RDD.
    b. No single commercial end user shall occupy in excess of 10,000 square feet.
    c. Commercial space shall occupy all at grade street facing façades.
    d. In no case shall commercial space be located over residential dwelling units.
    e. Permitted commercial uses shall include:
        1. Retail, but not smoke shops, package stores, pawn shops, or consignment stores.
        2. Personal services, but not tattoo parlors.
        3. Restaurants as defined in Article 9 of these regulations. Liquor sales in connection with food service establishments may be permitted to the extent that tables for food service shall comprise no less than 80% of the patron service area and no live entertainment shall be permitted. In deference to the residential component of the development, hours of operation shall not extend beyond 10:30 P.M.
        4. Offices.
    f. For the purposes of determining compliance with this subsection, net floor area shall include all enclosed areas devoted to individual and exclusive commercial use, and shall not include certain common areas such as common hallways; stairwells; elevator lobbies; private parking garages; outdoor plazas, courtyards and squares, and indoor/outdoor dining areas.
    g. For the purposes of determining compliance with this subsection, the applicant shall provide a detailed computation indicating the calculations used to compute the permitted amount of commercial space, including a comparison of commercial versus residential net floor area.

17. **Residential Development** – Multifamily dwellings will provide the human element needed to energize and help maintain the desired village atmosphere within the RDD.
    a. New multifamily dwelling units shall be permitted on upper levels of mixed use buildings within the RDD.
    b. Residential units may be permitted on first floors to comply with ADA requirements only if facing an interior courtyard or plaza, but shall not be allowed on street façades where commercial space is otherwise required.
    c. In no case shall the net floor area of all residential units combined exceed 65% of the net indoor floor area within the entire RDD.
    d. Permitted residential uses shall include:
        1. One bedroom units, which shall comprise not more than 70% of the residential square footage allowed within the RDD.
            i. A one bedroom unit shall be a minimum of 750 square feet gross floor area.
        2. Two bedroom units, which shall comprise not more than 70% of the residential square footage allowed within the RDD.
            i. A two bedroom unit shall be a minimum of 925 square feet gross floor area.
        3. Kitchen, bedroom, dining and living areas may be arranged in any manner to meet the requirements of this section.
    e. For the purposes of determining compliance with this subsection, net floor area shall include all enclosed areas devoted to individual and exclusive residential use, and shall not include certain common areas such as common hallways; stairwells; elevator lobbies; clubhouse; meeting rooms; private parking garages; and indoor/outdoor plazas, courtyards and squares, and outdoor dining areas.
    f. For the purposes of determining compliance with this subsection, the applicant shall provide a detailed computation indicating the calculations used to compute the permitted unit numbers by type, including a comparison of residential versus commercial net floor area.

18. **Phasing** – The applicant may wish to phase the redevelopment project and may do so under the following conditions:
    a. The applicant shall own in fee simple all aspects of the project, including proposed future phases.
    b. Each phase must be designed in a manner that permits it to stand alone as a complete redevelopment project in the case that any approved future phases are not constructed.
    c. Each phase shall comply with this regulation in its entirety, including development ratios between commercial and residential space.
    d. Prior to the issuance of any certificate of occupancy by the building official, the applicant shall submit a financial guarantee in an amount and type satisfactory to the Town of Plainville for any unfinished portion of any phase of an approved project.

Article 3. SPECIAL ZONES

Section 3.01 Floodplain Zone

1. **Purpose** - The Floodplain Zone is intended to provide reasonable notice regarding property that may be subject to the effects of flooding.

2. **Permitted Uses –** The following uses are permitted within the Floodplain Zone:
   a. Farming, poultry or livestock raising, forestry or nursery gardening; except that no commercial raising of furbearing animals or pigs, or storage of manure or other animal refuse shall take place less than 100 feet from any residential zone or residential use.
   b. Public parks and playgrounds and public or private day camps.
   c. Golf course, golf driving ranges, tennis courts, riding stables and similar recreational uses: public, private or commercial.
   d. Wild life sanctuaries and preserves.
   e. Open storage of non-floatable industrial or commercial products or raw materials when completely enclosed by an opaque fence at least six (6) feet high.
   f. Public utilities.
   g. Any other similar uses by permission of the Planning and Zoning Commission. In determining the appropriateness of the use, the Commission shall consider, among other things, the amount of development required, the type of structures proposed and the general compatibility of the use with other flood plain uses in the vicinity.
   h. Any accessory use customary to a permitted use.

3. **Prohibited Uses -** The following uses are prohibited within the Floodplain Zone:
   a. Any residence.
   b. Any retail, commercial establishment, unless otherwise permitted above.
   c. Any use requiring a substantial investment in structure and permanent equipment that could be damaged by flooding.

4. **Area and Dimensional Standards**

Minimum Lot Area (S.F.)	40,000
Minimum Frontage (Ft.)	150
Minimum Front Yd. (Ft.)	20/50 (1)
Minimum Side Yd. (Ft.)	20 each/50 (1)
Minimum Rear Yd. (Ft.)	20/50 (1)
Maximum Height (Ft.)	40
Maximum Stories	-
Percent Coverage	-

(1) Larger distance required where yard abuts any residential zone.

5. **Procedures**
   a. All proposals for uses of land or alteration of topography within a Flood Plain Zone shall first be submitted to the Town Engineer and the Plainville Inland Wetlands Commission for respective permits.
   b. No approvals can be granted by the Planning and Zoning Commission with first obtaining the necessary wetland and floodplain permits.
   c. Failure to obtain a floodplain permit within 60 days of application for site plan approval to the Commission will result in denial of the site plan application.
   d. Any application for a change of zone from Flood Plain to another zone classification shall require documentation from FEMA that the portion of area the applicant wishes to exclude from the floodplain zone is not within an area defined as a special flood hazard by FEMA.
   e. No approval shall be granted where the Commission is not fully satisfied that the level of the premises is adequately raised above the Flood Plain and that the purpose and integrity of these Regulations is preserved.

6. **Other Standards**
   a. For any activity proposed in a floodplain area, the site plan submitted in accordance with Section 7.02 shall clearly show, in addition to the requirements of Section 7.02, the proposed extent and type of fill and existing and future grades.
   b. The plot plans of all structures within the Flood Plain Zone shall be reviewed by the Town Engineer to assure full compliance with the Town of Plainville's Flood Damage Prevention Ordinance.

Section 3.02 Aquifer Protection Overlay Zone

1. **Purpose** - The Aquifer Protection Overlay Zone is intended to protect water quality and water resources within Plainville.
   a. No use defined as a regulated use under Section 2(35) of the Plainville Aquifer Protection Area Regulations shall be permitted unless in accordance with the Aquifer Protection Area Regulations.

2. **Process –** Approval for any use or structure within the Aquifer Protection Overlay Zone shall be obtained from the Plainville Aquifer Protection Agency, if required.

Section 3.03 Ridgeline Protection Overlay Zone

1. **Purpose** - The purpose of this section is to protect traprock ridges in Plainville so as to preserve their unique environmental attributes, their groundwater recharge function, and the visual and historic assets of these distinctive ridgeline areas.

2. **Delineation of Regulated Areas**
   a. The Town of Plainville shall maintain a map or series of maps which generally delineate the Ridgeline and Ridgeline Setback Area as defined herein (hereafter referred to as "the Official Ridgeline Map").
   b. However, the actual presence and location of a Ridgeline and/or a Ridgeline Setback Area as determined by a licensed land surveyor, geologist, and/or geographer in accordance with Section 8-1aa(3) and (4) and Section 8-2 of the Connecticut General Statutes shall govern the applicability of this regulation to a proposed development.
   c. In cases where an applicant disputes the designation of any part of his land as a regulated area, he shall have the burden of proving that designation inapplicable.

3. **Permitted Uses**
   a. Emergency work necessary to protect life or property.
   b. Approved development proposals which were applied for prior to the effective date of this regulation, which approvals remain in effect.
   c. Any pre-existing use of or building on the land.
   d. Selective timbering, subject to the following conditions:
      1. The work shall be done or monitored by a registered forester as certified by the Connecticut Department of Environmental Protection.
      2. Prior to commencing such activity a plan prepared by a registered forester for the work shall be filed with the Plainville Planning Department.
   e. Grazing of domesticated animals.
   f. Passive recreation.

4. **Uses Allowed only by Special Exception -** The following operations and uses shall be permitted in Ridgeline Setback Areas after receiving a Special Exception from the Commission:
   a. Development in accordance with a site plan approved by the Commission, provided that no more than 20 percent of the portion of the lot within the Ridgeline Setback Area as defined in this section may be covered with impervious surfaces.
   b. Quarrying within a Quarry Industrial Zone.
   c. Timbering, subject to the following conditions:
      1. Such timbering shall be done in accordance with a plan prepared by an arborist hired by the Town of Plainville and approved by the Commission. In deciding to approve such plan the Commission shall give due consideration to the environmental impacts from such timbering as well as the implementation of lesser means in the establishment, maintenance or enhancement of a view such as the topping of trees or the removal of fewer or smaller trees. In the event that an arborist's plan is requested of the applicant, the applicant shall pay 150% of the arborist's estimated costs in advance to the Town of Plainville, and the Town of Plainville shall reimburse the applicant for any overpayment.
      2. Such timbering shall not result in the removal of all trees within a one thousand (1000) square foot area.
      3. Such timbering shall not result in the creation of large treeless gaps along the top of the ridgeline.
      4. Such timbering shall not result in the exposure of large, visible areas of any building as viewed from below the ridgeline setback area.

5. **Standards for Granting of a Special Exception within Ridgeline Setback Areas**: In addition to general considerations and standards for special exception of Section 7.03, the Commission shall require compliance with the following:

   a. That adequate safeguards have been taken to minimize the visual impact of proposed activities as viewed from public highways, public parks, or other areas accessible to the general public.

      Visual impacts may include, but not be limited to: unnatural gaps, cuts, projections, or other obviously artificial alterations of existing natural tree lines, ridgelines, prominent topographic features, or rock formations; the use of materials which, by their color, reflectance, finish, size, or orientation disrupt the natural or historic character of the ridgeline; the size, height, shape, and location of buildings; the height, intensity, coverage and glare from proposed lights.

      Safeguards may include, but not be limited to restrictions on the removal of trees and other vegetation, requiring supplemental landscaping, restrictions on structure colors and reflectivity of windows and roofs, requiring buffers and setbacks from ridgeline, restrictions on exterior lighting and height limitations. The Commission may require that clear cutting occur in a staggered or other pattern which reduces the visual impact of such cutting, and may further require that clear cutting be staged over a period of time to allow for re-growth of remaining vegetation. Additionally, the Commission may require that buildings be clustered to reduce visual impact. The Commission may require the installation of flags, balloons, or other on-site markers to allow evaluation of visual impacts as seen from various vantage points.

   b. That the viability of the area as a wildlife resource (habitat, breeding ground, foraging area, migratory pathway, etc.) is protected.

      Steps to protect these areas may include, but not be limited to, restricting the size of lawn areas or other clearings; restricting clear cutting to certain seasons of the year or to certain areas, patterns, methods of removal, or other restrictions which may be necessary to minimize the impact on wildlife and wildlife habitats. The Commission may require an analysis of the potential impacts of the proposed activity on wildlife to be prepared by an environmental specialist or biologist.

   c. That the groundwater quality and recharge potential of the area is preserved.

      The Commission may require an analysis of the possible impacts of the proposed activity on groundwater quality and recharge. In order to minimize such impacts, the Commission may require, but not be limited to, restrictions on the size or location of septic systems; the use of biofilters, detention ponds, retention ponds, and other methods of storm water management which protect surface and subsurface waters; and the regulation of the storage, handling or usage of hazardous materials or waste, including, but not limited to, fertilizers, pesticides and herbicides.

   d. That areas of archaeological and historic importance have been identified, and adequate steps have been taken to preserve and/or record these areas.

   e. That the stability of the ridgeline is protected and that erosion potential is kept to a minimum by minimizing changes to the existing topography, preserving existing vegetation, requiring the revegetation of disturbed areas, and requiring the installation and maintenance of sedimentation and erosion control structures as needed.

      Steps to protect the ridges stability may include, but not be limited to, requiring retaining walls or other methods to minimize the cutting and filling of slopes; requiring reforestation or landscaping of quarries upon reaching finished grade, or of other areas disturbed by development or clear cutting; and requiring that driveways, roads, and other improvements requiring grading shall be approximately parallel to existing contours.

6. **Prohibited operations and uses in Ridgeline Setback Areas**. All uses shall be prohibited in the Ridgeline Setback Areas except as otherwise permitted in Subsection 3.03.3 and by Special Exception in Subsection 3.03.4.

7. **Use Variances Prohibited**: In accordance with Connecticut General Statutes Section 8-6, no variance shall be granted by the Zoning Board of Appeals which would allow any use of land within the Ridgeline Setback Area which would violate any subset of this regulation.

8. **Waiver of Application Requirements**: The Commission may waive the requirements for all or a portion of the required application information upon a finding that it is not essential to determining compliance with the conditions set forth in this section.

Section 3.04 Airport Approach Overlay Zone

1. **Purpose** - Airport Approach Zone (AA Zone) is established for the purpose of reducing hazards which endanger lives and property at and near any airport established in the Town of Plainville.

2. **Nature of Zone**
   a. The Airport Approach Zone is an overlay zone which extends over each zone in the Town of Plainville.
   b. The standards imposed by the Regulations of the underlying zone shall remain in effect except as modified or supplemented by the provisions of the Airport Approach Zone.
   c. The provisions of this Section shall not apply to single family dwellings.
   d. The Commission may hold a public hearing on the proposed site plan if, in its judgment, the nature of the site plan is such that the public should have an opportunity to be heard.

3. **Permitted Uses**: In an Airport Approach Zone, any use which is allowed in the zone upon which the AA Zone is superimposed is permitted, except any use which, by reason of electrical interference with radio communications, smoke emission or unusual light or glare, may be a hazard to aircraft.

4. **Height Restriction**: No structures, trees or buildings, antennae, towers or power communication lines shall be erected or allowed to grow to a height in excess of the height of the surfaces defined herein. The surfaces defined below are established in relation to any airport runway existing or hereinafter constructed in the Town of Plainville. A map entitled "Robertson Airport, Plainville, Connecticut, Approach Zone Map" dated March 26, 1999 depicts the surfaces in relationship to Robertson Airport runway and is on file in the Planning Office for guidance purposes only. The actual locations of all surfaces are defined herein:
   a. Primary Surface: A 500 foot wide surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
   b. Approach Surface: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface for a horizontal distance of 3,000 feet at a 20 to 1 slope. The inner edge of the Approach Surface is 500 feet wide and it expands uniformly to a width of 1,400 feet.
   c. Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 foot radii from the center of each end of the primary surface of each runway of the airport and connecting the adjacent arcs by lines tangent to those arcs.
   d. Transitional Surface: These surfaces are located on each side of the runway and extend outward and upward on both sides of the runway at right angles to the runway centerline and runway centerline, extended at a slope of 7 to 1 from the sides of the Primary Surface and form the sides of the Approach Surfaces until they intersect with the Horizontal Surface.
   e. Conical Surface: A surface extending outward and upward from the perimeter of the Horizontal Surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Article 4. BASIC STANDARDS

Section 4.01 Off-Street Parking and Loading

A. Off-Street Parking

1. **Purpose.**
   These parking regulations are adopted for the purposes of:
   - Providing for sufficient parking facilities to serve the needs of existing and proposed uses.
   - Providing for flexibility in meeting parking needs among different users and at different times in an efficient and cost effective manner.
   - Minimizing the amount of land area devoted to parking.
   - Minimizing the environmental impacts associated with parking lot runoff.

2. **Number of Parking Spaces.**
   a. Parking spaces shall be provided in sufficient number to accommodate the motor vehicles of all occupants, employees, customers, and any others normally visiting the premises at any one time.
   b. Unless otherwise specified, all required spaces shall be off-street spaces.
   c. The following table shall be used to determine the appropriate parking requirements as follows:
      1. Spaces shall be provided in not less than the number indicated by the following table as "minimum parking required" unless modified by the Commission as provided in Section 4.01.A.3.
      2. The installation of more parking spaces than indicated in the following table as "special exception threshold" shall require the granting of a Special Exception by the Commission and such Special Exception shall, in part, be based upon the following:
         i. The Commission shall find, based on information submitted by the applicant, that such additional parking spaces are necessary.
         ii. Such additional parking spaces shall be installed in a way to minimize the aesthetic impact of the additional parking.
         iii. The surface treatment for such additional parking shall be porous concrete, pervious pavement or other surface treatment which will address water quality issues.

Residential Use	Minimum Parking Required:	Special Exception Threshold:
One-family structures	2.0 spaces for each dwelling unit	Special Exception not required
Dwelling units in multi-family buildings and developments	• 1.0 spaces for each efficiency dwelling unit • 1.8 spaces for each one bedroom dwelling unit • 2.0 spaces for each two (2) bedroom dwelling unit • 2.8 spaces for each three (3) bedroom or larger unit	• 1.8 spaces for each efficiency dwelling unit • 2.2 spaces for each one bedroom dwelling unit • 2.4 spaces for each two (2) bedroom dwelling unit • 3.4 spaces for each three (3) bedroom or larger unit
Rooms in a lodging house, rooming house, or boarding house	0.8 spaces per rented unit	1 space per rented unit

Retail / Service Use	Minimum Parking Required	Special Exception Threshold:
For retail stores, personal service shops, shopping centers and similar uses		
• Less than 20,000 SF of gross floor area	3.5 spaces for each 1,000 square feet of gross floor area	4.5 spaces for each 1,000 square feet of gross floor area
• 20,000 to 49,999 SF of gross floor area	3.0 spaces for each 1,000 square feet of gross floor area	4.0 spaces for each 1,000 square feet of gross floor area
• 50,000 SF of gross floor area or more	2.5 spaces for each 1,000 square feet of gross floor area	3.5 spaces for each 1,000 square feet of gross floor area
Gasoline service stations	A minimum of three (3) spaces (not including spaces for gas pumps) PLUS any parking required for ancillary retail use	A maximum of five (5) spaces (not including spaces for gas pumps) plus any parking required for ancillary retail use
Automobile – dealer / repairer	One (1) space for every 10 vehicles on display PLUS one (1) space per employee PLUS two (2) spaces per repair bay	One (1) space for every 10 vehicles on display PLUS one (1) space per employee PLUS three (3) spaces per repair bay
Day Care Center	One (1) space for every four (4) children	One (1) space for every five (5) children

Office Use	Minimum Parking Required	Special Exception Threshold:
For business and professional offices and financial institutions	3.5 spaces for each 1,000 square feet of gross floor area	4.5 spaces for each 1,000 square feet of gross floor area
For medical offices and facilities	4.5 spaces for each 1,000 square feet of gross floor area PLUS 1 parking space for each employee	6.0 spaces for each 1,000 square feet of gross floor area PLUS 1 parking space for each employee

Hospitality / Lodging Use	Minimum Parking Required	Special Exception Threshold:
Restaurants, café, taverns, and other eating or beverage establishments, whether public or private, with seating	1.0 space per fifty (50) square feet of floor area used for eating or beverage purposes PLUS 1.0 space per two employees	1.0 space per forty (40) square feet of floor area used for eating or beverage purposes PLUS 1.0 space per employee
Restaurants – take-out and delivery only	4 spaces per 1,500 square feet gross floor area PLUS 1 space per employee	5 spaces per 1,500 square feet gross floor area PLUS 1 space per employee
Hotel or motel	1 space per room	1.2 spaces per room
Assembly such as theaters, stadiums, amusement, recreation, religious, educational or other similar uses	1 parking space for each 4.0 seats whether fixed or not, or as determined by the Commission on a case by case basis	1 parking space for each 3.0 seats whether fixed or not, or as determined by the Commission on a case by case basis

Industrial Use	Minimum Parking Required	Special Exception Threshold:
Industrial or manufacturing	1.0 spaces for each 1,000 square feet of gross floor area	3.5 spaces for each 1,000 square feet of gross floor area
Wholesaling, warehousing and/or distribution	0.5 spaces for each 1,000 square feet of gross floor area	2.0 spaces for each 1,000 square feet of gross floor area

Other Use	Minimum Parking Required	Special Exception Threshold:
Hospital, convalescent or nursing home	1 space per 3.0 beds PLUS 1 space per each employee	1 space for every 2.0 beds plus 1 for each employee
Funeral homes	1.0 per 3 seats of capacity	1.0 per 2 seats of capacity

d. For other uses not specifically listed, the Commission shall determine the appropriate parking standard.
e. In the case of multiple or mixed uses on the same property, the parking spaces required shall be the sum of the requirements for each of the various uses and/or structures computed separately, unless modified according to Section 4.01.A.3.

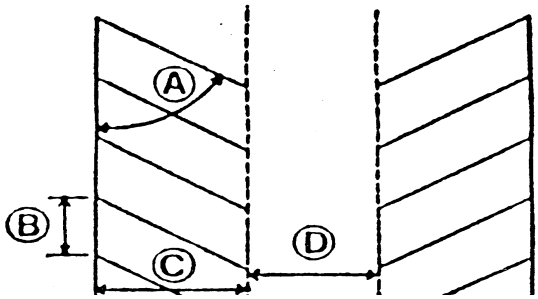
3. **Potential Reduction of Number of Parking Spaces.**
   a. **Central Commercial District** - In a Central Commercial zone, the Commission may, by Special Exception, reduce the parking requirements for any use to eighty (80) percent of the minimum parking spaces required due to the high level of pedestrian activity and the multi-purpose nature of trips. Sufficient documentation is required to allow a determination that adequate parking will be available for such use(s).
   b. **Permanent Shared Use Reduction for Offsetting Peaks (Same Lot)** - In a business zone, the Commission may, by Special Exception, permit a reduction of up to twenty five (25) percent of the minimum parking spaces required for the proposed uses with offsetting peak demand. Sufficient documentation is required to allow a determination that adequate parking will be available for such uses.
   c. **Permanent Shared Use Reduction for Offsetting Peaks (Separate Lots)** - In a business zone, the Commission may, by Special Exception, permit off-street parking spaces for a predominantly evening use on one lot to be used as part of the off-street parking spaces required for a predominantly day-time use on another lot. In addition to sufficient documentation to allow a determination of the appropriate amount of spaces to be shared, safe access is required and mutual and reciprocal parking easements must be filed in the office of the Town Clerk.
   d. **Permanent Shared Use Reduction (Multiple Parcels)** - In a business zone, the Commission may, by Special Exception, permit a reduction of the provision of up to twenty-five (25) percent of the parking spaces required for the uses on two or more sites due to shared use of parking facilities when:
      1. The parking facilities provided on the sites are interconnected with adjacent parking facilities to create a functional parking arrangement.
      2. Appropriate access and parking easements are executed between the adjacent properties and recorded in the Office of the Town Clerk.
      3. The Commission is satisfied that the parking needs of the joint users on the sites occur at different hours of the day or that adequate parking will be available for the current and potential future uses.
   e. **Permanent Compact Space Reduction**
      1. In parking lots in excess of 50 spaces, the Commission may allow the installation of compact spaces not to exceed twenty-five (25) percent of the total number of spaces installed at eight (8) feet by sixteen (16) feet.
      2. These spaces shall be clearly designated as compact car parking.
      3. This reduction may only be considered for single-tenant buildings where there is reasonable assurance of private control of these areas.

f. **Temporary Installation Reduction** - In a business zone, the Commission may, by Special Exception, defer the immediate installation of up to twenty-five (25) percent of the required parking spaces where sufficient evidence has been presented to show that:
   1. The reduced parking facilities will adequately serve the proposed use.
   2. There is adequate space reserved on the site, as shown upon the Site Development Plan, to install the full parking requirements.
   3. The owner accepts, in writing, a requirement that the owner will file the Site Development Plan in the office of the town clerk, stipulating that the owner, or the successors or assigns of the owner, will install as many of the deferred parking spaces as the Commission deems necessary within six (6) months of the Commission's request, when, in the opinion of the Commission, such installation is needed.

g. **Commission May Specify Reduction** - In the case of multiple or mixed uses and/or structures on the same property, the Commission may, by Special Exception, authorize a reduction of up to twenty-five (25) percent of the total parking spaces required for the combined, separate uses and/or structures.

4. **Handicapped Spaces.**
   a. Parking spaces designed for handicapped persons shall be provided in all parking lots.
   b. The number and size of parking spaces shall be in accordance with the Connecticut State Building Code and/or the Connecticut Manual of the Americans with Disabilities Act, as amended, whichever is more stringent.

5. **Size of Parking Facilities.**
   a. Except as provided below, parking spaces and aisle shall be installed and maintained so that a rectangular area at least nine (9) feet wide and eighteen (18) feet long, exclusive of access or maneuvering space, is provided for each parking space as follows:



A	Parking angle	0°	30°	45°	60°	90°
B	Curb length	22.00	18.00	12.73	10.39’	9.00’
C	Stall depth	8.00’	16.79	19.09	20.09’	18.00’
D	Vehicular aisle width – two-way circulation	24.00’	24.00’	24.00’	24.00’	24.00’
D	Vehicular aisle width – one-way circulation	14.00’	12.00’	13.00’	18.00’	24.00’

   b. Where parking spaces overhang a landscaped area (minimum six feet in width), the depth of the parking space may be reduced by two (2) feet provided that appropriate wheel stops or curbs are provided.
   c. Where circumstances exist which make perpendicular parking (90°) or angled parking with one-way circulation advantageous due to traffic safety considerations, the Commission may require such configuration.

6. **Surface Treatment.**
   a. Unless modified or waived by the Commission, parking areas for any use shall have one or more of the following surface treatment as authorized by the Town Engineer and approved by the Commission:
      1. Standard dense mix asphalt pavement with at least six inches of process stone and 2 1/2 inches of bituminous concrete for parking spaces and/or travel aisles.
      2. Porous concrete (designed in accordance with standards in the Low Impact Development and Stormwater Management Design Manual) for parking spaces and/or travel aisles.
      3. Permeable asphalt pavement (designed in accordance with standards in the Low Impact Development and Stormwater Management Design Manual) for parking spaces only.
      4. Open course concrete pavers with either topsoil/grass or pea gravel for overflow parking spaces only that see minimal use for most of the year.
   b. When and where required by the Commission, curbing within parking areas shall be made of granite or cast in-place concrete although the Commission may also require no curbing in order to promote low impact development techniques.
   c. In order to properly identify parking stalls and other areas reserved for other than public use, striping in yellow traffic paint 4" wide shall be painted outlining these areas.

7. **Snow Removal.**
   a. Each parking lot shall be designed to accommodate snow removal in a safe and efficient manner. Snow storage areas shall be designed into site plan in areas that will not interfere with landscaping or other required site features.

8. **Limitations on Parking in Required Yards.**
   a. In a Central Commercial (CC) or General Commercial (GC) District, parking shall not be located in a required yard setback except by permission of the Commission.
   b. In a Restricted Industrial (RI) or General Industrial (GI) District, no off-street parking and/or loading spaces or areas are permitted in any required front yard setback.
   c. In a Restricted Industrial (RI) or General Industrial (GI) District, no off-street parking and/or loading spaces or areas are permitted in any required side and/or rear yard setback except that the Commission may permit parking in the side or rear yard setback if, in its judgment, the physical features and characteristics of the site, including but not limited to, inland wetlands, watercourses, rock outcroppings and/or excessive slopes make it impractical to prohibit parking in the side or rear yards.
   d. In a Technology Park (TP) District, there shall be no parking or loading in any required front yard and there shall be no parking or loading in any required rear yard setback or side yard setback which abut a residential zone.
   e. For a development containing efficiency dwelling units, parking shall not be located in a required rear, front or side yard except by permission of the Commission.

B. Off-Street Loading

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

2. Each loading space shall not be less than 10 feet in width, 25 feet in length and 14 feet in height.

3. No such space shall be located closer than 50 feet to any other lot in any Residence Zone unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or opaque fence not less than six feet in height.

4. In a regional shopping mall, the developer shall provide for all off-street loading which is logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, with access for such vehicles provided for. The number of loading spaces in such a regional shopping mall shall be adequate in number to service the demand of the uses created within the mall and be so located as to not interfere with the safe movement of the normal internal traffic and emergency vehicles. The developer shall satisfy the Commission that the number of loading spaces proposed is adequate.

C. Sidewalks – Alternative Transportation Access

Plainville recognizes the need to support and encourage alternate transportation modes and seeks through these regulations to provide safe and convenient alternative transportation access to and within parking lots including movement to and from public walkways, bikeways and/or streets. Understanding that use of alternative modes of transportation benefit the economy, community and the environment requires parking lot design that provides clearly defined pathways, sidewalks or routes that are safe, comfortable and convenient, thus encouraging such alternative modes of transportation. For the purpose of these regulations, alternative transportation shall include pedestrian and bicycle users as well as manual and motorized transport units for handicapped citizens.

1. **Street Sidewalks Required**
   a. Construction of sidewalks shall be required along the street frontage of all new site developments. Such sidewalks shall be constructed in accordance with Town specifications within the street right-of-way.
   b. A waiver to this section may only be approved by a majority vote of the Commission when received in writing from an applicant demonstrating hardship in accordance with subsections 1 or 2, or in accordance with the provisions of subsections 3 or 4 below:
      1. the provisions of a sidewalk would cause significant and demonstrated environmental harm to adjacent wetlands or wildlife habitat
      2. the provision of a sidewalk in accordance with Town specifications would pose significant engineering challenges
      3. the cost of required improvements would exceed 25% of the proposed site development plans
      4. the Commission can reasonably determine that the benefit of such sidewalk is significantly diminished by a lack of similar facilities within a reasonable distance and that prospects for connections to existing sidewalks are unlikely given the developed nature of the land

2. **Alternative Transportation Access**
   a. To encourage alternative transportation, the Commission may require alternative transportation access connecting the principal building(s) to the required street sidewalk.
   b. If required by the Commission, alternative transportation access:
      1. may be constructed of concrete, bituminous concrete, raised platform decking or permanent markings on pavement within parking lots
      2. shall be clearly defined using signage and/or pavement markings
      3. shall be located in such a manner as to promote usage and maximize safety to the users of such facilities
      4. shall have a net width of at least four feet exclusive of any two-foot car overhang area
      5. A waiver to this section may be approved by a majority vote of the Commission

3. **Provisions for Bicycles**
   a. In order to conserve energy and lessen congestion in the streets, the Commission may require bicycle racks to service sidewalks, trails, and transit facilities as well as public and private facilities where it is reasonably expected that they will be utilized.
   b. If required by the Commission, bicycle racks shall:
      1. be conveniently located at bus stops/shelters and/or building entrances as required by the Commission in such a manner so as not to interfere with pedestrian or vehicular activity and to provide maximum visibility for the bicycles stored there
      2. be constructed to accommodate a minimum of three bicycles, or one bicycle per 10,000 square feet of building area, whichever is greater

Section 4.02 Traffic Circulation and Parking

1. **Traffic Access**
   a. All proposed access to the site shall accommodate two-way traffic entering and exiting the site unless the development has three or more driveways.
   b. The Commission may permit one-way traffic entering or exiting the site at one driveway for developments with three or more driveways provided the driveway is not a primary ingress and/or egress to the site.
   c. The number of site access drives shall be adequate to accommodate existing traffic and traffic generated by the proposed development.
   d. Site access drives shall be properly aligned and provide adequate site distance for motorists and pedestrians.
   e. All proposed curb cuts shall not be located too near intersections, street corners, places of public assembly and other similar safety considerations.
   f. For changes in use to existing developments with a single one way driveway that cannot physically provide two way access, the Commission shall require appropriate signage to minimize conflicts.

2. **Circulation and Parking**
   a. Adequate off-street parking and loading areas shall be provided to prevent patrons, visitors and/or employees of a particular use from parking in public streets.
   b. Adequate, safe and accessible pedestrian circulation shall be provided to and within the site.
   c. Interior pedestrian and vehicular traffic circulation systems shall be designed to minimize conflicts between these two types of traffic and to provide safe access to and from buildings, structures and off-street parking areas.
   d. Loading areas shall be designed and located to prevent conflicts with pedestrian traffic.

3. **Fire Lanes**
   a. The Commission shall require fire lanes, if in its judgment the type, scale, location and traffic generated by a proposal warrants the creation and maintenance of fire lanes.
   b. Fire lanes shall be included on the site plan and be marked as follows:
      1. The outer limits of the fire lane shall be a line four (4) inches wide, painted yellow.
      2. The words "FIRE LANE" shall be painted at fifteen (15) foot intervals in yellow traffic paint. The Letters shall be a minimum of three (3) inches wide and twelve (12) inches high.
      3. Signs indicating "FIRE LANE - NO PARKING - TOW ZONE" at least eighteen inches by twenty-four inches (18" x 24") shall be posted along the fire lane.
      4. All fire lane signs, striping and lettering shall be kept in good repair and clearly legible.

4. **Traffic Impact Study** - The Commission shall require a Traffic Impact Study if it finds that this type of study is necessary to determine the amount and type of vehicular traffic that will be generated by proposal. The study shall evaluate the impact of the traffic generated by the proposal on local streets surrounding the proposed development. The applicant shall bear all costs associated with required traffic studies.

Section 4.03 Signs

1. **Purpose** - The purpose of these Sign Regulations is to provide for the appropriate and effective use of signs as a means of identification, direction and the reasonable promotion of commercial and industrial uses within the Town of Plainville which does not impair the aesthetic quality of the community and/or pedestrian and traffic safety. It is not the intent of this Regulation to in any way discriminate against, regulate or interfere with publication, circulation, distribution or dissemination of any material that is constitutionally protected.

2. **Applicability** - No sign shall be established, constructed, reconstructed, enlarged, extended or moved unless the sign conforms to the provisions of these Regulations.

3. **Signs In Residential Zones** - The following signs are permitted in residential zones subject to the issuance of a permit where required:

    a. **Sale or Rental Signs** - A sign which advertises the sale or rental of a premise or lot which is:
        1. Six (6) square feet or less in area.
        2. Erected behind the building line.
    b. **Farm Products** - A sign which advertises farm products raised on the premises which is:
        1. Three (3) square feet or less in area.
        2. Attached to the building or structure from which the farm product is being sold.
        3. Erected behind the building line.
    c. **Professional or Business Office** - A sign which advertises a profession or business conducted by a resident of the premises which is:
        1. Three (3) square feet or less in area.
        2. Attached to the residence.
        3. Erected behind the building line.
    d. **Special Exception Use** - A sign identifying a use which has obtained a Special Exception provided that such sign:
        1. Is approved by the Commission as a Special Exception.
        2. Shall not exceed twenty-four (24) square feet in area.
        3. Shall be erected a minimum of twelve (12) feet from any property line.
        4. Shall not exceed a maximum height of twelve (12) feet.
4. **Signs In Commercial And Industrial Zones**
    a. **Attached Signs**
        1. One attached sign shall be permitted per business establishment conducted within a building except that the Commission may, by Special Exception, approve the location of more than one attached sign per business establishment, if it determines that more than one attached sign is necessary to adequately identify the business and the proposed sign does not impair the character and appearance of the area in which it is erected.
        2. The total area of all attached signs shall not exceed 1 square foot for each linear foot of the front facade of a building (defined as the longest building wall which is used to provide primary access to the public). Only one such frontage may be counted per building. The total area of all attached signs shall be shared equitably within multi-tenant buildings using gross lease area, length of storefront or other acceptable measurement.
        3. Attached signs shall not project above the roof line and shall not project more than twelve (12) inches from the wall or surface to which they are attached except that a projecting sign or canopy may be utilized provided that:
            i. Any such projecting sign shall not exceed four (4) square feet in area.
            ii. The bottom edge of a projecting sign shall be at least seven (7) feet above ground level in pedestrian areas.
            iii. No projecting sign shall extend more than six (6) feet from the wall to which it is attached.

iv. No projecting sign shall exceed the height of the building to which it is attached.
v. Any such canopy sign, if back-lit, shall not exceed the area normally permitted for an attached sign and any lettering, logo, or any other type of advertising message on any canopy that is not back-lit shall count toward the maximum permitted area of an attached sign.
vi. Any such attached sign, projecting or canopy shall be erected only after approval of the supporting structure by the building official.

b. **Detached Signs**
1. Except as may be otherwise allowed in this section, one detached sign may be permitted per lot provided that such sign:
   i. Shall not exceed twenty-four (24) square feet in area unless the Planning and Zoning Commission has granted a Special Exception for a detached sign which exceeds twenty-four (24) square feet in area.
   ii. Shall be erected a minimum of twelve (12) feet from any property line.
   iii. Shall not exceed twelve (12) feet in height unless the Planning and Zoning Commission has granted a Special Exception for a detached sign which exceeds 12 feet in height provided that the maximum permissible height of any such detached sign shall not:
      a. In a CC, GC, RI, GI, or TP Zone, exceed thirty (30) feet in height.
      b. In a QI Zone, exceed sixty (60) feet in height.
2. Gasoline service stations may have one movable sign for each highway frontage provided that such sign:
   i. Shall not exceed nine (9) square feet in area.
   ii. Shall not exceed a maximum height of four (4) feet.
   iii. Shall be located a minimum of two (2) feet from the property line.
3. Traffic control signs directing vehicular traffic entering and exiting a site provided there shall not be more than four (4) such signs permitted per acre of lot area and provided any such sign:
   i. Shall not exceed one (1) square foot in area.
   ii. Shall not exceed a maximum height of four (4) feet.
   iii. Shall be located a minimum of two (2) feet from the property line.
4. A sign which advertises the sale or rental of a premise or lot provided that such sign:
   i. Is eight (8) square feet or less in area.
   ii. Is erected behind the building line.

5. **Temporary Signs**
a. **Political Signs** - Signs advertising candidates seeking public political office provided that such signs:
   1. Shall not be located within the road right-of-way and shall only be located on private property with property owner's permission.
   2. Shall not be erected earlier than sixty (60) days before the election and shall be removed within thirty (30) days of the election.
   3. Shall not exceed twenty-four (24) square feet in area.
   4. Shall be erected a minimum of twelve (12) feet from any property line.
   5. Shall not exceed twelve (12) feet in height.
b. **Non-profit Organization's Charitable Events** - Signs advertising non-profit organization's charitable events provided that such signs:
   1. Shall not be located within the road right-of-way and shall only be located on private property with property owner's permission.
   2. Shall not be erected earlier than thirty (30) days before the charitable event and shall be removed within fifteen (15) days of the end of the event.
   3. Shall not exceed twenty-four (24) square feet in area.
   4. Shall be erected a minimum of twelve (12) feet from any property line.
   5. Shall not exceed twelve (12) feet in height.

c. **Real Estate** - The Zoning Enforcement Officer may issue a permit for temporary signs associated with a development containing five (5) or more lots or one or more buildings which exceed 5,000 square feet of

total floor area which is located on a lot with a minimum of one-hundred (100) feet of frontage on federal, state or local highway:

1. A sign, not larger than eight feet by four feet (8' by 4'), which advertises the sale, lease or rental of lots or structures provided that such sign:
   i. Shall be erected a minimum of twelve (12) feet from the property line.
   ii. Shall not exceed twelve (12) feet in height.
2. A sign, not larger than six feet by four feet (6' by 4'), which identifies the institution financing the construction of lots and/or the entity constructing the structures provided that such sign:
   i. Shall be erected a minimum of twelve (12) feet from the property line.
   ii. Shall not exceed twelve (12) feet in height.
3. The duration of this permit is six (6) months except that such permit may be renewed for an additional six (6) month period.
4. Upon completion of the project, all such temporary signs shall be immediately removed from the property.

d. **Grand Opening Signs** – The Zoning Enforcement Officer may issue a permit for temporary banners associated with the grand opening of a new business establishment one week prior to the opening date provided that such banners shall be removed within one week of the opening date.

6. **Sign Lighting** - No internal light from a sign, or external light source meant to illuminate such sign, shall glare into the street or any adjoining property and/or distract the attention of users of a public highway.

7. **Sign Construction and Maintenance** - All signs shall:
   a. Be constructed in a permanent manner.
   b. Consist of long-lasting materials.
   c. Be assembled and affixed in such a manner that they shall not be ordinarily affected by weather.
   d. Be kept in safe condition and in good repair.

8. **Removal of Signs** - When the operation of a business at a location with attached and/or detached signs ceases and the tenant and/or owner vacates the premises, the owner of the property shall be responsible for either:
   a. The removal of all attached and detached signs associated with the defunct business.
   b. The insertion of white opaque plastic material conforming to the requirements of any applicable building code in the existing attached and/or detached sign frame.
9. **Sign Location**
   a. No sign shall be located on a corner lot or near any intersection in a location or fashion which impairs the visibility of pedestrian or vehicular traffic.

10. **Sign Prohibitions** – Except as modified herein by Subsection 4.02.5 of these Regulations, the following signs are prohibited:
    a. Signs that are illuminated in a manner or with such intensity or brightness that they may cause glare, distraction or nuisance to operators of vehicles, pedestrians, or neighboring property owners.
    b. Signs attached to any tree, fence or utility pole.
    c. Signs painted directly upon any wall or roof of any structure or building.
    d. Portable signs, such as sandwich board signs or A-frame signs, which are moveable and not permanently attached to a building, structure or the ground, except as specifically provided for under subsection 5 of this section.
    e. Pennants, streamers, aerial signs, inflatable signs or flag-like devices hung from or attached to any part of a building, vehicle, structure or otherwise on a lot for commercial purposes, except where specifically exempted pursuant to subsection 5 of this section.
    f. Signs projected onto a surface by any means.

    g. Rotating, blinking, animated or flashing signs, message boards capable of a slide show or series of stills, full motion, or a combination thereof, including signs with display screens using intermittent internal illumination by mechanical or digital controls that produce an illusion of movements such as, but not

limited to, flashing, running, rotating, video graphics, animation, change in color and brightness or scrolling advertisement message, projected by LED, LCD, plasma, or functionally equivalent technology, with the exception of content neutral time, date and temperature signs if the image is displayed in less than 2.5 square feet.

1. EXCEPTION: to address the volatility of fuel prices at a fuel filling station, the changeable copy sign may be digital for price information only, provide that:
    i. Only the price copy is illuminated on a black background;
    ii. The sign illumination can be adjusted so as to be visible by day without creating glare at night;
    iii. The sign does not flash intermittently; and,
    iv. The copy is not changed more frequently than twice per day

11. **Non-Conforming Signs**
    a. Existing signs of a size, type or location which do not conform to all of the provisions of these Regulations, are considered non-conforming structures under this section.
    b. Any increase in size shall be deemed to be an enlargement or extension of a non-conforming structure.
    c. Non-conforming signs shall not be relocated to any other location, unless such relocation results in the elimination of the non-conformity, except that the Commission may, by Special Exception, approve the relocation of a non-conforming detached sign on the same lot if it determines that the proposed relocation of the detached sign:
        1. Improves the aesthetic quality of the site and its surrounding properties.
        2. Increases the distance of the detached sign from any property line.
        3. The relocation of the sign improves vehicular and pedestrian safety.

Section 4.04 Landscaping and Screening

1. **Front Yard Landscaping**
   a. Except in the Central Commercial Zone, all required front yard areas shall be landscaped as follows:
   b. At least 25% of the total area of any required front yard must be landscaped with mulch and appropriate plant materials such as, juniper, perennial flowers and/or the like.
   c. The required front yard area shall be planted with at least one tree, indigenous to the region, for every 1,200 square feet, or fraction thereof of the required front yard.
   d. The remainder of the required front yard, except necessary accessways, shall be grass.
   e. The Commission may modify this requirement if in its judgment the physical features and characteristics of the site, including but not limited to inland wetlands, watercourses, rock outcropping and/or excessive slopes, make it impractical to require such landscaping in a required front yard.

2. **Parking Lot Landscaping** – Off-street parking areas shall be landscaped with indigenous species in accordance with the following standards except that parking lots in the Central Commercial Zone shall be exempt from this requirement in order to maximize the availability of off-street parking:
   a. Low Impact Development
      1. These regulations require that low impact development techniques be considered when designing for site drainage.
      2. The Commission strongly encourages the location of required parking lot landscaping features using bioretention swales/gardens, tree filters or other low impact development techniques designed to accommodate the LID requirements of these regulations.
   b. The Commission strongly encourages the preservation of existing, healthy vegetation that can otherwise be used to meet the requirements of this regulation.
      1. Invasive species shall not be considered appropriate for tree preservation.
      2. The Commission shall require additional plantings where native species are not sufficient to meet the requirements of this section.
   c. Interior Landscape Areas
      1. Off-street parking areas shall have at least ten (10) square feet of interior landscaping for each parking space.
      2. Parking spaces that abut the perimeter of the parking lot shall not be computed in the amount of required interior landscaping area with the exception of the minimums required below.
      3. Interior landscape areas shall:
         1. Contain a minimum of one hundred (100) square feet for lots of ten (10) or more spaces regardless of their location.
         2. Contain a minimum of fifty (50) square feet for lots of nine (9) or fewer spaces regardless of their location.
         3. Be planted with a combination of grass, and/or mulch and small shrubs.
         4. Include at least one deciduous tree, indigenous to the region, not less than two inches (2") in diameter and six feet (6') in overall height immediately after planting.
   d. Perimeter Parking Lot Shade Trees
      1. For parking lots consisting of ten (10) or fewer parking spaces, two (2) parking lot shade trees of at least two inches (2") in diameter shall be required.
      2. One (1) additional parking lot shade tree shall be required for every ten (10) additional parking spaces.
      3. Parking lot shade trees shall be planted at intervals best suited to evenly distribute the plantings around the perimeter of the parking lot.
   e. Landscaped islands and parking areas shall be arranged in the interest of efficient snow removal and maximum safety for both pedestrian and vehicular traffic.
   f. Landscape islands shall be required to channelize pedestrian and vehicular traffic and to separate major access to the site and buildings and structures located on the site.

g. The Commission may modify the parking lot landscaping requirement for parking lots if in its judgment the physical features of the site, including but not limited to inland wetlands, rock outcropping and/or excessive slopes make it impractical to require such shade trees and alternative landscaping is proposed on the site to offset those requirement.

3. **Buffers and Screening**
   a. If a business property, use or building within a business zone abuts a residential zone, a twenty-five (25) foot buffer area with screening is required. The required buffer area may include parking and interior circulation by permission of the Commission only with the provision of additional buffer elements, but shall not contain refuse containers, structures or any equipment capable of emitting odor or noise.
   b. If a business property, use or building within a business zone abuts an existing residence within a business zone, standard setbacks shall apply and screening will required by the Commission in a manner adequate to protect the residential use.
   c. Such screening shall consist of one or more of the following elements as required by the Commission>
      1. Opaque fencing a minimum of six (6) feet high.
      2. Trees and shrubs, indigenous to the region a minimum of five (5) feet in height at the time of planting with a minimum height at maturity of six (6) feet, and are planted intervals deemed appropriate for the species.
      3. Alternate rows of trees and shrubs.
      4. Vegetated berms.
      5. Combinations of items 1 through 4 as may be considered necessary by the Commission.
      6. The Commission may modify the buffer and screening requirements for sites in the Central Commercial Zone or if in its judgment the physical features and characteristics of the site, including but not limited to inland wetlands, watercourses, rock outcropping and/or excessive slopes, or existing vegetation make it impractical to require such screening and buffers.
   d. If in the judgment of the Planning and Zoning Commission additional screening is necessary to protect nearby residential areas from detriment, the Commission may require landscaping, fencing or other appropriate screening within any required front, side or rear yard.
   e. All service delivery areas and outside storage of goods and materials associated with the primary use of the property shall be properly and reasonably screened:
      1. From adjacent lots and streets.
      2. With a combination of trees, indigenous to the region, shrubs, earthen berms, fences and/or other plant materials throughout the year.
      3. In character with the surrounding neighborhood.
   f. Parking areas adjacent to the side and rear property lines that abut residential zones and/or uses shall be appropriately screened in accordance with the provisions of this section.
   g. Outside storage areas and refuse areas shall be visually screened from adjacent lots and streets by trees, shrubs and/or a fence.

4. **Vegetation**
   a. The preservation of existing trees over five inches in diameter (5") shall be encouraged by the Commission.
   b. Proposed landscaping shall be indigenous to the region.

Section 4.05 Waste Removal and Recycling

1. Solid waste removal and recycling services shall be provided by the owners of the development, with all costs thereof incurred by same.

2. Dumpsters shall be screened so as not to be visible from public streets or from residential zones.

3. All dumpsters shall be placed on a concrete pad, appropriately screened with commercial grade opaque fencing, and maintained for the life of the project.

4. The location and design of the screening/enclosure shall be shown on the Site Plan.

5. Restaurant dumpsters shall be located a minimum of 50 horizontal feet from any residential use and shall be maintained and cleaned regularly to reduce odors.

6. If deemed necessary by any local or state health official with jurisdiction, the use of environmentally friendly chemical additives or other measures to combat odor may be required.

Section 4.06 Removal and Deposition of Earth Material

1. **Authorization**: Earth material consists of naturally occurring sand, gravel, clay or other similar material. For the purposes of this section, the term earth material does not include rock quarries and associated processing activities, which are permitted only within quarry industrial zones. Removal or deposition of earth material shall be permitted only in strict compliance with the regulations contained within this section, and sections 7.02 and 7.03 of these regulations.

2. **Purpose:** As Plainville is a densely settled community, it has been determined that activities relating to the excavation and/or deposition of earth materials can be disruptive to the quiet and peaceful enjoyment of adjacent properties, as well as causing environmental concerns relating to loss of vegetation, air and water quality, excessive noise, soil erosion and sedimentation, drainage, stagnant water features, safety, and the creation of conflicts with established local traffic patterns. It is the express purpose of this section to provide a set of standards to regulate removal or deposition of earth materials in a manner that insures minimal adverse impact to adjacent properties, the natural and built environment, and the Town's transportation network.

3. **Permitted Activities**

a. Allowed by Right - see subsection 4.	**A**
b. Removal or deposition of earth material on any property in any district as a result of an approved subdivision, wetland, and/or zoning application(s) as may be applicable provided that the construction site shall retain upon completion a minimum of four (4) inches of topsoil in areas to be either seeded, planted with trees, shrubbery or cultivated in compliance with an approved landscaping plan, the implementation of an approved erosion and sedimentation control plan, and an environmental site assessment (if applicable) to be conducted in accordance with the low impact development requirements of these regulations.	**IW** **SP** **SE** **SUB**
c. Removal or deposition of earth material on any property in any district for the purposes of earth excavation or site reclamation only except that no processing activities are permitted. The standards of this section must be adhered to as well as applicable site plan requirements and special exception criteria found under sections 7.02 and 7.03 of these regulations.	**SP** **SE**
d. Earth material stockpiles associated with an approved contractor's storage yard subject to height limitation and visual screening as deemed necessary to protect the privacy of adjacent properties. Only the requirements of section 7.02 and section 7.03 as applicable shall apply. Processing of earth materials may be permitted within the GC and QI zones only.	**SP** **SE**

4. **Allowed by Right**: Removal or deposition of less than 75 cubic yards of material (cumulative) is permitted in residential applications only. Any such activity shall also be subject any permits required under the various local jurisdictions and the cumulative effect shall toll from the effective of this revised regulation: August 7, 2015.

5. **Site Plan Requirements:** In addition to providing full compliance with the site plan requirements found on the Checklist (Appendix A) and the application requirements of Section 7.02 of these regulations, the following standards also apply:
   a. The site plan shall show contours of the existing and proposed elevations at no less than 2 foot intervals.
   b. The site plan shall indicate the location and description of wooded areas and natural vegetative communities.
   c. No activity shall occur within 40 feet of any property line unless the applicant is the owner of the adjacent property.

d. Safety fencing shall be provided around the full perimeter of all excavation activities.
e. Plans shall provide for a phased approach to limit the amount of soil exposure.
f. No greater than two acres may be cleared for excavation activity at any time, not inclusive of a reasonable staging area and access road as approved by the Planning and Zoning Commission.
g. Maximum grades permitted upon completion of the activity shall be 1:4 vertical to horizontal.
h. No earth material removal may occur at a grade that is less than those of adjacent street grades.
i. Deposition of material in quantities and locations as approved by the Commission shall undergo testing and analysis to insure that the material is compatible with that of the original material and will not cause any detriment to existing site drainage characteristics. All imported material shall first be approved by the Town Engineer for compliance with this section.

6. **Special Exception Requirements**: Special exception criteria shall be carefully reviewed enabling the Commission to make findings of fact that any application for removal or deposition of earth materials only is or is not a suitable use of the property within the zone in which it is proposed. In addition to evaluating the suitability of the use in relation to the special exception criteria and other requirements of section 7.03 of these regulations, the applicant shall provide the following materials in support of the special exception application:
   a. **Project Narrative** - The applicant, owner and/or operator shall provide a project narrative that fully discloses the following information:
      1. Applicant's legal interest in the subject property.
      2. Proposed activities.
      3. Area/acreage of proposed activity.
      4. Area/acreage of any land restored under a previous certificate if applicable.
      5. Type of earth material to be removed/deposited.
      6. Volume in cubic yards of any earth material excavated or deposited.
      7. A description of all machinery on the site, and for transport to and from the site, to be used in the proposed operation.
   b. **Reclamation Plan** - The applicant, owner and/or operator shall provide a site reclamation plan, with due respect to phasing, that clearly illustrates the property characteristics after reclamation.
      1. Top soil from the site shall be used to install a four inch layer of top soil.
      2. If additional top soil is needed to meet this requirement, the material shall be tested and results provided to the Town Engineer who shall confirm its acceptability prior to its placement.
      3. Regardless of site vegetation conditions, prior to any approved operation, the reclamation plan shall provide for a planting plan that is in harmony with surrounding properties.
      4. The existing topography shall not be altered in a permanent manner inconsistent with the goals and recommendations of the Town of Plainville Plan of Conservation and Development as may be amended from time to time.
   c. **Noise Mitigation Plan** - The goal of a noise mitigation plan is to reduce or eliminate annoyance or disturbance to surrounding neighborhoods and environments from noise caused by excavation activities. The applicant, owner and/or operator shall provide a noise abatement plan designed to mitigate noise from the excavation and transport activities within the adjacent neighborhood. The NMP must address, at minimum, the following elements:
      1. Responsible party for noise mitigation activities, contact information, their responsibilities and their qualifications, including the NMP preparer.
      2. Project location and distance to closest receptor of noise, including a description of the surrounding zoning and parcel information (i.e., commercial, residential, hospitals, schools, parks, sensitive habitat).
      3. A list of proposed activities.
      4. Days and working hours of proposed activities including trucking to and/or from the site.
      5. A list of noise-generating devices used including any noise generating machinery, vehicles or equipment.
      6. Description of noise monitoring standards, methods, and acceptable levels.
      7. Description of correction procedures for non-compliant noise levels.

8. Signature of responsible party.
9. The noise abatement plan shall call for back-up alarms that meet required State and/or Federal standards while utilizing innovative tones found to be less disturbing than conventional beeping alarms such as white noise.
10. The noise abatement plan shall call for silent tailgate technology to be used on the operation to further diminish excessive noise.

d. **Dust Control Plan** - A Dust Control Plan identifies fugitive dust sources at the excavation site and describes all of the dust control measures to be implemented before, during, and after any dust generating activity for the duration of the project. The applicant, owner and/or operator shall provide a dust control plan designed to prevent airborne pollutants, such as dust and sand particles, from blowing off the site and impacting adjacent neighborhoods.
   1. The DCP shall be tailored to insure that diligent measures are taken to control dust from leaving the site.
   2. All fugitive dust sources must be identified.
   3. Measures such as site irrigation/spraying, mulching, windbreaks, street sweeping, construction entrance maintenance, staging area maintenance, operational speeds, and employee training must be addressed within the plan.
   4. The use of continuous ambient air monitors for measurement of PM-10, PM-2.5 and PM-1 particulates to assist in measuring compliance with State DEEP air quality standards found under Connecticut General Statutes Section 22a-174 as may be amended is recommended by these regulations and may be required by the State Department of Energy and Environmental Protection.
   5. The dust control plan shall indicate the party responsible for dust control activities, their contact information, responsibilities and qualifications, including the DCP preparer.

e. **Transportation Plan** - The applicant, owner and/or operator must provide a traffic study that takes into consideration the following factors:
   1. Existing traffic counts during hours of operation, but particularly at peak commuting hours based upon best available information.
   2. Proposed truck trips to and from the operation, broken down as follows:
      i. Truck trips per day to and from the site
      ii. Size of the trucks used in the transport of the earth material
      iii. Hours of operation
      iv. Route to and from the operation
      v. Required/provided turning radius into and out of excavation site
   3. The Transportation Plan shall consider the potential worst-case impacts to local traffic flow and safety and shall recommend original solutions to prevent/mitigate traffic and safety concerns.

f. **Stormwater Plan** - The applicant, owner and/or operator shall provide a stormwater management plan prepared by a professional engineer that takes the following factors into consideration:
   1. No activity that permanently alters the drainage characteristics of the site shall be permitted.
   2. No temporary removal and replacement with non-native earth materials, or any earth materials of a lesser drainage classification, is permitted.
   3. Removal of material beyond that which is necessary to maintain the natural drainage characteristics of the site is not permitted; post excavation increase in runoff is not permitted.
   4. Temporary water quality basins are permitted, but must be filled during site remediation with native material stockpiled specifically for that purpose.
   5. The requirements of the Plainville Low Impact Development and Stormwater Management Design Manual shall be implemented in full, even if on a temporary basis, as though the proposed activity constitutes actual site development.

7. **Processing**: No processing of any kind shall be permitted at any location approved under these regulations. Off-site processing may occur only at established processing facilities that are already in existence, or as may be duly authorized through the issuance of an approval granted by the Planning and Zoning Commission.

8. **Natural Diversity Database**: The applicant, owner and/or operator shall investigate the presence of any areas identified on the most recent Connecticut Natural Diversity Database Map for any species listed on the endangered species or species of special concern lists. Any indication of activity shall be reported to the appropriate State of Connecticut authority and a review shall be requested. The applicant, owner and/or operator shall bear in mind any recommendation from the State of Connecticut in preparation of plans for earth material removal or deposition as well as the ongoing management of the operation.

9. **Certificate Duration**: Any special exception approved under this section shall be valid for one year from the date that any statutory appeal period expires, or, in the event of an appeal, the date upon which the applicant receives a favorable judgement.
   a. No certificate shall be approved for any activity that is reasonably construed to take in excess of one year to complete.
   b. If the applicant wishes to continue earth removal activity in excess of the one year certificate duration, a new application~~s~~ must be made at least 60 days prior to the expiration of the previous permit.

10. **Renewal Procedure**: Special exception certificates are valid for one year and may be renewed in compliance with the following criteria:
    a. A new application containing all required documentation shall be submitted to the Commission at least 60 days but not more than 90 days prior to the expiration of the existing certificate.
    b. The Commission shall consider the following factors when deciding whether to grant site plan approval and/or a new special exception certificate:
       1. Compliance with the proposed site plan submitted with the previous site plan application
       2. Compliance with the conditions of the previous special exception certificate
       3. Compliance with the approved remediation plan submitted with the prior application
       4. Compliance with the approved stormwater plan submitted with the prior application
       5. Compliance with the project narrative submitted with the prior application
       6. Compliance with the approved noise abatement plan submitted with the prior application
       7. Compliance with the approved dust control plan submitted with the prior application
       8. Compliance with the approved transportation plan submitted with the prior application

11. **Right of Entry/Correction of Violations**: The applicant, owner and/or operator must submit a written agreement, signed by the owner of the premises, the operator, and the applicant, permitting the Town of Plainville full access and entry to the property that is subject to the special exception certificate and site plan approval to perform inspections and complete all work necessary to correct and abate any violations of these regulations and conditions of the certificate which the certificate holder has made and failed to correct within the time required by the Zoning Enforcement Officer. Any such work carried out by the Town of Plainville to correct said violation shall be deducted from any cash or demand financial guarantees provided by the applicant, operator and/or owner.

12. **Third party review**: The Commission reserves the right to request a third party review of engineering studies and plans, including the required Reclamation Plan, Noise Mitigation Plan, Dust Control Plan, Transportation Study and/or Stormwater Management Plan by a professional engineer or other qualified entity in compliance with and as authorized by section 7.08.E of these regulations.

13. **Financial Guarantee**: In order to protect the interests of the Town of Plainville and that of the surrounding property owners, the applicant, owner and/or operator shall submit a financial guarantee.
    a. The applicant, owner and/or operator shall provide a financial guarantee, in a form acceptable to the Town of Plainville in the form of cash, passbook or irrevocable letter~~s~~ of credit which shall be subject to legal review.
       1. Surety bonds shall not be accepted.

14. **Denial**: The Commission may deny the issuance of a special exception certificate and/or site plan application for the following reasons:
    a. Failure to comply with any of the requirements of this regulation
    b. Failure to adequately demonstrate mitigation of any environmental concerns listed under this regulation
    c. Failure to comply with any of the conditions appropriately placed upon the previously approved special exception certificate shall be sufficient reason for denial of any subsequent special exception certificate
    d. Failure to comply with the previously approved site plan shall be sufficient reason for denial of any subsequent site plan
    e. The applicant, owner and/or operator has previously violated, and failed to timely correct any such violation of regulations or conditions attached to a previously issued special exception certificate for earth material removal/deposition activities
    f. The issuance of a permit would result in the violation of any provision of the Town of Plainville zoning regulations, code or ordinance, or any statute or regulation of the State of Connecticut or the United States including, but not limited to, those relating to the conservation of natural resources.

15. **Findings**: The Commission shall state upon the record the reasons for approval or denial of any application under this section including findings of compliance, partial compliance, or non-compliance with any required report or plan.

    In addition, the Commission shall make a finding that the new application is in compliance, or is not in compliance with Section 7.03.D, Special Exception Criteria. Such findings shall include specific reasoning as to whether the applicant has met or failed to meet their obligation to satisfactorily demonstrate that the public health, safety and welfare will be protected as outlined in the criteria.

Section 4.07 Fences

1. Purpose: This Section is intended to control the size, location, and type of fences and walls in all zoning districts in order to allow for the protection of neighborhood aesthetics and to provide for the privacy and protection of real and personal property while not infringing on public safety and general welfare, or adversely affecting adjoining property values.

2. All fences erected in the Town of Plainville require a Fence Permit issued by the Building Official. In addition, all fences erected in commercial and/or industrial zones require approval of the Commission. Prior to the issuance of a permit, the permitting official shall consider the purpose of this section when reviewing fence design.

3. The following types of fences may be erected between the front property line and the required front yard setback line in residential, commercial and industrial zones:
   a. A stone, masonry, wood, vinyl or metal fence or wall no more than thirty-six (36) inches high, except that installation of wire mesh or grid, chain link, fabric and/or material fences shall be prohibited.
   b. A two or three rail ranch or split rail fence with posts no more than four feet-six inches (4’6”) high and the top rail no more than four (4) feet high.
   c. On a corner lot with two front building lines, fences not exceeding six (6) feet in height may be permitted to extend to within three (3) feet of one front property line on the portion of the lot designated as the rear yard. Refer to the definition of Corner Lot to ascertain which portion of the lot is considered the rear yard. In no case shall such fence be allowed closer than twenty-five (25) feet from any front corner. The corner shall be considered a point at which the continuation of the two front property lines intersect.
   d. Exception: rear lots may erect a six (6) foot fence of a type and style permitted below along all property lines except for those property lines comprising the boundaries of the required access way.

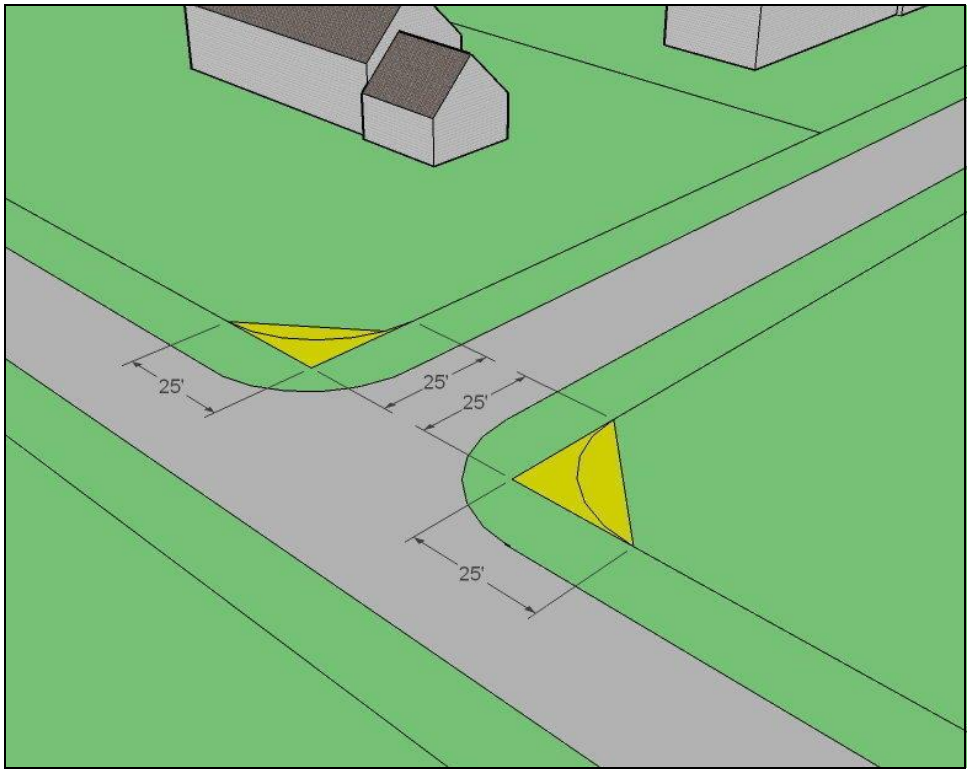
4. The following fences may be erected behind the required front yard setback line in residential and commercial zones:
   a. A stone, masonry, wood, vinyl or metal fence or wall that does not exceed six (6) feet in height, except that installation of fabric and flexible material fences shall be prohibited.
   b. Plastic or vinyl opaque privacy slats may be required in chain link fences.
   c. The permitting authority may allow a fence up to eight (8) feet in height to be installed in the rear or side yard of a residential property only where such property directly abuts an existing industrial use.

5. The following fences may be erected behind the front building line in industrial zones:
   a. A stone, masonry, wood, vinyl or metal fence or wall which does not exceed eight (8) feet in height may be erected on property lines in rear and side yards only in Restricted and General Industrial Zones in accordance with site plan requirements and by permission of the Planning and Zoning Commission except that installation of fabric and material fences shall be prohibited.
   b. The Commission may require opaque fencing in industrial zones where it is deemed that additional buffer is required.
   c. The requirements found in this subsection shall not apply to fences providing security for utility installations within the site.

6. General requirements affecting fence installations:
   a. Fences located in commercial and industrial zones shall be installed with steel posts set in concrete.
   b. All supporting structure shall be located on the interior side of the fence.
   c. No fence shall be installed that restricts visibility or sight lines of vehicles or pedestrians entering or exiting a property.
   d. Wire fences of any type shall not have sharp edges at the top of the fence, except where required by state statute for barbed wire fence installation.
   e. All fencing shall be maintained in good repair and shall be repaired as needed within four (4) weeks of an order to do so by the Building Official or Zoning Enforcement Officer.
   f. Any repairs to an existing fence shall be of the same material.

Section 4.08 Obstructions on Corner Lots (Corner Visibility)

On a corner lot in any zone except the Central Commercial Zone, no wall, fence or other structure shall be erected and no hedge, tree, shrub or other growth shall be maintained in a way that would obstruct visibility in the street right-of-way or in the triangular area defined by points located twenty-five feet (25') back from where the street lines would intersect unless specifically authorized by the Commission.



Section 4.09 Projections into Required Yards

1. Nothing in these regulations shall prohibit the projection of more than 18 inches into a required yard by pilasters, belt courses, sills, cornices, eaves, gutters or similar architectural features.

2. Nothing in these regulations shall prohibit the projection of more than 30 inches into a required yard by uncovered steps or porches, cantilevered balconies, or chimneys.

3. Uncovered handicap ramps are permitted to project to within five feet of any property line under the following circumstances:
   a. The applicant shall provide documentation from a certified health care provider that there is a genuine need for such a ramp.
   b. The ramp shall be constructed in accordance with the requirements of the American with Disabilities Act and all applicable building, health and safety codes.
   c. Any such ramp shall be dismantled removed when it is no longer medically required.

Section 4.10 Water and Sewer

Adequate provision for water and sewerage shall be made for any proposed development.

Section 4.11 Commercial Lighting

1. Outdoor illumination of a building, structure, parking area or any other portion of a lot must be properly shielded and directed in such a manner as not to produce glare or discomfort on public streets or neighboring property, thereby adversely affect abutting properties or public or private streets.

2. All fixtures shall be full cut off design, except where otherwise required by law.

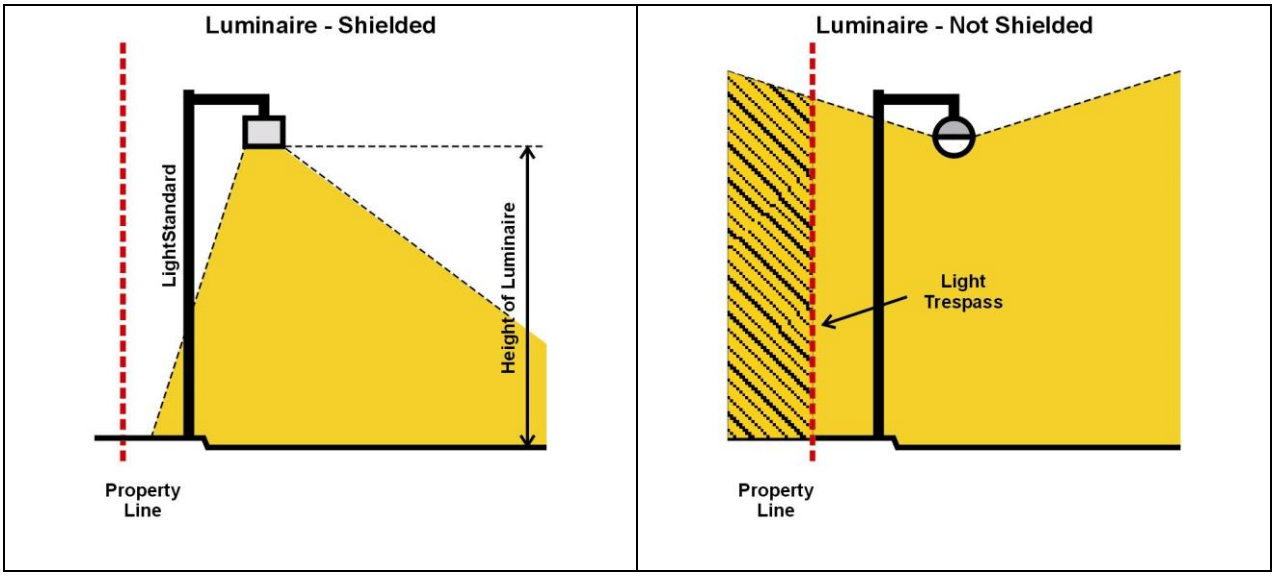
3. Any external lighting of a parking area must be directed and shielded in such a manner as to not be generally visible from adjacent properties.

4. Any lighting must be directed away from residential areas.

5. The maximum height of a pole used for external illumination shall not exceed 20'.

6. Within ridgeline setback areas no lighting poles and no light fixtures shall exceed a height above grade of ten (10) feet, and no light source shall exceed 0.2 foot-candle at the property line or at the downslope edge of the ridgeline setback area, whichever is closer to the light source.

7. The use of strobe lights or other light source that oscillates or fluctuates in intensity or color is prohibited unless required by the Federal Aviation Administration.



Section 4.12 Soil Erosion and Sediment Control

1. All development and other activities shall make appropriate provision for soil erosion and sediment control.

2. Such provision shall be in accordance with the *Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended.

3. For development requiring a Zoning Permit, Special Exception, Site Plan or Subdivision, a Soil Erosion and Sediment Control Plan shall be submitted with the application.

4. The Commission may require the applicant post a financial guarantee, in an amount, form, and duration satisfactory to the Commission, to assure and guarantee that adequate erosion and sediment control measures are installed and maintained, before any Permit is issued for activities shown on the approved plan.

Section 4.13 Stormwater Management

1. Any application or activity involving site plan approval, special exception approval, or subdivision approval shall provide for a stormwater management system, including low impact development techniques, in accordance with the Plainville Low Impact Development and Stormwater Management Design Manual as may be amended from time to time and adopted by the Commission on September 28, 2010 with an effective date of December 1, 2010.

2. Any modifications to the standards and requirements of the Low Impact Development and Stormwater Management Design Manual shall be documented in accordance with the waiver provisions of the manual.

Article 5. FORM STANDARDS

Section 5.01 Design Standards

1. The character and appearance of the proposed use, building, parking and loading areas, outside storage areas, signs, landscaping and external illumination shall be in general harmony with the character and appearance of the surrounding neighborhood and will not adversely affect the general health, safety or welfare of the inhabitants of the Town of Plainville.

2. No air conditioning, heating, or ventilation equipment shall project above the peak or highest elevation of any roof surface or parapet, other than chimneys.

3. Strict attention shall be paid to landscaping requirements found in this regulation to insure that appropriate vegetation is established for all development.

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Article 6. SPECIAL STANDARDS

Section 6.01 Non-Conforming Lots

A main structure and permitted accessory structures may be constructed on a lot in any subdivision not approved by the Planning and Zoning Commission, but filed at the Office of the Plainville Town Clerk on or before March 28, 1956, subject to the following provisions:

1. The lot must have a minimum of 5,000 square feet.

2. The lot must have no less than fifty (50) feet frontage.

3. The lot must be served by public water or sewer and the street or highway on which it is located must be paved in bituminous concrete with a hard surface.

Section 6.02 Non-Conforming Structures and Uses

1. Nonconforming Structures - Any nonconforming structure lawfully existing at the time of adoption of these Regulations, or any later amendments, may be continued as a nonconforming structure. The following shall apply:
   a. A legal nonconforming structure which is damaged or destroyed by fire, explosion, act of God, or the public enemy, may be rebuilt with the same footprint and floor area and the use continued, but not to any greater extent than in the previously existing structure, unless such use conforms to the zone in which district the structure lies. Reconstruction of the structure must begin within one year of the event or the structure shall be required to comply with the Regulations for the specific use and zone. Such reconstruction shall not increase the value of the structure from the appraised value, prior to any recent damage, by more than 25%.
   b. A legal nonconforming structure may be maintained and repaired provided such work does not increase the non-conforming aspect of the structure and complies with other applicable parts of these Regulations for the specific use and zone. Such maintenance or repair shall not increase the value of the structure from the appraised value, prior to any recent damage, by more than 25%.
   c. No nonconforming structure, if rebuilt under this section, may be used in a manner more nonconforming that what it was used for prior to its destruction.

2. Nonconforming Uses - Any nonconforming use of buildings or land lawfully existing at the time of adoption of these Regulations, or any later amendments, may be continued as a nonconforming use. The following shall apply:
   a. Any claim of a nonconforming use must be documented prior to the resumption of such nonconforming use.
   b. No nonconforming use shall be more nonconforming than the prior documented use.
   c. No legal nonconforming use may be changed except to a conforming use or, with the approval of a Site Plan and Special Exception by the Commission, may be changed to another nonconforming use that is less objectionable in character than the original use.
   d. The Commission shall require that any change to a nonconforming use is subject to such conditions as may be deemed necessary to protect the reasonable enjoyment and value of any neighboring property.
   e. No legal nonconforming use, and no portion of a building containing a nonconforming use, shall be extended or expanded.
   f. No legal nonconforming use shall be moved in whole or in part to any other portion of a building, lot or parcel of land.

Section 6.03 Outdoor Wood Burning Furnaces

After due consideration, given the dense settlement patterns in the Town of Plainville, the Commission has determined that outdoor wood burning furnaces cannot be regulated in a manner sufficient to protect the health, safety and general welfare of the public.

1. To assure that public nuisance is avoided, outdoor wood burning furnaces are not a permitted use in any zone within the Town of Plainville.

Section 6.04 Wireless Telecommunication Facilities

1. **Purpose** – Since the passage of the Telecommunications Act of 1996 and subsequent legal decisions it has been found that location and placement of telecommunications equipment of any kind is under the sole jurisdiction of the Connecticut Siting Council. The purpose of this section is to provide guidance on the design and location of antennas, equipment and towers used in conjunction with the provision of a range of wireless telecommunication services including cellular and digital communication services, personal communication services, paging and radio and television broadcasting services within the Town of Plainville while protecting the public, and neighborhoods and the general aesthetic quality of the community and minimizing the adverse visual and operational effects of wireless telecommunication facilities.

2. In accordance with State Statutes, new free-standing wireless structures do require submittal of a site plan for staff and Commission review prior to any Siting Council Hearings.

3. Any telecommunications equipment including satellite dishes, microwave dishes or antennae of any kind that do not require CT Siting Council Approval shall utilize the guidelines found herein to design and locate any such equipment.

4. More specifically the purposes of this section are:
   a. To accommodate the need for wireless telecommunication facilities while not unreasonably regulating their location and number.
   b. To encourage the joint use of any existing or new antennas or towers.
   c. To encourage creative design measures to minimize adverse visual effects of wireless telecommunications facilities through proper design, siting, and vegetative screening.
   d. To avoid potential damage to adjacent properties from antenna or tower failure or from falling ice through careful siting of antennas and towers.
   e. To site facilities below visually prominent ridge lines.
   f. To reduce the number of antennas or towers needed in the future.

5. **Residential Zones**
   a. Satellite dishes, microwave dishes and antennas for the use and enjoyment of the resident shall be located in the rear yard of a residential lot. If signals cannot be obtained in the rear yard, the satellite dish or antenna may be located in a side yard.
   b. Residential antennas, located on a principal residential dwelling unit, shall not exceed twenty four (24) feet in height. Ground mounted antennas shall not exceed twenty four (24) feet in height, including any platform or base upon which the antenna is mounted or affixed.
   c. Satellite dish, microwave dish and antennas shall not exceed six (6) feet in height and/or diameter.
   d. If signals cannot be obtained from a side or rear yard and/or by a satellite or microwave dish and/or antenna installed in compliance with the height restriction contained in this section of the Regulation, satellite dishes, microwave dishes and antennas in this section of the Regulation may be located in the front yard or on the roof of the dwelling unit and/or in excess of the height restriction contained in this section of the Regulations. The maximum height and/or diameter of a satellite or microwave dish shall not exceed six (6) feet and the maximum height of a ground mounted antenna shall not exceed thirty (30) feet.

6. **Commercial Wireless Telecommunication Facilities**
   a. **Structure Mounted** - Commercial wireless telecommunication sites are permitted if mounted to existing towers, utility poles, water towers, bridges and other similar structures in accordance with the following provisions:
      1. No changes are made to the height of the structure.
      2. No panel antenna should exceed sixty (60) inches in height and twenty-four (24) inches in width.
      3. No dish antenna should exceed thirty-six (36) inches in diameter.
      4. Equipment buildings and cabinets should be located in accordance with the provisions of this Section.
   b. **Roof Mounted** - Commercial wireless telecommunication facilities are mounted to the rooftop of a building in a non-residential zone should comply with the following provisions:
      1. Panel antennas should not exceed sixty (60) inches in height, twenty-four (24) inches in width and/or six (6) inches in depth; whip antennas should not exceed forty-eight (48) inches in height; and/or dish antennas should not exceed thirty-six (36) inches in diameter.
      2. The shed used for housing the equipment should not exceed one-hundred-fifty (150) square feet in area or eight (8) feet in height. The cabinets used for housing equipment should not exceed sixty (60) inches in depth and sixty (60) inches in width, and seventy two (72) inches in height.
      3. No change is made to the existing height of the structure.
      4. All wireless telecommunications structures should be visually screened and/or shielded from view from all of the surrounding streets and driveways used by the general public.
      5. Telecommunications structures should be of a material and/or color which matches the exterior of the building or structure.
   c. **Free-Standing** - Wireless telecommunication facility, as defined in these Regulations, are encouraged to locate in a TP, RI, GI and/or QI Zones. The site should have a minimum area of one or more acres.

7. **Application Requirements**
   a. In accordance with the Connecticut General Statutes, any such free standing tower proposal shall be submitted to the Commission with a complete site plan prior to submittal to the CT Siting Council for local staff and Commission review and the applicant shall present the information to the Commission at the next available Commission meeting.
   b. Review comments from the staff and the Commission will be forwarded to the CT Siting Council.
   c. All new free-standing Wireless Telecommunication Facilities shall be accompanied by a Site Plan which contains the following information:
      1. A plan, prepared by a Land Surveyor, licensed in the State of Connecticut, depicting:
         i. Coverage maps illustrating the need for the facility.
         ii. The service area of the proposed wireless telecommunication site.
         iii. The service radius for the proposed wireless telecommunication site.
         iv. The existing and approved locations of the applicant's other telecommunication sites within the Town of Plainville.
         v. Existing towers owned and/or used by the applicant within a 2 mile radius of the Town of Plainville.
      2. A plan, prepared by an Architect or Structural Engineer, licensed in the State of Connecticut, depicting where and how the proposed telecommunication facility shall be affixed to a building, structure and/or the ground.
   d. Additional Submission Requirements:
      1. Wireless telecommunication antenna or tower base elevation and height.
      2. Proximity of the antenna or tower to residential structures and residential zoning districts.
      3. Nature of the uses of properties within one thousand (1,000) feet of the antenna or tower site.
      4. A topographic profile showing the proposed antenna or tower, ancillary equipment and proposed landscaping and screening from adjoining properties.
      5. Proposed ingress and egress from a public street to the antenna or tower site.
      6. A report, prepared by an Architect or Structural Engineer, licensed to practice in the State of Connecticut, which certifies the conformance of the structural standards of the antenna or tower design to all state and national building code requirements.

8. **Additional Considerations:**
   a. The impact of the proposed wireless telecommunication facility on neighborhood property values.
   b. The future use or re-use of the site with provisions for facility removal and site restoration.
   c. The need for wireless telecommunication at the proposed location.

9. **Additional Standards**
   a. **Wireless Telecommunication Facilities** - The following minimum standards shall be considered in the design and location of each wireless telecommunication facility:
      1. Wireless telecommunication towers should not exceed:
         a. Three (3) times the maximum height of a building in the underlying zoning district, except that a limitation of 90 feet shall apply in the Central Commercial Zone.
         b. One-hundred-eighty (180) feet in height in a QI Zone.
      2. No wireless telecommunication antenna or tower should exceed a height equal to the linear distance of the nearest existing building except that this provision shall not apply to an antenna or tower constructed on a parcel with an existing building if the owner of the property submits a written waiver of this requirement to the Commission.
      3. Wireless telecommunication facilities should be designed and constructed to accommodate a minimum of three (3) users.
      4. No signs other than for safety reasons shall be permitted on any wireless telecommunication facility.
      5. No lights or illumination shall be permitted on any wireless telecommunication facility unless required by the Federal Aviation Administration and/or the Federal Communications Commission.
      6. Wireless telecommunication facilities should have a galvanized finish or be painted a non-contrasting blue, grey or other neutral color.
      7. Wireless telecommunication facilities shall be surrounded by a security fence, a minimum of six (6) feet in height.
      8. The first ten (10) feet of any communication antenna or tower shall be designed to prevent unauthorized access and this distance shall be measured from the ground level.
      9. All ground wireless telecommunication facilities must comply with the setback requirements for the underlying zoning district.
      10. All antennas and towers should be located a minimum distance of 125% of the height of the antenna or tower away from a property line.
   b. **Roof Mounted Antenna** - The following minimum standards are suggested for each roof mounted antenna:
      1. Antennas should be attached to a principal non-residential structure or building.
      2. Antennas should be made of a material and/or color which matches the exterior of the building or structure.
      3. Antennas should not exceed the permitted maximum height of a building or structure in the zoning district in which they are located.
      4. Antennas should be located a minimum of ten (10) feet from the roof's edge or ten (10) percent of the roof width, whichever distance is greater.
      5. Satellite and microwave dish antennas should not exceed six (6) feet in diameter and should be located or screened so as to minimize visibility.
      6. Roof mounted antennas, satellite and microwave dish antennas should not occupy more than twenty-five (25) percent of the roof area.
   c. **Accessory Equipment and Buildings** - All accessory buildings associated with wireless telecommunication facilities should comply with the following minimum standards:
      1. Each accessory building or structure (per carrier) should not contain more than one-hundred-fifty (150) square feet of area or exceed eight (8) feet in height.
      2. Each accessory building or structure should comply with the set-back requirements for the zone in which it is located.
      3. Only cabinets are permitted on a rooftop. Cabinets shall be designed to blend with the color and design of the building.

Article 7. PROCEDURES

Section 7.01 Zoning Certificate of Compliance

A. Application Requirements

1. An application for a Zoning Certificate shall be made to the Building Official on a form provided for that purpose before:
   a. Any land, building, or structure is devoted to any new or changed use of premises within the category of business or residential uses.
   b. The erection or alteration of any building or structure is commenced in any zone.
   c. Any other activity which requires a Zoning or other permit as required by these Regulations.
   d. Any Building Permit or Certificate of Occupancy is issued by the Building Official relating to any of the foregoing.

2. Such application for a Zoning Certificate shall be accompanied by:
   a. A plot plan and other drawings and documentation showing the information required in the Appendix of these Regulations.
   b. The appropriate fee.

3. Any application for a Zoning Certificate may be summarily rejected and may be considered void and of no effect if:
   a. Another application for a Zoning Certificate as to the same land, building, structure, or use of all parts or portions thereof is still pending before the Building Official.
   b. An appeal is pending before the Zoning Board of Appeals or any legal proceeding is pending before any court of competent jurisdiction or pending in any other form of dispute resolution relating to a Zoning Certificate or on an application for a Zoning Certificate on the same land, building, structure or use thereof as to which such application is being made.
   c. A Zoning Certificate is outstanding on the same land, building, structure or use, but neither Certificates of Compliance nor Occupancy, nor both, have been approved in conjunction therewith.
   d. Two (2) or more applications are filed simultaneously with the Building Official, whether similar or dissimilar, each application applying to the same land, building, structure or use thereof.

B. Proceedings

1. A decision on a Zoning Certificate Application shall be made as soon as feasible but in no event shall such decision take longer than thirty (30) days from the date of acceptance of a complete submittal.

2. If the proposed new or changed use or if the proposed erection or alteration of any building or structure is found from the application to be in compliance with these Regulations, the Building Official shall issue a Zoning Certificate setting forth the date on which the permit was issued and shall forward a copy thereof to the office of the Town Assessor.

3. No Zoning Certificate shall be issued for the erection, the interior or exterior enlargement of gross floor area or the external alteration of any building or structure where any other approvals are necessary, unless a Site Plan Application or other such approval therefore has been approved by the Commission in accordance with the provisions of these Regulations.

4. Any application for a Zoning Certificate shall be rejected if the Building Official finds that:
   a. The application is incomplete and has notified the applicant in writing of the reason(s) why the application is incomplete.
   b. The application is not in compliance with the Zoning Regulations and has notified the applicant in writing of the reason(s) why the application does not comply with the Zoning Regulations.

5. An application for a Zoning Certificate may be withdrawn by the applicant at any time prior to final action by filing a formal written request to that effect with the Building Official, except that there shall be no rebate of any portion of the fees which may have been paid by the applicant for a Zoning Certificate application that is subsequently withdrawn.

6. The Building Official is not authorized to approve, and shall not approve, any Zoning Certificate for property on which there exists a zoning violation, unless such zoning permit will remedy such violation.

C. Notice Provisions

1. In accordance with CGS Section 8-3(f), the Building Official shall inform the recipient of a Zoning Certificate that notice of issuance of a zoning Certificate may be published by the recipient in a newspaper having substantial circulation in Plainville in order to establish the appeal period per CGS 8-7.

2. Any such notice to be published by the recipient shall contain:
   a. A description of the building, use or structure.
   b. The location of the building, use or structure.
   c. The identity of the applicant.
   d. A statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS 8-7.

D. As-Built Plan Required

1. Unless waived by the Building Official, an as-built plan shall be:
   a. Prepared by a licensed Land Surveyor demonstrating that the location of the foundation of any building or addition to an existing building or structure for which a Zoning Certificate has been issued is in compliance with the Zoning Regulations and the approved site plan.
   b. Filed with the Building Official by the holder of the Zoning Certificate upon completion of the foundation of any building or addition to an existing building or structure for which a Zoning Permit has been issued.

E. Zoning Certificate Expiration

Any Zoning Certificate issued by the Building Official under the provisions of these Regulations, but under which no work is commenced within twelve (12) months from the date of issuance, shall expire by limitation.

F. Certificate not a Permit

A Zoning Certificate of Compliance is not a permit, but rather a statement that work has been reviewed and complies with the Zoning Regulations. Such Certificate of Zoning Compliance does not absolve the holder from obtaining any other required permits that may be necessary to complete the work proposed.

Section 7.02 Site Plan Application

A. Application Requirements

1. A Site Plan Application shall be submitted for:
   a. Any use, other than single family dwelling and customary accessory structures incidental to the existing residence on an approved building lot.
   b. Any proposed use or proposed building or structure or any proposed change to an approved Site Plan.
   c. Any proposed change in land contours on a lot, or any portion thereof.
   d. Any application for a Special Exception.
   e. Any proposed use of a lot, building or structure which is the result of a Use Variance granted by the Zoning Board of Appeals.
   f. Any conforming change of use at an existing location if any of the following circumstances apply:
      1. A proposed change in land contours on the lot, or any portion thereof.
      2. The proposed development or use of an undeveloped portion of a lot.
      3. A proposed increase in building coverage or parking spaces located on a lot.
   g. A proposed addition to an existing building or structure except as modified herein:
      1. Accessory recreational facilities for an existing business or industrial use located in a Central Commercial, General Commercial or General Industrial Zone provided no accessory building or structure associated with the recreational facility exceeds 200 square feet. The owner, lessee or tenant must obtain written permission from the Commission for the accessory recreational facility.
      2. Additions to an existing primary building or structure in a General Industrial Zone provided no approved Site Plan is on file in the Town Clerk's Office and the addition does not exceed 10% of the gross area of the primary building or structure or 1,000 square feet, whichever amount is less. The addition must comply with all of the other applicable Zoning Regulations.
   h. Any activity designated in the Regulations as requiring Site Plan Approval.

2. A Site Plan Application shall be accompanied by:
   a. Ten (10) sets of full-size (24” by 36”) copies of detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements in
   b. Appendix A of these Regulations.
   c. Ten (10) sets of “half-size” (11” by 17”) copies of such materials.

3. The Commission may, in accordance with the requirements of these Regulations and Appendix A of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.

4. If a Site Plan Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.

B. Proceedings

1. The date of receipt for the Site Plan Application shall be determined in accordance with Subsection 7.08.B.

2. An incomplete Site Plan Application may be denied in accordance with Subsection 7.08.C.

3. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission:
   a. May hold a public hearing on the application and such public hearing, if required, shall be held in accordance with applicable state statutes and these regulations.
   b. May require that the applicant give public notice in accordance with the requirements of Subsection 7.08.G of these Regulations.
   c. May require additional technical assistance in accordance with Subsection 7.08.E.

4. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 7.08.H.

5. Notification to water companies may be required in accordance with the requirements of Subsection 7.08.I.

6. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five days after the date of receipt of such Site Plan Application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.

7. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision shall be extended to thirty-five days after the decision of such agency.

8. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).

9. The applicant may, at any time prior to action by the Commission, withdraw such application.

C. Decision Considerations

1. The Commission may approve, approve with modifications, modify or deny a Site Plan Application or Site Plan Modification.

2. On a Site Plan Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the Commission shall:
   a. Wait to render its decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision.
   b. Give due consideration to any report of the Inland Wetlands and Watercourses Commission when making its decision.

3. On a Site Plan Application involving notice to adjoining municipalities under Subsection 7.08.H or notice to water companies under Subsection 7.08.I, the Commission shall give due consideration to any report or testimony received.

4. In acting upon a Site Plan Application or Site Plan Modification, the Commission shall:
   a. Make a finding the proposed use and proposed buildings and structures conform to the requirements of these Regulations.
   b. Modify the Site Plan Application if such modification is necessary to achieve the objectives of this Regulation.
   c. Deny the Site Plan Application, enumerating its reasons for denial.

5. Before the Commission approves a Site Plan Application, it shall consider the following:
   a. Conformity with any other applicable laws, codes or ordinances.
   b. The recommendations, if any, of all solicited departments, boards and commissions.

6. In approving a Site Plan Application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.

7. The Commission may require the applicant post a performance bond, in an amount, form, and duration satisfactory to the Commission, to assure and guarantee:
   a. That adequate erosion and sediment control measures are installed and maintained, before any Permit is issued for activities shown on the approved plan.
   b. The completion of all of the required and approved site improvements including, but not limited to, grading, regrading, drainage, erosion control, lighting, screening, landscaping, pavement, sidewalks and other reasonable elements depicted on the site plan and approved by the Commission.
   c. That all of the improvements shown on the approved plan are implemented before issuance of a Certificate of Occupancy is granted.

8. The Commission shall not approve any Site Plan for property on which there exists a zoning violation, unless such Site Plan will remedy such violation.

D. Action Documentation

1. Whenever it grants or denies a Site Plan Application, the Commission shall send, by certified mail, a copy of such decision to the applicant within fifteen (15) days after such decision is rendered.

2. The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a substantial circulation in Plainville within fifteen (15) days after such decision is rendered.

3. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

4. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

E. Following Approval

1. Following approval of a Site Plan Application, one (1) fixed-line Mylar of the approved plan(s) shall, unless this requirement is waived by the Commission, be submitted to the Planning Office:
   a. Bearing the raised seal and signature of the appropriate professionals which prepared the drawing(s).
   b. Bearing a copy of the decision letter of the Commission and any other town regulatory agencies authorizing the activity.
   c. Containing a signature block where the Chairman of the Commission can indicate the approval of the Commission and the expiration date of the plan.

2. Following signature by the Chairman, the fixed-line Mylar shall be filed by the applicant in the Town Clerk’s office before any Building Permits are issued for the activities shown on the approved plan.

3. The applicant must file the signed Mylar in the Town Clerk's Office within ninety (90) days after the expiration of the appeal period and failure to file the Mylar will render the approval null and void.

4. The Commission may extend the time period for filing the Mylar in the Town Clerk's Office if the applicant requests such an extension within ninety (90) days of the date of approval. The Commission may grant a one extension for filing the Mylar a period not to exceed twelve months if the applicant can demonstrate cause for such an extension.

F. Expiration and Completion

1. All work in connection with an approved site plan approved after July 1, 2011, other than the exceptions listed within this section, shall be completed within five (5) years after the date of approval of the site plan and failure to complete all work within such five(5) year period shall result in automatic expiration of the approval of such site plan unless the Commission has granted an extension of the time to complete work in connection with such site plan not to exceed a total of ten (10) years from the approval date.

2. Site plans approved prior to July 1, 2011 that have not expired prior to May 9, 2011, other than the exceptions listed within this section, shall be completed within nine (9) years after the date of approval of the site plan and failure to complete all work within such nine (9) year period shall result in automatic expiration of the approval of such site plan unless the Commission has granted an extension of the time to complete work in connection with such site plan not to exceed a total of fourteen (14) years from the approval date.

3. All work in connection with an approved site plan for residential projects equal to or greater than 400 units in size shall be completed within ten (10) years of the date of approval with no extensions permitted and failure to complete all work within such ten (10) year period shall result in automatic expiration of the approval.

4. All work in connection with an approved site plan for commercial, industrial or retail projects equal to or greater than 400,000 square feet in size shall be completed within five (5) to ten (10) years of the date of approval, where if the initial permit duration was less than ten (10) years after the date of approval of the site plan, an extension may be granted not to exceed a total of ten (10) years from the approval date and failure to complete all work within the initial approved permit duration period shall result in automatic expiration of the approval unless the Commission has granted an extension of the time to complete work in connection with such site plan not to exceed a total of ten (10) years from the approval date.

5. Requests for extensions must be submitted to the Commission prior to the initial expiration date. The Commission may condition the approval of any extension on a determination of the adequacy of any bond, surety or other financial guarantee.

Section 7.03 Special Exception Application

A. Application Requirements

1. A Special Exception Application shall be submitted for any activity designated in the Regulations as requiring a Special Exception.

2. Each application for a Special Exception shall be accompanied by a Site Plan Application meeting the requirements of Section 7.02 of these regulations unless:
   a. The Planning Office finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan Application is not necessary for the Commission to evaluate the proposal.
   b. The Commission waives all or part of the site plan application and fee when, in the sole judgment of the Commission, the requested Special Exception does not involve activity triggering site plan application requirements.

3. A Special Exception Application shall be accompanied by ten (10) copies of the following information:
   a. A statement describing the existing and proposed use or uses.
   b. A statement describing how the Special Exception criteria in Subsection 7.03.D are addressed.

4. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

5. If a Special Exception Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Commission.

B. Proceedings

1. The date of receipt of the Special Exception Application shall be determined in accordance with Subsection 7.08.B.

2. An incomplete Special Exception Application may be denied in accordance with Subsection 7.08.C.

3. The Commission shall hold a public hearing on the Special Exception Application and shall:
   a. Publish a legal notice in accordance with the requirements of Subsection 7.08.F. of these Regulations.
   b. Require that the applicant give public notice in accordance with the requirements of Subsection 7.08.G of these Regulations.

4. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 7.08.H.

5. Notification to water companies may be required in accordance with the requirements of Subsection 7.08.I.

6. The Commission shall process the Special Exception Application within the period of time permitted under CGS 8-7d:
   a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
   b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.

7. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.

8. The applicant may, at any time prior to action by the Commission, withdraw such application.

9. The applicant shall bear the burden of demonstrating that any applicable Special Exception Criteria in these Regulations are addressed.

C. Decision Considerations

1. Special Exception Uses are declared to possess such special characteristics that each Special Exception shall be considered on an individual basis.

2. On a Special Exception Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the Commission shall:
   a. Wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision.
   b. Give due consideration to any report of the Inland Wetlands Commission when making its decision.

3. On a Special Exception Application involving notice to adjoining municipalities under Subsection 7.08.H or notice to water companies under Subsection 7.08.I, the Commission shall give due consideration to any report or testimony received.

4. Before the Commission approves a Special Exception Application, it shall determine that the application:
   a. Is in conformance with the applicable provisions of these Regulations.
   b. Has, in the sole discretion of the Commission, satisfied any applicable Special Exception criteria in Subsection 7.03.D of these Regulations.
   c. Is in harmony with the purposes and intent of these Regulations.

5. Before granting a Special Exception, the Commission shall determine that any accompanying Site Plan Application is in conformance with the applicable provisions of these Regulations.

6. In granting a Special Exception, the Commission may stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility.

7. The Commission may require the applicant post a performance bond, in an amount, form, and duration satisfactory to the Commission, to assure and guarantee:
   a. That adequate erosion and sediment control measures are installed and maintained, before any Permit is issued for activities shown on the approved plan.
   b. The completion of all of the required and approved site improvements including, but not limited to, grading, regrading, drainage, erosion control, lighting, screening, landscaping, pavement, sidewalks and other reasonable elements depicted on the site plan and approved by the Commission.
   c. That all of the improvements shown on the approved plan are implemented before issuance of a Certificate of Occupancy is granted.

8. Any condition or safeguard attached to the granting of a Special Exception:
   a. Shall remain with the property as long as the Special Exception use is still in operation.
   b. Shall continue in force and effect regardless of any change in ownership of the property.

9. The Commission shall not approve any Special Exception for property on which there exists a zoning violation, unless such Special Exception will remedy such violation.

D. Special Exception Criteria

A request for a special exception involves asking the Commission for permission to construct a structure and/or engage in a use that is not permitted as of right in the zone the subject property is located within. As used in this regulation, the term "special exception use" denotes a use that could be acceptable on a specific property, within a specific zone so long as certain criteria are met. The responsibility of the Planning and Zoning Commission, is to insure that any special exception use does not impact the existing neighborhood in a negative manner. A special exception use may be acceptable or inappropriate depending on the intensity of the use and proximity to and impact upon neighboring properties. Using the criteria outlined in this section, the Commission must carefully weigh the impacts the proposed use will have, and balance the request of the applicant with the rights of existing neighbors to quiet and peaceful enjoyment of their property based on its current zoning status. In considering any application for a Special Exception, the Commission shall evaluate the merit of the application with respect to the following factors:

1. **Suitable Location For Use**
   a. The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.
   b. The lot, on which the proposed use is located and the proposed buildings, structures and parking area are situated, is of sufficient size and adequate dimension to permit the normal operation of the use in manner which is not detrimental to the surrounding area and/or adjacent properties and consistent with the zoning district.
   c. The proposed use and proposed buildings and structures are in harmony and character with the surrounding properties and area and do not hinder or discourage the development and use of adjacent properties.
   d. The nature of the proposed use and its location does not impair public health, safety or the general welfare to the public.
   e. The proposed use and its location are consistent with orderly development of the Town and conform to the requirements of these Regulations.
   f. The proposed use and proposed buildings and structures do not impair the value of adjacent properties.
   g. The location and size of any use located in or adjacent to a residential zone, the nature and intensity of the operations of such use, the site layout and design of the proposed buildings and structures associated with the proposed use, vehicular access to and from the site and any proposed exterior illumination are compatible and consistent with the development and use of the neighborhood and adjacent properties, do not create a conflict with or impede the normal traffic on local roads or within the neighborhood and do not hinder or discourage the orderly and appropriate development and/or use of adjacent property and buildings.

2. **Environmental Protection and Conservation**
   a. Appropriate consideration shall be given to the protection, preservation, and/or enhancement of natural, scenic, historic, and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.
   b. The proposed use, proposed buildings and structures and other site features are designed and maintained in such a manner as not to impose an unacceptable risk to aquifers and public water supplies.

3. **Appropriate Improvements**
   a. The design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood in which the use is located.

b. The proposed buildings, structures and signs shall be sized, designed and situated to be in character and harmony with the surrounding area and adjacent properties.
c. The location, nature and height of buildings, walls, and fences, planned activities and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
d. The property and proposed parking areas shall be suitably landscaped with a combination of trees, shrubs and other plant materials to enhance the appearance of the proposed development and, as appropriate, filter and screen the view of the proposed development from the surrounding area and adjacent properties.
e. The proposed use or activity shall have no adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices.
f. In cases where it is proposed to convert a structure designed and built originally for other uses, the structure is adaptable to the proposed use from the point of view of public health and safety and can meet all the requirements of the zoning regulations for the intended use.

4. **Suitable Transportation Conditions**
   a. The design, location and specific details of the proposed use or activity shall not adversely affect safety in the streets nor unreasonably increase traffic congestion in the area nor interfere with the pattern of vehicular circulation in such a manner as to create or augment unsafe traffic conditions.
   b. Parking area or areas will be of adequate size for the particular use, shall be suitably screened from adjoining residential uses, and entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
   c. Streets and other rights-of-way shall be of such size, condition and capacity (in terms of capacity, width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.
   d. The nature and location of any proposed buildings and structures shall not impede access to the site and/or access for emergency response vehicles including but not limited to ambulances and fire apparatus.
   e. Local streets serving the proposed use are of adequate condition to carry traffic generated by the proposed use.
   f. Provisions shall be made for vehicular traffic to enter and exit the site, which do not create an undue traffic hazard and/or cause undue traffic congestion.

5. **Adequate Public Utilities and Services**
   a. The provisions for water supply, sewage disposal, and storm water drainage conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and shall not unduly burden the capacity of such facilities.
   b. The proposed use or activity shall provide easy accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.
   c. Any proposed public improvements shall comply with the applicable Town, State or Federal Regulations, Requirements, Standards or Guidelines.

6. **Long Term Viability**
   Adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

7. **Policy Documents**
   a. The proposed use or activity does not conflict with the purposes of the Regulations.
   b. The proposed use or activity facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.
   c. The proposed use and proposed buildings and structures are consistent with the policies, goals and objectives of the Plan of Conservation and Development.

E. Action Documentation

1. Whenever it grants or denies a Special Exception, the Commission shall state upon its record the reason(s) for its decision.

2. The Commission shall send, by certified mail, a copy of any decision on a Special Exception Application to the applicant within fifteen (15) days after such decision is rendered.

3. The Commission shall cause notice of the approval or denial of the Special Exception Application to be published in a newspaper having a substantial circulation in Plainville within fifteen (15) days after such decision is rendered.

4. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

F. Following Approval

1. A Special Exception granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS 8-3d.

2. A Special Exception shall only authorize the particular use or uses specified in the Commission's approval.

3. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and the Commission shall have the authority to revoke the permit at any time the operation is found to be in non-compliance with the original permit.

4. A Special Exception may be amended or modified in like manner as provided above for the granting of a Special Exception except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Exception, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.

Section 7.04 Regulation Amendment Application

A. Application Requirements

1. A Regulation Amendment Application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.

2. Any such application shall be accompanied by ten (10) copies of the precise wording of the existing and proposed text and any other supporting information.

3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

4. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

B. Proceedings

1. The date of receipt for the Regulation Amendment Application shall be determined in accordance with Subsection 7.08.B.

2. An incomplete Regulation Amendment Application may be denied in accordance with Subsection 7.08.C.

3. The Commission shall hold a public hearing on the Regulation Amendment Application and shall cause a legal notice to be published in accordance with the requirements of Subsection 7.08.F of these Regulations.

4. The Commission shall give notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
   a. Such notice shall be made by certified mail, return receipt requested, or by electronic mail in accordance with Section 8-3b of the Connecticut General Statutes as may be amended.
   b. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

5. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 7.08.H.

6. Notification to water companies may be required in accordance with the requirements of Subsection 7.08.I.

7. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

8. The Commission shall process the Regulation Amendment Application within the period of time permitted under CGS 8-7d:
   a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
   b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
   e. These provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.

9. The applicant may, at any time prior to action by the Commission, withdraw such application.

C. Decision Considerations

1. The Commission shall act upon the changes requested in such Regulation Amendment Application.

2. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.

3. On a Regulation Amendment Application involving notice to adjoining municipalities, water companies, or a regional planning agency, the Commission shall give due consideration to any report or testimony received.

4. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23.

5. Before approving any Regulation Amendment Application, the Commission shall determine that the proposed regulation change will aid in:
   a. Protecting the public health, safety, welfare, or property values.
   b. Implementing the municipal Plan of Conservation and Development.
   c. Attaining the purposes of these Regulations.

6. Such Regulation(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission.

D. Action Documentation

1. Whenever the Commission acts upon a Regulation Amendment Application, it shall state upon the record the reasons for its decision.

2. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.

3. As part of approving a Regulation Amendment Application, the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Plainville before such effective date.

4. The Commission shall send, by certified mail, a copy of any decision on a Regulation Amendment Application to the applicant within fifteen (15) days after such decision is rendered.

5. The Commission shall cause notice of the approval or denial of the Regulation Amendment Application to be published in a newspaper having a substantial circulation in Plainville within fifteen (15) days after such decision is rendered.

6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

E. Following Approval

A regulation amendment approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

Section 7.05 Zone Change Application

A. Application Requirements

1. A Zone Change Application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

2. A Zone Change Application shall be:
   a. Signed by the affected property owner(s).
   b. Commenced by the Commission on its own initiative.

3. A Zone Change Application shall be accompanied by:
   a. Ten (10) copies of an A-2 survey of the parcel or parcels in question except that the Commission shall be exempt from this requirement.
   b. Ten (10) copies of a legal description of the parcel or parcels in question except that the Commission shall be exempt from this requirement.

4. A Zone Change Application shall be accompanied by:
   a. Ten (10) copies of a map showing all parcels comprising the proposed change and all those parcels, or portions thereof, within 500 feet of the boundaries of the proposed zone change and such map shall:
      1. Be prepared to Class D Survey standards.
      2. Show the owners of record, parcel area, and Assessor's Map, Block and Lot on each lot with such information obtained from the most recent Assessor records in Plainville and, if necessary, any adjacent municipality.
   b. A certification from the applicant or its designated agent shall certify that the map and owner list was prepared as specified herein.

5. The Commission shall not be required to hear a Zone Change Application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

B. Proceedings

1. The date of receipt of the Zone Change Application shall be determined in accordance with Subsection 7.08.B.

2. The Commission shall hold a public hearing on the Zone Change Application and shall cause a legal notice to be published in accordance with the requirements of Subsection 7.08.F of these Regulations.

3. If the zone change application is commenced by the Commission on its own initiative, the Commission shall, via regular mail, notify property owners within the proposed zone change of the time, place and purpose of the public hearing at least 15 days prior to such hearing.

4. If the zone change application is initiated by the affected property owner(s), the applicant or its designated agent shall:
   a. Notify property owners within the proposed zone change and property owners within 200 feet in all directions of the property included in a proposed zone change of the time, place and purpose of the public hearing at least 15 days prior to such hearing.
   b. Submit evidence of such mailing, in the form of United States Post Office Certificates of Mailing, to the Planning Office along with the above said list of property owners, not less than five (5) calendar days prior to the hearing date.
   c. Failure to comply with any of the procedures required herein, shall be deemed a valid basis for denial of the subject request.

5. The Commission shall give written notice to the regional planning agency when any portion of the land affected by a Zone Change Application is located within five hundred (500) feet of the boundary of another municipality and:
   a. Such notice shall be made by certified mail, return receipt requested.
   b. Such notice shall be made not later than thirty (30) days before the public hearing.
   c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

6. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 7.08.H.

7. Notification to water companies may be required in accordance with the requirements of Subsection 7.08.I.

8. A copy of the proposed zone change shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten days before the public hearing.

9. An incomplete Zone Change Application may be denied in accordance with Subsection 7.08.C.

10. The Commission shall process the Zone Change Application within the period of time permitted under CGS 8-7d:
    a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
    b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
    c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
    d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
    e. These provisions shall not apply to any action initiated by the Commission regarding a Zone Change Application.

11. The applicant may, at any time prior to action by the Commission, withdraw such application.

C. Decision Considerations

1. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23.

2. On a Zone Change Application involving notice to adjoining municipalities under Subsection 7.08.H, notice to water companies under Subsection 7.08.I, or notice to a regional planning agency under Subsection 7.05.B.5, the Commission shall give due consideration to any report or testimony received.

3. Before approving any Zone Change Application, the Commission shall determine that the proposed zone change:
   a. Is in accordance with the Plan of Conservation and Development.
   b. Is suitable for the intended location.
   c. Will aid in protecting the public health, safety, welfare, or property values.
   d. Will aid in attaining the purposes of these Regulations.

4. Such Zone Change shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed with the Commission at or before a hearing, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred (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 all the members of the Commission.

D. Action Documentation

1. Whenever the Commission acts upon a Zone Change Application, it shall state upon the record:
   a. The reason for its decision.
   b. Its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.

2. As part of approving a Zone Change Application, the Commission shall establish an effective date for the zone change provided a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Plainville before such effective date.

3. If the application was submitted by the affected property owner(s), the Commission shall send, by certified mail, a copy of any decision on a Zone Change Application to the applicant within fifteen (15) days after such decision is rendered.

4. The Commission shall cause notice of the approval or denial of the Zone Change Application to be published in a newspaper having a substantial circulation in Plainville within fifteen (15) days after such decision is rendered.

5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

E. Following Approval

A Zone Change Map approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

Section 7.06 Change in Use

1. Unless waived by the Commission, a Site Plan Modification shall be submitted when the subject site requires modifications to comply with requirements in these Regulations for setbacks, parking, landscaping, screening, or other requirements.

2. A Site Plan Modification shall meet the same standards and be treated as a Site Plan Application unless the Regulations clearly indicate that it should be treated as a Zone Change Application, Special Exception Application, or similar application.

Section 7.07 Concept Plan Submission

1. An applicant may prepare and submit a pre-submission concept plan for informal presentation to the Commission.

2. Such pre-submission concept application shall provide information on the location of significant natural features (wetlands, watercourses, steep slopes, flood plain) and other relevant information and shall provide sufficient information for the Commission to visualize how the finished use or development shall look and how it shall be built.

3. The Commission shall informally review the concept Plan for general conformance with these regulations and may request additional information where deemed necessary.

4. A concept plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any concept plan.

5. Such review shall not be binding on the applicant or the Commission.

6. In accordance with PA 03-184 (as codified in CGS 7-159b as may be amended), such review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes.

7. A concept plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

8. A fee for concept plan submittal shall be provided by the applicant and shall be equal to one-half the cost of the type or types of applications eventually required for the proposed activity.

Section 7.08 General Procedures

A. Application Submittal Requirements

1. Applications to the Planning and Zoning Commission shall be submitted to the Planning Office.

2. Applications shall be submitted on forms obtained from the Planning Office for the type of application being submitted.

3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.

4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.

5. Applications shall be signed by the applicant and, if applicable, the owner of the property affected.

B. Date of Receipt

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Planning and Zoning Commission shall be:

1. The day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Planning Office.

2. Thirty-five (35) days after submission, whichever is sooner.

C. Incomplete Applications

1. Each application shall be reviewed by the Planning Office to determine whether the application is substantially complete.

2. An application requiring approval from the Planning and Zoning Commission shall not be considered actually complete until all of the information as required by these Regulations or the Commission has been received by the Commission.

3. An incomplete application or an application submitted without the requisite fee may be denied.

D. Sequence of Hearings

Where a proposed development or activity requires multiple applications, the Planning and Zoning Commission may conduct any public hearings simultaneously or in the order they deem appropriate.

E. Consultations

1. On any application, the Planning and Zoning Commission may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.

2. On any application, the Planning and Zoning Commission may retain an architect, landscape architect, professional land use planner, or retain such other technical expertise as it feels is needed to review, comment, and guide its deliberations on any application if it finds that the nature and intensity of development may have a significant impact on the site and its surrounding areas and that town staff lacks the necessary expertise to investigate and/or review said conditions.

3. When the Commission determines such additional technical expertise is required:
   a. An estimate for those services shall be made by a qualified party.
   b. The applicant shall deposit one hundred and fifty percent (150%) of that estimated cost with the Commission.
   c. Such payment shall be made prior to the review of the application and/or submission.
   d. Upon completion of the technical review and final action of the Commission, the balance of remaining funds, if any, shall be reimbursed to the applicant.
   e. Applicants shall not be responsible for costs incurred for technical assistance which exceed one hundred-fifty percent (150%) of the estimate received by the Commission.

F. Notice by Newspaper

1. When a public hearing is required by these Regulations or is scheduled by the Planning and Zoning Commission, the Planning Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Plainville.

2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

G. Public Notification

1. When required by these Regulations, the applicant shall post a sign at least fifteen (15) days in advance of such hearing in conformity with approved specifications (available in the Planning Office).

2. The following requirements shall apply:
   a. A signed affidavit must be submitted by the applicant on the day of the hearing affirming compliance with the regulations.
   3. Failure to post the required sign in accordance with the approved specifications and within the prescribed timeframe will result in the application being incomplete; the Commission may deny without prejudice, allow the applicant to withdraw without prejudice, or agree by majority vote of sitting Commissioners to postpone the hearing until appropriate notification is given; adequate statutory timeframes must be considered.
   a. Application fees shall not be refunded or credited to any subsequent same or similar application that fails to meet these requirements.

H. Notification of Abutting Municipalities

1. In accordance with CGS 8-7d(f), the Commission or Zoning Board of Appeals shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
   a. Any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality.
   b. A significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site.
   c. A significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality.
   d. Water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.

2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Planning Office of the application, petition, request or plan.

3. No hearing shall be conducted on any application, petition, request or plan unless the adjoining municipality has received the notice required under this Section.

4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

I. Notification of Water Companies

1. In accordance with CGS 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application, petition, request or plan is filed with the Commission or Zoning Board of Appeals concerning any project on any site that is within:
   a. An aquifer protection area, provided such area has been delineated in accordance with CGS 22a-354c.
   b. The watershed of a water company, provided such water company or said commissioner has filed a map with the Commission and on the Plainville land records showing the boundaries of the watershed.

2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Planning Office.

3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning Office or the application shall be considered incomplete:
   a. A copy of the complete package of information.
   b. Proof of mailing.

4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

J. Beneficiaries of a Trust

Any person who makes an application to the Commission pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

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Article 8. ADMINISTRATION

Section 8.01 Authority

These Regulations are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut, as amended.

Section 8.02 Purposes

It is the purpose of these Regulations to:

1. Promote the health, safety, morals and general welfare of the community.
2. Lessen congestion in the streets.
3. Secure safety from fire, panic, flood and other dangers.
4. Promote health and the general welfare.
5. Provide adequate light and air.
6. Prevent the overcrowding of land.
7. Avoid undue concentration of population.
8. Facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.
9. Conserve the value of buildings.
10. Encourage the most appropriate use of land throughout such municipality.
11. Encourage the development of housing opportunities consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region.

Section 8.03 Zoning Districts

1. For the purpose of promoting the health, safety, economic and general welfare of the community, the Town of Plainville is divided into the zones or districts as enumerated in these Regulations.

2. The boundaries of all districts, as established herein and amended from time to time, are those shown on the Zoning Map, Town of Plainville, Connecticut filed in the office of the Town Clerk, which map is part of these regulations. Any facsimile maps, including any printed herewith, are not official and are for convenience only.

3. When in accordance with the provisions of these regulations, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the Zoning Map after the amendment has been approved by the Commission, together with an entry on the Zoning Map as follows: "As amended to (date)", such date to be that of the most recent amendment.

4. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
   a. Boundaries, unless otherwise clearly indicated on the zoning map, are either street lines or lines drawn parallel to and back from a street line, the distance indicated on said map.
   b. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
   c. Boundaries indicated as approximately following town limits, shall be construed as following town limits.
   d. Boundaries indicated as parallel to, or extensions of, features indicated in subsections 1 through 3 above, shall be so construed. Distances not specifically indicated in the Zoning Map shall be determined by the scale of the map.
   e. In the case of a lot lying in more than one district, the provisions of the less restrictive district may be applied for a distance of not over thirty (30) feet into a more restrictive district, provided that the lot has frontage on a street in the less restrictive district.
   f. In cases of uncertainty, the Commission shall determine the location of the boundary.

Section 8.04 Application

1. Any use of land, buildings or structures not expressly permitted by these Regulations in the various zoning districts is prohibited and, in the event of uncertainty as to whether a use is permitted, the Commission shall be responsible for interpreting these Regulations.

2. No building or structure or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district, as shown on the official map in which it is located.

3. In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare.

4. It is not intended by these Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by these Regulations, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Town is a party. Where these Regulations impose a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these Regulations shall control.

5. No lot on which a building is or shall be erected, shall be reduced or diminished so that the yards, courts or open spaces shall be smaller than prescribed by this schedule.

Section 8.05 Enforcement and Penalties

1. These Regulations shall be enforced by the Zoning Enforcement Officer, appointed by the Planning and Zoning Commission, who is empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or threat in violation of any provisions of these Regulations.

2. Where the Zoning Enforcement Officer is unable to act, the Planning and Zoning Commission may designate another Town Official to enforce these Regulations.

3. The owner or agent of a building or premises where a violation of any provision of said Regulations shall have been committed or shall exist, or the lessee, or tenant of a building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, lessee, or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, building contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any buildings or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than $10.00 and not more than $100.00 for each and every day that such violation continues but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than $100.00 or more than $250.00 for each and every day that such violation shall continue.

Section 8.06 Board of Appeals

1. The Zoning Board of Appeals shall have the following powers and duties, as specified in Section 8-6 of Chapter 124 of the General Statutes of the State of Connecticut, as amended:
   a. To hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer.
   b. To determine and vary the application of these Zoning Regulations, solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is located, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship. Any such variance to these Zoning Regulations shall be in harmony with their general purpose and intent, and shall be made with due consideration of conserving the public health, safety, convenience, welfare and property values.
   c. To vary these Zoning Regulations on a temporary basis provided that the variance shall not exceed thirty consecutive days in a calendar year and provided further that a temporary variance for a location may be granted only once during a calendar year.
   d. To hear and decide on location approvals for any person who desires to obtain a license for the sale or repair of motor vehicles in accordance with applicable State Statutes.

2. No application with respect to a matter which has been denied by the Zoning Board of Appeals shall again be filed within six months from its original denial, unless a new application is submitted with an affidavit containing facts showing that there has been a material change in conditions affecting the merits of the application.

Section 8.07 Validity

If any section, paragraph, subdivision, clause, or provision of these Regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

Section 8.08 Repeal and Effective Date

All prior Zoning Regulations are hereby repealed as of the effective date of these Regulations.

These Regulations shall be effective April 13, 1989 with amendments through July 25, 2007.

Article 9. DEFINITIONS

Section 9.01 Use of Terms

In the construction of this Regulation the rules and definitions contained in this Article shall be observed and applied, except where the context clearly indicates otherwise.

1. Words used in the singular shall include the plural and the plural singular; and words used in the present tense shall include the future.

2. The word "shall" is mandatory.

3. The word "may" is permissive.

4. The word "lot" shall include the words "piece", "parcel" and "plot".

5. The words "zone", "zoning district" and "district" have the same meaning.

6. The phrase "used for" shall include the phrases "arranged for", "designated for", "intended for", "maintained for" and "occupied for".

7. The phrase "these Regulations" shall refer to the entire zoning regulation.

8. Uses of land, buildings or structures not clearly permitted in the various zoning districts are prohibited.

Section 9.02 Definitions

For the purposes of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein.

ACCESSORY APARTMENT: A separate living unit that is attached to, housed within, and collectively having the exterior appearance of a single-family residence, including full sleeping, cooking and sanitary facilities. Such accessory apartment unit shall not change the residential classification of a single family dwelling to a two family dwelling.

ACCESSORY USES: a subordinate use or building customarily incident to and located on the lot occupied by the main use or building.

ADULT CABARET:(a) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by their emphasis on matter depicting specified anatomical areas and/or specified sexual activities; (b) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity for more than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual areas.

ADULT VIDEO AND/OR BOOK STORE: An establishment having five (5) percent of its stock in trade books, magazines, publications, tapes or films that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas and/or specified sexual activities.

ALTERATION: A change or rearrangement in the structural parts of a building, the movement of all or any part thereof, or the reconstruction thereof, so as to produce a noticeable change in appearance, character, or construction; also, means an enlargement, whether by increase in height, coverage, volume or floor area.

ANTENNA: A device used in communications which transmits or receives telecommunications or radio signals. Such devices shall be limited to dish antennas, microwave antennas, whip antennas, omnidirectional antennas and panel antennas.

BILLBOARD: A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

BUILDING: Any structure having a roof and intended for shelter, housing, or enclosure of persons, animals, or materials, including any other structure more than eight (8) feet high, excluding (a) a "facility" as defined in section 16-50i of the Connecticut General Statutes, and (b) structures similar in height-to-diameter ratio of chimneys, flagpoles, antennas, utility poles and steeples, provided such structures are accessory to a building or use permitted by these regulations, and not the principal use or structure on the lot.

BUILDING AREA: The aggregate or maximum horizontal cross section of the main building on a lot, together with its accessory buildings. The building area excludes steps, one-story open porches, balconies, terraces and cornices, eaves gutters or chimneys which project not more than thirty (30) inches.

BUILDING LINE: The line fixed, now or hereafter, by the Town Planning and Zoning Commission; and where no line has been fixed by such Commission, is a line parallel to the street line at a distance therefrom of a minimum of twenty-four (24) feet.

CLUB, OR PHILANTHROPIC OR FRATERNAL ORGANIZATION: Means an organization of persons incorporated pursuant to law, which is the owner, lessee or occupant of an establishment operated solely for social, patriotic, benevolent, or athletic purpose, but not for pecuniary gain, and includes the establishment so operated. A club shall cater only to its members or guests accompanying them. A "Member of a Club" is a person who, whether as a charter member or admitted in agreement with the bylaws of the club, has become a bona-fide member thereof, who maintains his membership by the payment of his annual dues in a bona-fide manner in accordance with such bylaws, and whose name and address are entered on the list of membership. Such establishment may include banquet halls for use of the membership and rental to the general public for lawful functions.

CO-LOCATED WIRELESS TELECOMMUNICATION FACILITY: Telecommunication facilities which utilize an existing tower, building or other structure for the placement of antenna that does not require the construction of a new communications tower.

COMMON INTEREST COMMUNITY: A project or development duly established in accordance with the provisions of the Common Interest Ownership Act, Chapter 828 of the Connecticut General Statutes, as it may be amended from time to time.

COMMUNICATIONS FACILITY: A facility supporting antennas and microwave dishes that sends and/or receives radio frequency signals.

COMMUNICATIONS TOWER: A structure that is intended to support antennas and other telecommunications equipment in the provision of wireless telecommunication services. Such structures shall be limited to monopoles and lattice towers.

CONDOMINIUM: A unit in a plan or project, building or buildings, or other structure or structures separately offered for sale, with joint ownership of the common areas by the owners of all units; the plan or project being duly established in accordance with the provisions of the Connecticut Condominium Act, Chapter 825 of the General Statutes of Connecticut, as amended from time to time.

DAY CARE CENTER, CHILDREN OR ADULT: A commercial facility providing a program of supplementary care to not more than twenty-four related or unrelated persons outside their own home on a regular basis for three to twelve hours a day, which may also be an accessory facility to exclusively serve employees of a commercial facility.

DAY CARE CENTER, FAMILY: A private single family home, providing a program of supplementary care to not more than six children/adults, including the provider's own children/relatives, where the children/adults are cared for on a regular basis for three to twelve hours a day, and where the principal provider of the services resides on the premises. Family day care homes shall not be regulated differently from a single-family home.

DAY CARE FACILITY, DOG: A dog day care facility is an organized, controlled and monitored environment, providing supplementary care for a group of friendly dogs by allowing them to interact and play throughout the day. The purpose is to provide stimulation, exercise and socialization for the dog.

DISH ANTENNA: A dish-like antenna used to link communications sites together by wireless transmission of voice or data. These antennas include microwave antennas and microwave dish antennas.

DISTRIBUTION CENTER: An establishment engaged in the receipt and distribution of goods, products, cargo and materials including transshipment of goods, product, cargo and materials by rail, air, motor vehicle or freight but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

DRIVE THROUGH SERVICE: Includes retail and service activity occurring at a window or kiosk where consumers queue their motor vehicles in a lane to receive and pay for goods and services at such window or kiosk.

DWELLING: A building arranged, intended or designated to be occupied by one or more families living independently of each other within individual units.

DWELLING UNIT: Living quarters for one family, which may be classified as a single family detached dwelling, condominium dwelling, one or more bedroom apartment dwellings, efficiency apartment dwelling, accessory apartment dwelling and/or caretaker’s quarters that shall consist of not less than one habitable room in addition to required kitchen and sanitary facilities.

FAMILY: One person; a group of two or more people related by blood, marriage, legal adoption, or legal guardianship; or a group of not more than six unrelated people, living and cooking together in the same dwelling unit as a single housekeeping unit. A family may also include domestic help, but does not include roomers, boarders, or lodgers.

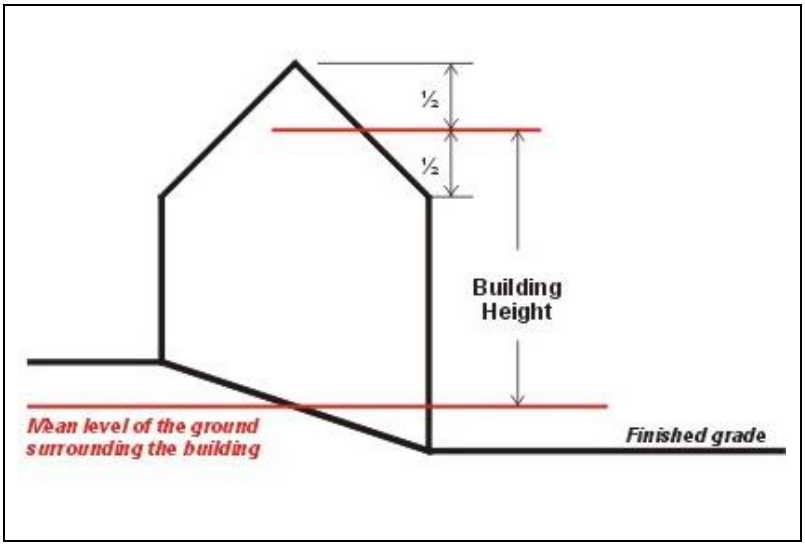
FARMING: Farming is synonymous with the term agriculture and shall include cultivation of soil, dairying, raising or harvesting any agricultural commodity, including the raising, feeding, caring for, training and management of livestock including horses, cattle, sheep, goats, bees, poultry and fowl raised for food production, breeding, exhibition or sale; the harvesting of sugar maple; processing and preparation of a commodity grown or raised on the premises for market; the operation, management, conservation, improvement or maintenance of a farm, it's buildings, tools and equipment. The term farm includes farm buildings and accessory buildings thereto, including a primary dwelling. Livestock, poultry and other traditional farm animals are not to be considered as domestic or household pets.

FRONTAGE: The linear measurement of a lot along a PAVED street.

GASOLINE SERVICE STATION: A building or structure designed or used primarily for the retail sale or supply of fuels, lubricants, air, water and other operating commodities of motor vehicles including the customary space and facilities for the installation of such commodities on or in such motor vehicles, but does not include painting or body repairs.

HEALTH FITNESS CLUB: A club or facility designed to offer athletic activities, physical conditioning and/or diet, exercise and nutritional counseling. Such facility may include but not be limited to the following activities: aerobic dance classes, stationary aerobic and weight lifting equipment such as treadmills, free weights and Nautilus type equipment, but not playing fields or courts of any kind.

HEIGHT OF A BUILDING OR STRUCTURE: The vertical distance in feet as measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof, excluding chimneys, spires, towers and similar projections.



HOME OCCUPATION, LOW IMPACT: A home office activity conducted entirely within a dwelling unit in a manner clearly subordinate to the residential use of the dwelling unit. Such use occupies no more than a prescribed percentage of the dwelling unit, does not affect the residential character of the neighborhood, and does not create a nuisance in the neighborhood. Such use does not involve the servicing of any clients from the premises.

HOME OCCUPATION, MODERATE IMPACT: A home occupation or business activity conducted entirely within a dwelling unit in a manner clearly subordinate to the residential use of the dwelling unit. Such use occupies no more than a prescribed percentage of the dwelling unit, but may have the potential to negatively affect the residential character of the neighborhood, and create a nuisance in the neighborhood.

JUNK: Any abandoned, dilapidated, scrap, secondhand, waste and/or non-reclaimable or non-recyclable materials, products, goods or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, modified, stored or disposed of which are not otherwise being utilized pursuant to these regulations. Such materials, products, goods or debris may include, but is not limited to inoperable motor vehicles, tires, vehicle parts, equipment, paper, metal, glass, building materials, household appliances, machinery, brush, wood, lumber and the like.

JUNKYARD: Any lot, land, parcel, building, or structure or part thereof, used for the exchange, storage, collection, processing, purchase, sale, and/or disposal of junk.

LATTICE TOWER: A trestle framework consisting of horizontal and vertical structures used to support antennas and design to resist all loads including wind loads without requiring guyed wires at any point.

LIMITED ACCESS HIGHWAY: A highway designated to provide limited access by a ramp system in specifically designated locations. It shall not be deemed to meet frontage requirements in any zone, or be used as frontage requirements in the definition of a lot.

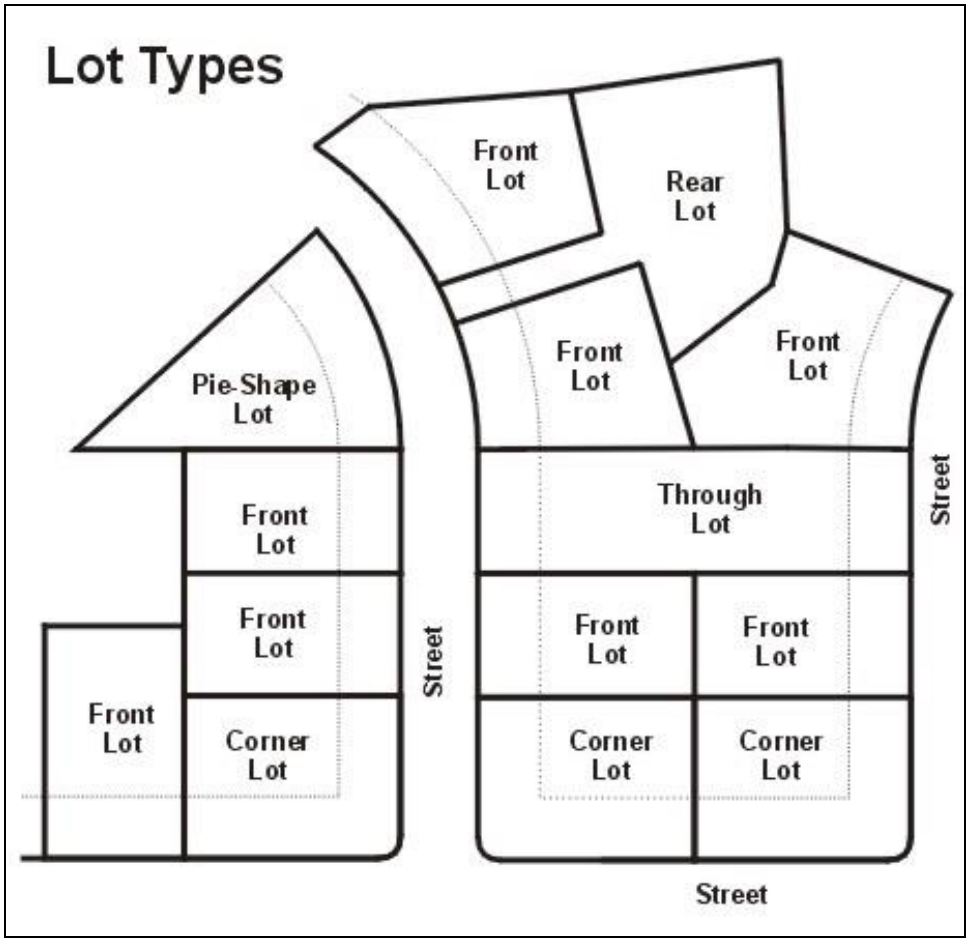
LIVING QUARTERS: That portion of the building constructed with finished ceilings, walls, and floors. No rooms for heating equipment, garages, outside vestibules, unfinished basements, attic, or open or enclosed porches shall be included. No area of the structure which is located below first floor grade may be counted except in the case of split level homes, as provided elsewhere in these regulations. Measurements shall be taken from outside walls.

LOT: A parcel of land fronting on a paved street, occupied or designed to be occupied by one building and the accessory buildings or uses customarily incident to it; or more than one building as allowed in these regulations.

LOT, CORNER: A lot fronting on two streets at the street intersection with a front yard on each street frontage, one side yard and one rear yard. The yard opposite the front entrance to the principal building shall be deemed to be the rear yard. Where unusual topography and/or lot shape dictate atypical dwelling configuration, required yards shall be determined at the time of the approval of the lot by the Commission. In the case of an existing vacant lot, or the first cut of an eligible lot where no Commission action is necessary, staff shall make a determination on required yards based on the same set of standards.

LOT, REAR: A lot located to the rear of another lot and served by an accessway owned in fee by the owner of the rear lot.

LOT, THROUGH: A lot fronting on two streets not at the street intersection with a front yard on each street frontage and two side yards.



LUXURY MOTOR COACH: Any self-contained and self-propelled travel coach sometimes referred to as a motor home not less than 22,000 pounds gross vehicle weight or 25 feet gross vehicle length, which can be registered for travel on public roads and highways containing all or most of the amenities found in a single family home, but not including 5th wheels, or any type of non-motorized "tow behind" camper.

MEDICAL MARIJUANA DISPENSARY FACILITY: A place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the department has issued a dispensary facility permit to an applicant under the Act and section 21a-408-14 of the Regulations of Connecticut State Agencies.

MEDICAL MARIJUANA PRODUCTION FACILITY: A secure, indoor facility where the production of marijuana occurs and that is operated by a person to whom the department has issued a producer license under the Act and sections 21a-408-20 of the Regulations of Connecticut State Agencies.

MOBILE HOME: A vehicle designed for human occupancy, not capable of being hauled over the road except by special license, and shall be considered a mobile home whether parked on wheels, a semi-permanent or permanent foundation.

MONOPOLE: A structure composed of a single spire and platform used to support panel antennas.

MOTOR VEHICLE, COMMERCIAL: Any type of vehicle designed and used for the discharge of any commercial activity including, but not limited to, transportation of workers, materials, equipment, merchandise, freight, or paying passengers and may include trucks, cars, vans and utility vehicles registered to a private individual or a corporate entity.

MOTOR VEHICLE, REPAIR AND SERVICE ESTABLISHMENT: Shall be the definition established by Connecticut General Statutes.

MOUNT: A structure or surface upon which antennas are mounted.

MULTI-FAMILY DWELLINGS: A building intended and designated to be occupied by two or more families living in separate dwelling units.

NON-CONFORMING LOT: A lot that does not comply with the regulations of the zone district in which it is located.

NON-CONFORMING USE: A use that does not comply with the regulations of the use district in which it is located.

OUTDOOR WOOD BURNING FURNACE: An outdoor accessory structure or appliance designed to transfer or provide heat through the burning of wood, solid waste, or any other material designed to be used in such equipment, for heating interior residential or commercial space or for providing any other ancillary heating needs including, but not limited to the heating of domestic hot water; swimming pool, Jacuzzi or hot tub water; or any commercial process, but does not include a fire pit, wood burning barbeque, or chiminea.

PANEL ANTENNA: An antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antennas are typically flat, rectangular devices approximately six (6) square feet in area. These antennas are also referred to as directional antennas.

PASSIVE RECREATION: Non-motorized recreation requiring little or no alteration of the existing topography, including and similar to hiking, bicycling, climbing, picnicking, and bird-watching.

PASSIVE SOLAR TECHNIQUES: The use of house orientation, street and lot layout, vegetation, natural and man-made topographical features, protection of solar access within the development and other site design techniques to:

- Maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season.
- Minimize heat gain and provide for natural ventilation during the cooling season.

PERSONAL SERVICE ESTABLISHMENT: A business establishment which offers direct service to customers from the premises, which in no way involves manufacture or assembly of a product, and which does not differ in general character or intensity from retail stores or business and professional offices.

PUBLIC PARKING: The parking area located on a lot or plot of land which is not part of the required parking area for the main structure located thereon. If no main structure is located on the lot or plot of land, all parking areas may be designated as public parking.

QUARRYING: The removal, excavation, processing, or grading of stone, fill, or other earth products within the ridgeline setback area and the Quarry Industrial Zone, regardless of the methods utilized (e.g., blasting, crushing, excavation equipment).

RECREATIONAL VEHICLE: Any type of vehicle used primarily for recreational use including but not limited to all-terrain vehicles, snowmobiles, motorized and/or non-motorized campers and/or camping trailers not exceeding 22,000 pounds gross vehicle weight or 25 feet gross vehicle length, boats, and similar equipment including associated trailers but excluding mobile homes, hauling or box trailers and unregistered race cars of any kind or their associated trailers.

RECREATION CENTER, INDOOR: A business providing recreation opportunity or service such as, but not limited to tennis, racquet ball, swimming, bowling, exercise and health center, miniature golf, driving range and similar uses, and appropriate accessory uses and facilities, but not to include game arcades, pool or billiard halls.

RECYCLING FACILITY: A facility, the primary purpose of which is the collection or separation and processing, transformation or reuse of recyclable materials or resources such as, but not limited to glass, metal, paper, plastics, wood, household or business products, construction materials, soil, food or food byproducts into another form for immediate or future reuse, with or without a byproduct, including, but not limited to energy generation.

REDEVELOPMENT DESIGN DISTRICT: an area comprised of one or more contiguous parcels meeting special exception and site plan criteria and requirements permitting an alternate but unified mixed use development that complies with the special regulations governing a Redevelopment Design District in lieu of the standard underlying zoning regulations.

REGIONAL SHOPPING MALL: Property and structures under the ownership of one, or more than one entity, consisting of a minimum of 500,000 total gross leasable square feet and including an enclosed shopping mall and at least two department or anchor stores. Said total structural square footage may include any mix of office, retail, and wholesale trades, restaurant and indoor theaters or any other uses permitted in the zone(s) in which the Regional Shopping Mall is proposed.

RESTAURANT: A place having an adequate kitchen and dining room, the primary business of which is the service of hot meals to patrons seated at tables or counters. Meals are served by waiters or waitresses and consumed at the table or counter where they are ordered. A Restaurant may have a Permit to allow the retail sales of alcoholic liquor to be consumed on the premises, as granted by the Department of Liquor Control

RESTAURANT, FAST FOOD: A place whose primary business is the quick sale of (1) frozen desserts, (2) food, already prepared, or prepared and cooked quickly, or cooked or heated in a microwave oven, or (3) non-alcoholic beverages for consumption on or off the premises. Generally, service is cafeteria style in disposable plates or containers, and food and beverages are not consumed at the point where they are ordered or paid for.

RESTAURANT, DRIVE IN: An establishment where food or beverages are sold primarily for consumption by customers parked in motor vehicles on the premises, whether or not the establishment also serves customers indoors.

RIDGELINE: The line on a traprock ridge, including the line on Pinnacle Rock and Bradley Mountain, created by all points at the top of a fifty (50) percent or greater slope (two horizontal for each vertical unit of distance), which slope is maintained for a distance of at least fifty (50) horizontal feet measured perpendicular to the contours of the slope and which consists of surficial basalt geology that may be determined by field observations and other topographic maps, bedrock geologic maps, surveys, and other available information. Where no surficial basalt geology (unconsolidated, loose rock) exists, bedrock basalt geology shall be used to define the traprock ridgeline. All slopes disturbed by human intervention shall be measured as immediately prior to such disturbance, to the extent such pre-existing conditions can be determined by available topographic maps or other records.

RIDGELINE SETBACK AREA: The area bounded by (a) a line that parallels and is placed a horizontal distance of one hundred and fifty feet (150') off the lesser sloped side (typically the more wooded side) of all traprock (basalt) ridgelines as defined herein; and (b) that lowest contour line created where less than a fifty (50%) percent slope (two horizontal for each vertical unit of distance) exists for a distance of fifty horizontal feet (50') on the more steeply sloped side (typically the more rocky side) of all traprock (basalt) ridgelines as defined herein.

SALVAGE FACILITY: A facility, the primary purpose of which is for the total or partial collection, reclamation, separation, disassembly, or sorting of items or materials, exclusive of trailers or motorized vehicles or components thereof, into reusable or recyclable byproducts to be redistributed for future reuse, but excluding a transfer station.

SELECTIVE TIMBERING: The removal of no more than ten percent (10%) of the total number of living trees larger than six (6) inches in diameter at breast height (4.5 feet above grade), within that portion of any ridgeline setback area located on the lot on which such removal is to occur.

SELF-STORAGE FACILITY: A facility available to the general public consisting of enclosed, individually leased storage units.

SIGN: A structure, mechanism, display, or device that directs attention to a business, commodity, service or entertainment offered on the premises where the sign is located. The word "sign" shall include but not be limited to any model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, advertisement or attraction.

SIGN AREA: The entire face of a sign, including the advertising surface and any framing, trim or molding but not including the supporting structure unless such structure obviously is designed to be part of the sign.

SPECIFIED ANATOMICAL AREAS: Specified anatomical areas includes any of the following: (1) less than completely covered and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or (2) human male genitals in a discernably turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Specified sexual activities includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) sex acts, normal or perverted, actual or simulated intercourse, oral copulation or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities described in this definition.

STREET LINE: The dividing line between the street and the lot.

STORY: That portion of a building between any floor and the ceiling or roof above it and includes those basements used for a principal use.

STRUCTURE: Anything constructed or erected which is located on the ground or attached to something located on the ground.

TIMBERING: The cumulative removal of more than ten (10) percent (10%) of the total number of living trees larger than six inches (6") in diameter at breast height (4.5 feet above grade).

TRAILER, RESIDENTIAL HAULING: A hauling trailer intended for personal use stored on the residential property of the owner or user.

TRAILER, COMMERCIAL HAULING: A hauling trailer used to carry or store goods and/or equipment for commercial delivery, service, construction, and/or sales stored on the commercial property of the owner or user.

TRAILER, COMMERCIAL TRACTOR TYPE: An enclosed hauling trailer used primarily to carry large loads over the road by tractor trailer operators.

TRAILER, RECREATIONAL HAULING: Any type of trailer used to transport and/or store personal recreational vehicles.

TRANSFER STATION: A facility for the collection and temporary storage of junk or waste for future transfer to another facility for processing or ultimate disposal.

UTILITY USE: Uses, structures and equipment necessary to provide the community with electricity, cable television, telephone and other communication service, water, gas and other similar community needs whether or not they are owned and/or operated by a public, quasi-public or private company.

WAREHOUSE/WAREHOUSING: A building primarily used for the storage of goods and materials.

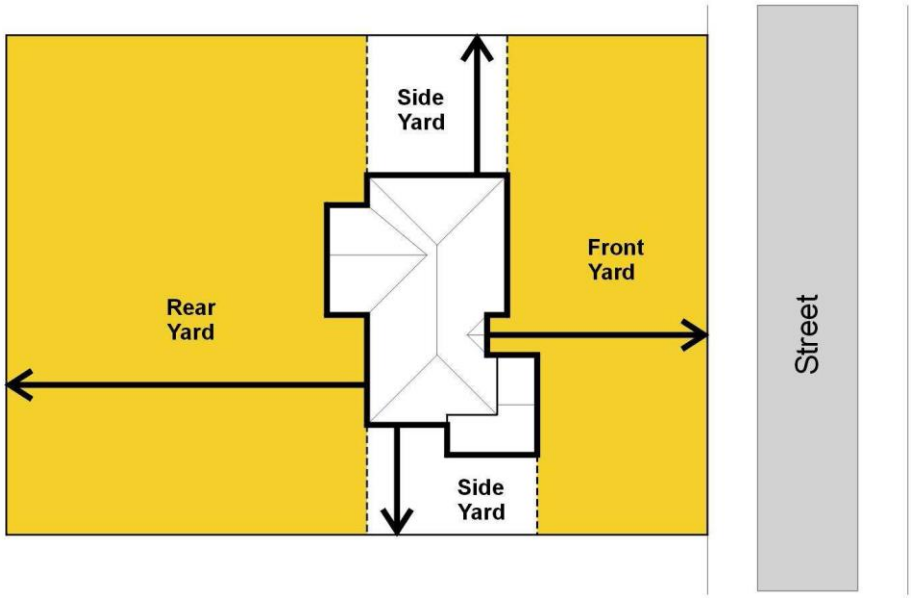
WHOLESALE TRADE: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIRELESS TELECOMMUNICATION FACILITY: Antennas, telecommunications equipment, monopoles, lattice towers communications towers, and equipment sheds and cabinets used together in conjunction with the provision of wireless communication services. Wireless telecommunication services shall be limited to cellular communication services, personal communication services, paging, radio and television broadcasting.

YARD, FRONT: An open, unoccupied space extending the full width of the lot and situated between the street line and in the case of corner lots, the front yard shall be considered to extend along all streets.

YARD, REAR: An open space on the same lot with a main building, unoccupied, except as herein permitted, extending the full length of the lot and situated between the rear line of the lot and the rear line of the building, projected to the side lines of the lot.

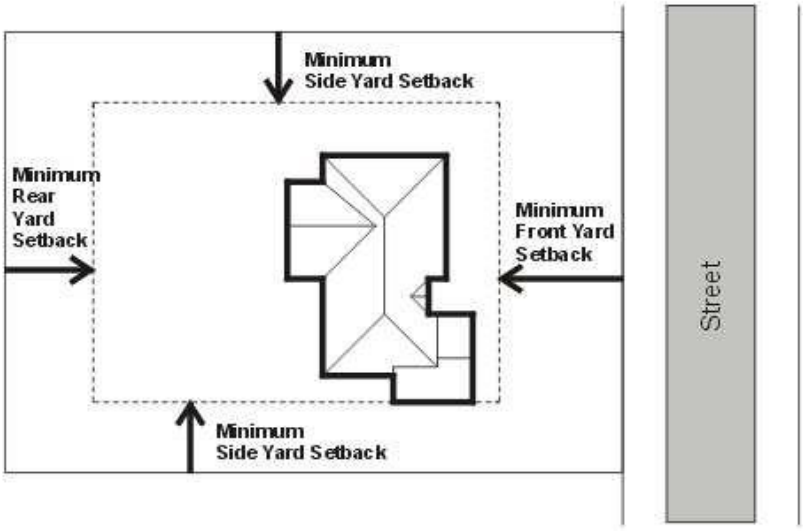
YARD, SIDE: An open and unoccupied space on a lot and extending from the rear line of the front yard to the front line of the rear yard.



YARD, MINIMUM SETBACK, FRONT: The minimum required distance from the front lot line to a building, structure, or use.

YARD, MINIMUM SETBACK, REAR: The minimum required distance from the rear lot line to a building, structure, or use.

YARD, MINIMUM SETBACK, SIDE: The minimum required distance from the side lot line to a building, structure, or use.



Article 10. APPENDICES

Section 10.01 Appendix A – Site Plan Checklist

SITE PLAN REQUIREMENTS AND CHECKLIST
EFFECTIVE December 1, 2010

Site Plan Requirements: All site plans shall bear the seal and signature of a registered land surveyor, professional engineer, architect, and/or landscape architect as appropriate to the specific proposal. Storm drainage for roof areas, parking lots, driveways and site drainage shall be prepared by a professional engineer in compliance with the Town's Stormwater Manual. The applicant shall submit design criteria for all elements of the stormwater drainage plan in accordance with the Manual. **An asterisk delineates that an item is required to be shown in tabular form within a Zoning Data Table**.

( ) 1. All site plans shall be prepared to Class A-2 Survey standards and bear the original seal and signature of a Land Surveyor licensed in the State of Connecticut. The Commission may waive this requirement if it finds that the proposed modification to an existing site plan is minor in nature and will not have an adverse effect on the site and/or adjacent properties.

( ) 2. Names of developer and property owner.

( ) 3. Street address of the property.

( ) 4. Property lines and building lines.

( ) 5. North point (arrow).

( ) 6*. Zoning districts.

( ) 7*. Property setback (*required and provided).

( ) 8. Sidewalks.

( ) 9. Curb cut, existing and/or proposed.

( ) 10. Existing & proposed contours or spot elevations at no more than 5' intervals.

( ) 11. Any existing buildings or structures.

( ) 12. Proposed buildings or structures with dimensions, building area and number of stories.

( ) 13. A note indicating the building use including the number of employees.

( ) 14*. Lot area and dimensions (*required and provided).

( ) 15. Inland wetland boundaries, if applicable.

( ) 16. Soil types.

( ) 17. Location of areas designated on the State of CT Natural Diversity Database Map. If applicable, provide documentation from appropriate authority that due consideration has been given to endangered species or species of special concern in accordance with DEP recommendations.

( ) 18. Soil erosion and sediment control plan including a narrative detailing methods of installation, maintenance and emergency contact information.

( ) 19. Limits of existing or proposed streets, curbs and sidewalks.

( ) 20. Limits of any easements or rights of way, existing or proposed.

( ) 21. A stormwater management plan prepared by a professional engineer which includes the location and elevation of existing and proposed drainage structures and elements developed in accordance with the Plainville Low Impact Development and Stormwater Management Design Manual.

( ) 22. Location and elevation of all existing and proposed utilities – electricity, gas, water, sanitary sewers, storm drainage system, fire hydrants and fire alarm boxes.

( ) 23*. Location of existing and proposed parking and loading spaces, clearly delineated, the total number of parking spaces on the lot in strict accord with the Zoning Regulations (*required and provided).

( ) 24*. Internal and external landscape requirements for off-street parking areas in strict accord with the Zoning Regulations (*required and provided).

( ) 25. Buffers and screening in strict accord with the Zoning Regulations.

( ) 26*. Landscaping in required front yard in strict accord with the Zoning Regulations (*required and provided).

( ) 27. The location, type and orientation of existing and/or proposed external lighting. For parking lots in excess of 10 vehicles where new lighting is proposed, provide a photometric lighting plan.

( ) 28. Outside storage areas and refuse areas visually screened from adjoining properties by trees, shrubs and/or a fence.

( ) 29. Existing and/or proposed sign locations, height, dimensions and type of illumination.

( ) 30. Location Map showing the site and surrounding area at a Scale of 1" = 600'.

- The Planning and Zoning Commission may require additional technical assistance during its review of an application. The expense of the technical assistance shall be estimated by the Commission. The applicant shall deposit 150% of the estimated expense of this technical assistance with the Commission or its designated agent prior to the review of the application.

- Mylars are required for all Site Plan, Site Plan Modification, Subdivision, Resubdivision and Special Exception approvals where plans must be filed. Mylars must be endorsed by the Chairperson of the Planning and Zoning Commission and filed in the Town Clerk's Office, by the applicant or its designated agent, within 90 days of the date of approval of the plan.

- The Planning and Zoning Commission may require an applicant post a performance bond to guarantee the completion of the required and approved site improvements.

- The Planning and Zoning Commission may require the submission of a Traffic Impact Study if it finds this type of study is necessary to assess the impact of traffic generated by a proposal.

Section 10.02 Appendix B – Text Amendments by Date

Approved September 28, 2010, effective December 1, 2010

Repeal	Plainville zoning regulations with amendments to January 1, 2010
Adopt	reorganized Plainville zoning regulation with low impact development design criteria effective December 1, 2010

Approved May 24, 2011, effective June 6, 2011

Section 1.02.A.3.7	remove philanthropic and fraternal uses from SE uses
Section 1.02.A.4.4	regulate heavy traffic generators
Section 1.01.B.4.1	accessory uses to be determined by commission
Section 1.01.B.4.3	define campers as recreational vehicles
Section 1.03.B (4)	establish setbacks for decks and pools
Section 1.03.B (5)	permit green houses for educational uses
Section 1.04.A.6.d	establish maximum number of rear lots to be served by a single driveway
Section 1.04.A.7	require maintenance and access agreement be filed by the applicant for approved rear lots
Section 1.04.G	clarify requirements for trailers and recreational vehicles in R zones
Section 2.02A.13	remove sale and storage of mobile homes from list of permitted uses
Section 2.02A.4.2	require bars and taverns to obtain a special exception
Section 2.02.A.4.5	permit conference centers in TP Zone
Section 2.02.A.5.3	redefine health club
Section 2.02.A.5.4	redefine health fitness club
Section 2.02.A.5.6	clarify accessory use of amusement games and/or machines
Section 2.02.A.7.4	clarify contractors business and storage yard
Section 2.02.A.7.5	clarify machine shop use
Section 2.02.A.8.3 & 4	require a special exception for self-storage use in GI and QI zones
Section 2.02.A.12.1	remove gas stations from list of permitted uses in the CC zone; permit in GC by SE
Section 2.02.A.12.2	remove auto uses from list of permitted uses in the CC zone; permit in GC by SE
"	remove boat sales and repairs from section entirely, redefine as rec. vehicle
Section 2.02.12.6	clarify type of trailers permitted, where, and by what process
Section 2.02.A.12.7	include camper within definition of recreational vehicle
Section 2.02.A.13.1	remove single family dwellings as permitted use in CC and GC zones
Section 2.02.13.2	limit # of efficiency units in GC zones to 25% of total development residential units
Section 2.02.14.4	regulate heavy traffic generators
Section 2.04 A	clarify requirements for drive through establishments
Section 2.04.C	limit # of efficiency units in GC zones to 25% of total development residential units
Section 2.04.J	add controlling standards for auto and rec. vehicle sales and service
Section 2.04.K	add text guiding new regulated use: heavy traffic generators
Section 4.03.3	add and clarify controlling standards for required screening in business zones
Section 4.04	add and clarify controlling standards for top soil, sand and gravel operations
Section 4.01.C	add section requiring sidewalks and access for pedestrians
Section 7.02.A.1.a	revisions to coincide with changes made under Sections 2.02.A.13.1
Section 9.02	define and redefine terms to support and coincide with changes made above

Approved April 24, 2012, effective April 24, 2012

Section 2.02.B.3.1 – 3.3	revise to permit ancillary retail for offsite customers in an RI Zone
Section 2.04.D	revise to reflect site plan approval required in lieu of special exception

Approved August 14, 2012, effective August 21, 2012

Section 9.02	revise current definition of recreational vehicles stipulating size limits for campers add definition of luxury motor coach
Section 2.02.A.12.6	add luxury motor coach sales and service as permitted by SE in an RI Zone
Section 2.04.L	add new section 2.04.L specifying use regulations for luxury motor coach sales and service
Section 1.04.G	revise storage standards for items regulated under this section - add luxury motor coach

Approved April 9, 2013, effective May 1, 2013

Section 9.02	revise current definition of accessory apartment
	add definition of wood burning furnace
	add definition of commercial motor vehicle
	add definition of low impact home occupation
	add definition of moderate impact home occupation
Section 1.03.B	revise detached and attached accessory structure/garage regulations-size, placement & standards
Section 2.04.C	revise commercial/multifamily mixed use in CC and GC zones-1 & 2 bedroom vs. 2 % 3 room units, clarify intent, restrict efficiency apartment to 15% of residential units on property in GC zone
Section 2.02.A.13	revise use tables citing commercial/multifamily mixed use
Section 1.04.I	add new section permitting low and medium impact home occupations
Section 1.02.B.1	revise use tables citing low and medium impact home occupations
Section 1.04.H	add new section to regulate commercial motor vehicle storage in residential zones
Section 1.02.B.3	revise use tables citing commercial motor vehicle storage in residential zones
Section 4.05	revise fence requirements in all zones for added clarity and aesthetic
Section 4.12	add new section prohibiting outdoor wood burning furnaces

Approved May 28, 2013, effective June 7, 2013

Section 2.02.A.2	revise use tables citing service-type uses to include dog day care facilities
Section 2.04.M	add new section regulating dog day care facilities in commercial and industrial zones
Section 9.02	add definition of dog day care facility

Approved June 11, 2013, effective July 1, 2013

Section 4.07	add section to permit the projection of certain architectural features into required yards.
Section 4.01.A.2	revise table to reduce required parking ratio for industrial, manufacturing, wholesale, warehousing, and distribution uses
Section 6.02	repeal Section 6.02 Nonconforming Uses and adopt new Section 6.02 Nonconforming Structures and Uses
Section 4.09	revise lighting section to address light glare
Section 9.02	add definition of farming
Section 1.04.E	revise section to prohibit roosters, to consider the keeping of four or more rabbits to be a farming operation, and to clarify that no livestock may be sold at permitted farm stands.
Section 9.02	revise definition of lot, corner; add definition of lot, rear
Section 4.02	revise section to clarify frontage in calculating allowable signage; to clarify projecting signs; to clarify canopy signs; to clarify sign prohibitions.
Section 2.02.A	revise type of approval required for specific uses in GI and RI Zones
Section 2.04.B	clarify approved adaptive reuses in GI Zones

Approved January 14, 2014, effective February 2, 2014

Section 2.04	clarify approved adaptive reuses in GI Zones

Approved January 28, 2014, effective February 21, 2014

Section 2.02.A.6.4&5	clarify appropriate zones where medical marijuana facilities can be located
Section 2.04.N	location and use standards for medical marijuana facilities
Section 9.02	define medical marijuana dispensary and production facilities

Approved March 11, 2014, effective April 4, 2014

Section 2.02.A.7.8	add new use: recycling and salvage facilities
Section 2.04.O	use regulations for recycling and salvage facilities
Section 9.02	revise definition of junk
	revise definition of junkyard
	revise definition of salvage yard; change to salvage facility
	add definition for recycling facility
	add definition for transfer station

Approved May 27, 2014, effective June 20, 2014

Section 1.04D	define home site
	clarify permitted accessory uses
	waive open space requirement for lots of two acres or less
	define develop new administrative standards to deal with nonconforming uses

Approved October 14, 2014, effective November 7, 2014

Section 2.04C.1	permit HC units on first floor

Approved April 28, 2015, effective May 22, 2015

Section 2.02.A.13.4	add new use: Redevelopment Design District
Section 2.04.P	use regulations for Redevelopment Design District
Section 9.02	define Redevelopment Design District

Approved July 14, 2015, effective August 7, 2015

Section 4.01.A.8	repeal section
Section 4.04.2	revise to clarify required interior landscaping
Section 4.06	repeal Section 4.06 Removal of Top Soil Sand and Gravel and adopt new Section 4.06 Removal and Deposition of Earth Material