TOWN OF FARMINGTON

REGULATIONS
FOR
ZONING

(Amended to August 14, 2020)

FARMINGTON TOWN HALL

One Monteith Drive
Farmington, Connecticut 06032-1053

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ARTICLE I. PURPOSE AND INTENT

Section l. PURPOSE

These regulations are adopted under the General Statutes of the State of Connecticut, as amended, for the following purposes:

1. To promote and to protect the public health, safety and welfare of the inhabitants of Farmington, Connecticut, and of the public generally;
2. To facilitate adequate transportation, water, sewerage, schools, parks and other public benefits;
3. To encourage the most appropriate use of land throughout the Town, thereby conserving the value of properties;
4. To regulate the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; and the height, size and location of advertising signs;
5. To regulate the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes;
6. To divide the municipality into zones of such number, shape and area as may be best suited to carry out the purposes of these regulations;
7. To regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land in such zones;
8. To permit certain classes or kinds of buildings, structures or uses of land within the Town only after obtaining a special permit or special exception;
9. To lessen congestion in the streets;
10. To secure safety from fire, panic, flood and other dangers;
11. To provide adequate light and air;
12. To prevent the overcrowding of land;
13. To further the policies of the Plan of Development;
14. To guide development in a manner which recognizes the importance of the natural environment;
15. To guide development which minimizes impacts to wetlands, watercourses, flood prone areas, hillsides, ridgelines, surface water and groundwater resources and other sensitive and significant features of the natural landscape; and
16. To encourage the preservation of historic structures.

Section 2. BASIC REQUIREMENTS

No land, building, structure or portion thereof shall hereafter be used, and no building, structure or portion thereof shall be constructed, reconstructed, located, extended, enlarged, demolished or substantially altered, except in conformity with these regulations.

These regulations are intended to state the uses of land and/or buildings and structures, which are permitted within the Town. Uses not stated are not permitted.

Section 2a. PROHIBITED USES

1. No land or building, or any portion thereof, shall be used in the Town of Farmington, as a principal or accessory use, for any prohibited use. Prohibited uses shall include any use not specified as a permitted use, special permit use or accessory use and those uses specified in subsection (2) below as well as any use which can be reasonably considered to cause, despite existing environmental safeguards, hazardous or noxious conditions.
2. Prohibited uses specifically include, but are not limited to:

    a. The incineration of solid waste;
    b. Private correctional facilities;
    c. Alternative incarceration centers;
    d. Methadone clinics;
    e. Halfway houses;
    f. The sale of drug paraphernalia as defined by C.G.S. § 21a-240(A)(20);
    g. Rooming houses;
    h. Tattoo and/or body piercing studios;
    i. Conducting business as a pawn broker or secondhand dealer as defined by C.G.S. § 21-39a;
    j. Check cashing establishments;
    k. On site gambling (any form of gambling legally existing as of January 1, 2015 other than lottery) including manually or automatically operated gambling devices, video or otherwise, including, but not limited to slot machines;
    l. Any type of vending machine which dispenses products which cannot be legally dispensed to persons under the age of 18;
    m. Junk dealers and motor vehicle junk yards;
    n. Hookah lounge;
    o. Billiard parlor

Section 3. APPLICATION OF REGULATIONS

No conveyance of land shall be made that reduces the remaining land of the grantor below the applicable minimum area, frontage, bulk and yard requirements. No building permit, zoning permit, certificate of occupancy or certificate of zoning compliance shall be issued for the erection or occupancy of a building or structure on land conveyed in violation of this section.

Section 4. INTERPRETATION

In interpreting and applying these regulations, the regulations shall be considered as the minimum requirements for the promotion of the public health, safety and general welfare.

When these regulations impose a greater restriction on the use of buildings or require larger yards, courts or other open spaces, or require a greater percentage of lots to remain unbuilt, or impose other standards higher than those imposed by any law, ordinance, regulation or private agreement, these regulations shall control. When restrictions are imposed by any law, ordinance, regulation or private agreements which are greater than those required by these regulations, such greater restrictions shall not be affected by these regulations.

When one section of these regulations imposes standards greater than those of another section, the standards of the more restrictive section shall control, however, it should be recognized that a use of property as set forth under Article II Sections 19 – 27 and Article IV shall be permitted in the respective underlying zone as established by right or by special permit.

Section 5. ESTABLISHMENT OF ZONES

The Town of Farmington is divided into fourteen residential zones, designated herein as R80, R40, R30, R20, R12, R12LG, R9, R9LG, RDM, AH, HOD and SA; three business zones, designated herein as PR, BR and B1; three industrial zones, designated herein as CR, C1 and EE; a Unionville Center Zone, designated herein as UC and associated overlay Unionville Village District Zone; a flood protection zone, designated herein as FP; and four overriding zones, designated herein as Flood Perimeter Overlay, Aquifer Protection, Airport Protection and Ridgeline Protection Zone.

Section 6. ZONING MAP

The boundaries of zones are established as shown on the “Official Zoning Map.” The Official Zoning Map shall be at a scale of 1” = 1000’ and identified by the signature of the Chairman of the Town Plan and Zoning Commission, and shall bear the date of the most recent zoning amendment.

When, in accordance with the provisions of these regulations, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map together with an entry on the Official Zoning Map as follows: “As

amended to (date). (Such date to be that of the most recent amendment)

The Official Zoning Map shall be filed in the office of the Town Clerk and an updated copy shall be displayed in the office of the Town Planning Department.

Section 7. ZONE BOUNDARIES

A. When uncertainly exists in the opinion of the Zoning Enforcement Officer as to the boundaries of zones as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed as following such center lines;
2. Boundaries indicated as approximately following lot lines shall be construed as following such lines;
3. Boundaries indicated as approximately following Town limits shall be construed as following Town limits;
4. Boundaries indicated as following railroad rights-of-way shall be construed as the center of said rights-of-way;
5. Boundaries indicated as approximately following the center lines of streams, brooks or other bodies of water shall be construed as following such center lines;
6. If a situation arises not covered by the above, the Zoning Enforcement Officer may establish the location of a zoning boundary by scaling the Official Zoning Map, reviewing previous official zoning maps or by applying the boundaries established by the report entitled Description of Zone Districts on file in the Planning and Zoning Office; and
7. In any case of uncertainty not resolved by the above, the Commission shall determine the location of the boundary.

B. Where a zone boundary divides a lot in one ownership into two or more residential zones, the area, frontage, bulk and yard requirements for that lot shall comply with those set forth for the zone, which comprises a majority of the area of said lot.

C. Where a zone boundary divides a lot in one ownership into a residential and a nonresidential zone (industrial or business) or into two nonresidential zones, the area and frontage requirements for that lot shall comply with those that are more restrictive as set forth for such zones. All other building requirements shall correspond with those of the particular zone in which a use, structure or building is established or constructed.

D. The use of a lot under one ownership divided into two or more zones shall be controlled by the requirements of the zone designation for that particular portion of said lot except as otherwise permitted by Article V. Section 4. of these regulations.

Section 8. DEFINITIONS, GENERAL

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

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

The word "shall" is mandatory and not discretionary.

The word "may" is permissive and discretionary.

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

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

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

The phrase "these regulations" shall refer to the entire Zoning Regulations.

The word "Commission" unless otherwise specifically noted shall refer to the Town Plan and Zoning Commission.

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

Section 9. DEFINITIONS

ACCESSORY BUILDING OR USE: A building or use which is subordinate and customarily incidental to the main building and use on a lot, providing that unless otherwise noted in these regulations any building accessory to a residential building shall not exceed 15 feet in height. The term "accessory building" when used in connection with a farm shall include all structures customarily used for farm purposes and such structures shall not be limited in height. No accessory building or use shall be established in the absence of a principal building or use. The Zoning Enforcement Officer in consultation with the Commission shall determine which uses shall be permitted as accessory uses to a principal special permit use in any zone.

ACTIVE ADULT HOUSING: A housing development where 100 percent of all dwelling units fully comply with the provisions of the United States Fair Housing Act as amended, as it pertains to "housing for older persons." This includes compliance with any and all rules promulgated by the United States Department of Housing and Urban Development which govern the implementation of such Act.

AMATEUR RADIO TOWER: A freestanding, attached or guy-supported device used in

conjunction with noncommercial radio operations for which a resident operator holds an Amateur Radio License consisting of both an operator license and a station license.

AMUSEMENT GAME: A video game, pinball machine, air hockey game or other similar coin-operated machine.

AQUIFER: A water bearing rock or stratum of sufficient size to provide a source of water to the Town.

ARCHITECTURAL DESIGN REVIEW COMMITTEE: The Architectural Design Review Committee (ADRC) is a body composed of nine (9) members and created pursuant to CGS 8-2j. The Town Planner shall serve as the professional staff to the A.D.R.C. but not a voting member. The Committee, at a minimum, shall contain one architect or landscape architect. All appointments shall be made by the Town Plan and Zoning Commission. When appointing members the Planning and Zoning Commission may conduct public interviews and give preference to individuals who possess experience in disciplines such as: architecture, landscape architecture, planner with experience in design, artist, developer, historic preservationist and / or members of the Unionville or Farmington Historic District Commission.

Members shall serve on the committee for a term of three years. Initial membership shall be comprised of the members of the Unionville Architectural Design Review Committee as existing on March 30th, 2018 and shall serve their current terms until replaced. Persons filling a vacancy shall be appointed for a period coincident with the completion of such term. Members shall continue to serve after the completion of their term until such time they have officially been reappointed or replaced.

For complex projects, the Commission may also select and contract with a Village District consultant to serve in this capacity for any project in accordance with CGS 8- 2j and § 98-4 Costs of special studies or consultations of the Farmington Code of Ordinances. Such Village District consultant shall be a registered architect or an architectural firm.

The ADRC may meet informally with property owners or prospective developers prior to the formal submission of an application to the Town Plan and Zoning Commission. The ADRC shall provide design support to the Commission consistent with the design and landscape standards/guidelines found in the regulations, the principles expressed in the Village District Plan, the architectural heritage of the area and the distinctive characteristics of each District.

BED AND BREAKFAST ESTABLISHMENT: A single-family residence in which no more than six rooms are rented for compensation to transient guests. None of the rented rooms shall contain kitchen facilities as defined as having a standard sized range and refrigerator.

BILLIARD PARLOR: An establishment for the playing of billiards or pool of no more than 3,500 square feet, including accessory uses, containing no more than one billiard table per 200 square feet of floor space.

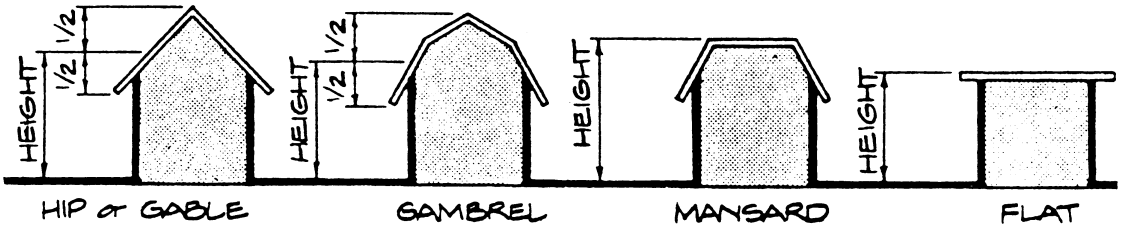
BREWERY: A brew pub shall comply with Connecticut General Statute 30-16(b) of the CT General Statutes as amended. Where a conflict arises regarding definitions found in the State

Statues or these Regulations, the more restrictive of the two shall apply.
BREW PUB: A brew pub shall comply with Connecticut General Statute 30-16(f)(1 through5) as amended, which allow for: (1) the manufacture, storage and bottling of beer, (2) the retail sale of alcoholic liquor to be consumed on the premises with or without the sale of food, (3) the selling at retail from the premises of sealed bottles or other sealed containers of beer brewed on such premises for consumption off the premises, and (4) the sale of sealed bottles or other sealed containers of beer brewed on such premises to the holder of a wholesaler permit issued pursuant to subsection (b) of section 30-17, provided that the holder of a manufacturer permit for a brew pub produces at least five thousand gallons of beer on the premises annually. Any such activity conducted at a brew pub shall, in addition to the restrictions contained herein, comply with all licensing requirements of the State of CT. Where a conflict arises regarding definitions found in the State Statues or these Regulations, the more restrictive of the two shall apply.

BUFFER: A strip of land which, unless otherwise permitted by the Commission, is limited to planting and the maintenance of shrubs, bushes and trees and within which no road, parking area, structure or building is allowed, other than a fence or utility structure.

BUILDING: An independent structure having a roof supported by columns or walls resting on its own foundation or on the ground and includes a shed, garage, stable, greenhouse or other accessory building.

BUILDING HEIGHT



BUILDING, HEIGHT OF: The vertical distance measured from the average level of the ground along all walls of the building to the highest point of the roof for flat roofs; to deck line for mansard roofs, to the mean height between the highest eave and ridge for gable, hip or gambrel roofs and to the highest point of any other type of roof. Chimneys, spires, masts, elevator penthouses, tanks and similar projections shall not be included in the height provided that any such projections shall not have an aggregate area greater than 25 percent of the roof area.

CERTIFICATE OF OCCUPANCY: A document issued by the Building Inspector allowing the occupancy or use of a building and certifying that the structure or use has been constructed in compliance with applicable building regulations and approvals. See Article V. Section 2.

CERTIFICATE OF ZONING COMPLIANCE: A document issued by the Zoning Enforcement Officer which indicates that a structure, use of land or building is on compliance with the Farmington Zoning Regulations.

CLUB OR FRATERNAL ORGANIZATION: An organization of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social,

patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, and includes the establishment.

COMMISSION: The Town Plan and Zoning Commission.
CONVENIENCE STORE: A general merchandise and grocery store usually with less than 3,000 square feet of gross floor area and open for business for extended hours. A Convenience Store generally attracts patrons because of the speed in which items may be purchased and because of the extended hours for which such stores are open for business.

COUNTRY CLUB: A private or public organization for outdoor recreation, including but not limited to, tennis, swimming, golf or other similar recreational activities.

DORMITORY: A building or group of buildings designed or altered for the purpose of accommodating students in educational institutions or members of religious orders with sleeping quarters with or without communal kitchen facilities and administered by bona fide educational or religious institutions. Dormitory includes fraternity and sorority houses, convents and monasteries, but does not include clubs or lodges.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including one family, two family and multiple family dwellings, but not including hotels, motels and inns.

DWELLING UNIT: A housing unit containing a single room or group of rooms intended for occupancy as separate living quarters by one family. Separate living quarters are those which have a sleeping area and kitchen facilities as defined as having a standard sized range and refrigerator. Separate living quarters may have either direct access from the outside or access through a common hall.

ELDERLY HOUSING: A dwelling unit exclusively designed for the needs of single people age 62 or over, or couples with at least one member over age 62.

ASSISTED ELDERLY: An Assisted Elderly Housing facility shall provide centralized areas including rooms for, but not limited to, examination, physical therapy, recreation and common dining, serving three meals per day. An Assisted Elderly Housing unit shall not provide a kitchen or allow for meal preparation, but may include a pantry, with a dormitory refrigerator and up to two surface cooking burners, and/or a microwave oven.

ELEVATION: 1) A view of a side of a structure as seen from a horizontal direction; 2) Height above a reference plane, as mean sea level.

FAMILY: A family shall be defined as either: 1) one or more persons living together as a single housekeeping unit, who are all related by blood, marriage or adoption, including foster children; or 2) a group consisting of not more than four (4) persons, living together as a single housekeeping unit, who are unrelated by blood, marriage or adoption. This number may be increased to six (6) by special permit; or 3) a combination of 1 and 2 above, provided that such persons shall live together as a single housekeeping unit.

FAMILY DAY CARE HOME: A private family home caring for not more than six children

including the provider's own children not at school full-time, where the children are cared for not less than three nor more than twelve hours during a 24-hour period and where care is given on a regularly recurring basis. This use shall not change the residential character of the home and shall be clearly secondary to the use of the home for residential purposes.

FARM: A parcel of land containing not less than five acres and principally used for either the commercial raising of livestock, poultry or crops including tree nurseries and greenhouses.

FARM STAND: A structure used principally for the sale of agricultural products grown on the premises. Farm stands located on a farm shall be considered an accessory use to such farm.

FLOOR AREA RATIO: The ratio of the gross floor area of a building(s) to the lot area on which the building(s) is located.

FRONTAGE: The distance of an unbroken line measured directly along an improved street or streets (street line(s)) between the sidelines of a lot or in the case of a corner lot between the sideline and rear property line. Where this line is an arc or the side lot lines converge towards this line, the distance may be measured along the minimum front yard setback line. For the purpose of this definition the term "street" shall be an existing public right-of-way used for travel or private right-of-way historically recognized as a street by the Town of Farmington or a right-of-way used for travel otherwise approved by the Commission as part of a subdivision plan.

GARAGE, PRIVATE: A detached or accessory building or portion of a main building for the parking and storage of automobiles belonging to the occupants of the premises.

GARAGE, PUBLIC: A building, other than a private garage, used for the parking or storage of automobiles.

GARDEN SUPPLY CENTER: An agricultural and associated retail operation where the primary use is the growing and/or sale of flowers, plants, shrubs or trees. This use may also include the sale of related garden merchandise.

GROSS PARKING AREA: The square footage of all parking stalls, aisleways and driveways including any landscaping contained within. However, driveways which connect a parking area to a street or other distinct parking area shall be exempt from this calculation.

GROSS USABLE FLOOR AREA: The horizontal area of all floors of a building measured from exterior of outside walls. Gross Usable Floor Area shall not include common hallways, elevators, stairs, common lobbies, terraces not used for customer service, utility rooms, rest rooms, maintenance shops and basements or cellars intended and designed only for storage. Cafeterias may not be deemed as Gross Usable Floor Area at the discretion of the Commission.

GROUP DAY CARE HOME: A private family home which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week.

GUEST HOUSE: A residential building located on the same lot as an existing single family dwelling, 1) for use solely for housing either guests or relatives of, or persons performing domestic services for, the family residing in the principal single family dwelling on the lot, and 2) not to be leased for compensation or otherwise occupied by anyone other than those persons referred to in 1 above. A Guest House shall not exceed 15 feet in height and 900 square feet in living area and shall not be located (nor shall any garage in connection with said guest house) within any required side, rear or front yard set forth in the table of "Height and Area Schedule."

HEALTH CLUB or SPORTS FACILITY: A club or facility designed to offer athletic activities, physical conditioning and/or diet and nutritional counseling. Such facility may include but not be limited to the following activities: tennis, handball, racquetball, squash, aerobic dancing, basketball, running track, swimming, weight lifting and use of Nautilus-type equipment.

HOME OCCUPATION: An activity carried out within a dwelling for financial gain. A home occupation shall be accessory to the primary use of the dwelling as a residence. For purposes of this regulation home occupations shall be divided into the following categories:

HOME OFFICE: A home occupation which utilizes only equipment and materials typical to an office such as, but not limited to, typewriters, word processors, computers, writing or drafting instruments or telephones. Home office shall comply with all of the standards found elsewhere in these regulations.

HOME BUSINESS: A home occupation otherwise permitted by these regulations.

HOSPITAL: A structure or structures used for the diagnosis, treatment or other care of human ailments, and containing inpatient beds.

HOTEL, MOTEL or INN: A building designed and used primarily for temporary occupancy by travelers, which provides or offers accommodations for a consideration for ten (10) or more persons exclusive of employees living on the premises, and which may provide rooms for public assembly and may include the serving of food.

IMPERVIOUS SURFACES: Surfaces that do not readily absorb water; including but not limited to building footprints, parking areas, driveways, roads, sidewalks and any areas in concrete or asphalt, not including retention basins. Building footprints are defined as the area of the greatest horizontal length and width of a building at or above ground level but not including roof overhangs or elevated pedestrian connectors between buildings. Surface areas consisting of stone or gravel shall be deemed impervious unless such areas are strictly used for landscaping in place of lawn or mulch or are unavailable to pedestrian or vehicular traffic.

INLAND WETLANDS AND WATERCOURSES: Areas as defined in Sections 22a-36 through 22a-45 of the Connecticut General Statutes.

JUNKYARD: More than fifty (50) square feet of space used for the accumulation or storage of paper, rags, scrap, metal or discarded or used materials of any kind.

KENNEL: An establishment in which more than six dogs over the age of six months are housed or an establishment in which three dogs over the age of six months are groomed, bred, boarded, trained or sold. Except in conjunction with an animal hospital, kennels shall not be permitted.

LIVING QUARTERS, LIVING AREA: The portion of a building, which is constructed with finished ceilings, walls and floors. In computing the floor area for living quarters, rooms for heating equipment, garage, outside vestibules and open or closed porches shall not be included. Measurements shall be taken from outside walls.

LOT: A parcel of land occupied or approved to be occupied by a building or buildings which meets the minimum requirements for frontage, lot width and lot area for the zone in which it is located or which meets the definition of nonconforming lot as defined in these regulations.

LOT AREA: The total area within the lot lines of a lot.

LOT COVERAGE: That percentage of the lot area that is covered by the building footprint and all other impervious surfaces on the lot.

LOT LINE: A line of record bounding a lot.

MIXED USE DEVELOPMENT: For the purpose of the C1 Zone, a use of land, buildings or structures with a combination of commercial facilities and residential dwelling units.

NONCONFORMING LOT: A lot legally existing at the adoption of these regulations, or legally existing prior to an amendment to these regulations, which does not conform to the minimum lot area or frontage requirements for the zone in which it is located.

NONCONFORMING STRUCTURE: Any building or structure legally in existence at the time of these regulations, or legally existing prior to an amendment to these regulations, which does not conform to the yard, height or bulk requirements for the zone in which it is located.

NONCONFORMING USE: A use legally existing at the adoption of these regulations, or legally existing prior to an amendment to these regulations, which does not conform to the use regulations for the zone in which it is located.

NURSING OR CONVALESCENT HOME: Any establishment where persons suffering or convalescing from illness due to infirmity, disease or ailment are boarded or housed.

OPEN SPACE: Land which is preserved in its natural state; landscaped or developed for recreational use as approved by the Commission.

OUTBUILDING: An accessory structure containing a roof and at least three sides which uses include, but are not limited to, storage or the conduct of a hobby. Outbuildings shall not be used for living quarters or contain kitchen or sleeping facilities.

PARKING AREA: An area used for parking and movement but not the repair of motor

vehicles, and in which no merchandise or materials are stored or sold and no business conducted. Such area shall not be used for the parking or storage of trailers nor the parking or storage of vehicles unrelated to the use of the subject property.

PEDIATRIC OR YOUTH BEHAVIORAL HEALTH CENTER: An office or facility used for the diagnosis and/or intensive outpatient treatment of pervasive, lifelong neurodevelopmental disorders to produce meaningful changes in human behavior, with emphasis on adaptive functioning, communication, behavioral, and social skills treatment. Inpatient services are permitted.

PUBLIC OR PRIVATE SCHOOL: Any building or part thereof the use of which meets State requirements for primary or secondary education.

RECREATIONAL FACILITY: An area principally dedicated to outdoor recreational activities but may include buildings for maintenance, indoor sports, food service or caretaker's residence.

REHABILITATION CENTER: A facility used for the diagnosis, treatment or other care of human ailments which may or may not contain beds or living quarters.

RESTAURANT, FAST FOOD, DAIRY BAR, GRILL, COFFEE SHOP: An establishment which exhibits one or more of the following characteristics: 1) Serves ready-to-eat foods, frozen deserts, or beverages in edible or paper, plastic or disposable containers; 2) Usually serves food over a general service counter that customers carry to the restaurant's seating facilities, to motor vehicles or off premises; or 3) Devotes 45 percent or more of the establishment's gross floor area to food service preparation, storage or related activities.

RESTAURANT, LOW TURNOVER: A public eating establishment, which provides table service and not meeting the criteria of a Restaurant, Fast Food.

ROOMING OR BOARDING HOUSE: A building in which rooms for living purposes are rented for compensation, with or without meals, to more than six but less than ten persons other than members of the family of the proprietor.

SCHOOL: Any building or part thereof, excluding public and private schools as defined in these regulations, which is designed, constructed or used for education or instruction in any branch of knowledge.

SCREENING: The use of fences, trees or shrubbery separately or in combination and of sufficient height and density, the purpose of which is to hide an area from view or to diminish, obscure or veil the view of an area.

SHOPPING CENTER: A group of commercial establishments totaling more than 20,000 square feet in area and managed as a single operating unit.

SIGN: Any natural or artificial structure, device, light, material or object which shall use any letter, word, number, banner, flag, pennant, insignia, logo or device to attract attention to identify, advertise, announce or represent any object, product, place, activity, person,

institution, organization, firm, group, commodity, profession, enterprise, business or industry and which is intended to be seen from a street or highway, parking area, driveway or sidewalk.

SIGN, DETACHED: A sign supported by one or more supports placed in or upon the ground.

SIGN, GROSS AREA: The combined area of all existing signs on a lot.

SIGN, ROOF: Any sign erected and maintained upon or above the main roof of a building.

SIGN, WALL: A sign which is attached to any surface or plane of a building and which does not extend more than 12 inches beyond the perimeter of the building or above the roof line.

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

STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a location on the ground and extending at least 12 inches above the surrounding finished grade.

STRUCTURAL ALTERATION: Any change in or addition to the structural or supporting members of a building such as bearing walls, columns, beams or girders.

TEMPORARY USE OR STRUCTURE: A use of a structure, building or property or the establishment of a structure on a parcel of land which is approved by the Commission for a period of time not to exceed 180 days within a calendar year. Such temporary use or structure shall not be established in violation of the use requirements of these regulations. The Commission may grant an extension of the above mentioned time period to a total of 270 days.

TOXIC OR NOXIOUS MATTER: Any solid, liquid or gaseous matter, including but not limited to gases, vapors, radiation, dusts, fumes and mists, containing properties which are inherently harmful and likely to destroy life, impair health or damage property.

VARIANCE: A relaxation of the terms of the Zoning Regulations where such a variance will be in harmony with the general purpose and intent of the regulations and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such a parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. Pursuant to the authority under CGS § 8-6, these Regulations do not permit the ZBA to grant use variances as specified below:

i. The use of any residentially zoned premised for uses other than for residential purposes;
ii. The use of a premises within the UC/UV, FC/FV and AP zone for any purpose not specifically permitted by the Zoning Regulations governing said districts; and

iii. The use of premises within single-family residential districts for other than single family residential purposes.

VENDING MACHINE: A coin-operated machine that dispenses food and nonfood products, including but not limited to beverages, snacks and candy.

WETLAND: Land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial or floodplain by the U. S. Department of Agriculture Soil Conservation Service.

YARD, MINIMUM FRONT: A space extending across the full width of the lot between the front property line and a parallel line set back a distance equal to the front yard requirement.

YARD, MINIMUM REAR: A space extending across the full width of the lot between the rear lot line and a parallel line set back a distance equal to the rear yard requirement. On a lot with no rear yard, the side yard shall extend to the opposite lot line.

YARD, MINIMUM SIDE: A space extending from the minimum front yard to the minimum rear yard between the side lot line and a parallel line set back a distance equal to the side yard requirement. On a lot with no rear yard, the side yard shall extend to the opposite lot line.

YARD, FRONT: A space extending across the full width of the lot between the street line and the closest wall of a principal building. On lots having property lines along more than one street, there shall be only one front yard.

YARD, REAR: A space extending across the full width of the lot between the rear lot line and the closest wall of a principal building.

YARD SALE: The occasional sale of household goods or handcrafted items conducted on the premises of the owner and/or craftsman of the goods to be sold at a maximum frequency of two times per calendar year for a maximum of three consecutive days.

ZONE: An area of land set aside on the Zoning Map having separate requirements as established by these regulations.

Section 10. USE OF LAND FOR ACCESS OR PARKING

Access to or parking in connection with a use shall be considered to be accessory to such use and controlled by the same requirements as such use; but this provision shall not prohibit access across a lot in a business zone to a use lying in an industrial zone nor access across a lot in an industrial zone to a use lying in a business zone. Nothing herein shall prohibit access across a lot in a business or industrial zone to a use lying in a residential zone.

ARTICLE II. USE REGULATIONS

Section l. RESIDENTIAL 80, 40, 30 ZONES (R80, R40, R30)

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. Single Family Dwelling, one per lot.
2. Family Day Care Home.
3. Accessory Uses and Buildings provided the location of all buildings complies with Article IV. Section 2. of these regulations including but not limited to the following:

    a. Private garage(s).
    b. Tool shed and outbuilding.
    c. Swimming pool, tennis court or other similar recreational structure.
    d. Satellite receiving antenna.
    e. Parking or storage of no more than one commercial motor vehicle of not more than one and one-half (1-1/2) ton capacity (manufacturer's rating) and/or designed to have no more than four wheels. For purposes of this section commercial motor vehicles shall include those vehicle having commercial or combination license plates. This regulation shall apply to all land within residential zones. For regulations concerning the parking or storage of trailers, mobile homes and recreational vehicles, see Article IV. Section 9.
    f. Indoor or outside storage of objects or materials for use on the premises only. No outdoor storage shall be conducted within the required front yard.

4. Home Office provided:

    a. The office is situated in the principal building which is used as the dwelling and shall occupy no more than 25 percent of the total living area of the dwelling unit.
    b. Only those residing in the dwelling may engage in the home office use.
    c. No clients, customers or outside employees may visit 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 or mail.
    e. The outside residential appearance of the dwelling is not changed.
    f. No goods, chattels, materials, supplies or items of any kind shall be delivered either to or from the premises in connection with the home office except in a passenger automobile.
    g. No goods, chattels, materials, supplies or other items of any kind related to the home office shall be stored outside of the building containing the home office.

5. Farm, solely for the raising of crops.

6. Vehicle Sales in Residential Zones The sale of motor vehicles, trailers, and recreational vehicles shall include but not be limited to mobile homes, camper trailers, cars, light trucks, motorcycles and boats, and such items may be displayed for sale on a property in a residential zone provided the vehicle conforms to the provisions under Article II Section 1.A.3.e and Article IV Section 9 of these regulations. The property upon which the item is displayed must be owner occupied and the item displayed for sale must be owned by the owner(s) of said property. Only one item for sale can be displayed at a time and can be displayed for no more than 90 cumulative days per calendar year. No commercial vehicles, equipment or parts thereof may be sold or displayed in a residential zone. Vehicles for sale shall be displayed in such a manner as to not create a hazard to vehicular or pedestrian traffic and must not be displayed on Town or State property. All signs associated with the sale of vehicles shall be displayed from inside the vehicles.
7. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. School.
2. Day Camp.
3. Hospital.
4. Nursing Home.
5. Charitable and Philanthropic Institution.
6. Group Day Care Home.
7. Bed and Breakfast Establishment.
8. Public Utility Building or Structure not including service or storage yard.
9. Cemetery provided no burial plot shall be within 75 feet of any property line.
10. Country Club and Fraternal Organization, except where the chief activity is a service carried on as a business such as catering or renting of a function hall.
11. Municipal Land Use and owned or leased buildings and structures used in connection with the governmental or proprietary functions of the Town of Farmington or of any other government, and such uses of land as may be made by the Town or any other government in connection with any of its governmental or proprietary needs and functions.
12. Radio and Television Tower, (commercial) provided the base of the tower is located a minimum distance from any property line at least equal to the height of the tower. Any guy wires used to support the tower shall be at least 100 feet from any property line.

13. Communication Facility including satellite receiving or transmitting station.
14. Community Building for use by the residents of the community or neighborhood and maintained and operated for community purposes.

15. Farm, provided:
    a. All farm buildings except dwellings shall be located not less than 100 feet from any street line;
    b. Only the slaughtering of livestock and poultry raised on the premises shall be permitted; and
    c. Commercial piggeries are prohibited.
16. Church, College, Library.
17. Poultry raising of less than 20 fowl providing they are suitably confined.
18. Public or Private School.
19. Guest House in the R80 Zone only.
20. Day Care Center, Nursery School.
21. Farm Stand (not otherwise located on a farm).
22. Home Business provided:
    a. The home business is situated in the principal building which is used as the dwelling and shall occupy no more than 25 percent of the total living area of the dwelling unit.
    b. Only those residing in the dwelling and up to two nonresident employees may be engaged in the home business.
    c. Only articles made, raised or grown on the premises may be sold on the premises. This provision shall not apply to goods sold by catalogue and otherwise not directly sold and shipped or carried from the premises.
    d. No display of articles shall be visible from outside the building in which the home business is conducted.
    e. The outside residential appearance of the dwelling is not changed.
    f. Signage shall be limited to one non-illuminated sign no more than two square feet in area as approved by the Commission.
    g. Any instructional classes shall be limited to no more than five students at one time.

    h. Barbers, beauticians and other personal services shall be limited to the installation and use of one chair (station).
    i. No goods, chattels, materials, supplies or items of any kind related to the home business shall be stored outside of the building containing the home business.
    j. A number of parking spaces, as determined by the Commission, shall be provided on the site on which the home business is located.
    k. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot which is detrimental to the neighborhood.

    As part of the special permit the Commission may attach conditions to an approval regulating the business hours and days of operation, the time period such special permit shall remain in effect and the manner in which items related to the home business may be transported to and from the premises. The Commission may also limit the grant of such approval to one individual applicant.
23. Rehabilitation Center.

24. Recreational Facility including park.
25. Garden Supply Center.
26. Raising of Fur Bearing Animals.

C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 2. RESIDENTIAL 20 ZONE (R20)

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. All permitted uses in the R80, R40 and R30 Zones.

2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. All uses allowed by special permit in the R80, R40 and R30 Zones, except Guest House and except Group Day Care Home unless in compliance with 2. below.
2. Group Day Care Home provided:

   a. The lot contains a minimum of 30,000 square feet; and
   b. All play areas shall meet all front, side and rear yard setback requirements of the

R20 Zone.

C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 3. RESIDENTIAL 12 ZONE (R12)

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. All permitted uses in the R80, R40, R30 and R20 Zones.
2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. All uses allowed by special permit in the R80, R40, R30 and R20 Zones, except Guest House and except Group Day Care Home unless in compliance with 3. below.
2. Two Family Dwelling, one per lot.
3. Group Day Care Home provided:

a. The lot contains a minimum of 20,000 square feet; and
b. All play areas shall meet all front, side and rear yard setback requirements of the R12 Zone.

4. Offsite parking to serve a business use located on a separate lot which has frontage on a state highway and under the same ownership as the use being served. The provisions of Article IV, Section 12.B. shall be applied.

C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 4. RESIDENTIAL 12 LAKE GARDA ZONE (R12LG)

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. All permitted uses in the R80, R40, R30, R20 and R12 Zones.
2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to

applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. All uses allowed by special permit in the R80, R40, R30, R20 and R12 Zones, except Two Family Dwelling, Guest House and except Group Day Care Home unless in compliance with 2. below.
2. Group Day Care Home provided:
   a. The lot contains a minimum of 20,000 square feet; and
   b. All play areas shall meet all front, side and rear yard setback requirements of the R12 Zone.

C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 5. RESIDENTIAL 9 ZONE (R9)

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. All permitted uses in the R80, R40, R30, R20 and R12 Zones.
2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. All uses allowed by special permit in the R80, R40, R30, R20 and R12 Zones, except Guest House and except Group Day Care Home unless in compliance with 3. below.
2. Three and Four Family Dwelling, one per lot.
3. Group Day Care Home provided:
   a. The lot contains a minimum of 15,000 square feet; and
   b. All play areas shall meet all front, side and rear yard setback requirements of the R9 Zone.
4. R9 Multi Family Cluster (See Article II. Section 20.).

C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 6. RESIDENTIAL 9 LAKE GARDA ZONE (R9LG)

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. All permitted uses in the R80, R40, R30, R20 and R12 Zones.
2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable

and non-habitable spaces shall be calculated measuring from the outside of exterior walls.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. All uses allowed by special permit in the R12LG Zone.

C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 6A. RESIDENTIAL OAKLAND GARDENS ZONE (R9OG)

A. PERMITTED USES. The following use requiring a Zoning Permit as specified in Article V.

1. All permitted uses in the R80, R40, R30, R20, R12 and R9 Zones.
2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements

listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. All uses by special permit in the R80, R40, R30, R20, R12 and R9 zone, except Two, Three and Four Family Dwelling, Guest House and except Group Day Care Home unless in compliance with 2. below.
2. Group Day Care Home provided:
   a. The lot contains a minimum of 20,000 square feet; and
   b. All play areas shall meet all front, side and rear yard setback requirements of the R9 Zone.

C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing, the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation, the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 7. RESIDENTIAL APARTMENT ZONE (RA)

INACTIVE - See Section 8. RDM Zone (no application under RA Zone accepted after February 7, 1969). Requirements of the former apartment zone are available from the Planning Department. Modifications may be made to an existing housing development within the RA Zone including the expansion or addition of structures providing such modifications comply with the height, setback and bulk requirements of the RA Zone and no additional units are created.

Section 8. DESIGNED MULTIPLE RESIDENCE ZONE (RDM)

A. PERMITTED USES. The following use requiring a Zoning Permit as specified in Article V.

1. Home Office as defined in Article I. Section 9. and Article II. Section l.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. Individual Family Residential Units under a single common ownership within a single structure or structures.
2. Apartments with Single Family Units combined in a single structure or structures under single common ownership.
3. Condominiums consisting of apartments with single-family units combined in a single structure or structures as permitted under the Common Interest Ownership Act of the Connecticut General Statutes.
4. Parking, Recreation and Accessory Structures limited to the use of the residents of the units permitted above.
5. Combinations of the above.
6. Separate Single Family Lots may be approved for use with a dwelling within an RDM Zone as part of the buffer area outlined in Paragraph C.5. below, provided that such lots be a part of an approved development plan on file. Note: The total number of single-family lots permitted under this section shall not exceed ten percent of the total number of dwelling units authorized under the special permit. Where applicable, all requirements for subdivision shall be complied with.
7. Home Business as defined in Article I. Section 9. and Article II. Section l.
8. All uses allowed by special permit in the R80, R40 and R30 Zones, except Guest House and except Group Day Care Home unless in compliance with Section 8.B.9.
9. Group Day Care Home provided such facility is located within a single-family dwelling situated on an individual lot or within a community building. All play areas shall meet all front, side and rear yard setback requirements for the building in which such facility is proposed.
10. Day Care Center provided such facility is located within a single-family dwelling situated on an individual lot or within a community building. All play areas shall meet all front, side and rear yard setback requirements for the building in which such facility is proposed.
11. Communication Facility including satellite receiving or transmitting station.

C. DEVELOPMENT STANDARDS

1. Area: A minimum of five acres of contiguous land is required for establishment of an RDM Zone.
2. Density: The maximum number of dwelling units shall not exceed five per net acre. In computing the number of net acres for the purposes of this paragraph, the number of square feet in a buffer area in excess of 50 feet pursuant to Paragraph 5 below shall be excluded, as well as 75 percent of all areas of inland wetlands and watercourses and

slopes in excess of 33 percent (as calculated by two foot contour intervals). The overall site plan which is approved by the Commission shall be controlling as to the total number of dwelling units that may be constructed within a project. Phased construction of a project shall be designed in a manner consistent with this requirement. The number of single-family lots permitted in the buffer area may be in addition to the maximum number of dwelling units established by the preceding formula.

3. Grouping: The shortest distance between any two structures shall be not less than the height of the taller structure, as measured to the highest point of the roof from the ground elevation of the closest wall to the adjacent structure, with a minimum of twenty-four (24) feet. Each structure shall consist of no more than 12 units. No building may exceed 160 feet in length. The length of a building shall be defined as the longest horizontal dimension of a building following a wall which is unbroken by an intersecting wall at least fifty (50) feet in length and having an angle of 135 degrees or less. Maximum height of residences and clubhouses shall be 35 feet. All other buildings and structures shall not exceed 15 feet in height. The Commission may waive the separation requirement if the design of the proposed development is benefited by closer spacing.
4. Open Area: (Formerly Recreation Space, Living Space and Open Space.) There shall be set aside, not to be built upon, unpaved and landscaped with an acceptable balance of viable trees, shrubs and grass, site area equal to 3,500 square feet per unit. The area contained within the front yard and side and rear yard buffers, except for buffer areas contained within single-family lots, may be used to satisfy this requirement.
5. Front Yard and Buffer Area: There shall be provided along the perimeter of a development a front yard with a minimum width of 50 feet and side or rear yard buffer areas of at least 50 feet in width. Front yards shall be designated along all perimeter property lines contiguous to a street. The Commission may require that front yards be planted in accordance with the specifications of an “A” or “B” Bufferyard (40-foot width). No buildings, structures or parking areas including stalls or aisleway are permitted within the front yard. One or more driveways may run perpendicular (approximations expected) to the required front yard. In the event that adjacent properties are zoned in any of the zoning classifications shown below, the buffer area shall be of the width shown in the column captioned “Buffer Width.” Where one RDM Zone is adjacent to another or to an AH or nonresidential zone, required buffer areas may be reduced to as little as 25 feet by a five-sixths vote of the full Commission. The Commission may require that side or rear bufferyard areas be planted in accordance with the specifications of a “B” Bufferyard (35-foot width).

Zone	**Buffer Width**
R80, R40	100 feet
R30, R20	70 feet
R12, R9	50 feet

If, in the opinion of the Commission, the individual topography or natural features of the site should suggest that this buffer width is not appropriate, the Commission reserves the right to increase the buffer by up to twice the required width by a vote of five-sixths of the full Commission.

6. Single Family Homes Within the Buffer Area: In accordance with Section 8.B.6. land

within the buffer area may be wholly or in part used for single family homes situated on separate lots where such lots and house development shall conform to the following standards:

Zone Abutting Buffer Area	Standards for Lot and Home*
R80, R40	R40
R30, R20	R20
All Other Zones	R20

*** In no case shall the required side or rear yard setbacks from an RDM Zone boundary line be less than 25 feet.**

7. Parking: Two and three-tenths parking spaces shall be provided for each dwelling unit. Such spaces shall be within 200 feet of the intended users. No parking shall be permitted within the buffer area or required front yard, except for buffer areas contained within single-family lots.
8. Dwelling Size: Each dwelling unit shall consist of at least two rooms, exclusive of hall and bathroom, and there shall be at least 500 square feet of living area for a two-room unit and at least 600 square feet for a three-room unit. Each additional room shall have at least 100 square feet. Each detached dwelling unit not in the buffer area must consist of at least 900 square feet of living area.
9. Access Streets and Sidewalks: The placement, size, arrangement and use of access routes to public or private streets shall be adequate to service residents and provide no hindrance to the safety of existing or proposed streets. Pedestrian sidewalks with all weather surfacing may be required where the density of population or school bus routes make such advisable for convenience and safety. Street and parking lot grading, drainage and surfacing shall comply with the specifications of the Town.
10. Firewalls and Sound Control: Each grouping of four dwelling units (combined in one structure) shall be separated by a two-hour firewall. Construction of dwelling units shall include (i) control of airborne sound transmission, and (ii) impact noise reduction assemblies equal to F.H.A. minimum property standards for multifamily housing, current edition. A two-hour firewall shall not be required where a building is equipped with a fire suppression system per NFPA R 13 guidelines.
11. Staging: The Commission may approve a development plan to be completed in stages. The minimum amount of land to be included within any single stage of development shall be five acres. The Commission may grant a special permit limited to each such stage of development. Each stage shall be capable of independent existence without the completion of the succeeding stages. Buffer requirements shall not apply to the common line between stages of development.
12. All development within RDM Zones shall be served by public water and sewers. For the purpose of this section, public water shall not include a community well.
13. All utility wires shall be placed underground.
14. Discretionary Waivers for Rental Housing proposals where the site in question is adjacent in part to property with a zoning classification of RDM, RA, SA, PR, BR or B1 and at least (i) 50% of the dwelling units are one bedroom units, and (ii) 40% of the dwelling units within each building have internal garages.

Notwithstanding anything contained in this Section 8 to the contrary, the Commission may grant any or all of the following waivers:

a. Density: up to a maximum of six dwelling units per net acre if not more than 10 bedrooms per net acre is proposed.
b. Grouping: up to a maximum of 20 dwelling units per building if the building length does not exceed 160 feet. A maximum height of residences of 40.5 feet.
c. Front Yard and Buffer Area: A prescribed Buffer Width can be reduced by half if it abuts dedicated open space of a depth equal to or greater than the prescribed Buffer Width.
d. Parking: a minimum of two parking spaces per dwelling unit may be provided.

D. GENERAL REQUIREMENTS

1. A Certificate of Occupancy shall not be issued by the Building Inspector for more than 85 percent of the dwelling units of the approved development plan or of the approved stage of the development until all details of the approved development plan or of the approved stage of the development plan shall have been fully completed or bonded.
2. The approval of an application for an RDM Zone shall be void and of no effect unless construction of the project commences within one year from the effective day of the zone change granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such zone change, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

E. Nothing herein shall prevent the construction of a development approved within an RDM Zone prior to March 24, 1995 which does not conform to the density standards set forth in this section.

F. PROTECTION AND CONVEYANCE OF UNDEVELOPED LAND: Areas of the development that are not proposed to be disturbed shall be encumbered by a conservation easement at the request of the Commission. Such areas or portions thereof may be conveyed with the express approval of the Commission to the Town of Farmington, nonprofit land trust or other organization dedicated to the preservation of land subject to the following:

1. Land to be conveyed shall be in excess of the area reserved and designated as open area under paragraph C.4 of this regulation unless otherwise approved by the Commission.
2. Generally front yards, side and rear yard buffer areas as required by paragraph C.5 of this regulation shall not be conveyed except in cases where such yard or buffer area is situated contiguous to an existing or proposed area of open space offsite or contains one or more natural or man-made resources as defined in Article II Section 19.B.2 of these regulations. Land to be conveyed shall be preserved in an undisturbed state,

used for passive recreation, used for active recreation or other community facilities as established by the Commission. Such use or uses of this land shall be determined at the time the RDM zone becomes effective. In cases where an RDM zone contains land which is to be conveyed for the above-mentioned purpose(s), the approval of such zone and development plan shall not become effective until a map of the final development plan indicating the location and use of such land to be conveyed is filed in the Farmington Land records. Unless otherwise approved by the Commission, no building permit shall be issued for an RDM zone until the designated land conveyance has been executed.

3. The conveyance of land under this section shall not constitute a violation of the area, setback, density or bulk requirements of the RDM zone. Required front, side or rear yards (buffers) which may have been conveyed shall continue to be recognized and function under these regulations as such.

Section 9. SENIOR – ACTIVE ADULT HOUSING ZONE (S-A)

A. PURPOSE. The purpose of this section is to permit the development of elderly, assisted elderly and active adult housing as defined in these regulations. No provision of this regulation shall be applied, enforced or implemented in a manner which is inconsistent with or prohibited by the fair housing laws of the United States and the State of Connecticut.

B. PERMITTED USES. The following use requires a Zoning Permit as specified in Article V.

1. Home Office as defined in Article I. Section 9. and Article II Section 1.

C. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV, Section 12 shall also apply to applications submitted under this section. Article IV, Section 12 shall also apply to application procedures, hearing and notice requirements and site plan information.

1. Municipal and nonprofit housing for the elderly.
2. For profit housing for the elderly.
3. Assisted elderly housing.
4. Active adult housing.
5. Home business as defined in Article I. Section 9. and Article II. Section 1.
6. Parking, Recreation and Accessory Structures limited to the use of the residents of the above.
7. Memory Care Housing for the elderly, and others who qualify, for the care of residents with reversible and irreversible forms of Dementia including Alzheimer's disease and related Dementias. Residents shall be 55 years of age or older, unless an application is made to request that the Town Plan and Zoning Commission permit a younger person to reside in such housing at its sole discretion. Companions who are non-qualified residents may be permitted with the permission of the owner and/or operator of the facility. Such developments shall conform to the standards of Section 9.E. Development Standards for Housing for the Elderly and Assisted Elderly Housing.

D. PROCEDURE. An application for a Senior-Active Adult Housing Zone may be submitted to the Commission by a public, nonprofit or for-profit housing developer for a parcel of land or part thereof located in any business, industrial or residential zone and which contains the minimum area set forth in this regulation. All development within the Senior-Active Adult Housing Zone shall be constructed strictly in accordance with the maps and drawings approved by the Commission. Any additions or modifications to such approved plans shall be approved by the Commission, however minor additions or modifications shall not require a public hearing. The Commission shall make the determination as to whether an addition or modification shall be considered as minor.

No application for a Senior- Active Adult Housing Zone shall be approved by the Commission unless if finds that in addition to the standards contained in Article IV. Section 12.B. the application and plans conform to the standards contained in this section. The Commission may attach conditions to an approval of a Senior – Active Adult Housing Zone in order to assure compliance with the above-mentioned standards.

No application for a Senior – Active Adult Housing Zone shall be approved by the Commission unless it finds that a need exists within the Town of Farmington for the specific housing type proposed and the Commission finds that the topography and other natural features of the property are capable of accommodating increased building density without detrimental impact.

E. DEVELOPMENT STANDARDS FOR HOUSING FOR THE ELDERLY AND ASSISTED ELDERLY HOUSING

1. The maximum number of units per acre for municipal, nonprofit and for profit housing for the elderly is 10. In computing the number of acres for the purposes of this paragraph, 75% of the area of the site consisting of soils regulated as inland wetlands and watercourses as well as 75% of slopes over 33 % (as determined by two foot contour intervals) shall be excluded.
2. The maximum number of beds per acre for assisted elderly housing and Memory Care Housing is 15. In computing the number of acres for the purposes of this paragraph, 75% of the area of the site consisting of soils regulated as inland wetlands and watercourses as well as 75% of slopes over 33% (as determined by two foot contour intervals) shall be excluded.
3. Each dwelling unit in an elderly housing development shall contain a minimum of 415 square feet of living area, inclusive of bathrooms and exclusive of halls.
4. Each dwelling unit in an assisted elderly housing development shall contain at least 315 square feet and not more than 1,000 square feet of living area, inclusive of bathrooms and exclusive of halls. The living area may be increased by up to 250 square feet when a one- bedroom unit with a den or a two-bedroom unit is provided. Each private dwelling unit in Memory Care Housing shall contain at least 250 square feet and not more than 700 square feet of living area, inclusive of bathrooms and exclusive of halls.
5. The shortest distance between any two structures shall be not less than the height of the taller structure as measured to the highest point of the roof from the ground elevation of the closest wall to the adjacent structure, with a minimum of twenty-four (24) feet. Courts shall be completely open on one side. Maximum height of any principal

building shall be thirty-six (36) feet. Accessory buildings and structures shall be limited to fifteen (15) feet in height. The maximum height and minimum distance between buildings may be waived upon a five-sixths vote of the full Commission if the design of the development is benefited by greater height or closer spacing.

6. One parking space shall be provided for each dwelling unit, except in the case of Assisted Elderly Housing and Memory Care Housing where one parking space for every three beds shall be provided. This number may be reduced upon a five-sixths vote of the full Commission.
7. There shall be provided along the perimeter of a development a front yard with a minimum width of 50 feet and side or rear buffer areas of at least 50 feet in width. Front yards shall be designated along all perimeter property lines contiguous to a street. The Commission may require that front yards be planted in accordance with the specifications of an "A" Bufferyard (40-foot width) and side or rear buffer yards be planted in accordance with a "B" Bufferyard (35-foot width). No buildings, structures (other than utility structures) or parking areas including stalls or aisle way are permitted within the front yard. No driveway, parking area (including stalls and aisle way) shall be permitted within 25 feet of the side and rear lot lines. One or more driveways may run perpendicular (approximations expected) to the required front yard. The required front yard and buffer areas may be reduced to as little as 25 feet by a five-sixths vote of the full Commission where the project is adjacent to an AH, RDM, RA or nonresidential zone or where it is found that such reduced width is consistent with other properties in the area and is adequate to provide an effective buffer to neighboring properties.

F. <u>DEVELOPMENT STANDARDS FOR ACTIVE ADULT HOUSING</u>

1. Each active adult housing unit shall be occupied by:
   a. Persons who are 55 years of age or older.
   b. A spouse of an occupant pursuant to a. above.
   c. Occupant pursuant to b. above whom survives his or her spouse.*****
   d. Occupant pursuant to b. above whose spouse has entered into a long-term continuing care facility.*****
   e. A personal care attendant who is in service to a resident 55 years of age or older, to attend to that resident(s) medical and/or health needs, provided that (i) the personal care attendant is: 21 years of age or older, registered with the Town Planner's office, and not paying the resident any form of rent, (ii) the resident(s) in question has a note from his/her doctor stating that the condition of the resident is such that a personal care attendant is warranted, (iii) if the resident in need of a personal care attendant is not in occupancy of his/her home for a period in excess of one month, unless extended by the Commission, the personal care attendant shall not live in the home.

*** In c. and d. above, remaining spouses who remarry or cohabitate must meet all occupancy requirements.**

2. One child 21 years of age or older may reside with his or her parent(s).
3. In no event shall an active adult housing unit be occupied by more than three residents.
4. A proposed active adult housing development shall be a Common Interest Ownership

Community as defined in Chapter 828 of the Connecticut General Statutes.

5. A minimum of ten acres of contiguous land is required for establishment of an active adult housing development.
6. The maximum number of units per acre is four. In computing the number of acres for the purposes of this paragraph, 75% of the area of the site consisting of soils regulated as inland wetlands or watercourses as well as 75% of slopes over 33% (as determined by two-foot contour intervals) shall be excluded.
7. No more than 40 percent of the lot area may be covered with impervious surfaces.
8. Only single-family detached units shall be allowed.
9. The minimum living area of each dwelling unit, inclusive of bathrooms and exclusive of hallways, shall be 900 square feet.
10. The maximum height of any building in an active adult housing development shall be 24 feet.
11. The minimum distance between sidewalls of units shall be 20 feet. Where the distance between units is less than 24 feet, adjacent walls shall be angled to prevent parallel sidewalls.
12. The minimum distance between rear walls of units shall be 40 feet.
13. There shall be at least two parking spaces provided for each dwelling unit. At least one of these parking spaces shall be provided within an attached garage. A minimum of 25 percent of the units shall accommodate a two-car attached garage. The Commission may require the provision of guest parking spaces in addition to aforementioned required parking. All unit driveways shall be a minimum of 20 feet in length.
14. Each dwelling unit shall contain a basement or attic for storage.
15. The Commission may require along the perimeter of the development a front buffer yard up to 40 feet in width and a side or rear buffer yard up to 40 feet in width. Front buffer yards shall be planted in accordance with the specifications of an "A" Bufferyard (40-foot width) and side or rear buffer yards shall be planted in accordance with the specification of a "B" Bufferyard (35-foot width).
16. The purchase of a dwelling unit for investment purposes, i.e. by a person or entity not intending to occupy the unit, is prohibited except that a nonresident family member may purchase up to one unit for persons who will reside in the unit and who otherwise comply with the provisions of this regulation.
17. An owner of a dwelling unit may rent his or her unit for a term(s) of not less than one year provided that the tenant fully complies with all of the conditions of this regulation.
18. There shall be set aside open space area equal to 2,500 square feet per unit. Such open space area shall not include any watercourse, water body, wetland soils classified as poorly drained or very poorly drained or slopes in excess of 33% (as determined by two foot contour intervals).
19. The Commission may require the provision of a walking trail system within the proposed development. Unpaved walking trails may be counted as open space under Section 9.F.17 of this regulation.

G. <u>GENERAL REQUIREMENTS</u>

1. All developments approved in the S-A zone shall be served by public sewer and water. For the purpose of this section, public water shall not include a community well.
2. All utility wires shall be placed underground.
3. A Certificate of Occupancy shall not be issued by the Building Inspector for more than

85 percent of the dwelling units of the approved development plan or of the approved stage of the development until all details of the approved development plan or of the approved stage of the development plan shall have been fully completed or bonded.

4. The approval of an application for elderly housing, assisted elderly housing and active adult housing shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.
5. Nothing herein shall prevent the construction or completion of a development approved under Article II Section 9, 9A of these regulations prior to the effective date of adoption of this zoning district (February 15, 2002).
6. Areas of any development within an S-A zone that are not proposed to be disturbed shall at the request of the Commission be encumbered by a conservation easement. Such areas or portions thereof may be conveyed with the express approval of the Commission to the Town of Farmington, a nonprofit land trust or other organization dedicated to the preservation of land subject to the following:
   a. Land to be conveyed shall be in excess of the required area reserved and designated as open space.
   b. Generally front yards, side and rear yard buffer areas as required or established shall not be conveyed except in cases where such yard or buffer area is situated contiguous to an existing or proposed area of open space offsite or contains one or more natural or man-made resources as defined in Article II Section 19.B.2 of these regulations.

7. Land to be conveyed shall be preserved in an undisturbed state, used for passive recreation, or used for active recreation or other community facilities, as established by the Commission. In cases where an S-A zone contains land which is to be conveyed for the above-mentioned purpose(s), the approval of such zone and development plan shall not become effective until a map of the final development plan indicating the location and use of such land to be conveyed is filed in the Farmington Land Records. Unless otherwise approved by the Commission, no building permit shall be issued for an S-A zone until the designated land conveyance has been executed.
8. The conveyance of land under this section shall not constitute a violation of the area, setback, density or other development standards of the S-A zone. Required front, side or rear yards or buffers, which may have been conveyed, shall continue to be recognized and function under this regulation as such.

Section 10. PROFESSIONAL OFFICE ZONE (PR)

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.
   1. Signs. Signs shall be permitted as specified in Article IV. Section 7.
   2. Accessory Uses in conjunction with an approved special permitted use in Section B.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.
   1. Bank.
   2. General and Professional Offices, Research and Development.
   3. Medical Offices and Laboratories.
   4. Public Utility Building or Structure not including service or storage yard.
   5. Municipal Land Use and owned or leased buildings and structures used in connection with the governmental or proprietary functions of the Town of Farmington or of any other government, and such uses of land as may be made by the Town or any other government in connection with any of its governmental or proprietary needs and functions.
   6. Day Care Center.
   7. Radio and Television Studio.
   8. Private or Public Parking Facility.
   9. School, College, Public and Private School.
   10. Animal Day Care Center.

       The boarding of animals in conjunction with such animal day care use shall only be permitted by special permit, shall be ancillary to the animal day care use and shall conform to the following standards:
       a. The maximum number of animals boarded on the premises shall not exceed 50
       b. All animals must be boarded within an enclosed building
       c. Such building shall be noise proofed
       d. No animal day care center which contains the boarding of animals shall be located within a 400-foot radius of any residential zoning boundary as measured from the property line of the animal day care center
       e. The hours of operation for the pickup and drop off of animals boarded shall be limited to between 6 a.m. and 10 p.m.

          As a condition of the special permit the Commission may further limit the number of animals boarded and the hours of operation.
   11. Hotel, Motel and Inn
   12. Pediatric or Youth Behavioral Health Center (effective 9/30/17)

C. HEIGHT AND AREA REQUIREMENTS.

   1. Maximum height of buildings: 36 feet

      a. Maximum height may be increased by vote of five-sixths of the full Commission if it is found that reasonable grounds exist for such increase. Reasonable grounds shall include such factors as the natural topography of the site and design of the building and the limited impact of the building's height on surrounding properties.

Any proposal to increase the height of a building above 36 feet shall be referred to the Fire Marshal for his review. In no case shall the approved height exceed 45 feet.

2. Yards: Front yard: 65 feet
   Rear yard: 30 feet
   Side yards: 50 feet each
   a. Where any Professional Office Zone adjoins any residential zone (excluding RDM and AH) the minimum requirements for rear and side yards shall be doubled on the boundary adjacent to the residential zone. The minimum side yard along a street across from or adjacent to a residential zone shall be 65 feet.
   b. All principal buildings in a Professional Office Zone shall be no less than 50 feet from each other.
   c. Where any Professional Office Zone adjoins Interstate Highway 84 the side or rear yard setback from the highway line shall be 150 feet. All development including buildings, structures, driveways and parking areas is prohibited within this yard area with the exception of signs, utility lines or utility structures.

3. Minimum lot size - 80,000 square feet*

   Minimum frontage - 200 feet*

   * Nothing herein shall prevent the construction, alteration or use of a building or premises upon a legally established lot shown on a map or described in any instrument of conveyance filed in the office of the Town Clerk and located in a PR Zone prior to December 23, 1988 which does not conform to the minimum lot size or minimum frontage requirements listed above.

D. OFF STREET PARKING. Off street parking shall be provided in conformance with Article IV. Section 8.

E. LIGHTING. Exterior lighting shall be of such intensity, or located or directed in such a way, so as not to produce glare on public streets or neighboring property. The Commission may require a reduction in lighting after 10:00 P.M. or when otherwise found to be warranted in order to protect nearby residential properties.

F. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of the public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

G. LOT COVERAGE. No more than 40 percent of the lot may be covered with impervious surfaces. However, the Commission may by a five-sixths vote permit up to 50 percent lot coverage. In making such a decision the Commission shall be guided by Article IV. Section 12.

H. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the

term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 11. BUSINESS RESTRICTED ZONE (BR)

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.
   1. Signs. Signs shall be permitted as specified in Article IV. Section 7.
   2. Accessory Uses in conjunction with an approved special permitted use in Section B.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.
   1. School, College, Public and Private School.
   2. Public Utility Building and Structure not including service or storage yards.
   3. Radio and Television Studio.
   4. Municipally owned or leased Building and Structure used in connection with the governmental or proprietary functions of the Town of Farmington or any other government.
   5. Community Building for use by residents of the community or neighborhood and maintained and operated for community purposes.
   6. Hospital, Charitable and Philanthropic Institution except correctional institutions.
   7. Convenience Store.
   8. Retail Store and Personal Service Shop.
   9. Fast Food Restaurant, Dairy Bar, Grill, Coffee Shop, except mobile type of eating and drinking place, place offering curb service and drive through windows. Where alcoholic beverages are sold, the limitations of Article IV. Section 5. shall apply.
   10. Restaurant (low turnover). Where alcoholic beverages are sold, the limitations of Article IV. Section 5. shall apply.
   11. Shop for making articles to be sold primarily at retail on the premises, provided that those engaged in making the articles shall not exceed five in number.
   12. Studio and Sample Room.
   13. Hotel, Motel and Inn.
   14. Nursing Home and Convalescent Home.
   15. Theater, except open-air drive-in theater.
   16. Newspaper and Job Printing.
   17. Funeral Home.
   18. Business Offices, Research and Development.
   19. Bank.
   20. Medical Offices.
   21. Animal Hospital provided the following conditions can be met:
      a. No animal hospital may be open for business, except in the event of any emergency, prior to 8:00 A.M. or after 8:00 P.M.;
      b. No outside kennels or runs for animals shall be allowed;
      c. Overnight boarding shall be allowed only in enclosed buildings. No animal hospital shall board more than 100 animals;
      d. Animal hospital structures shall be located not closer than 250 feet to any existing residential structures not used for commercial purposes, and shall be designed as to

keep noises from emanating from the buildings, except that in times of emergency, such as electrical failure, natural ventilation may be used; and

e. Any animal hospital located within a Flood Perimeter Overlay Zone shall file with the Police Department, subject to its approval, an emergency evacuation plan for evacuation of all animals in the event of flood warnings issued by the National Weather Service or other appropriate authority.

22. Laboratory for Medical Research

This may include a compounding facility for the mixing and packaging of pharmaceutical product, with or without warehousing, provided the following conditions are met:

a. No chemical reactions will take place in conjunction with any compounding activity which will result in the synthesis of a new product.
b. There shall be no outside storage.
c. The facility shall not produce chemicals or biological materials for sale except as otherwise approved by the Commission.
d. The identity and estimated quantity of hazardous materials and waste used or produced, as defined by State or Federal law, shall be presented to the Commission for approval.
e. No process shall be undertaken which will result in the emission of materials to air, subsurface or surface waters.

23. Health Club and Sports Facility.
24. Club and Fraternal Organization.
25. Garden Supply Center.
26. Banquet Hall or Catering Facility.
27. Day Care Center.
28. Private or Public Parking Facility.
29. Billiard Parlor provided the following conditions are met:
    a. No alcoholic beverages shall be sold or consumed within the establishment;
    b. Notwithstanding Paragraph A. Subparagraph 2. above, any accessory use for a billiard parlor must be approved by the Commission as part of the special permit.
30. Rehabilitation Center.
31. Auction House.
32. Animal Day Care Center.

The boarding of animals in conjunction with such animal day care use shall only be permitted by special permit, shall be ancillary to the animal day care use and shall conform to the following standards:

a. The maximum number of animals boarded on the premises shall not exceed 50
b. All animals must be boarded within an enclosed building
c. Such building shall be noise proofed
d. No animal day care center which contains the boarding of animals shall be located within a 400-foot radius of any residential zoning boundary as measured from the property line of the animal day care center
e. The hours of operation for the pickup and drop off of animals boarded shall be limited to between 6 a.m. and 10 p.m.

As a condition of the special permit the Commission may further limit the number of

animals boarded and the hours of operation.

C. GENERAL REQUIREMENTS FOR ALL DEVELOPMENT WITHIN A BR ZONE.

1. A tract of land within the BR Zone may be developed in stages. However, The Commission may require that certain data be submitted for the entire tract. This may include site topography, natural resources data, traffic, parking and circulation, grading, erosion and sedimentation control and storm drainage.
2. Height and Area Requirements.
   a. Maximum height of buildings: 36 feet
   b. Yards:

      Front yard: 65 feet
      Rear yard: 50 feet (when abutting residential zone)
      30 feet (in all other cases)
      Side yards: 50 feet each

   c. Where any Business Restricted Zone adjoins Interstate Highway 84 the side or rear yard setback from the highway line shall be 150 feet. All development including buildings, structures, driveways and parking areas is prohibited within this yard area with the exception of signs, utility lines or utility structures.

      Minimum lot size - 80,000 square feet *
      Minimum frontage - 200 feet *

      ***** Nothing herein shall prevent the construction, alteration or use of a building or premises upon a legally established lot shown on a map or described in any instrument of conveyance filed in the office of the Town Clerk and located in a BR Zone prior to December 23, 1988 which does not conform to the minimum lot size or minimum frontage requirements listed above.
3. Off Street Parking. Off street parking shall be provided in conformance with Article IV. Section 8.

D. LIGHTING. Exterior lighting shall be of such intensity, or located or directed in such a way, so as not to produce glare on public streets or neighboring property. The Commission may require a reduction in lighting after 10:00 P.M. or when otherwise found to be warranted in order to protect nearby residential properties.

E. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of the public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

F. LOT COVERAGE. No more than 40 percent of the lot may be covered with impervious surfaces. However, the Commission may by a five-sixths vote permit up to 50 percent lot coverage. In making such a decision, the Commission shall be guided by Article IV, Section 12.

G. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation.

The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 12. BUSINESS B1 ZONE (B1) **

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.
   1. Signs. Signs shall be permitted as specified in Article IV. Section 7.
   2. Accessory Uses in conjunction with an approved special permitted use in Section B.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section.

   Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.
   1. All uses allowed by special permit in the R80, R40, R30, R20, R12 and R9 Zones, except Guest House and Two, Three and Four Family Dwelling.
   2. Retail Store, Personal Service Shop.
   3. Business Offices.
   4. Medical Offices.
   5. Bank.
   6. Convenience Store
   7. Fast Food Restaurant, Dairy Bar, Grill, Coffer Shop, except mobile type of eating and drinking place, place offering curb service and drive through windows. Where alcoholic beverages are sold, the limitations of Article IV. Section 5. shall apply.
   8. Restaurant (low turnover). Where alcoholic beverages are sold, the limitations of Article IV. Section 5. shall apply.
   9. Shop for making articles to be sold primarily at retail on the premises.
   10. Studio and Sample Room.
   11. Hotel, Motel and Inn.
   12. Theater, except open-air drive-in theater.
   13. Laundry employing not more than four persons.
   14. Newspaper and Job Printing.
   15. Radio and Television Broadcasting Studio.
   16. Funeral Home.
   17. Health Club and Sports Facility.
   18. Club and Fraternal Organization.
   19. Banquet Hall or Catering Facility.
   20. Day Care Center.
   21. Private or Public Parking Facility.

22. Sale, Service, Storage and Repair of Motor Vehicles, including gasoline filling stations, subject to the following conditions:
    a. Repairs, except for emergency repairs, shall be made within the building and only between the hours of 8:00 A.M. and 6: P.M.;
    b. Vehicles which do not carry a license or which are so damaged as to be unfit for reconditioning for use on the streets shall be stored at least 100 feet from any street line and screened from view of the street;
    c. The storage of commercial trucks, trailers, buses and contractors' vehicles outside of a building is not permitted except in a parking lot which is at least 100 feet distant from any street line and is screened from view of said street or streets; and
    d. Accessory retail sales in conjunction with an automotive service station are permitted providing the area on the site and within the building is clearly incidental to the use of the site for automotive service purposes.
23. Billiard Parlor provided the following conditions are met:
    a. No alcoholic beverages shall be sold or consumed within the establishment;
    b. Notwithstanding Paragraph A. Subparagraph 2. above, any accessory use for a billiard parlor must be approved by the Commission as part of the special permit.
24. Auction House.
25. Animal Hospital provided the following conditions can be met:
    a. No animal hospital may be open for business, except in the event of any emergency, prior to 8:00 a.m. or after 8:00 p.m.;
    b. No outside kennels or runs for animals shall be allowed;
    c. Overnight boarding shall be allowed only in enclosed buildings. No animal hospital shall board more than 100 animals;
    d. Animal hospital structures shall be located not closer than 250 feet to any existing residential structures not used for commercial purposes, and shall be designed as to keep noises from emanating from the buildings, except that in times of emergency, such as electrical failure, natural ventilation may be used; and
    e. Any animal hospital located within a Flood Perimeter Overlay Zone shall file with the Police Department, subject to it's approval, an emergency evacuation plan for evacuation of all animals in the event of flood warnings issued by the National Weather Service or other appropriate authority.

1. Animal Day Care Center.

   The boarding of animals in conjunction with such animal day care use shall only be permitted by special permit, shall be ancillary to the animal day care use and shall conform to the following standards:

   a. The maximum number of animals boarded on the premises shall not exceed 50
   b. All animals must be boarded within an enclosed building
   c. Such building shall be noise proofed
   d. No animal day care center which contains the boarding of animals shall be located within a 400-foot radius of any residential zoning boundary as measured from the property line of the animal day care center
   e. The hours of operation for the pickup and drop off of animals boarded shall be limited to between 6 a.m. and 10 p.m.
   f. As a condition of the special permit the Commission may further limit the number of animals boarded and the hours of operation.

C. HEIGHT AND AREA REQUIREMENTS.

1. Maximum height of buildings: 36 feet
2. Yards: Front yard: 20 feet
   Rear yard: 15 feet
   Side yards: 15 feet each
3. Minimum lot size - 20,000 square feet *
4. Minimum frontage - 100 feet **
   *** Nothing herein shall prevent the construction, alteration or use of a building or premises upon a legally established lot shown on a map or described in any instrument of conveyance filed in the office of the Town Clerk and located in a BR Zone prior to December 23, 1988 which does not conform to the minimum lot size or minimum frontage requirements listed above.**
5. Lot Coverage: No more than 40 percent of the lot may be covered with impervious surfaces. However, the Commission may by a five-sixths vote permit up to 50 percent lot coverage. In making such a decision the Commission shall be guided by Article IV. Section 12.

D. OFF STREET PARKING. Off street parking shall be provided in conformance with Article IV. Section 8.

E. LIGHTING. Exterior lighting shall be of such intensity, or located or directed in such a way, so as not to produce glare on public streets or neighboring property.

The Commission may require a reduction in lighting after 10:00 P.M. or when otherwise found to be warranted in order to protect nearby residential properties.

F. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of the public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

G. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the Commission grants the approval. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

****** Revisions of 1987 incorporated into the B1 Zone all requirements of the B2 Zone. The B2 Zone as a separate section within the Zoning Regulations and separate district on the

Zoning Map were thus discontinued at that time.

Section 13. INDUSTRIAL CR ZONE (CR)

A. The regulations pertaining to the CR Zone are identical to those pertaining to the C1 Zone (Section 14.) with the following exceptions:
   1. The maximum height of buildings is 36 feet rather than 40 feet. However, the Commission may by a five-sixths vote permit a maximum building height of 40 feet. In making such a decision, the Commission shall be guided by Article IV, Section 12.
   2. A buffer area 100 feet in width shall be provided along all side or rear lot lines, which border any residential zone. The Commission may require the front yard or side yard along a street to be between 40 and 80 feet when across from or adjacent to a residential zone.

Section 14. INDUSTRIAL C1 ZONE (C1)

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.
   1. Signs. Signs shall be permitted as specified in Article IV. Section 7.
   2. Accessory Uses in conjunction with an approved special permitted use in Section B.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

   1. All uses allowed by special permit in the B1 Zone.

   2. Any establishment, the principal use of which is manufacturing, fabricating, processing, producing, assembling, cleaning, servicing, testing or repairing of materials.
   3. Laundry.
   4. Warehousing Facility and Distribution Center.
   5. Animal Hospital.
   6. Bakery.
   7. Place of Assembly, Health Club and Sports Facility.
   8. Trucking Company.
   9. Concrete Batching Operations including mixing and packaging of cement and aggregate and dehydrating components for such packaging.
   10. Research and Testing Laboratory.
   11. Yard for coal, coke, lumber and builders' materials.
   12. Wholesaling Establishments.
   13. Mixed Use Developments, providing there is compliance with the following standards:
      a. Locational Requirements: The proposed parcel is now or formerly regulated by one or more provisions of the Urban Renewal Plan ("Plan") as adopted and amended by the Farmington Redevelopment Agency dated July 28, 1965 or is a parcel forming a part or lies contiguous to any parcel now or formerly regulated by the Plan.

b. Residential Development: The residential component of the development shall meet the following standards:
c. Dwelling Size: Each dwelling unit shall consist of at least two rooms, exclusive of hall and bathroom, and there shall be at least 500 square feet of living area for a two-room unit and at least 600 square feet for a three-room unit. Each additional room shall have at least 100 square feet.
d. Floor Area Ratio: The floor area ratio for the residential component of the project shall be at least 0.10 and shall not exceed 0.25.

14. Animal Day Care Center.

The boarding of animals in conjunction with such animal day care use shall only be permitted by special permit, shall be ancillary to the animal day care use and shall conform to the following standards:

a. The maximum number of animals boarded on the premises shall not exceed 50
b. All animals must be boarded within an enclosed building
c. Such building shall be noise proofed
d. No animal day care center which contains the boarding of animals shall be located within a 400 foot radius of any residential zoning boundary as measured from the property line of the animal day care center
e. The hours of operation for the pickup and drop off of animals boarded shall be limited to between 6 a.m. and 10 p.m.
f. As a condition of the special permit the Commission may further limit the number of animals boarded and the hours of operation.

15. Recreational and/or Medical Marijuana Dispensary Facility and Medical Marijuana Production Facility

Recreational Marijuana Dispensary Facility means a place of business where marijuana may be dispensed or sold at retail to the general public in accordance with all applicable state laws.

Medical Marijuana Dispensary Facility means a place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the State has issued a dispensary facility license to an applicant under Public Act 12-55 and Section 21a-408-14 of the Regulations of Connecticut State Agencies.

Medical Marijuana Production Facility means a secure, indoor facility where the production of marijuana occurs and that is operated by a person to whom the State has issued a producer license under Public Act 12-55 and Section 21a-408-20 of the Regulations of Connecticut State Agencies. Production of marijuana shall include the manufacture, planting, preparation, cultivation, growing, harvesting, propagation, compounding, conversion or processing of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of marijuana by a patient or caregiver for the patient's use.

a. No medical marijuana dispensary facility or production facility shall be permitted to locate within 500 feet from a public or private school, publicly owned

recreational area, public library, child daycare center or place used primarily for religious worship or study. This measurement shall be taken between the closest lot lines of properties containing such facilities.

b. No medical marijuana dispensary facility shall be permitted to locate within 5,000 feet from any other site containing or approved for a medical marijuana dispensary facility. No medical marijuana production facility shall be permitted to locate within 5,000 feet from any other site containing or approved for a medical marijuana production facility. This measurement shall be taken between the closest lot lines of properties containing such facilities.
c. No recreational and /or medical marijuana dispensary facility or production facility shall be permitted to locate within 500 feet from a residential zoning district. This measurement shall be taken from all lot lines of a property containing such facility to the closest residential zoning boundary.
d. The parking requirement for a recreational and /or medical marijuana dispensary facility or production facility shall be for that of a retail use and manufacturing use respectively.
e. Any application for the approval of a recreational and /or medical marijuana dispensary or production facility shall be accompanied by a security plan which will be referred to the Chief of Police for review and comment. The Commission may withhold approval of such facilities following a finding that such security plan does not adequately protect the public health and safety.
f. Recreational and /or medical marijuana dispensary facilities shall maintain transaction records in a manner that meets FDA standards. Such records shall be made available to the Commission or local police upon request in such form as to not violate State or Federal Law.
g. Recreational and /or medical marijuana dispensary facilities shall not contain a drive through feature.
h. The approval of a special permit for a medical marijuana dispensary or production facility must be submitted for renewal two years from the date of original approval and for between two and five year periods (at the discretion of the Commission) following such initial two year renewal period. The Commission may withhold approval of such application for renewal upon making a finding that the operation of such dispensary or production facility has violated the provisions of this regulation or that such operation has negatively impacted the health and safety of the community in a substantial way. In the case of an appeal of the special permit, the renewal shall extend the length of such appeal.
i. No recreational and /or medical marijuana dispensary facility or production facility shall operate until a zoning permit has been issued by the Planning Department. Such zoning permit shall not be issued until a permit for such use has been issued by the State of Connecticut.
j. A special permit issued for a recreational and /or medical marijuana dispensary facility or production facility shall expire and be of no effect if the applicant fails to submit to the Town a copy of a permit for such use from the State within six months from the approval of such special permit. Any appeal of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned six-month period the length of such appeal.
k. This regulation incorporates all of the rules, standards and requirements found in the regulations adopted by the State of Connecticut Department of Consumer

Protection.

Article II, Section 14.B.15 is amended effective July 15, 2018.

C. HEIGHT AND AREA REQUIREMENTS.

1. Maximum height of buildings: 40 feet
2. Yards: Front yard: 40 feet
   Rear yard: 25 feet
   Side yards: 50 feet for both; 20 feet minimu
3. Minimum lot size - 40,000 square feet *
4. Minimum frontage - 150 feet *

* Nothing herein shall prevent the construction, alteration or use of a building or premises upon a legally established lot shown on a map or described in any instrument of conveyance filed in the office of the Town Clerk and located in a BR Zone prior to December 23, 1988 which does not conform to the minimum lot size or minimum frontage requirements listed above.

5. Lot Coverage: No more than 40 percent of the lot may be covered with impervious surfaces. However, the Commission may by a five-sixths vote permit up to 50 percent lot coverage. In making such a decision the Commission shall be guided by Article IV. Section 12.

D. OFF STREET PARKING. Off street parking shall be provided in conformance with Article IV. Section 8.

E. LIGHTING. Exterior lighting shall be of such intensity, or located or directed in such a way, so as not to produce glare on public streets or neighboring property. The Commission may require a reduction in lighting after 10:00 P.M.

F. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of the public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

G. OPERATIONS, VIOLATIONS AND CHANGES OF USE, HOURS OF OPERATION AND OTHER RELATED ACTIVITIES.

1. Because of the nature of industrial operations, any violations of zoning regulations or any change, expansion or modification of use of the property, to include changes within the same category, such as a change in use involving a different type of manufacturing, is likely to have a substantially greater adverse impact upon neighboring properties than are violations and changes of use in residential or business zoning classifications. It is important for the Commission to have in place a means of monitoring uses in industrial zones so as to forestall any such adverse consequences growing out of zoning violations or changes of use. Therefore, effective upon the

adoption of these amended regulations, the Commission shall have continuing jurisdiction over the uses of all properties within any industrial CR Zone and industrial C1 Zone and the Zoning Enforcement Officer shall inspect and monitor the industrially zoned properties within the Town and submit a report advising the Commission of any zoning violations or changes of use as a result of an inspection or from any other source of information. Upon reviewing such reports, the Commission shall determine what, if any, corrective actions should be taken. As part of its continuing jurisdiction, the Commission shall retain the right, if the property owner does not take prompt remedial action, to rescind the special permit allowing the existing use to which the property is put.

2. Where the location of the property on which industrial operations are performed is close enough to residential areas that noise and light during nighttime hours might have an adverse impact on such residential areas, the Commission shall retain continuing jurisdiction over operations or any other activities performed on such industrially zoned properties and may, at any time, impose time limitations on when such operations and activities may be performed as are reasonable to protect persons living in nearby residential areas.

H. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 15. FLOOD PROTECTION ZONE (FP) AND FLOOD PERIMETER OVERLAY ZONE (FPO)

GENERAL

A. STATEMENT OF PURPOSE. The purpose of this regulation is to promote public health, safety and general welfare within the Town of Farmington by minimizing flood losses in designated Flood Protection and Flood Perimeter Overlay areas in the Town by:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increase in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;
4. Controlling filling, grading, dredging and other development which may increase erosion or flood damage; and
5. Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

B. DEFINITIONS. For the purpose of applying the provisions of Sections 15., 16. and 17. the terms below shall be defined as follows:

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.
BASE FLOOD ELEVATION (BFE) means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
BASEMENT means an area of the building having its floor sub-grade (below ground level) on all sides.
BUILDING (see definition for Structure)
COST means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's profit; and grand total. Items to be excluded include: cost of plans and specification; survey costs; permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.
DEVELOPMENT means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or permanent storage of materials.
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) means the federal

agency that administers the National Flood Insurance Program (NFIP)

FLOOD or FLOODING means a general and temporary condition of partial of complete inundation of normally dry land areas from:

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

FLOOD BOUNDARY and FLOODWAY MAP means an official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the floodway.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the applicable risk premium zones. FIRMs published after January 1990 may also show the boundaries of the floodway.

FLOOD INSURANCE STUDY is the official report by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood and other flood data.

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

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

FLOODPROOFING means any combination of structural and nonstructural additions, changes or adjustments to structures, which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

HIGHEST ADJACENT GRADE (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

HYDRODYNAMIC LOAD is the force exerted on a structure by the impact of moving water. The magnitude of the force varies with the affected surface area of the structure, the

water velocity and the angle of impact.

HYDROSTATIC LOAD is the force exerted on a structure by still water. The magnitude of the force varies with depth of water and affected surface area of structure.

LOWEST FLOOR means the lowest floor of the lowest enclosed (including basement).

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactured homes for the purpose of this regulation.

MEAN SEA LEVEL (MSL) means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after August 15, 1977.

OBSTRUCTION is any structure, matter or earthen alteration including, but not limited to, dams, levees, dikes, berms, embankments, conduits, culverts, bridges, abutments, walls, buildings, wharves, docks, wire, fences, projections, piles, fill, gravel, rock, excavation, channel work or rectification and vegetative plantings, in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may: impede, retard or otherwise change the direction of velocities of the flow of water, either in itself or by catching or collecting debris carried by such water; or be subject to being carried downstream and potentially threaten property or life.

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

REGULATORY FLOOD PROTECTION ELEVATION (sometimes referred to as Base Flood Level). The Regulatory Flood Protection Elevation for properties located north and south of Farmington Avenue easterly of the railroad overpass and westerly of the intersection of Farmington Avenue and Garden Street is as follows:

> The area along Farmington Avenue between the railroad overpass and the intersection of Farmington Avenue and Garden Street is divided into two zones: Zone 1, consisting of the properties on the north and south sides of Farmington Avenue and properties lying immediately to the rear thereof, bounded on the west by the railroad overpass and bounded on the east by the easterly line the property referred to as the Comer Nursery property; and Zone 2, consisting of the properties on the north and south sides of Farmington Avenue and properties lying immediately to the rear thereof, bounded on the west by the easterly boundary of said Comer Nursery property and bounded on the east by an extension of a line forming the easterly boundary of Garden Street at its intersection with Farmington Avenue.
>
> The Regulatory Flood Protection Elevation for properties located within Zone 1 is 180 feet.
>
> The Regulatory Flood Protection Elevation for properties located within Zone 2 is

175 feet.

For areas within the Flood Protection or Flood Perimeter Overlay Zones but not located along Farmington Avenue between the railroad overpass and the intersection of Farmington Avenue and Garden Street as described above, the Regulatory Flood Protection Elevation is either that elevation determined by the Town Engineer to constitute the base flood level for such area or the elevation published in the Flood Insurance Study, Town of Farmington, Connecticut, dated July 17, 1986 (or subsequent revision thereto), whichever elevation is greater.

SPECIAL FLOOD HAZARD AREA is the area with a community subject to one percent or greater chance of flooding in any given year, as identified on the community's FIRM.

START OF CONSTRUCTION (for other than new construction or substantial improvements under the Coastal Barrier Resources Art [P.L. 97-348]), includes substantial improvements, and means the date the building permit is issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date.

Should the permittee fail to commence work within this time frame a new permit shall be required. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction columns, or any work beyond the stage of excavation of placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE means a walled and roofed building, which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

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

SUBSTANTIAL IMPROVEMENT means any combination of repairs, reconstruction, alteration or improvements to a structure taking place during the life of a structure in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure using the square foot method prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, Substantial Improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions

VARIANCE means a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and

where specific enforcement would result in unnecessary hardship.

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

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

C. LAND TO WHICH REGULATIONS APPLIES; RULES FOR INTERPRETATION OF ZONE BOUNDARIES. This regulation shall apply to all lands within the Town of Farmington designated as either Flood Protection Zone or Flood Perimeter on the Official Zoning Map of the Town of Farmington. Additionally, this regulation shall apply to all areas indicated by the: Flood Insurance Rate Map; or flood profile data within the Flood Insurance Study; both published by the Federal Emergency Management Agency dated July 17, 1986 as amended or revised to September 26,2008 and any subsequent revisions thereto and adopted by reference. Where there is a conflict between all the aforementioned maps and sources, the more restrictive shall apply. The boundaries of the Flood Protection Zone and Flood Perimeter Zone shall be determined by: scaling distances on the official Zoning Map; or by utilizing flood elevation data from the flood profiles in conjunction with topographic contour intervals of at least two feet; whichever is more restrictive shall apply. Where interpretation is needed as to the exact location of the boundaries of the zones as shown on the Official Zoning Map, the Commission shall make the necessary interpretation. Any person requesting an interpretation as to the location of a zone boundary shall be given a reasonable opportunity to present his case to the Commission. Such request shall not require a public hearing.

D. RULES FOR INTERPRETATION OF USES ALLOWED. Within the Flood Protection and Flood Perimeter Overlay Zones all uses not specifically allowed as a permitted use or as a use allowed by special permit shall be prohibited. The Flood Perimeter Overlay Zone is an overlay zone and all development within this zone shall meet all the minimum requirements of both the Flood Perimeter Overlay Zone and the underlying zone.

E. COMPLIANCE. No structure within the Flood Protection and Flood Perimeter Overlay Zones shall be located, extended, converted or structurally altered without full compliance with the terms of Article II. Sections 15., 16. and 17. of this regulation.

F. NONCONFORMING USES. A structure or the use of a structure or premises which was lawful before the passage or amendment of this regulation, may be continued subject to the following conditions:

1. Repairs and maintenance of a nonconforming structure located in the Flood Protection Zone may be made, provided that no structural alterations are made. Repairs and maintenance of a nonconforming structure located in the Flood Perimeter Overlay Zone may be made except that no repair or reconstruction involving a structural alteration can be made unless the structure is brought into conformance with all the standards set forth in Article II. Sections 16. and 17. of this regulation.

2. No nonconforming structure located in a Flood Protection Zone or Flood Perimeter Overlay Zone may be expanded unless said addition conforms with all the standards set forth in Article II. Sections 16. and 17. of this regulation.
3. Nonconforming structures located within the Flood Protection or Flood Perimeter Overlay Zones, which have been substantially damaged must meet all the standards set forth in Article II. Sections 16. and 17. of this regulation.
4. See Article IV. Section 1. Subsection D. regarding discontinued or abandoned uses.

G. INTERPRETATION. The provisions of this regulation shall be held to be minimum requirements and shall be reasonably construed in accordance with the purpose of this regulation and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

H. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this regulation is considered reasonable for regulatory purposes in light of the dangers of flood hazards. Flood larger than those against which these regulations are designed may occur on rare occasions. Further, flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This regulation does not imply that areas outside the Flood Protection and Flood Perimeter Overlay Zones or land uses permitted within such zones will be free from flooding and flood damages. This regulation shall not create any liability on the part of the Town of Farmington for any flood damages that may result from reliance on this regulation or any administrative decision lawfully made there under.

I. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT. A Zoning Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities within the Flood Protection or Flood Perimeter Overlay Zones.

J. DESIGNATION OF ADMINISTRATOR. The Zoning Enforcement Officer shall administer and enforce the provisions of Article II. Sections 15., 16. and 17. of this regulation.

K. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR. In the administration of this regulation the administrator shall perform the following duties, among others:

1. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
2. Review all development permits to assure that the requirements of this regulation have been satisfied.
3. Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the Zoning Permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Coastal Area Management Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 401 and 404 Permits.
4. Notify adjacent communities and the Department of Environmental Protection, Inland

Water Resources Management Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

5. Record the as built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction or substantially improved structures in accordance with Sections 16. and 17. Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed in accordance with Sections 16. and 17.
6. Maintain all records pertaining to the provisions of this regulation.

L. CERTIFICATION. Where required under Sections 16. and 17., a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the administrator. Upon completion of the applicable portion of construction the applicant shall provide the administrator with verification of the as built lowest floor elevation, defined as the top of the lowest floor (including basement) or, in the case of flood proofed buildings, the elevation to which the flood proofing is effective.

M. STANDARDS APPLYING TO LAND IN BOTH THE FLOOD PROTECTION ZONE AND
FLOOD PERIMETER OVERLAY ZONE

1. The water holding capacity of the 100-year floodplain as designated on the Flood Insurance Rate Map shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided onsite, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided offsite if approved by the Commission. The calculations for determining the appropriate compensatory volume shall utilize the models employed by FEMA.
2. Within the 100-year floodplain as designated on the Flood Insurance Rate Map, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analysis performed in accordance with engineering practices and models employed by FEMA, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase

in flood stage or flood velocity.

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

O. VARIANCE PROCEDURES. A request for variance or an appeal to this regulation hall be submitted and heard in accordance with Article IV Section 4 of these regulations.

1. The Zoning Board of Appeals shall hear and decide requests for variances from the requirements of this regulation as well as hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by Town Planner in the enforcement or administration of this regulation.
2. Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred feet of the land in question may appeal within fifteen days after such decision to the State Superior Court as provided in Section 8-8 of the General Statutes of Connecticut.
3. The Town Planner shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
4. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
5. Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

7. In passing upon applications for variances, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the following provisions. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.
   a. The danger that materials may be swept onto other lands to the injury of others;
   b. The danger to life and property due to flooding or erosion damage;
   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   d. The importance of the services provided by the proposed facility to the community;
   e. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
   f. The availability of alternative locations not subject to flooding or erosion damage

for the proposed use;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

8. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding landowners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.
9. Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.
10. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.
11. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and the elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.

P. ENFORCEMENT. – The following provisions shall govern with regard to the enforcement of this regulation.

1. Each Zoning Permit shall authorize, as a condition of approval, the Town Planner or designated agents to make regular inspections of the subject property. The Town Planner or designated agents are also authorized to inspect any property in a Special Flood Hazard Area where it appears that violations of these regulations may be taking place.
2. If the Town Planner finds that any person in undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the Town Planner shall:
   a. Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either seek to obtain a Zoning Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area immediately.
   b. Notify the Building Inspector and request that any building permits in force be revoked or suspended and that a stop work order be issued.
   c. The Town Planner may suspend or revoke a Floodplain Development Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Town Planner shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct, which warrants the intended action.
   d. Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section Q.
   e. In the event violations or obstructions are not promptly removed from the Special Hazard Area, the Town Planner may cause such removal and remediation work to be performed utilizing any bond money held in escrow or may direct the appropriate Town agent to cause such work to be done and to place a lien against the property.
   f. Any person subjected to enforcement action pursuant to this regulation, may appeal any requirement, decision, or determination of the Town Planner to the Zoning Board of Appeals. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Town Planner was in error or unwarranted.
   g. Nothing contained herein shall prevent the owner of a residential dwelling, commercial or industrial building existing at the time of the adoption of this regulation from repairing, replacing or restoring said building or the components thereof to substantially the same character and form as existed at the time of such adoption.

Q. PENALTIES FOR VIOLATION. – Any violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and

safeguards established in connection with grant of variances or special permits or exceptions shall be subject to a fine or any other penalty prescribed by Town Ordinance. Nothing herein contained shall prevent the Town from taking such lawful action as is necessary to prevent or remedy any violation.

R. EFFECTIVE DATE. The effective date of Sections 15,16 and 17 of these regulations is September 26, 2008.

Section 16. FLOOD PROTECTION ZONE (FP)

A. GENERAL PROVISIONS. The configuration of the Flood Protection Zone was developed from data obtained from the 1955 flood event as presented by the U. S. Army Corps of Engineers as well as information provided in the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency. The purpose of the zone is to restrict or prohibit the development of uses or structures, which would endanger health and safety or property in times of flood or cause an increase in flood heights or velocities.

B. LAND TO WHICH PROVISIONS OF THE FLOOD PROTECTION ZONE REGULATION APPLIES. All land within the Town of Farmington as indicated within the Flood Protection Zone as shown on the Official Zoning Map of the Town of Farmington. All land within the Town of Farmington, which is designated as floodway on a map entitled Flood Insurance Rate Map Hartford County, Connecticut.

C. PERMITTED USES. The following uses, which generally have a low flood damage potential shall be permitted within the Flood Protection Zone requiring only a Zoning Permit as specified in Article V. However, the establishment, maintenance or improvement of such uses shall not involve the creation of any obstruction without the review and approval of the Zoning Enforcement Officer and in cases involving the placement of fill or the development of structures without the receipt of a special permit.

1. Agricultural Uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck Farmington, forestry, sod farming and wild crop harvesting.
2. Private and Public Recreational Uses including golf courses, outdoor tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, fish hatcheries, fishing areas, hiking and horseback riding trails.
3. Nonstructural Accessory Residential Uses such as lawns, gardens, parking areas and play areas.

4. Railroads, Streets, Bridges, Utility Transmission Lines, Pipelines and Wells.

D. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. Sand and Gravel Excavation, Extraction and Processing Operations may be performed in areas having a zoning classification of EE at the time of the adoption of this regulation and may be performed in other areas within the Flood Protection Zone provided all requirements of Section 22. of this Article are met. Any expansion to a preexisting operation shall have to meet the requirements of Section 17.

2. Municipal Land Use and owned or leased buildings and structures used in connection with the governmental or proprietary functions of the Town of Farmington or of any other government, and such uses of land as may be made by the Town or any other government in connection with any of its governmental or proprietary needs and functions. Uses to be limited to nonresidential uses only.
3. Accessory Structures and Fill for all permitted uses in Subsection C. above.

E. DEVELOPMENT STANDARDS FOR PERMITTED USES AND SPECIAL PERMIT USES. Obstructions created in the establishment, maintenance or improvement of those permitted uses listed in Subsection C. or the development of those special permit uses listed in Subsection D. shall conform to the standards set forth in Article II. Sections 17D., 17E. and 17F. Structures shall not be designed or used for human habitation (i.e. residential).

F. FACTORS UPON WHICH SPECIAL PERMIT DECISIONS OF THE COMMISSION SHALL BE BASED. In passing upon applications relating to the Flood Protection Zone, the Commission, in addition to the standards found in Article IV. Section 12., shall consider the following:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments;
   The danger that materials may be swept onto other lands or downstream to the injury of others;
2. The proposed and existing water supply and sanitation systems, the aquifer and the ability of existing and future systems to prevent disease, contamination and unsanitary conditions;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damages on the individual owner and others;
4. The importance of the services provided by the proposed facility to the community;
5. The requirements of the facility for a waterfront location;
6. The availability of alternative locations not subject to flooding for the proposed use;
7. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
8. The relationship of the proposed use to the Plan of Development;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected elevations, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
11. Such other factors which are relevant to the purposes of this regulation.

G. CONDITIONS ATTACHED TO SPECIAL PERMIT. Upon consideration of the criteria listed above and the purposes of this section, the Commission may attach such conditions to the granting of the special permits as it deems necessary. Such conditions, among others, may include:
1. Modification of waste disposal and water supply facilities;
2. Limitations on periods of use and operation;
3. Imposition of operational controls, sureties and deed restrictions; and
4. The following flood proofing measures may be required:
   a. Anchorage to resist flotation and lateral movement;

b. Installation of watertight doors, bulkheads and shutters, or similar methods of construction;
c. Reinforcement of walls to resist water pressures;
d. Use of paints, sealants, membranes or mortars to reduce seepage of water through walls;
e. Addition of mass or weight to structures to resist flotation;
f. Installation of pumps to lower water levels in structures;
g. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters;
h. Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures;
i. Construction to resist rupture or collapse caused by water pressure or floating debris;
j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. In place of a basement drain which works by gravity, a sump pump may be used;
k. Location of electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood; and
l. Prohibition of storage or utilization of chemicals, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare.

Section 17. FLOOD PERIMETER OVERLAY ZONE (FPO)

A. GENERAL PROVISIONS. The Flood Perimeter Overlay Zone overlays existing zoning designations. All uses permitted in the underlying zone shall continue to be allowed in the Flood Perimeter Overlay Zone provided the provisions of this section are complied with.

B. LAND TO WHICH PROVISIONS OF THE FLOOD PERIMETER OVERLAY ZONE APPLIES. All land within the Town of Farmington which is located either within the Flood Perimeter Overlay Zone as shown on the Official Zoning Map of the Town of Farmington or within the numbered or unnumbered A zones as indicated on a map entitled "Flood Insurance Rate Map, Town of Farmington, Connecticut, Hartford County," however excluding those lands otherwise designated as Flood Protection Zone by this regulations (See Article II. Section 16.).

C. CHANGE OF UNDERLYING ZONE. The existing zoning classification of any parcel of land within the Flood Perimeter Overlay Zone may be changed to a different zoning classification in which event the provisions, conditions and restrictions in the regulations pertaining to such changed zoning classification and the provisions, conditions and restrictions pertaining to the Flood Perimeter Overlay Zone shall apply.

D. GENERAL STANDARDS. In all of the Flood Perimeter Overlay Zone the following provisions shall apply:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. New construction and substantial improvements shall be constructed with materials resistant to flood damage except where elevated above the Regulatory Flood Protection Elevation on fill;
3. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
4. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters;
7. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
8. In any portion of a watercourse which is altered or relocated the flood carrying capacity shall be maintained;
9. No development shall be undertaken which will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system;

10. Any fill proposed to be deposited shall be shown to be of hydrologically sound material and have some beneficial purpose; and the amount of fill used shall not be greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the applicant showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials;
11. Such fill or other materials shall be protected against erosion by riprap, vegetative cover or bulkheading;
12. Structures shall have a low potential for incurring flood damage and for causing flood damage;
13. Structures not elevated above the Regulatory Flood Protection Elevation shall be constructed and placed on the building site so as to offer minimum obstruction to the flow of floodwaters; (i) so far as practicable, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and (ii) so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures;
14. Manufactured homes are prohibited within the Flood Perimeter Overlay Zone and Flood Protection Zone.
15. For new construction or substantial improvements having fully enclosed areas below the lowest floor and subject to flooding and which are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.
16. Design for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
17. Subdivision proposals shall conform to the requirements and standards contained in Section 4.19 of the Farmington Subdivision Regulations.
18. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the base flood elevation and have a screw fill cap that does not allow for the infiltration of flood water.
19. If any portion of a structure lies within the Special Flood Hazard Area, the entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
20. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e. V zone is more restrictive than A zone; structure must be built to the highest base flood elevation). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive

zone will require the entire structure to meet the requirements of the more restrictive zone)

21. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.

E. STANDARDS FOR WATERCOURSES WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS, FLOODWAYS AND/OR FLOOD MAPPING.

1. The Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from the Federal or State government or other source, including data developed pursuant to Article IV. Section 4.09 of the Farmington Subdivision Regulations, as criteria for requiring that new construction, substantial improvements or other development in Zone A on the Farmington Flood Insurance Rate Map meet the standards in Section 17F.
2. In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
3. The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Town's request or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.
4. The Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, as criteria for requiring that new construction, substantial improvements or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 17F.

F. STANDARDS FOR DEVELOPMENT WITHIN THE FLOOD PERIMETER OVERLAY ZONE WHERE FLOOD ELEVATIONS HAVE BEEN PROVIDED. In areas of the flood Perimeter Overlay Zone where flood elevation data has been provided the following provisions shall apply in addition to all of the general standards contained in Section 17D.

1. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one (1.0) foot above the base flood elevation, except that in Zone 1 such structure shall be elevated to elevation 182 and in Zone 2 to elevation 177.
   a. Recreational vehicles placed on sites within the Flood Perimeter Overlay Zone shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all the general standards of Section 17D. and E. and the elevation of and anchoring requirements of Section 17.F.1. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached addition. (Other requirements are contained in Article IV. Section 9.)

2. Non-Residential Construction. All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non- residential structures shall:
   a. Have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE); or
   b. In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1.0) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
   c. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Zoning Enforcement Officer on the FEMA Floodproofing Certificate, Form 81-65.
   d. The bottom of all electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.
   e. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Zoning Enforcement Officer.
   f. If fill is required so that the lowest floor as defined above is at or above the regulatory flood protection elevation, it shall extend at least 15 feet beyond the limits of any building erected thereon but may be graded to provide for adequate drainage.

Section 18. AQUIFER PROTECTION ZONE (AP)

A. PURPOSE. This section is adopted pursuant to the authority conferred by Section 8-2 of the Connecticut General Statutes for the following purposes: to secure the public health, safety and general welfare; to preserve the quality and quantity of the Town's ground-water resources in order to ensure a safe and adequate water supply for present and future generations; to preserve groundwater resources currently in use and those aquifers having a high potential for future use as a public water supply; and to regulate land uses in a manner consistent with the Water Quality Standards and Classification System adopted by the State Department of Environmental Protection (DEP).

B. BOUNDARIES OF THE AQUIFER PROTECTION ZONE. All land within the Town of Farmington shall be included within the Aquifer Protection Zone. This section, then, shall be an "overlay zone" applicable to all properties within the Town of Farmington.

C. GENERAL PROVISIONS. Within the Aquifer Protection Zone, no land shall be used and no structures erected, constructed, reconstructed, altered or used except in conformance

with this section and all other requirements of the underlying zone.

The provisions in this section are not intended to repeal, abrogate or annul any portion of these regulations, other Town regulations, existing State or Federal regulations, or existing easements, covenants or deed restrictions. In any case where there is a conflict, whichever imposes the more stringent restriction shall apply.

D. INSPECTION. All nonresidential uses within this zone shall be subject to inspection by agents of the Town. Uses of particular concern, as they have a potential for contaminating the ground-water, include, but are not limited to the following:

Veterinary hospitals and kennels
Appliance service shops
Junkyards and salvage operations
Commercial lawn care businesses
Furniture stripping
Dry cleaning
Photographic processing
Automotive service operations
Machine shops
Metal heat-treating operations
Metal rescaling operations
Commercial painting and/or coating operations
Agricultural operations
Golf courses.

E. GENERAL DESIGN REQUIREMENTS. The following general requirements shall apply in the Aquifer Protection Zone to all nonresidential uses which, given the nature of the use or of a process utilized, have a known potential for polluting the groundwater. Information necessary to ensure compliance with these regulations shall be included with any application to the Commission.
Any modification to an approved site plan or existing use affecting any requirement of these regulations shall require approval by the Commission.

1. Floor Drains
   a. No interior floor drains from any process areas where possible contaminants are handled shall be directed to any stream, storm drain or subsurface leaching system.
   b. No interior floor drains from any process areas where possible contaminants are handled shall be directed to a sanitary sewer without adequate pretreatment as required by DEP and the Farmington Water Pollution Control Authority.

2. Chemical and Waste Storage and Disposal
   a. Chemical and waste storage tanks located outside shall have an impervious containment berm surrounding them. Containment dikes for most chemicals should be coated concrete or coated metal and shall be of adequate holding capacity to retain at least 100 percent of the largest tank's capacity. For outside storage the tank and dike shall either be protected from rainwater accumulation with a permanent roof, or the dike shall have a drain valve, which will allow clear storm water to be manually released as needed. Tanks shall be supplied with a mechanical

type level gauge, not a sight tube, and may have a top vent pipe or overfill pipe which is directed to the inside of the contaminant area.

b. Drum or other container storage areas shall also have an impervious containment berm surrounding them with an impervious base. All drums shall be sealed or covered. For outside storage, drums or other containers shall either be protected from rainwater accumulation with a permanent roof, or the dike shall have a drain valve which will allow clear storm water to be manually released as needed.
c. Other storage areas not included in a. and b. above shall provide for acceptable containment.

   Dumpsters utilized in conjunction with uses regulated under this section shall be covered or located within a roofed area and shall have drain plugs intact.
d. No underground container for the storage of liquid fuels or other hazardous liquids may be installed, repaired or replaced unless such installation, replacement or repair is done in accordance with current State and local code requirements.
e. Hazardous materials and waste, as defined by the United States Environmental Protection Agency (EPA), that are to be utilized or generated by nonresidential uses shall be identified and their quantities noted on the site plan.
f. All generators of hazardous waste shall apply for and obtain all necessary permits and registrations required by EPA and DEP.
g. All generators of hazardous waste that are classified as “small generators” by EPA and DEP shall provide: (i) for the collection, transport and ultimate disposal of said waste, consistent with the best available management practices, by a registered hauler, as defined and licensed by EPA and DEP; and (ii) upon request of agents of the Town, documented records for the same.
h. Land disposal on the premises is prohibited except for instances where the DEP has issued a permit for disposal into a subsurface disposal system.
i. Disposal into the sanitary sewers, at the municipal landfill or other municipal facilities is prohibited except for instances where the required reviews and approvals are obtained.

3. Underground Storage Tanks and Facilities

All underground storage tanks and facilities shall conform to the following standards:

a. Each underground tank or container shall:
   1. be a fiberglass-reinforced plastic (FRP) tank which is equipped with contact plates under all fill and gauge openings and is chemically compatible with the contained product as determined by the tank or container manufacturer’s warranty; or
   2. be a steel tank externally coated with a factory applied corrosion resistant coating approved by the manufacturer for the proposed use, and equipped with cathodic protection and permanent cathodic protection monitoring devices, and contact plates under all fill and gauge openings.
b. All other underground facility components shall:
   1. be protected against corrosion by use of noncorrosive materials or steel components with factory applied corrosion resistant coating and cathodic protection and permanent cathodic protection monitoring devices;
   2. be designed, constructed and installed so as to allow failure determination of all underground piping without the need for substantial excavation; and

3. be chemically compatible with the intended use as determined by the manufacturer's warranty.

Section 19. CLUSTER DEVELOPMENT

A. PURPOSE. The purpose of this section is to provide flexibility in the development of land in order to provide greater preservation and protection of open space and other valuable natural or man-made resources while permitting a variation in lot design and building requirements.

B. PROCEDURE. Cluster development including cluster subdivisions and open space subdivisions is permitted in the R80, R40, R30 and R20 Zones by each of the following procedures:

1. Upon the approval by the Commission of an application for special permit as submitted by the owners of the land proposed to be developed or their representative. Consent shall be required from the legal owner of the premises when the applicant is other than the owner. In addition to the specific requirements listed in this section, the Commission must find that the application complies with the standards found in Article IV. Section 12. See Article IV. Section 12. also for application procedures, hearing and notice requirements.
2. As required by the Commission where it is desired to protect or conserve one or more of the following natural or man-made resources located on or contiguous to the property to be subdivided:

   a. Land occupied by a farming operation including pastureland or land consisting of important farmland soils as defined in a report entitled "Important Farmlands-Hartford County Connecticut, United States Department of Agriculture, Soil Conservation Service."
   b. Sloping land in excess of 15 percent grade, as calculated by two-foot contour intervals.
      Inland wetlands or watercourses as defined in Section 2. of the Inland Wetlands and Watercourses Regulations for the Town of Farmington.
   c. Structures or landscapes having historic or cultural value including archaeological sites.

   d. Land along ridgelines, defined as areas lying in the upper half of the area above the mean elevation of the subregional watershed that the subject property is located in. The subregional watersheds are defined on maps prepared by the Natural Resources Division of the Connecticut Department of Environmental Protection.
   e. Existing or proposed public well sites and their respective area of contribution as defined in State Public Act 89-305.
   f. Established marked trails.
   g. Land containing existing permanently preserved open space or recreational areas or land containing areas proposed as open space or recreational areas as shown in the Plan of Development.
   h. Land containing areas of special concern as identified by the Connecticut Natural

Diversity Data Base as prepared by the Connecticut Department of Environmental Protection. Habitats of species that are endangered, threatened, or considered by State or Federal agencies to be significant at the state level; and other ecologically unique or special areas.

Land containing one or more specimen trees, defined as trees having a diameter at breast height of 36 inches or more.

i. Land located within any of the A zones as found on the Flood Insurance Rate Maps for the Town of Farmington as prepared by the Federal Emergency Management Agency dated July 17, 1986 and any revision thereto.

The Commission shall conduct a public hearing prior to approving any cluster or open space subdivision under this procedure. Such hearing may be conducted as part of the hearing for subdivision approval. In the case where no subdivision application has been submitted the hearing shall be conducted in accordance with Article IV. Section 12.C.

C. SUBMISSION OF PLAN. At a minimum, for Cluster Subdivisions and Open Space Subdivisions, an informal subdivision plan, as described in Section 2.01.01 of the Farmington Subdivision Regulations, shall be submitted along with an application for special permit approval. In the case where attached housing is proposed by the applicant or required by the Commission a preliminary site plan containing the property boundary, location of all proposed buildings, driveways and parking areas, conceptual utility plan and building elevations shall be submitted. Subsequent to the approval of the preliminary site plan the applicant shall submit to the Commission for approval a final site plan which meets the specifications found in Appendix B of these regulations.

All areas of inland wetlands and watercourses and slopes in excess of 33 percent (as calculated by two-foot contour intervals) shall be clearly indicated on all plans.

The Commission may require additional information in order to adequately review the proposal against the standards specified in this section.

D. STANDARDS FOR LOT (UNIT) COMPUTATION. The maximum number of lots (housing units) shall be computed as follows:

1. The following developable land formula shall be applied to the total tract size and its natural composition:

   A - (.75B + .75C) = D

   Where:
   A = Total Site Area.
   B = Area of Inland Wetland Soils and Watercourses Present on the Site.
   C = Area of Land Containing Slopes Equal to or in Excess of 33 Percent (as calculated using two-foot contour intervals).
   D = Land Area for Computing the Maximum Number of Lots (Housing Units) that may be Developed.

2. The result of this equation shall be reduced by 10 percent for street rights-of-way and by 15 percent for open space dedication for property located in R80, R40 and R30 zones; and 20 percent for the R20 zone. The reduction for street rights-of-way may be deleted where all proposed lots will have access from an existing street. The reduction for open space dedication may be deleted where a cash payment is made to the Town in accordance with Section 4.01.03.1. or in cases where the development meets the standards of Section 4.01.03.2. of the Farmington Subdivision Regulations.
3. The remaining area shall be divided by the minimum lot size requirement for the zoning district in which the development is to be located.

E. DEVELOPMENT STANDARDS

1. Minimum area, frontage and yard requirements for R80, R40, R30 and R20 Cluster Subdivisions.

Minimum Area		Frontage	Minimum Yard Depths (ft.)	
Zone	Square Feet	Feet	Front	Rear
R80	30,000	100	40	25
R40, R30, R20*	15,000	85	30	25

   a. In the R40, R30 and R20 Zones, 25 percent of the total number of lots may be reduced to 12,000 square feet.

   b. Minimum Side Yard Depths shall be provided in accordance with the following table:

Lot Frontage (feet)	Min. Side yard Each (feet)
50 to 84	10 percent of frontage
84-01 to 99	10

Greater than 99.1	10 for one, 30 for both

c. Minimum floor area requirements shall be those of the underlying zone.
d. In the R40, R30 and R20 Zones by a five-sixths vote of the full Commission the minimum area of lots may be reduced to 10,000 square feet along with the following reductions in the minimum frontage, front and rear yard setbacks:

Minimum Frontage	50 feet
Minimum Front Yard	25 feet
Minimum Rear Yard	20 feet

In order to be eligible for the reductions specified in this paragraph the development plan shall provide (i) a perimeter buffer area of at least 30 feet in width; (ii) that all lots abut common open space with a minimum width of 30 feet for a minimum length of 50 feet.

e. On corner lots 15,000 square feet or greater in area, the width of a side yard along a street shall be 20 feet. On corner lots less than 15,000 square feet in area, the width of a side yard along a street shall be 15 feet. A corner lot shall contain a front yard along one street. Determination of the front and side lot lines shall be done in accordance with Article III. Section 3.C. of these regulations.

2. Minimum Area, Frontage and Yard Requirements for R80, R40, R30 and R20 Open Space Subdivisions.

Lots within the R80 and R40 Zones shall comply with the minimum requirements of the R40 and R30 Zones respectively while lots in the R30 Zone shall meet the minimum standards of the R20 Zone and lots in the R20 Zone shall meet the minimum requirements of the R12 Zone.

3. Minimum Standards for Single Family Attached Cluster Housing.

a. Single-family attached cluster housing shall be a single-family dwelling attached to or having a common wall with an adjacent single-family dwelling and having its own ground floor and at grade entrance.
b. Minimum Yard Requirements:

Front Yard	65 feet
Rear yard	50 feet
Side yard	50 feet

c. No building shall contain more than four units. Rooflines shall contain sufficient vertical breaks and horizontal breaks (at least between each unit) in order to avoid a rowhouse effect.
d. Grouping: The shortest distance between any two structures shall be not less than the height of the taller structure, as measured to the highest point of the roof from the ground elevation of the closest wall to the adjacent structure, with a minimum of 24 feet. The Commission may waive the separation requirement if the design of the proposed development is benefited by closer spacing.

e. Two and three-tenths parking spaces shall be provided for each dwelling unit. Such spaces shall be located within 200 feet of the dwelling unit they are intended to serve. No parking space, including stall and aisle way, shall be permitted within any minimum front, rear or side yard.
f. The Commission, in addition to the setback requirements specified in paragraph b. above, may require the provision of a buffer with a maximum width of 50 feet.
g. The Commission may approve the development and location of any recreation or accessory use or structure within an attached cluster housing development provided no structure or use is located within any minimum yard or buffer area.
h. The maximum height of any attached cluster housing shall be 35 feet. Accessory buildings shall not exceed 15 feet in height.
i. Construction of attached cluster housing shall include (i) control of airborne sound transmission, and (ii) impact noise reduction assemblies equal to F.H.A. minimum property standards for multifamily housing, current edition.
j. The Commission may require that all setback yards and buffers be planted in accordance with the specifications of an A Bufferyard (40-foot width) as described in Article IV. Section 13.B.4. or the Commission may require additional landscaping when unusual conditions require more extensive screening.
k. Dwelling Size: Each dwelling unit shall consist of at least two rooms, exclusive of hall or bathroom, and there shall be at least 600 square feet of living area for a two-room unit. Each additional room shall have at least 100 square feet.
l. All utility wires shall be installed underground.

F. <u>OTHER REQUIREMENTS</u>

1. The applicant shall either deed to the Town, an acceptable nonprofit land trust or reserve by a method otherwise approved by the Commission at least five acres of open space land. The minimum acreage requirement specified here may be modified by a five-sixths vote of the full Commission in instances where the Commission seeks to protect or conserve one or more of the natural or man-made resources listed in Section 19.B.2. The Commission may require that all open space be reserved for public use.
2. The use of the land set aside as open space shall be approved by the Commission and said use shall be stated upon the record subdivision map or final site plan. The developer shall submit a suitable legal instrument for approval which will ensure that lands not deeded to the Town will continue to be used for conservation, park or recreational purposes. Such legal instrument shall also provide that the Town of Farmington, its agents or employees may without liability enter upon such land for the purpose of eliminating or discontinuing any thing, object or condition which may be deemed to be in violation of this regulation or the approval.

   No privately-owned open space shall be disposed of by sale or otherwise, except to an organization established for the purpose of owning, maintaining and preserving open space, without first offering to convey such open space to the Town. The Commission must approve the placement of any structures on lands reserved for park, recreation or conservation use.
3. The Commission may require the submission of a landscape plan in the case where

designated open spaces are disturbed or where it is desirable to screen a cluster subdivision or open space subdivision from adjacent properties.

4. To ensure the protection of existing residences, the Commission may require that proposed lots abutting lots with existing single-family residences conform to the area and setback requirements of the adjacent zone.
5. To ensure the protection of wetlands, watercourse and vernal pools on or adjacent to the property, the Commission may require the following minimum buffers to be designated as open space or conservation easement: 50 – 100 feet from designated wetlands and watercourses, and 100 – 200 feet from vernal pools.
6. When the property contains or is adjacent to an active farming operation, the Commission may require a minimum 75 – 100-foot vegetated buffer between the residential use and agricultural use. This buffer shall, at the discretion of the Commission, be designated as open space or conservation easement.

Section 20. R9 MULTIFAMILY CLUSTER

A. PURPOSE. To provide a method of development that will promote affordable and multifamily housing compatible with existing and projected land uses.

B. USE ALLOWED BY SPECIAL PERMIT. The following use may be allowed in the R9 Zone after obtaining a special permit. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. Multifamily dwelling with up to 8 dwelling units in a building provided the following standards are met:

Minimum Land Area/Unit	Maximum Units/Lot	Minimum Frontage on Public Street
8,712 sq. ft.	24	200

Minimum Yards	Maximum Height of Buildings
Front Yard: 30 feet	35 feet
Rear Yard: 25 feet	35 feet
Side Yard: 20 feet	35 feet

a. No parking area (including parking stalls and back up area) shall be permitted within required yards or buffers;
b. Between a building and access drives or parking area there shall be a minimum of 4 feet of landscaping space which is not encroached upon by vehicle overhang;
c. Refuse containers shall be provided in an appropriate number for waste and recycling unless curbside service is provided.
d. In the event that adjacent properties are zoned in any of the zoning classifications shown below, a buffer area shall be provided as shown in the column captioned "Buffer Width." For each side and rear yard abutting such zones buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten feet;

Zone	Buffer Width
R80, R40	40 feet
R30, R20	25 feet
R12, R9	20 eet

e. All units shall be served by public water and sewers. For the purpose of this section, public water shall not include a private or community well.
f. The shortest distance between any two structures shall be not less than the height of the taller structure, as measured to the highest point of the roof from the ground elevation of the closest wall to the adjacent structure, but not less than a minimum of twenty-four (24) feet.
g. No portion of a lot proposed to be developed in accordance with this section shall

be within a 500-foot radius of any other lot developed or intended to be developed in accordance with this section.

h. Dwelling Size: Each dwelling unit shall consist of at least two rooms, exclusive of hall or bathroom, and there shall be at least 500 square feet of living area for a two-room unit and at least 600 square feet for a three-room unit. Each additional room shall contain at least 100 square feet.

i. Each grouping of four dwelling units (combined in one structure) shall be separated by a two-hour firewall. Construction of dwelling units shall include (a) control of airborne sound transmission and (b) impact noise reduction assemblies equal to F.H.A. minimum property standards for multifamily housing, current edition.

j. All utility wires shall be installed underground.

C. The approval of a special permit application for cluster housing within the R9 Zone shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request of the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought.

D. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 21. UNIONVILLE CENTER ZONE (UC)

A. PURPOSE. The purpose of the Unionville Center Zone is to facilitate the development of a compact village center which promotes through design regulations, mixed uses (housing, shopping, employment opportunities, social and civic use), access to the Farmington River, business growth and vitality, a proper balance between accommodating pedestrian use and the automobile, a pattern of development which respects and fosters Unionville's historic past, the preservation of historic resources, views and vistas, buildings which are in proper size and scale with respect to the streetscape and one another in concert with the objectives of the Farmington Plan of Conservation and Development and the study entitled "Unionville Study:2002 Past, Present and Future" prepared by the University of Connecticut and Yale University. The pedestrian environment encouraged by this regulation is essential for developing the sense of community desired by the Town and will permit the business community to prosper.

B. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. Signs. Signs shall be permitted as specified in Article IV Section 7.

2. Accessory Uses in conjunction with an approved special permitted use in Section C.
3. Home Office as described and regulated by Article I. Section 9. and Article II. Section 1. of these regulations.

C. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV Section 12 and Article II Section 21A shall also apply to applications submitted under this section. Article IV Section 12 shall also apply to application procedures, hearing and notice requirements and site plan information.

1. School.
2. Public Utility Building and Structure.
3. Municipally owned or leased building and structure.
4. Community Building for use by residents of the community or neighborhood and maintained and operated for community purposes.
5. Retail Store and Personal Service Shop.
6. Fast Food Restaurant, Dairy Bar, Grill, Coffee Shop except mobile type of eating and drinking place, place offering curb service and drive through windows. Where alcoholic beverages are sold, the limitations of Article IV Section 5. shall apply.
7. Shop for making articles to be sold primarily at retail on the premises, provided that those engaged in making the articles shall not exceed five in number.
8. Gallery.
9. Hotel, Motel, Inn.
10. Business Offices.
11. Bank without drive through teller.
12. Medical Offices.
13. Health Club and Sports Facility.
14. Club and Fraternal Organization.
15. Private or Public Parking Facility.
16. Billiard Parlor.
17. Apartments with single family units combined in a single use or mixed-use structure under single common ownership.
18. Condominiums consisting of single-family units combined in a single use or mixed use structure as permitted under the Common Interest Ownership Act of the Connecticut General Statutes.
19. Restaurant (low turnover). Where alcoholic beverages are sold, the limitations of Article IV. Section 5 shall apply.
20. Animal Day Care Center
21. Within design sub district 2, the uses allowed by the granting of a special permit by the Commission shall be limited to public or private school, public utility buildings and structures, municipally owned or leased buildings or structures, community buildings, apartments with single family units, condominiums consisting of single-family units combined in a single use as permitted under the Common Interest Ownership Act of the Connecticut General Statutes.

D. GENERAL REQUIREMENTS FOR ALL DEVELOPMENT WITHIN THE UNIONVILLE CENTER ZONE.

1. Construction, rehabilitation and reconstruction of properties within this zone and in view from a public roadway must conform to the standards and requirements found here as well as the standards and requirements found in Article II Section 21A (Unionville Village District Zone).
2. A tract of land within the Unionville Center Zone may be developed in stages. However, the Commission may require that certain data be submitted for the entire tract. This may include site topography, natural resources data, traffic, parking and circulation, schematic architectural drawings, grading, erosion and sedimentation control and storm drainage.
3. Height and Area Requirements.
   a. Maximum height of buildings: Forty (40) feet. With a favorable recommendation from the Architectural Design Review Committee the height may be increased to fifty two (52) feet.
   b. Minimum height of buildings: Two floors of finished space with a minimum ceiling height of eight (8) feet, except for buildings located within design sub district 1. Each floor shall be completely set above grade as measured from all sides of the building. This provision may be waived by vote of 5/6 of the full Commission provided a favorable recommendation is received from the Architectural Design Review Committee.
   c. Yards:

Yards:	Front Yard:	10 feet*****
	Rear Yard:	10 feet*****
		25 feet (when abutting a residential zone)
	Side Yard:	0
		25 feet (when abutting a residential zone)
Side Yard Along a Street:		10 feet*

   *** The Commission may approve a reduction of the minimum front or rear yard requirement by vote of 5/6 of the full Commission provided a favorable recommendation is received from the Architectural Design Review Committee.**
   d. Minimum lot size: None, except in design sub district 2 where the minimum lot size shall be two (2) acres.
   e. Minimum frontage: None, except in design sub district 2 where the minimum frontage shall be 200 feet.
   f. Minimum building length: The minimum length of a building shall be *25* feet. This standard shall be measured along that portion of the building situated closest to a street.
   g. Maximum floor area: With the exception of buildings constructed in design sub district 1, no building constructed after the effective date of this regulation (August 14, 2004) shall contain a retail business or office having a gross floor area greater than 5,000 square feet. The Commission may approve an increase in the allowable gross square footage of a building for a retail business or office use to a maximum of 15,000 gross square footage upon favorable recommendation from the Architectural Design Review Committee and upon a Commission's finding that the

proposed plan:

1. Is in harmony with the overall objectives of the Unionville Study – 2000;
2. The design of the building shall resemble and be in harmony with individual store fronts permitted and/or existing in the Unionville Center Zone through the use of architectural features such as:

   staggering the depth from the street to the face of the building;
   i. changing roof heights;
   ii. use of different but complimentary building materials;
   iii. changes in fenestration;
   iv. use of awnings/canopies; and
   v. exterior lighting.
3. Does not result in the demolition of any existing buildings.

   No retail business located in design sub district 1 shall have a gross floor area in excess of 44,000 square feet. For purposes of this subsection gross floor area means the horizontal area of all floors of a building measured from the exterior of outside walls, excluding the following non-customer areas contained within the building footprint: (1) an enclosed mezzanine used for purposes such as offices and storage; and (2) a basement used for storage and food preparation.

4. Off Street Parking. This provision shall supercede the similar standards found in Article IV. Section 8.

   Provisions for parking within the Unionville Center zone are based upon the concept of shared parking. The Commission may require that as part of an approval for a development in this zone legal rights of access and use of such parking areas be provided for others. No owner or tenant shall designate a parking space for their or others exclusive use without the approval of the Commission.

   In calculating the required number of parking spaces for a use or uses on a particular site or offsite (see next paragraph), the Commission may consider over lapping use of parking spaces based upon the various hours of operation and peak usage for each use.

   Required parking spaces for uses located in the Unionville Center zone shall be provided onsite. However, by vote of 5/6 of the full Commission such spaces may be provided off site provided they are located within 500 feet of the entrance to the building housing such use and an agreement of a term found acceptable to the Commission is executed for use of such spaces.

   The setback requirements for parking areas found in Article IV Section 8.A of these regulations shall not be applicable to the Unionville Center Zone.

   a. All Office Uses: one (1) space for each 285 square feet of gross usable floor area. Gross usable floor area should be assumed as eighty percent (80%) of total floor area where no floor plan exists at the time of application.
   b. Retail and Personal Service Shop and Bank: one (1) space for each 285 square feet

of sales and customer area plus one (1) space for each 285 square feet of gross usable floor area of office space.

c. Dwelling Units: one and one-half (1.5) spaces for a one-bedroom unit. Two (2) spaces for units having two bedrooms and one space for studio units. In determining the number of spaces, enclosed garage spaces and garage apron spaces meeting the dimensional criteria of a parking space set forth in these Regulations shall be considered to be acceptable provided, however, that such apron spaces are under the same ownership or control as the garage space.

d. Hotel, Motel: one (1) space for each room plus one (1) space for each employee at the largest shift.

e. Restaurant, Fast Food or Low Turnover: one (1) space for every three (3) seats plus one (1) space for each 285 square feet of customer area (without seats) plus one (1) space per employee at the largest shift.

f. Billiard Parlor: one (1) space for each 285 square feet of customer area plus one (1) space per employee at the largest shift.

E. LIGHTING. Exterior lighting shall be of such intensity or located or directed in such a way so as not to produce glare on public streets or neighboring property. The Commission may require a reduction in lighting after 10:00 p.m. or when otherwise found to be warranted in order to protect nearby residential properties.

F. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of the public hearing the Commission shall require the submission of projected hours of operation. The Commission shall review the impact of such hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

G. LOT COVERAGE. No more than 85 percent of the lot may be covered with impervious surfaces except in design sub district 2 where no more than 60 percent may be covered with impervious surfaces.

H. RESIDENTIAL USE

1. Excluding the area contained in design sub districts 1 and 2, new construction of a building shall not be permitted where such building is designed to have more than two thirds of its gross floor area dedicated to residential use. No building constructed after the effective date of this regulation, or amendment thereto, and located outside design sub district 1 or 2 shall contain residential units on the first floor above grade.
2. No residential dwelling unit located within the Unionville Center zone shall contain more than two bedrooms. Each dwelling unit shall consist of at least two rooms, exclusive of hall and bathroom, and there shall be at least 500 square feet of living area for a two-bedroom unit. Each additional room shall have at least 100 square feet.
3. Except in design sub district 2, the floor area ratio for residential development shall not exceed 0.20. In design sub district 2, the maximum density shall be the lesser of four units per gross acre or eight units per net acre (net acre as defined in these regulations). For larger projects where a minimum of 15% of the lot area and a total of 3 or more acres of the overall property is being provided as deeded open space or set aside as conservation restricted (excluded from further development) area. The maximum density shall be no more than 15 units per gross acre.
4. There shall be no outside display or storage associated with any residential use. Outdoor clotheslines are prohibited.

I. LANDSCAPING REQUIREMENTS. The specific requirements found in Article IV Section 13 of these regulations shall not be applicable to the Unionville Center Zone. However, parking areas containing more than ten cars shall contain landscaped areas within such parking area equal to at least 10 percent of the gross parking area. Gross parking area shall include the area of parking stalls, aisleways and associated landscaping. Landscape bufferyards as specified in Article IV Section 13 shall be provided as deemed necessary by the Commission to provide protection to adjacent residential properties.

J. VARIANCE. The Zoning Board of Appeals when processing and deciding an application for variance for any property located within the UC zone shall give due consideration to and consult with the plan entitled "Unionville Study: 2002 Past, Present and Future" prepared by the University of Connecticut and Yale University in making a finding that such application is in harmony with the general intent and purpose of these regulations.

K. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought.

   This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

L. Nothing herein shall prevent the construction of a development within the Unionville Center Zone which was submitted for approval to the Commission prior to the effective date of this regulation (insert date) and which was subsequently approved and provided that construction commences in conformance with the timeframe set forth in section K.

M. The Commission, in conjunction with the approval of a development proposal under this regulation, may establish a reasonable timeframe for the commencement and completion of various improvements. In order to ensure compliance with such a timetable the Commission may require the posting of a performance bond in a type and amount, which is found to be satisfactory.

N. The Commission, in conjunction with the approval of a development proposal under this regulation, may require the posting of a performance bond to ensure the maintenance of various improvements. The Commission shall determine the type and sum of such bond.

Section 21A. UNIONVILLE VILLAGE DISTRICT ZONE (UV)

A. PURPOSE. The purpose of this section is to promote, protect and enhance the unique and distinctive character, historic settlement pattern and architecture, and landscape of Unionville Center and to function in support of the Unionville Center Zone and its purposes pursuant to Connecticut General Statutes 8-2j.

B. DEFINITIONS. For the purpose of applying the provisions of this section the terms below shall be defined as follows:

A.D.R.C. – Architectural Design Review Committee.
MAJOR STREET – Farmington Avenue (Route 4), South Main Street/Lovely Street (Route 177), Mill Street and any other streets so designated by the Commission.
APPROVING AUTHORITY – The Farmington Town Plan and Zoning Commission.
DISTRICT or UNIONVILLE VILLAGE DISTRICT – The Unionville Village District as delineated on the Zoning Map for the Town of Farmington. The District shall be an overlay zone and its boundaries are coincidental with the zoning district boundaries of the Unionville Center Zone and its requirements and standards shall be in addition to and not in lieu of the regulations pertaining to the Unionville Center Zone.
VILLAGE DISTRICT PLAN – The study entitled "Unionville Study: 2002 Past, Present and Future" by the University of Connecticut and Yale University.

C. GENERAL REQUIREMENTS.

1. This regulation shall apply to new construction, substantial reconstruction and rehabilitation of properties within the District and in view from public roadways including but not limited to:
   a. The design and placement of new, expanded or altered buildings including materials and colors.
   b. The maintenance of public views.
   c. The design, paving materials and placement of public and private roadways.
   d. The design and placement of new and modified landscape areas, lighting, fencing and walls.
   e. The replacement or elimination of exterior structural surfaces and features, including roofing materials, and siding.
   f. Any change to the exterior color of a structure.
   g. The demolition of any structure or part thereof or the elimination of any landscape area.
   h. The design (including color), installation and modification of any sign.

   This provision shall not apply to repairs to buildings where such repairs involve the replacement of building elements with like materials, colors etc. and such repairs do not expand or decrease the area, vertical or horizontal footprint of the building, change roof line or roof type or add or remove building elements.

D. PROCEDURE. Activities that are governed by this regulation shall be presented to the Town in accordance with the requirements and procedures found under the Unionville Center Zone and under Article IV Section 12 as applicable. All proposals concerning the activities listed in Section C above shall be referred to the A.D.R.C. for a report and recommendation. The A.D.R.C. shall provide such report to the Town Plan and Zoning Commission within 45 days after the date the complete application is received by the Planning Office. In addition to the information, exhibits, drawings and plans required by these regulations the A.D.R.C. may also require one or more of the following items where it is reasonably required to adequately evaluate a proposal:

1. Cross-section drawings.
2. Perspective drawings.
3. The superimposition of the proposal on a computer created image of the existing area.
4. A streetscape illustrating the new proposal to scale and indicating the dimensional relationship between the project and structures on adjacent parcels.
5. Samples of colors and materials.
6. A three-dimensional model of the proposal.
7. Half size sections through all trim details.
8. Historical pictures of the subject site and surrounding area as available.

E. DESIGN OBJECTIVES AND STANDARDS.

1. The building and layout of buildings and associated site improvements shall reinforce existing or historical building and streetscape patterns as determined by the Approving Authority. The applicable existing or historical building and streetscape patterns are found in publications entitled "Farmington-New England Town Through Time" and "Farmington Connecticut-350 Years In Pictures. The placement of buildings and associated site improvements shall assure there is no adverse impact on the District.
2. Proposed streets shall be laid out consistent with the design found in the Village District Plan.
3. Open spaces shall be provided and designed to facilitate safe pedestrian access to adjoining parking areas and developed properties and shall facilitate access to and enjoyment of the Farmington River.
4. Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the District shall be integrated into the site design. These significant features are illustrated in the publications entitled "Farmington-New England Town Through Time" and "Farmington Connecticut-350 Years In Pictures".
5. The landscape design shall complement or enhance the district's landscape patterns; provide for an appealing streetscape and mitigate the visual impact of streets, parking areas and manmade objects and features through the use of plants and trees, fencing and masonry walls.
6. The exterior signs, site lighting and accessory structures shall complement and not undermine the architectural theme for the district and be compatible with their surroundings. There shall not be any internally illuminated signs including neon visible from a street or driveway.
7. The scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district or consistent with those recommended in the Village District Plan as determined by the Approving Authority.

8. Reasonable efforts shall be made to preserve, reuse and enhance historic structures.
9. Buildings to the greatest extent possible shall be placed and oriented to the front of a lot and close to a street and should maintain a pleasing spatial relationship with the roadway and other nearby buildings in relation to their height and mass and that of others.
10. Buildings shall have their principal access directly off a public street and sidewalk unless otherwise approved by the Approving Authority.
11. Off street parking areas shall be located to the rear of a building where practicable. No parking should ever be provided between a major street and the closest wall of a building to such street or a line extending out in a direction parallel to such major street in conjunction with applications for new building construction proposed after the adoption of this regulation.
12. Vehicular access to buildings and parking areas shall be via driveways from streets other than major streets where practicable and consistent with the circulation design found in the Village District Plan.
13. Front facing walls of retail establishments shall contain display windows appropriate in size and number to their internal functions.
14. Where practicable developments shall provide pedestrian circulation access to off-site walks, trails, parks and other public gathering places in addition to providing a front sidewalk.
15. Where practicable developments shall provide for public and pedestrian amenities such as plazas, greens, walkways, benches, fountains, sculpture etc.
16. The predominate building materials used in the district shall be brick, wood, stone or other natural materials. Manmade materials may be used where approved by the Approving Authority.
17. Adequate provisions shall be made for deliveries and loading and to not interfere with pedestrian movement. Dumpsters shall be properly screened and odors from trash properly confined.
18. Sidewalks shall not be less than 6 feet wide and should be designed to accommodate their intended function including but not limited to outdoor seating areas for dining. Sidewalks shall be concrete, brick or cobblestone unless otherwise approved by the Approving Authority.
19. The construction of accessory buildings shall be prohibited unless otherwise approved by the Approving Authority.
20. Vehicular circulation and the design and placement of parking shall be developed to prevent or reduce vehicular/pedestrian circulation conflicts.
21. The ground level of a building should generally be visually distinct from upper stories.
22. The design of buildings shall avoid long walls that are absent of windows or architectural detail or are presented on one plane without relief and shadow lines.
23. Rooflines and roof types shall not include mansard roofs.

F. <u>USE.</u> Uses at any location within the District shall be permitted and regulated only in conformance with the underlying Unionville Center Zone.

G. <u>LOT SIZE, SETBACK, LOT COVERAGE AND HEIGHT REQUIREMENTS</u>. Lot size, setback, coverage and height requirements for any lot located within the District shall be as specified for the underlying Unionville Center Zone.

Section 22. EARTH EXCAVATION ZONE (EE)

A. USES ALLOWED BY SPECIAL PERMIT. The following uses may be allowed in the EE Zone after obtaining a special permit. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. The removal of sand, stone, gravel, loam, peat and peat moss and the processing of materials extracted from the premises provided the following conditions can be met:
   a. Erosion Control. A detailed erosion control plan shall be submitted in accordance with Article IV. Section 11. of these regulations;
   b. Wind Erosion and Dust Controls. Proper measures shall be taken to minimize nuisance from dust and wind erosion at all storage areas, yards, access roads, service roads or other untreated open areas within the lot;
   c. Working Slopes. Upon completion of the workday, proper measures shall be taken to restore a slope not exceeding 1 vertical to 1-1/2 horizontal to the area of excavated or otherwise disturbed ground. Alternatively, the Commission may approve, as part of the application, satisfactory terracing arrangements to assure the safety and stability of the working slopes. Finished slopes shall not exceed a 1 vertical to 3 horizontal slope unless otherwise approved by the Town Engineer or in the case of a rock cut. Fences or embankments shall be provided where necessary for the protection and safety of vehicular and pedestrian traffic;
   d. Minimum Setbacks. All excavation, removal, filling or grading shall be located at least fifty (50) feet from any property line unless a plan for removal is coordinated with the owner of an adjacent tract and approved by the Commission. The Commission may permit grading up to a public street, road or highway right-of-way. There shall be no stockpiling of materials within 50 feet of any property line, public street, road, highway or right-of-way;
   e. Topsoil Preservation and Restoration. Topsoil stripped from the property shall be set aside on the premises. Such topsoil stockpiles shall not be sold or removed from the premises. A minimum of four (4) inches of topsoil shall be placed over all areas proposed to be restored as shown on the approved grading plan;
   f. Screening. When deemed applicable by the Commission, the applicant shall provide landscaping and/or a fence and/or embankment for the purposes of minimizing objectionable noise and screening operations from the view of highway traffic and neighboring property owners;
   g. Landscaping. A final landscaping plan shall be prepared by the applicant and approved by the Commission. All material and labor costs to implement such plan shall be included in paragraph h. below;
   h. Bonding. Before a permit is granted under this section, the applicant shall file a bond in a form acceptable to the Town Engineer, and in such amount as the Town Engineer deems sufficient to ensure the faithful performance and completion of the work in accordance with the provisions of this section;

i. If the applicant fails to comply with any requirements of the original special permit approval, the Town Engineer may declare the special permit to be null and void and may declare the project to be in default and call the bond or other security. The Town Engineer may take whatever steps are necessary to complete the improvements necessary to bring the site into compliance with this section and to pay for such improvements from the bond or other security;

j. A bond will not be released by the Town Engineer until the applicant's engineer has certified to the Town Engineer, through submission of detailed "as built" plans, that all improvements are in accordance with approved plans. "As built" plans shall include grading plans, as well as erosion and sedimentation control details;

k. Hours of Operation and Noise. Earth excavation operations may be performed only during the hours between 7:00 A.M. and 6:00 P.M. on Mondays through Saturdays. When deemed proper by the Commission to protect the public health and safety or mitigate any nuisance to nearby residences the Commission may specify the length of duration of such operation. All requirements of the Town's Noise Ordinance shall be complied with; and

l. Control Points. In order to ensure that the site is graded in accordance with the approved plans, vertical and horizontal control points shall be set around the entire perimeter of the parcel. Such control points shall be: (i) noted on the approved plans; (ii) located in number as approved by the Town Engineer but spaced no further than 200 feet apart; and (iii) set in or on the ground using materials approved by the Town Engineer.

2. Municipally owned or leased Building and Structure used in connection with the governmental or proprietary functions of the Town of Farmington or any other government.
3. The processing or recycling of earth materials or concrete products imported from off the premises.
4. The recycling, composting, processing and sales of organic material from onsite or imported from offsite. This activity shall be subject to all permits required by the State of Connecticut Department of Environmental Protection.

B. SITE PLAN REQUIREMENTS. In addition to site plan requirements for special permits as listed in Article IV. Section 12. of these regulations, five copies of a grading plan certified by a Registered Land Surveyor and Professional Engineer licensed in the State of Connecticut shall be submitted which contain the following:

1. The quantity of material to be removed and the limits of the proposed excavation, removal, filling or grading, areas to be restored and the location of processing equipment;
2. Storm drainage data showing drainage areas and estimated runoff of the area to be served by existing drainage facilities together with detailed plans and specifications of all proposed drainage facilities and other protective devices to be constructed in connection with proper drainage of the premises both during and after completion of the proposed operation; and
3. All other data necessary to ensure compliance with A.1.a. through j. of this section.

Section 23. EARTH REMOVAL FOR PURPOSES OF SITE IMPROVEMENT

The removal of more than 100 cubic yards of earth, sand, stone, gravel, soil or other earth products from a parcel of land located outside of the EE Zone shall require a special permit unless the removal of such material is undertaken in conjunction with a site plan, development plan or subdivision plan approved by the Commission. No processing of such material shall occur on site without the approval of the Commission. In reviewing any proposal to remove over 100 cubic yards of material, whether requiring a special permit or not, the Commission may require the submission of part or all information or employ some or all of the provisions found in Article II. Section 22.A.1.a. through j. and B.1. through 3. If a special permit is required, see Article IV. Section 12. for application procedures, hearing and notice requirements.

Section 24. PLACEMENT OF FILL ON SITE

The placement of more than 100 cubic yards of fill material upon a parcel of land shall require approval from the Commission except where such activity is undertaken in conjunction with a site plan, development plan or subdivision plan approved by the Commission. In the review of such activity the Commission may require the submission of part or all information or employ some or all provisions found in Article II. Section 22.A.1.a. through j. and B.1. through 3.

Section 25. AFFORDABLE HOUSING ZONE (AH)

A. PURPOSE. The purpose of this section is to promote the development of affordable single family and multiple-family housing by means of providing for an increase in allowable density.

B. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. Single Family Dwelling, one per lot.
   Two Family Dwelling, one per lot.
2. Multiple Family Dwellings, as described in Article II. Section 8.B.1. and 8.B.2 and 8.B.3. of these regulations.
3. Accessory Uses and Structures, to single family and two-family homes as described and regulated in Article II. Section 1.A.3. and Article IV. Section 2. of these regulations.
4. Parking, Recreation and Accessory Structures limited to the use of the residents.
   Family Day Care Home.
   Home Office as described and regulated by Article I. Section 9. and Article II. Section 1. of these regulations.

C. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. All uses allowed by special permit in the R80, R40 and R30 Zones, except Guest House and except Group Day Care Home unless in compliance with 2. below.
   a. Group Day Care Home provided:
      The lot contains a minimum of 10,000 square feet; and
   b. All play areas shall meet all front, side and rear yard setback requirements for single family or two-family homes in this zone.

2. Day Care Center.

D. PROCEDURE. An application for an Affordable Housing Zone designation may be submitted to the Commission by a public, nonprofit or for-profit housing developer for a parcel of land or part thereof located in any business, industrial or residential zone with the exception of the R80 Zone and which contains the minimum area set forth in this regulation. Such application where proposing single family or two-family housing, on individual lots, shall be accompanied by an informal subdivision plan as specified in the Farmington Subdivision Regulations. In the case where multiple family housing is proposed such application shall be accompanied by a site plan as described in Article IV. Section 12.C.3. of these regulations. All development within the Affordable Housing Zone shall be constructed strictly in accordance with the maps and drawings described above and approved by the Commission with the exception of additions to one or two family homes provided no additional dwelling units are added. Any additions or modifications to such approved plans shall be approved by the Commission, however minor additions or modifications shall not require a public hearing. The Commission shall make the determination as to whether an addition or modification shall be considered as minor.

No application for an Affordable Housing Zone shall be approved by the Commission unless it finds that in addition to the standards contained in Article IV. Section 12.B. the application and plans conform to the standards contained in this section. The Commission may attach conditions to an approval of an Affordable Housing Zone in order to assure compliance with the abovementioned standards.

The Affordable Housing Zone shall not legally take effect until the housing developer has entered into a contract with the Town of Farmington. The contract shall contain a) the specific initial rental charge or sales price for each affordable housing unit, as approved by the Commission; b) the selection criteria and procedure for determining eligible persons or families purchasing an affordable housing unit; c) a plan for the long term ownership and management of affordable rental units; d) a plan for the disposition and ownership of lots upon which affordable housing units are erected for sale; e) a plan for the sequence of construction of market rate and affordable housing units including provisions for financing construction and ownership of affordable units; f) provisions for the resale or conveyance of affordable units; g) provisions governing the occupancy of affordable units; h) provisions governing the relationship of any affordable units within a common interest ownership community; i) provisions prescribing the manner in which resale restrictions

will be established and enforced; j) provisions for indemnifying the town from any liabilities, damages or claims rising out of or in connection with the terms of the agreement; and k) provisions governing the enforcement and continued effectiveness of the agreement. A copy of this agreement shall be filed on the Farmington Land Records.

E. DEVELOPMENT STANDARDS.

1. A parcel of land may be designated within the Affordable Housing Zone if its size is equal to or greater than four (4) continuous acres.
2. Density - The maximum number of dwelling units shall be calculated as follows: **Housing Type – One and Two Family Dwellings on Individual Lots** – Minimum Land area per Dwelling Unit is 10,890 sq ft.
   Housing Type – Multiple Family Dwellings – Minimum Land Area per Dwelling unit is 6,222 sq ft.*

   * By a five-sixths vote of the full Commission the minimum land area per unit for multiple family rental housing may be reduced to 5,445 sq. ft.

   In all cases a minimum of forty percent of the total number of units shall be designated as affordable.

   The above stated minimum land area per dwelling unit shall be applied to the net acreage of the property which is expressed as the total acreage minus 75% of all areas of inland wetlands and watercourses and slopes in excess of 33% percent (as calculated by two foot contour intervals.)
3. A bufferyard having a minimum width of 50 feet shall be provided along the side and rear lot lines of the Affordable Housing Zone. The bufferyard shall be owned and maintained by the applicant or a homeowners' association.

   This bufferyard may be reduced to as little as 15 feet by a five-sixths vote of the full Commission when the proposed AH Zone is adjacent to a commercial, industrial or RDM Zone. Furthermore, the Commission may permit the location of individual lots for one or two family homes in place of the bufferyard by a five-sixths vote of the full Commission.

   A bufferyard having a minimum width of 40 feet shall be provided along the front property line. Upon a five-sixths vote of the full Commission individual lots for one and two family homes may be approved in place of the bufferyard.

   The approval of individual lots in place of any front, side or rear bufferyard shall not increase the maximum number of dwelling units permitted under E.2. of this regulation.

   The Commission may require that all bufferyards be planted in accordance with the specifications of an A Bufferyard (40-feet width) as described in Article IV. Section 13.B.4. or the Commission may require additional landscaping when unusual conditions require more extensive screening.
   One or more driveways may run perpendicular (approximations expected) to the

required bufferyard.

4. No more than 40 percent of the land area within the Affordable Housing Zone may be covered with impervious surfaces.
5. The maximum height of principal buildings exclusive of detached single family and two family dwellings shall be 36 feet. Accessory buildings such as community centers and community garages which are planned and designed to be accessible or used by more than one family shall not exceed 28 feet height. Other accessory buildings and structures shall be governed as to their location and height by Article IV. Section 2. of these regulations.
6. The shortest distance between any two principal structures excluding all detached single family dwellings and two family homes situated on individual lots shall be not less than the height of the taller structure, as measured to the highest point of the roof from the ground elevation of the closest wall to the adjacent structure, with a minimum of twenty-four (24) feet. The Commission may waive the separation requirement if the design of the proposed development is benefited by closer spacing.
7. No building may exceed 160 feet in length. The length of a building shall be defined as the longest horizontal dimension of a building following a wall which is unbroken by an intersecting wall at least fifty (50) feet in length and having an angle of 135 degrees or less.
8. Two and three-tenths parking spaces shall be provided for each multiple family dwelling unit containing two or more bedrooms. Each multiple family dwelling unit containing one bedroom shall require one and one-half spaces. The Commission may waive the immediate installation of up to twenty-five percent of this parking requirement.
9. The area of dwelling units within the Affordable Housing Zone shall conform with the following table:

Housing Type	Number of Bedrooms	Minimum Finished* Area Per Unit
Detached Single Family	N/A	1,100 sq. ft.
Detached Two Family	N/A	1,100 sq. ft.
Multiple Family (Rental)	1	600 sq. ft.
Multiple Family (Rental)	2	725 sq. ft.
Multiple Family (Rental)	3	850 sq. ft.
Multiple Family (Sale)	1	750 sq. ft.
Multiple Family (Sale)	2	875 sq. ft.
Multiple Family (Sale)	3	1,000 sq. ft.

10. The minimum area per unit may be decreased with the approval of the Commission where the sales price or rental charge of a unit is reduced to a figure below the maximum established by Paragraph F.1. of this section.

Single family and two family dwellings located on individual lots shall be developed in accordance with the following table:

	Minimum Lot Size	Minimum	Minimum Yards

	(Sq. Ft.)	Frontage	Front	Side Each*	Rear
1 Family	6,000	60’	20’	8’	25’
2 Family	7,000	70’	20’	8’	25’

On corner lots 15,000 square feet or greater in area, the width of a side yard along a street shall be 20 feet. On corner lots less than 15,000 square feet in area, the width of a side yard along a street shall be 15 feet. A corner lot shall contain a front yard along one street. Determination of the front and side lot lines shall be done in accordance with Article III. Section 3.C. of these regulations.

Maximum height shall be 35 feet.

No more than 40 percent of the lot area may be covered with impervious surfaces.

* The Commission may permit one side yard to be reduced providing the total of both side yards is at least equivalent to 16 feet and the minimum distance between principal buildings is 16 feet.

11. Access Streets and Sidewalks. The placement, size, arrangement and use of access routes to public or private streets shall be adequate to serve residents and provide no hindrance to the safety of existing or proposed streets. Pedestrian walkways with all-weather surfacing may be required where the density of population or school bus routes make such advisable for convenience and safety. Street and parking lot grading, drainage and surfacing shall comply with the specifications of the Town. Unless otherwise approved by the Commission no detached one family or two-family affordable housing unit for sale shall have access to a private street.
12. Firewalls and Sound Control. Each grouping of four dwelling units (combined in one structure) shall be separated by a two-hour firewall. Construction of dwelling units shall include a) control of airborne sound transmission; and b) impact noise reduction assemblies equal to F.H.A. minimum property standards for multifamily housing, current edition.
13. All utility wires shall be installed underground.

F. GENERAL REQUIREMENTS

1. An affordable housing unit is defined as a dwelling unit for which a household pays not more than 30% of its gross annual income for mortgage payment, property taxes and insurance where such income is equal to or less than 80% of the regional median income for a family of four as established by the United States Department of Housing and Urban Development for the Hartford Primary Metropolitan Statistical Area. In the case of rental housing, the rental charge plus cost of utilities for a dwelling unit shall not exceed 30% of a household’s gross annual income where such income is equal to or less than 70% of the regional median income for a family of four as established by the United States Department of Housing and Urban Development for the Hartford Primary Metropolitan Statistical Area.
2. The sale of an affordable dwelling unit shall be subject to the following conditions and restrictions:
   a. A resale restriction as approved by the Commission which would attempt to

preserve the unit as perpetually affordable.

b. In the case of detached one and two family dwellings, the lot shall be conveyed at no cost to the Town of Farmington or a nonprofit housing corporation unless otherwise approved by the Commission.

c. Affordable dwelling units may only be sold to buyers as qualified by the Town of Farmington or a nonprofit housing corporation. All selection criteria shall be approved by the Commission.

3. Affordable dwelling units proposed as rental housing shall be subject to the following conditions and restrictions:
   a. Restrictions imposed by this regulation concerning permitted rental charges shall apply to such rental units for a period of thirty (30) years from the date a Certificate of Occupancy is issued.
   b. Increases in rent charged shall be tied to the following formula:

Initial Rent	+	(Maximum Rental (Charge for Future (Year as Set by (Section F.1	-	Initial Maximum) Rental Charge) as Set by) Section F.1)	= Maximum New Rental Charge

   Any increase beyond this figure must receive approval of the Commission.
   c. No rental unit may be offered for sale unless approved by the Commission.

4. No affordable dwelling unit offered for sale shall be subject to any private restriction or covenant except as approved by the Commission. The Commission shall not approve any private restriction or covenant that will adversely affect the affordability of such dwelling unit.
5. No Affordable Housing Zone shall be approved unless the Commission finds that the topography and other natural features of the property are capable of accommodating increased building density without detrimental impact.
6. The Commission may withhold approval of an Affordable Housing Zone if it determines that the infrastructure proposed to serve the development (including but not limited to utilities and roadways) cannot adequately support the number of housing units proposed.
7. This section shall not be applicable to applications filed after ten percent of all dwelling units in the Town are (a) assisted housing or (2) currently financed by Connecticut Housing Finance Authority mortgages or (3) subject to deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing as defined in Connecticut General Statutes Section 8-39a, for persons and families whose income is less than or equal to eighty percent of the area median income. Assisted housing shall be defined as housing which is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under Chapter 138a of the Connecticut General Statutes or Section 1437f of Title 42 of the United States Code.
8. For each dwelling unit being constructed which has not been designated as affordable the developer shall construct simultaneously an affordable housing unit to a point of completion where such unit is entitled to a Certificate of Occupancy.

However in cases where the number of affordable housing units approved in a particular application exceeds the minimum number determined by Section 25.E.2. the applicant with the approval of the Commission may initially construct a number of units not designated as affordable equal to that surplus figure prior to the construction of an affordable housing unit.

9. A Certificate of Occupancy shall not be issued by the Building Inspector for more than 85 percent of the dwelling units of the approved development plan until all details of the approved development plan shall have been fully completed or bonded.

   The approval of an application for an Affordable Housing Zone shall be void and of no effect unless construction of the project commences within one year from the date the zone change is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant one or more six-month extensions of this period upon written request made by the applicant. The Commission may withhold approval of any or all extensions if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include but not be limited to the acquisition of any or all required government approvals and project financing. Any appeals of such zone change or any site plan or subdivision approval related to such zone change shall extend the aforementioned one-year period the length of such appeal.

10. Nothing herein shall prevent the construction of a development within an AH Zone approved prior to March 24, 1995 providing such development is in conformance with Section 10. above. Nothing herein shall require a development within an AH Zone approved prior to March 24, 1995 to comply with the standards of the AH Zone adopted on or after such date. Development of AH Zones approved prior to March 24, 1995 shall conform to the standards of the AH Zone in effect at the time of such approval.

11. Areas of the development that are not proposed to be disturbed shall be encumbered by a conservation easement at the request of the Commission. Such areas or portions thereof may be conveyed with the express approval of the Commission to the Town of Farmington, non-profit land trust or other organization dedicated to the preservation of land subject to the following:

    a. Land to be conveyed shall generally not include required yards or buffer areas except in cases where such yard or buffer area is situated contiguous to an existing or proposed area of open space offsite or contains one or more natural or manmade resources as defined in Article II Section 19.B.2 of these regulations.

       Land to be conveyed shall be preserved in an undisturbed state, used for passive recreation, used for active recreation or other community facilities as established by the Commission. Such use or uses of this land shall be determined at the time the AH zone becomes effective. In cases where an AH zone contains land which is to be conveyed for the above-mentioned purpose(s), the approval of such zone and development plan shall not become effective until a map of the final development plan indicating the location and use of such land to be conveyed is filed in the Farmington Land Records. Unless otherwise approved by the Commission, no building permit shall be issued for an AH zone until the designated land conveyance has been executed.

The conveyance of land under this section shall not constitute a violation of the area, setback, density or bulk requirements of the AH zone. Required yards or buffer areas which may have been conveyed shall continue to be recognized and function under this regulation as such.

Section 25A: HOUSING OPPORTUNITY DISTRICT (HOD)

A. PURPOSE: The purpose of this section is to promote the development of housing that will include both market-rate homes and homes within the economic means of moderate and low income households; and to allow as adjacent but otherwise separately operated uses, age-restricted rental housing and multi-family units for sale.

B. PERMITTED USES: The following uses may be approved on land zoned HOD on a site plan in accordance with Article IV, Sections 12 and 13 and Appendix § A.02.
   1. Multiple family dwellings in combination with senior housing, as defined in Article II Section 25.B.3.
   2. Senior housing in combination with multiple family dwellings as defined in this Section 25A.
   3. Parking, recreation and accessory structures limited to the use of the residents.
   4. Home offices as described and regulated by Article I, Section 9 and Article II, Section 1 of these regulations.

C. AFFORDABILITY PLAN: An application for site plan approval of a Housing Opportunity District development shall be accompanied by an affordability plan prepared in compliance with Connecticut General Statutes § 8-30g(b)(1) and corresponding regulations, which plan shall include a specification of the percentage of units that will be subject to the plan and formulas for maximum rental and sale or resale price.

D. ELIGIBLE PARCELS: A Housing Opportunity District development may be located on any parcel of land containing not less than 45 and not more than 50 acres; and having no less than 500 feet of frontage on Middle Road.

E. OVERALL DEVELOPMENT STANDARDS: It is the intent of this Section 25A to allow, as adjacent uses, housing units rented to seniors as herein defined; and multi-family condominium units, not age-restricted, for sale. For the purpose of compliance with the federal and state Fair Housing Acts, such senior housing and non-age-restricted uses shall be developed, operated and managed as separate units of a common interest ownership community, subject to a master, common interest declaration only as necessary for maintenance of shared infrastructure such as access roads and utility easements, and for administration of affordability restrictions. Each such development shall be subject to the following development standards:

1. Overall Standards

Minimum Front Yard	50 Feet
Minimum Side Yard	50 Feet
Minimum Rear Yard	50 Feet
Maximum Building Height	38 Feet
Required Parking Spaces (overall)	2.3 Per Unit
Required Parking Space (Village @ Yorkshire)	1.25 Per Unit
Maximum Impervious Coverage	40 Percent
Maximum Density	6 Units Per Net Acre
Net Acre or Acreage	Total acreage minus 75% of all areas of inland wetlands and watercourses and slopes in excess of 33% (as calculated by two foot contour intervals)

2. All HOD developments shall be served by public sewer and water. For the purpose of this section, public water shall not include a community well.
3. All utility wires shall be placed underground.
4. A Certificate of Occupancy shall not be issued by the Building Inspector for more than 85 percent of the dwelling units of the approved development plan or of the approved stage of the development until all details of the approved development plan or of the approved stage of the development plan shall have been fully completed or bonded.
5. The approval of an application for an HOD development shall be void and of no effect unless construction of the project commences within two years from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation for any one of the building structures. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.
6. Areas of any development within an HOD development that are not proposed to be disturbed shall at the request of the Commission be encumbered by a conservation easement. Such areas or portions thereof may be conveyed with the express approval of the Commission to the Town of Farmington, a nonprofit land trust or other organization

dedicated to the preservation of land subject to the following:

a. Land to be conveyed shall be in excess of the required area reserved and designated as open space.
b. Generally front yards, side and rear yard buffer areas as required or established shall not be conveyed except in cases where such yard or buffer area is situated contiguous to an existing or proposed area of open space offsite or contains one or more natural or man-made resources as defined in Article II, Section 19.13.2 of these regulations.

7. Land to be conveyed shall be preserved in an undisturbed state, used for passive recreation, or used for active recreation or other community facilities, as established by the Commission. In cases where an HOD development contains land which is to be conveyed for the above-mentioned purpose(s), the approval of such zone and development plan shall not become effective until a map of the final development plan indicating the location and use of such land to be conveyed is filed in the Farmington Land Records.
   Unless otherwise approved by the Commission, no building permit shall be issued for an HOD development until the designated land conveyance has been executed.

F. <u>DEVELOPMENT STANDARDS FOR SENIOR HOUSING, THE "VILLAGE AT YORKSHIRE"</u>:

1. The maximum number of units per net acre shall be 10.
2. The shortest distance between any two structures shall be not less than twenty-four (24) feet. Courts shall be completely open on one side. Maximum height of any building shall be thirty-six (36) feet. Accessory buildings shall be limited to twenty-five (25) feet in height. The maximum height and minimum distance between buildings may be waived upon a five-sixths vote of the full Commission if the design of the development is benefited by greater height or closer spacing.
3. There shall be provided along the perimeter of a development a front yard with a minimum width of 50 feet and side or rear buffer yard of at least 50 feet in width. Front yards shall be designated along all perimeter property lines contiguous to a street. The Commission may require that front yards be planted in accordance with the specifications of an "A" or "B" Buffer yard and side or rear buffer yards be planted in accordance with a "B" Buffer yard. No buildings, structures (other than utility structures) or parking areas are permitted within any front, side or rear yard, except that a roadway may encroach up to 25 feet into a front yard provided that the requirements of the "B" Buffer yard are met within the area of encroachment. One or more driveways may run perpendicular through the required front yard. The required front yard and buffer areas may be reduced to as little as 25 feet by a five-sixths vote of the full Commission.
4. Each senior housing unit shall be occupied by:
   a. Persons who are 62 years of age or older.
   b. A spouse of an occupant pursuant to a. above.
   c. Occupant pursuant to b. above whom survives his or her spouse.
   d. Occupant pursuant to b. above whose spouse has entered into a long-term continuing care facility.
      In c. and d. above, remaining spouses who remarry or cohabitate must meet all occupancy requirements.
   e. A personal care attendant who is in service to a resident 62 years of age or older, to attend to that resident(s) medical and/or health needs, provided that (i) the personal care attendant is 21 years of age or older, registered with the Town Planner's office, and not paying the resident any form of rent; (ii) the resident(s) in question has a note from his/her doctor stating that the condition of the resident is such that a personal care attendant is warranted; and (iii) if the resident in need of a personal care attendant is

not in occupancy of his/her home for a period in excess of one month, unless extended by the Commission, the personal care attendant shall not live in the home.

5. In no event shall a senior housing unit be occupied by more than two residents.
6. The Commission may require the provision of a walking trail system within the proposed development. Unpaved walking trails may be counted as open space.
7. The entire development shall be governed by a master declaration prepared in accordance with the Common Interest Ownership Act.
8. 1.25 parking spaces shall be provided for each dwelling unit. Such spaces shall be within 200 feet of the intended users. No parking shall be permitted within the buffer area or required front yard.

G. DEVELOPMENT STANDARDS FOR MULTI-FAMILY DEVELOPMENT, "YORKSHIRE":

1. Grouping: The shortest distance between any two structures shall be not less than twenty-four (24) feet. Each structure shall consist of no more than 12 units. No building may exceed 200 feet in length. The length of a building shall be defined as the longest horizontal dimension of a building following a wall which is unbroken by an intersecting wall at least fifty (50) feet in length and having an angle of 135 degrees or less. Maximum height of residences shall be 36 feet. All other buildings and structures shall not exceed 15 feet in height. The Commission may waive the separation requirement if the design of the proposed development is benefited by closer spacing, provided there is a five-sixths vote of the full Commission.
2. Open Area: There shall be set aside, not to be built upon, unpaved and landscaped with an acceptable balance of viable trees, shrubs and grass, site area equal to 3,500 square feet per unit. The area contained within the front yard and side and rear yard buffers, may be used to satisfy this requirement.
3. Front Yard and Buffer Area: There shall be provided along the perimeter of a development a front yard with a minimum width of 50 feet and side or rear yard buffer areas of at least 50 feet in width. Front yards shall be designated along all perimeter property lines contiguous to a street. The Commission may require that front yards be planted in accordance with the specifications of an "A" or "B" Buffer yard as set forth in the Buffer yard schedule in Section 13 of the Zoning Regulations. No buildings, structures or parking areas are permitted within the front yard. One or more driveways may run through the required front yard. The Commission may require that side or rear buffer yard areas be planted in accordance with the specifications of a "B" Buffer yard.
4. Parking: 2.3 parking spaces shall be provided for each dwelling unit. Such spaces shall be within 200 feet of the intended users. No parking shall be permitted within the buffer area or required front yard.
5. Access Streets and Sidewalks: The placement, size, arrangement and use of access routes to public or private streets shall be adequate to service residents and provide no hindrance to the safety of existing or proposed streets. Pedestrian sidewalks with all weather surfacing may be required where the density of population or school bus routes make such advisable for convenience and safety. Street and parking lot grading, drainage and surfacing shall comply with the specifications of the Town.
6. Firewalls and Sound Control: Each grouping of four dwelling units (combined in one structure) shall be separated by a two-hour firewall. Construction of dwelling units shall include (i) control of airborne sound transmission; and (ii) impact noise reduction assemblies equal to FHA minimum property standards for multifamily housing, current edition.

Section 26: RIDGELINE PROTECTION ZONE

A. PURPOSE: The purpose of this section is to protect Traprock Ridges so as to preserve their unique environmental attributes, their groundwater recharge function and the visual and historic assets of these distinctive ridgeline areas.

DEFINITIONS: For the purpose of applying the provisions of Section 26 the terms below shall be defined as follows:

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

BUILDING means any structure other than (A) a “facility” as defined in section 16-50i of the general statutes or (B) structures of a relatively slender nature compared to the buildings to which they are associated, including but not limited to 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.

CLEAR CUTTING means the harvest of timber in a fashion which removes all or substantially all, trees over two inches in diameter at breast height (4.5 feet above grade) from any ten square foot area.

DEVELOPMENT is defined as the construction, reconstruction, alteration, or expansion of a building.

LOT OF RECORD means a lot which either has been approved by the Farmington Town Plan and Zoning Commission for building purposes prior to the effective date of this regulation or a lot which was legally established and recorded in the Farmington land records prior to the effective date of this regulation.

PASSIVE RECREATION means non-motorized recreation not requiring *"development,"* as defined herein, nor requiring any alteration of the existing topography, nor any activity regulated pursuant to this section. Such *passive recreation* shall include, but not be limited to, hiking, bicycling, picnicking and bird watching.

EARTH CHANGE means the removal, excavation, deposition, processing, or grading of stone, fill or other earth material, regardless of the methods utilized (e.g., blasting, crushing, excavation equipment).

RIDGELINE SETBACK AREA means the area bounded by: A) a line that parallels and is placed a horizontal distance of one hundred and fifty (150') feet 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 (50') horizontal feet on the more steeply sloped side (typically the more rocky side) of all traprock (basalt) ridgelines as defined herein.

SELECTIVE TIMBERING means the harvesting of not more than ten percent (10%) of the trees, not less than 6 inches (6”) in diameter at breast height (4.5 feet above grade), within the ridgeline setback area on a lot for the commercial sale of lumber. The ten percent limitation shall be cumulative from the effective date of this regulation.

SELECTIVE CLEAR CUTTING means the removal or alteration of trees within the ridgeline setback area exclusively for the purpose of establishing, maintaining or enhancing a view from an existing or proposed residence.

TRAPROCK RIDGELINE means the line on Pinnacle Rock, Rattlesnake Mountain, Farmington Mountain and Talcott Mountain created by all points at the top of a fifty percent (50%) or greater slope (2 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, identified on the map entitled "Surficial Materials Map of Farmington," a copy of which is on file in the Planning and Zoning office of the Town of Farmington (hereinafter, "Surficial Materials Map"). The Surficial Materials Map shall be deemed and construed to be illustrative only,

and in individual instances, the actual surficial basalt geology may be as 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 shall be measured as preexisting prior to any disturbance by human intervention, existing or proposed, as best such preexisting conditions can be determined by available topographic maps or other records.

B. DELINEATION OF REGULATED AREAS

The Town of Farmington shall prepare within three (3) months after the enactment of this regulation a map or series of maps which generally delineate the Ridgeline and Ridgeline Setback Area as defined herein (hereafter referred to as "the Ridgeline Map"). The definitions of Traprock Ridgelines and Ridgeline Setback Areas in these regulations shall govern for purposes of determining whether any area within the Town is in fact a regulated area. The actual presence and location of Ridgeline Setback Areas as determined by qualified professionals shall govern the applicability of this regulation to a proposed development. "Qualified professionals" shall include, as relevant, licensed land surveyors, geologists, and/or geographers. 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.

C. PERMITTED USES: Anything in this section to the contrary notwithstanding, the following operations and uses shall be permitted in Ridgeline Setback Areas, as of right, as set forth in Connecticut General Statutes Section 8-2(c), as amended:

1. Emergency work necessary to protect life or property. Emergency work shall include but not be limited to the removal or trimming of dead or dangerous trees. Prior to the commencement of such activity, a plan for conducting all emergency work shall be submitted to and approved by the Planning Department.
2. Establishment or construction of any commercial use or structure approved by special permit or by site plan approval prior to the effective date of this regulation, which approvals remain in effect. In the case of a site plan which was approved without a special permit such approval shall be deemed to remain in effect for a period not to exceed five years from the date of the adoption of this regulation, unless such time period is extended per Section 8-3(i) of the Connecticut General Statutes.
3. Maintenance of any use or structure existing on the effective date of this regulation. Maintenance shall not include any expansion or relocation of such use or alteration of structures as defined by this regulation.
4. Selective timbering subject to the following conditions:

    a. The work shall be done or monitored by a registered forester as certified by the Connecticut Department of Environmental Protection.
    b. Prior to commencing such activity a plan prepared by a registered forester for the work shall be filed with the Farmington Planning Department.

5. Grazing of domesticated animals in pasture areas existing only on the effective date of this regulation.
6. Passive recreation.
7. Earth changes conducted within an EE zone existing on the effective date of this

regulation. Such earth changes are to be undertaken in accordance with any approved plan which is on file with the Town of Farmington prior to the effective date of this regulation.

8. Alteration of a building which existed prior to the effective date of this regulation or which was approved and constructed in accordance with this regulation subject to the following conditions:

    a. Any expansion (by height, volume, coverage or floor area) shall not involve earth changes in an area occupied by tree cover and shall not cause clear cutting activity.
    b. Such alteration shall not produce a substantial change in appearance or character of the building as viewed from below the ridgeline setback area. This determination shall be made by the Planning Department in consultation with the Commission.
    c. A plan for such alteration shall be submitted to and approved by the Farmington Planning Department.
    d. Such alteration shall not involve a cumulative floor area expansion greater than ten percent (10%) of the floor area of the building existing prior to the effective date of this regulation or the floor area approved by the Commission by special permit.

9. Selective Clear Cutting Subject to the following conditions:

    a. Such clear cutting shall be limited to the cumulative removal or alteration of no more than ten trees less than ten (10”) inches in diameter (4.5 feet above grade) from the effective date of adoption of this regulation or shall be done in accordance with a plan prepared by an arborist and approved by the Farmington Planning Department.
    b. Such clear cutting shall not result in the removal of all trees within a 100 square foot area.
    c. Such clear cutting shall not result in the creation of large treeless gaps along the top of the ridgeline.
    d. Such clear cutting shall not result in the exposure of large areas of the building as viewed from below the ridgeline setback area.

    In deciding to approve such plan, the Department shall give due consideration to the environmental impacts from such selective clear cutting 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.

10. Construction, relocation, alteration of an accessory building or use provided that such building or use is not visible as viewed from below the ridgeline setback area, such activity will not result in the removal or alteration of trees over 3 inches in diameter at breast height (4.5 feet above grade) and no trees will be removed or altered which are located between the principal building and the Traprock Ridgeline.

D. USES ALLOWED ONLY BY SITE PLAN APPROVAL. The following operations and uses shall be permitted in Ridgeline Setback Areas after receiving site plan approval from the Town Plan and Zoning Commission. An application shall be accompanied by the site plan information in section K. The Commission may waive the requirement for all or a portion of this information upon a finding that it is not essential to determining compliance with the conditions set forth in this section.

1. Alterations of buildings not permitted under Section D of this regulation subject to the following conditions:

    a. Such alterations shall not involve a cumulative floor area expansion greater than twenty-five percent (25%) of the floor area of a building existing prior to the effective date of this regulation or the floor area approved by the Commission by special permit.
    b. Such alteration shall not produce a substantial change in appearance or character of the building as viewed from below the ridgeline setback area.
    c. Such alteration shall not result in the removal of trees greater than ten (10") inches in diameter (4.5 feet above grade) located within 75 feet of the Traprock Ridgeline as defined in this regulation.

2. Construction, relocation alteration of any accessory building or use provided that such building or use is less than 300 square feet in area.

E. USES ALLOWED ONLY BY SPECIAL PERMIT. The following operations and uses shall be permitted in Ridgeline Setback Areas after receiving a special permit from the Town Plan and Zoning Commission. An application shall be accompanied by the site plan information in Section K. The Commission may waive the requirements for all or a portion of this information upon a finding that it is not essential to determining compliance with the conditions set forth in this section. In addition to the specific requirements and standards listed below and in Section O. Article IV, Section 12 shall apply to application procedures, hearing and notice requirements.

1. Development except for alterations permitted by right or after site plan approval as set forth provided the following conditions are met:

    a. No more than 40 percent of the portion of the lot within the Ridgeline Setback Area as defined in this section may be covered with impervious surfaces.

2. Earth Changes
3. Clear Cutting
4. Above Ground Utilities. However, this provision shall not apply to utilities, which are accessory to the construction of a building permitted by this regulation.

F. STANDARDS FOR GRANTING OF A SPECIAL PERMIT WITHIN RIDGELINE SETBACK AREAS

In addition to the requirements of Article IV. Section 12., the Commission shall require compliance with the following:

1. 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, reflectiveness, 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. Such 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 regrowth 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.

2. 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.
3. 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.
4. That areas of archaeological and historic importance have been identified, and adequate steps have been taken to preserve and/or record these areas.
5. 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. In reviewing any application for development or earth changes involving a lot of record and within 75 feet of the Traprock Ridgeline the Commission may allow less than full compliance with the restrictions set forth in this regulation on activities set within said 75 foot area where full application of such restrictions would have the effect of precluding development of a principal building on such lot consistent with the size of typical homes in the neighborhood. In addition, in reviewing an application for an accessory structure or use on a lot of record and within said 75-foot setback area, the Commission may approve such structure or use provided the Commission determines

that such application complies with Section G 1-5.

As a result of applying these criteria, the Commission may alter the proposal in terms of height, size, design, and location and may control the extent and location of any tree clearing and/or earth change (grading, etc.). When blasting is proposed the Commission may require that minimal charges be used to protect the environmental quality of the ridge.

G. PROHIBITED OPERATIONS AND USES IN RIDGELINE SETBACK AREAS. The following shall be prohibited in the Ridgeline Setback Area:

1. Development, earth changes, and clear-cutting within 75 feet of the Traprock Ridgeline as defined in this regulation, except for development, earth changes or selective clear cutting of or on any lot of record.
2. Underground storage tanks containing hazardous waste or materials including petroleum products.
3. Any other provision of these regulations to the contrary notwithstanding, no lighting poles shall be higher than 10 feet, and all luminaries shall be designed to prevent the visibility of the light source from off the property. The use of strobe lights on any antenna or other structure is prohibited.
4. Earth changes, which produces finished grades which are steeper than the pre-existing natural grades other than in EE zones.
5. Air conditioning, heating or ventilation equipment which projects above the plane of any roof surface, other than accessory chimneys.

H. 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.

J. NON-CONFORMING BUILDINGS

Nothing contained within this regulation shall prevent the reconstruction of a building in existence prior to the effective date of this regulation provided such reconstruction conforms to the provisions found in Article IV Section 1B of these regulations, and such reconstruction does not produce a substantial change in appearance, character, or construction.

K. SITE PLAN REQUIREMENTS

An application for site plan approval or special permit shall be accompanied by the following site information:

1. An A-2 survey showing the proposed or existing location of each structure, driveway and other man-made feature on the lot, existing and proposed contours including the maximum height of all such structures.
2. The location of all wooded areas and those specific trees to be altered or removed.
3. Elevations of all proposed structures including materials and colors.
4. Where, in the opinion of the reviewing authority, existing vegetation is insufficient to provide adequate screening of visual impact areas on a particular lot, the applicant shall

prepare a landscape plan specifying the location, number, type and size of plant and tree material that will be added to the property.

The Commission may require the applicant to provide field markers depicting the highest elevation of each proposed building or structure as well as photographs taken from off-site locations within the Town of Farmington from which proposed activities within a ridgeline setback area may reasonably be expected to be seen.

Section 27: AIRPORT APPROACH OVERLAY ZONE

A. STATEMENT OF PURPOSE

The Airport Approach Overlay Zone (AAO Zone) is established for the purpose of reducing hazards which endanger lives and property at and near the Robertson Airport located in Plainville, Connecticut, adjacent to the Farmington town line. The Airport Approach Zone is an overlay zone which extends over each zone in the Town of Farmington. The standards imposed by the regulations of the underlying zone shall remain in effect except as modified or supplemented by the provisions of the AAO zone.

B. PERMITTED USES

In the AAO zone, any use which is allowed by right or special permit in the zone upon which the AAO zone is superimposed is permitted, except any use which by reason of electrical interference with radio communications may be a hazard to aircraft.

C. HEIGHT RESTRICTION

No structures, trees, 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 the Robertson Airport runway existing in the Town of Plainville. A map entitled "Robertson Airport, Plainville, Connecticut Approach Zone Map Scale 1" = 1000' Dated 3/26/99 Tomasso Brothers, Inc. New Britain, CT Branko Tomicic, L.S. 070104" depicts the surfaces in relationship to the Robertson Airport runway. This map is on file in the office of the Town Planner for guidance purposes only. The actual locations of all surfaces are as defined herein:

a. Primary Surface – A 500-foot wide surface longitudinally centered on the Robertson Airport runway. The primary surface extends 200 feet beyond 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 the runway of Robertson 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, extended at a slope of 7 to 1 from the sides of the Primary Surface and from 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.

Section 28: MEDICAL OFFICE CAMPUS ZONE (MOC ZONE)

A. PURPOSE: The purposes of the Medical Office Campus Zone are:

1. To enhance the development, coordination and delivery of office-based health and medical services in proximity to the University of Connecticut Health Center ("Health Center"), recognized as a gateway to the Town and region, through planning of permitted and specially permitted uses and implementation of detailed, uniform, campus-based design and aesthetic standards for architecture, signage, landscaping, lighting, dimensions and traffic access for medical offices and related uses.
2. To promote economic development in proximity to the Health Center, as set forth in the Town of Farmington's Plan of Conservation and Development.
3. To implement smart growth strategies for the area proximate to the Health Center by complementing and enhancing existing structures, utilizing existing infrastructure and recent traffic improvements, coordinating allowed uses with available public transportation and highway access, and using economies of scale to ensure that such site details as parking, impervious coverage, and signage are provided in proportion to the needs of the overall campus.
4. To coordinate land use planning in proximity to the Health Center with the state legislature's establishment and funding of the University of Connecticut Health Network and Connecticut Bioscience Initiative.

B. PERMITTED USES: The following uses requiring only a Zoning Permit as specified in Article V.

1. Accessory Uses in connection with an approved special permitted use in Section C, provided that all such uses shall be consistent with the architectural, signage and landscaping of the campuses permitted uses.
2. Pre-Existing, Non-Conforming Structures or Uses, in compliance with Article IV, Section 1.

C. USES ALLOWED BY SPECIAL PERMIT ONLY:

1. Medical and Dental Offices and Clinics
2. Diagnostic or Medical Laboratories
3. Rehabilitation Centers, including physical therapy facilities and sleep centers providing overnight accommodations to patients in recovery or rehabilitation, and to authorized visitors.
4. Surgery Centers, including outpatient centers with overnight accommodations to patients in recovery or rehabilitation and to authorized visitors.

5. Basic or Applied Research, Development or Production Facilities related to medicine, medical services, bioscience, biotechnology, pharmaceuticals, or photonics.
6. Child Day Care Centers
7. Private and Public Parking Structures
8. Food Service for employees working within the building and visitors, but not constituting a restaurant open to the public.
9. On-site Parking on an adjacent lot not containing a principal use allowed by this regulation, provided that vehicles have direct access between the adjacent lots to a permitted principal use, and the total number of parking spaces required is determined in accordance with Subsection G of this regulation.

D. HEIGHT AND AREA REQUIREMENTS:

1. Minimum Lot Area for a Medical Office Campus shall be 35 acres. In determining the boundaries of a Medical Office Campus Zone, the eligible land shall include the area of any lot or lots where the Zone's purposes as stated above will be promoted. The campus may include lots separated by a public street or highway, provided that land comprising a public street or highway shall not be included in the minimum lot area.
2. Height of Buildings shall not exceed 44 feet, provided that 46 feet shall be allowed if the building includes a surgical center.
3. Building Size shall not exceed 80,000 square feet of gross useable floor area.
4. Yards
   a. Front yard: 40 feet
   b. Rear yard: 30 feet
   c. Side yard: 30 feet, provided that if the side or rear yards of lots within the Medical Office Campus Zone are adjacent, i) to other MOC zone lots or ii) to land owned by the State of Connecticut, the site plan may utilize a zero lot line.
   d. Yard Exceptions: The Commission may reduce the yard and parking space setback requirements in its sole discretion where the yard of a property abuts the I-84 highway connector or a State highway having a right of way equal or greater than 80 feet in width. (effective November 8, 2013)
5. All Principal Buildings in a Medical Office Campus Zone shall be separated from each other by no less than 50 feet.
6. Minimum Lot Frontage shall be 100 feet.
7. Impervious Site Coverage shall be calculated on a campus-wide basis and shall not exceed 50 percent.

E. LOCATION: A Medical Office Campus Zone shall be located only in the "Health Center" neighborhood as set forth in the Town's Plan of Conservation and Development, adopted February 2008.

F. ARCHITECTURE: A special permit/site plan application for any new structure in a Medical Office Campus Zone shall include specification of exterior building features such as columns, arches, banding, roofing, masonry, and glass, so as to achieve uniformity with existing structures within the campus.

G. OFF STREET PARKING: Off street parking shall be provided in conformance with Article IV, Section 8, as those regulations apply to Medical Offices with Clinics, with the following additional provisions:

1. Parking spaces that serve an existing commercial structure and use that will become non-conforming by rezoning of its location to the Medical Office Campus Zone, may be dedicated to that use through signage and pavement markings, provided that the Commission shall approve the number and location of the proposed dedicated spaces.
2. The required number of parking spaces shall be calculated on a campus-wide basis.
3. The location of parking spaces relative to building entrances shall be tailored to the buildings' primary use as medical and dental offices and clinics, by ensuring safe and easy access to people with handicaps and disabilities.
4. Parking spaces shall be set back no less than 30 feet from any property line, provided that if the side or rear yard of lots within the Medical Office Campus Zone are adjacent, the site plan may utilize a zero lot line.

H. LANDSCAPING: Landscaping shall be provided in conformance with Article IV, Section 13, provided that plantings within the front yard as per Section 28.D.4.a. above shall be determined based on field conditions and controlled by a condition of approval and with the exception of the buffer yard berm but with 1.0 x plant units. In addition, a special permit/site plan application shall be accompanied by specifications of foundation plantings, walkway plantings, courtyard plantings, entrance plantings, island plantings, and irrigation system locations that will achieve uniformity through the campus.

I. LIGHTING: Exterior lighting shall comply with Article IV, Section 14. A special permit/site plan application shall include specification of height, color, and materials for all sidewalk fixtures, so as to achieve uniformity across the campus. The Commission may require a reduction in lighting after 10:00 p.m. or when otherwise found to be warranted in order to protect nearby residential properties.

J. SIGNAGE: Shall comply with the provisions of Article IV, Section 7 that apply in the PR zone, with the following additional provisions:

1. A special permit/site plan application shall be accompanied by a campus-wide master signage plan that will ensure that all new or replacement signage will achieve uniformity across the campus. Such master plan shall identify existing detached signs and shall specify locations, mounting, overall size, colors, materials, fonts and lighting.
2. The master signage plan shall provide for detached signs with monument bases with material brick or precast to match existing buildings and provide uniformity.
3. Notwithstanding the provisions of Article IV, Section 7.F., if located within a front yard, signs shall not exceed 11 feet in height and 60 square feet in total area per side.
4. Signs may be illuminated by exterior lighting if approved by the Commission. Exterior lighting shall be confined or directed to the surface of the sign so that no direct rays or glare are visible beyond the sign face. No such lighting shall create a danger to vehicular traffic or a nuisance to resident properties. If external illumination is allowed the Commission may require a dimming devise to be installed if the lighting proves to be intense and/or may require the exterior illumination to go dark after 10:00 p.m.

5. Notwithstanding the foregoing, provided a single tenant occupies an entire floor of any building in the MOC Zone, the total area of all attached signs shall not exceed 300 square feet for the front of the building.

K. HOURS OF OPERATION: A special permit/site plan application for a new structure within a Medical Office Campus Zone shall include proposed hours of operation and the reasons for such hours. The Commission shall review such schedule and any impacts on neighboring properties.

L. SIDEWALKS: Newly constructed sidewalks shall be at least six feet wide and shall be installed throughout the campus to provide pedestrians access among all buildings. Existing sidewalks that are less than six feet wide may remain. Entrances to medical office buildings shall be built with heated sidewalks.

M. STAGES: A tract of land in the Medical Office Campus Zone may be developed in stages, as approved by the Commission.

N. RESOLUTION OF CONFLICTING STANDARDS: Notwithstanding Article I, Section 4 of these regulations, in the event that any provision of this Medical Office Campus Zone regulation conflicts with a provision of the PR Zone regulation, this Medical Office Campus Zone regulation shall govern.

O. ADDITIONAL REGULATIONS:

1. Public bus stops shall be located so as to be most accessible to all campus buildings and access points.
2. Delivery and pick-up locations for laboratories shall be specifically identified.
3. Delivery and pick-up locations for package and courier services shall be located so as to be most accessible to all campus buildings.
4. Exterior mechanical equipment such as cooling towers and chillers shall be color-coordinated to match the buildings served.
5. Within the campus, locations shall be identified for installation of picnic/outdoor eating tables.

P. EXPIRATION OF SPECIAL PERMIT: The approval of an application for special permit shall be void and of no effect unless construction authorized commences within one year from the date the approval is granted by the Commission. For purposes of this regulation, the term "construction" shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

This amendment is effective July 17, 2010.

Section 29: FARMINGTON CENTER ZONE (FC)

A. PURPOSE. The purpose of the Farmington Center Zone is to preserve and protect the existing historic landscape and structures within the zone as well as considering potential infill and redevelopment that will complement the same. The following design regulations shall guide mixed-use development; historic development patterns, view and vistas; a village streetscape; and pedestrian access and safety in concert with the objectives found in the Farmington Plan of Conservation and Development.

B. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. Signs. Signs shall be permitted as specified in Article IV Section 7. However no more than 50% of the interior of a window or glass door may be covered with signs.
2. Accessory Uses in conjunction with an approved special permitted use in Section C.
3. Home Office as described and regulated by Article I. Section 9. and Article II. Section 1. of these regulations.

C. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV Section 12 and Article II Section 29.A. shall also apply to applications submitted under this section. Article IV Section 12 shall also apply to application procedures, hearing and notice requirements and site plan information.

1. School.
2. Public Utility Building and Structure.
3. Municipally owned or leased building and structure.
4. Community Building for use by residents of the community or neighborhood and maintained and operated for community purposes.
5. Retail Store and Personal Service Shop.
6. Fast Food Restaurant, Dairy Bar, Grill, Coffee Shop except mobile type of eating and drinking place, place offering curb service and drive through windows. Where alcoholic beverages are sold, the limitations of Article IV Section 5. shall apply.
7. Shop for making articles to be sold primarily at retail on the premises, provided that those engaged in making the articles shall not exceed five in number.
8. Gallery.
9. Business Offices, Medical Offices.
10. Bank.
11. Club and Fraternal Organization.
12. Private or Public Parking Facility.
13. Restaurant (low turnover). Where alcoholic beverages are sold, the limitations of Article IV. Section 5 shall apply.
14. Apartments with single family units combined in a single use or mixed use structure under single common ownership.
15. Condominiums consisting of single family units combined in a single use or mixed use structure as permitted under the Common Interest Ownership Act of the Connecticut General Statutes.

D. GENERAL REQUIREMENTS FOR ALL DEVELOPMENT WITHIN THE FARMINGTON CENTER ZONE.

1. Construction, rehabilitation and reconstruction of properties within this zone and in view from a public roadway must conform to the standards and requirements found here as well as the standards and requirements found in Article II Section 29.A. (Farmington Village District Zone).
2. A tract of land within the Farmington Center Zone may be developed in stages. However, the Commission may require that certain data be submitted for the entire

tract. This may include site topography, natural resources data, traffic, parking and circulation, schematic architectural drawings, grading, erosion and sedimentation control and storm drainage.

3. Height and Area Requirements.

   a. Maximum height of buildings: 40 feet, except 50 feet where all or a part of the required parking for such units is in an underground garage beneath the building.
   b. Minimum height of buildings: Two floors of finished space with a minimum ceiling height of eight (8) feet. Each floor shall be completely set above grade as measured from all sides of the building. This provision may be waived by a vote of 5/6 of the full Commission provided a favorable recommendation is received from the Farmington Architectural Design Review Committee.
   c. Yards: Front Yard: 0 feet unless otherwise specified by the Commission.
      Rear Yard: 10 feet unless abutting a residential zone where the Commission may require a B bufferyard.
      Side Yard: 0 feet unless abutting a residential zone where the Commission may require a B bufferyard.
      Side Yard Along a Street: 0 feet unless otherwise specified by the Commission.
   d. Minimum lot size: None
   e. Minimum frontage: None
   f. Minimum Building length: The minimum length of a building shall be 25 feet. This standard shall be measured along that portion of the building situated closest to a street.
   g. Maximum floor area: No building constructed after the effective date of this regulation (insert date) shall contain a retail business or office use having a gross floor area greater than 5,000 square feet. The Commission may approve an increase in the allowable gross floor area for a retail business or office use to a maximum of 15,000 square feet upon a favorable recommendation of the Architectural Design Review Committee and upon the Commission's finding that the proposed plan does not result in the demolition of any existing building and that the building design shall resemble and be in harmony with individual store fronts permitted and/or existing in the Farmington Center Zone through use of architectural features such as:
      1. staggering the depth from the street to the face of the building;
      2. changing roof heights;
      3. use of different but complimentary building materials;
      4. changes in fenestration;
      5. use of awnings/canopies; and
      6. exterior lighting

      For purposes of this subsection gross floor area means the horizontal area of all floors of a building measured from the exterior of outside walls, excluding the following non-customer areas contained within the building footprint: (1) an enclosed mezzanine used for purposes such as office and storage; and (2) a basement used for storage and food preparation.

4. Off Street Parking. This provision shall supersede the similar standards found in Article IV Section 8.

    1. All Office Uses: one (1) space for each 285 square feet of gross useable floor area. Gross useable floor area should be assumed as eighty percent (80%) of total floor area where no floor plan exists at the time of application.
    2. Retail, Personal Service Shop, Shop and Bank: one (1) space for each 285 square feet of sales and customer area plus one (1) space for each 285 square feet of gross useable floor area of office space.
    3. Dwelling Units: one and one-half (1.5) spaces for a one-bedroom unit. Two (2) spaces for units having two or more bedrooms. In determining the number of spaces, enclosed garage spaces and garage apron spaces meeting the dimensional criteria of a parking space set forth in these Regulations shall be considered to be acceptable provided, however that such apron spaces are under the same ownership or control as the garage space.
    4. Restaurant, Fast Food or Low Turnover: one (1) space for every three (3) seats plus one (1) space for each 285 square feet of customer area (without seats) plus one (1) space per employee at the largest shift.

    Provisions for parking within the Farmington Center zone are based upon the concept of shared parking. The Commission may require that as part of an approval for a development in this zone legal rights of access and use of such parking areas be provided for others. No owner or tenant shall designate a parking space for their or others exclusive use without the approval of the Commission.

    In calculating the required number of parking spaces for a use or uses on a particular site or offsite (see next paragraph), the Commission may consider over lapping use of parking spaces based upon the various hours of operation and peak usage for each use.

    Required parking spaces for uses located in the Farmington Center zone shall be provided onsite. However, by vote of 5/6 of the full Commission such spaces may be provided off site provided they are located within 500 feet of the entrance to the building housing such use and an agreement of a term found acceptable to the Commission is executed for use of such spaces.

    The setback requirements for parking areas found in Article IV Section 8.A of these regulations shall not be applicable to the Farmington Center Zone.

E. LIGHTING. Exterior lighting shall be of such intensity or located or directed in such a way so as not to produce glare on public streets or neighboring property. The Commission may require a reduction in lighting after 10:00 p.m. or when otherwise found to be warranted in order to protect nearby residential properties.

F. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of the public hearing the Commission shall require the submission of projected hours of operation. The Commission shall review the impact of such hours on the immediate neighborhood as well as current and projected traffic circulation patterns.

As part of the special permit, reasonable limitations on hours of operation may be imposed.

G. LOT COVERAGE. No more than 85 percent of the lot may be covered with impervious surfaces except that the Commission may approve by a 5/6 vote of the full Commission up to 100 percent coverage in the case of a reduction of lot area from a conveyance of land to a public entity.

H. RESIDENTIAL USE.

1. No residential dwelling unit located within the Farmington Center Zone shall contain more than two bedrooms, except a third bedroom is permitted in dwelling units where such dwelling units contain not less than 1,500 square feet of finished living area and all or a part of the required parking for such units is in an underground garage beneath the building. Each dwelling unit shall consist of at least two rooms, exclusive of hall and bathroom, and there shall be at least 400 square feet of living area for a one-bedroom unit. Each additional room shall have at least 100 square feet.
2. There shall be no outside display or storage associated with any residential use unless otherwise approved by the Commission. Outdoor clotheslines are prohibited.

I. LANDSCAPE REQUIREMENTS. The specific requirements found in Article IV Section 13 of these regulations shall not be applicable to the Farmington Center Zone. However, parking areas containing more than ten cars shall contain landscaped areas within such parking area equal to at least 10 percent of the gross parking area. Gross parking area shall include the area of parking stalls, aisle ways and associated landscaping. Landscape buffer yards as specified in Article IV Section 13 shall be provided as deemed necessary by the Commission to provide protection to adjacent residential properties.

J. VARIANCE. All applications for variance submitted for property located within the Farmington Center Zone shall be referred to the Town Plan and Zoning Commission and the design review committee for a report. All such reports must be furnished to the Zoning Board of Appeals within 45 days from the date of submission.

K. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation and a framed structure with completed watertight roof, windows and siding. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

L. The Commission, in conjunction with the approval of a development proposal under this regulation, may establish a reasonable timeframe for the commencement and completion of various improvements. In order to ensure compliance with such a timetable the Commission may require the posting of a performance bond in a type and amount, which is found to be satisfactory.

M. The Commission, in conjunction with the approval of a development proposal under this regulation, may require the posting of a performance bond to ensure the maintenance of various improvements. The Commission shall determine the type and sum of such bond.

Section 29A. FARMINGTON VILLAGE DISTRICT ZONE (FV)

A. PURPOSE. The purpose of this section is to promote, protect and enhance the unique and distinctive character, historic settlement pattern and architecture and landscape of Farmington center and to function in support of the Farmington Center Zone and its purposes pursuant to Connecticut General Statutes 8-2j.

B. DEFINITIONS. For the purpose of applying the provisions of this section the terms below shall be defined as follows:

A.D.R.C. – Architectural Design Review Committee.
MAJOR STREET – Farmington Avenue (Route 4) and any other streets so designated by the Commission.
APPROVING AUTHORITY – The Farmington Town Plan and Zoning Commission.
DISTRICT or FARMINGTON VILLAGE DISTRICT – The Farmington Village District as delineated on the Zoning Map for the Town of Farmington. The District shall be an overlay zone and its boundaries are coincidental with the zoning district boundaries of the Farmington Center Zone and its requirements and standards shall be in addition to and not in lieu of the regulations pertaining to the Farmington Center Zone.

C. GENERAL REQUIREMENTS.

1. This regulation shall apply to new construction, substantial reconstruction and rehabilitation of properties within the District and in view from public roadways including but not limited to:

a. The design and replacement of new, expanded or altered buildings including materials and colors.
b. The maintenance of public views.
c. The design, paving materials and placement of public and private roadways.
d. The design and placement of new and modified landscape areas, lighting, fencing and walls.
e. The replacement or elimination of exterior structural surfaces and features, including roofing materials and siding.
f. Any change to the exterior color of a structure.
g. The demolition of any structure or part thereof or the elimination of any landscape area.
h. The design (including color), installation and modification of any sign.

This provision shall not apply to repairs to buildings where such repairs involve the replacement of building elements with like materials, colors, etc. and such repairs do not expand or decrease the area, vertical or horizontal footprint of the building, change roof line or roof type or add or remove building elements.

D. PROCEDURE. Activities that are governed by this regulation shall be presented to the Town in accordance with the requirements and procedures found under the Farmington Center Zone and under Article IV Section 12 as applicable. All proposals concerning the activities listed in Section C above shall be referred to the A.D.R.C. for a report and recommendation. The A.D.R.C. shall provide such report to the Town Plan and Zoning Commission within 45 days after the date the complete application is received by the Planning Office. In addition to the information, exhibits, drawings and plans required by these regulations the A.D.R.C. may also require one or more of the following items where it is reasonably required to adequately evaluate a proposal:

1. Cross-section drawings.
2. Perspective drawings
3. The superimposition of the proposal on a computer created image of the existing area.
4. A streetscape illustrating the new proposal to scale and indicating the dimensional relationship between the project and structures on adjacent parcels.
5. Samples of colors and materials.
6. A three-dimensional model of the proposal.
7. Half size sections through all trim details.
8. Historical pictures of the subject site and surrounding area as available.

E. ARCHITECTURAL DESIGN REVIEW COMMITTEE. The Architectural Design Review Committee is a body composed of nine (9) members and created pursuant to CGS 8-2j. The Town Planner shall serve as the professional staff to the A.D.R.C. but not be a voting member. The Committee at a minimum shall contain one architect or landscape architect. All appointments shall be made by the Town Plan and Zoning Commission. When appointing members the Planning and Zoning Commission may conduct public interviews and give preference to individuals who possess experience in disciplines such as: architecture, landscape architecture, planner with experience in design, artist, developer, historic preservationist and / or members of the Unionville or Farmington Historic District Commission.

Members shall serve on the committee for a term of three years. Initial membership shall be comprised of the members of the Unionville Architectural Design Review Committee as existing on March 30th 2018 and shall serve their current terms until replaced. Persons filling a vacancy shall be appointed for a period coincident with the completion of such term. Members shall continue to serve after the completion of their term until such time they have officially been reappointed or replaced.

For complex projects, the Commission may also select and contract with a Village District consultant to serve in this capacity for any project in accordance with CGS 8-2j and §98-4 Costs of special studies or consultations of the Farmington Code of Ordinances. Such Village District consultant shall be a registered architect or an architectural firm.

The A.D.R.C. may meet informally with property owners or prospective developers prior to the formal submission of an application to the Town Plan and Zoning Commission. The A.D.R.C. shall provide design support to the Commission consistent with the design and landscape standards/guidelines found in regulations, the principles expressed in the Village District Plan, the architectural heritage of the area and the distinctive characteristics of each District.

All proposals concerning the activities listed in Section C above shall include a project narrative prepared by the project architect detailing the proposed materials and colors and other details and plans and shall be referred to the A.D.R.C. for a written report and recommendation. The A.D.R.C. shall provide a written report to the Town Plan and Zoning Commission within 45 days after the date the complete application is received by the Planning Office. The written report shall be entered into the public record and considered in the decision.

F. DESIGN OBJECTIVES AND STANDARDS. The Town of Farmington's design review process provides a framework for citizens, developers and interested persons to work toward achieving a better-built environment through attention given to fundamental architectural and site design principles.

These guidelines serve the following three principal purposes:

1. To guide the work of the planning and design professionals who will be preparing specific site and building plans for future development.
2. To serve as an itemization of issues to assist both staff and commissioners during the permitting process.

3. To encourage site planning and architectural design that will maintain and enhance the character of the Farmington Village District and ensure that new development sensitively fits into the village and is available and accessible to all through the implementation of the principals of Universal Design.

The guidelines outline and identify those components of the design with which individual applications for planning and zoning permits must demonstrate "reasonable consistency". In these guidelines "reasonable consistency" means that variation from specific provisions, as recommended by the Architectural Design Review Committee and approved by the Planning & Zoning Commission, is acceptable provided that the overall intent of the provision is achieved.

G. CONTEXT

1. The building and layout of buildings and associated site improvements shall reinforce or enhance the predominant and desired existing development and streetscape patterns as determined by the Planning & Zoning Commission. The applicable patterns are found in publications entitled "Farmington-New England Town Through Time" and "Farmington Connecticut-350 Years In Pictures".
2. The placement of buildings and associated site improvements shall assure there is no adverse impact on the District.
3. Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the District shall be integrated into the site design.
4. Reasonable efforts shall be made to preserve, restore, reuse or enhance historic structures.

H. Pedestrian Circulation

1. Continuous internal pedestrian walkways should be provided from the parking areas to the primary customer entrances of all principle buildings. These walkways should be designed using the principals of universal design and connected to public spaces and other walkways or trails on adjacent properties.
2. Open spaces shall be provided and designed to facilitate safe pedestrian access to adjoining parking areas and developed properties.
3. Internal pedestrian walkways shall be distinguished from driving surfaces by the use of durable, low maintenance surface materials such

as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the walkways.

4. Adequate provisions shall be made for deliveries and loading so as not to interfere with safe pedestrian movement. Dumpsters shall be properly screened and odors from trash properly confined
5. Sidewalks should be designed using the principals of universal design and provided along the frontage of public rights-of-way and should be constructed of durable pavers, concrete, or brick.
6. In addition to ADA compliant design, the principles of universal design that provide for the built environment to be aesthetic and usable to the greatest extent possible by everyone.
7. Private walks from parking areas or between buildings should be compatible with public sidewalk treatments and should be located at sensible points to facilitate movement between these areas and the public spaces.
8. Outdoor dining and seating areas are encouraged in the front and side yards of buildings.

I. Access and Parking

1. Proposed streets shall be laid out in a manner that will reinforce the existing character of the area. Their placement and width should be designed to safely accommodate expected traffic with the least amount of impact to existing structures.

2. Off-street parking shall be located to the rear of the building. If side yard parking is approved dining and/or seating areas and architectural and/or vegetative screening shall be placed between the parking area and any public road / public space.
3. Vehicular access to buildings and parking areas shall be from streets other than major streets where practicable.
4. Vehicular circulation and the design and placement of parking shall be developed to prevent or reduce vehicular/pedestrian circulation conflicts.
5. Parking over the minimum required by applicable zoning regulations should be discouraged and if allowed should be designed and constructed in accordance with low-impact design principles.
6. Granite curbs in entrance drives and other areas of high vehicular traffic are preferred over concrete / asphalt to reduce long-term maintenance costs.
7. Bike racks are encouraged and should be placed in areas of high visibility.
8. Parking structures should be designed with ground floor uses compatible with neighboring areas in order to blend with

surrounding structures and continue the rhythm of storefronts along the street, where appropriate**.**

J. Landscaping and Aesthetic Treatments:

1. The landscape design shall complement or enhance the district's landscape patterns; provide for an appealing streetscape and mitigate the visual impact of streets, parking areas and manmade objects and features through the use of plants and trees, fencing and masonry walls.

2. Decorative site amenities and treatments (benches, trash receptacles, hand railings, light fixtures, etc.) are recommended to establish or enhance a sense of place and should thematically relate to each other, the building's architecture as well as the surrounding character.
3. Incorporate plazas, sitting areas, public art or formal gardens to visually and functionally unify a development with multiple buildings.

4. Low impact development mechanisms such as permeable pavement, grassed swales and bioretention basins should be employed when feasible.
5. Landscaping around buildings should establish continuity within the site, soften the harshness of regrading, and introduce human scale at the sidewalk level.
6. Select species based on intended function and placement such as larger cultivars for shading parking lots and screening buildings and smaller more decorative varieties near the fronts of buildings and entrances. Native species are encouraged and CT DEEP identified invasive species are not allowed.
7. Only vegetation reaching suitable height and habit within one year of planting should be considered for screening purposes.
8. Loading areas, outdoor storage, service vehicle parking, ground-mounted equipment, refuse collection areas and other service functions must be screened. Screening materials should be a combination of durable yet high-quality materials and evergreen vegetation and shall also be visually consistent with the development and the surroundings.
9. Additional landscaping or more mature plantings may be required under certain circumstances to mitigate the proposed development.

10. The incorporation of interpretative displays to communicate historic or relevant information about the site or buildings is encouraged.
11. Exterior walls of parking garages visible from public streets within the project and across from other

buildings should be concealed with liner structures or should have architecturally appropriate design and cladding facing the street.

K. Lighting

1. Reproduction or decorative light poles and fixtures should be specified and consideration should be given to scale and style within the context of the intended development as well as with the surrounding properties.
2. All fixtures shall meet full cut-off or specifications to eliminate upward scatter and light encroachment on to adjacent properties.
3. Exposed concrete base foundations to light poles should be minimized to the extent practical.

L. Signage

1. New freestanding signs are prohibited, with the exception of monument signs constructed with natural materials
2. Signs should be designed as an integral architectural element of the building and site, and should also reflect the character of the surrounding area.
3. There shall not be any internally illuminated signs including halo, channel cut and neon visible from a street or driveway, including interior window signage Interior window signage shall not occupy more than 20% of the windows overall area.
4. In a multiple storefront building, the signage should be of a size, location, material and color that relates harmoniously to the overall building. The signs should also reflect a consistent design theme.
5. Incorporate way-finding signage when circulation is complex and safe pedestrian movement is of concern or to direct pedestrian movements to adjacent properties of interest.

M. Orientation and Scale

1. Buildings should be sited in a manner that maintains the existing street wall or create a strong street wall and shall have their primary orientation toward the street rather than parking area. For properties occupying the corner of two public roads or in cases where a new access is being created off a public road, building placement should reflect the existing street wall.
2. Proposed buildings shall complement and reflect the scale, proportion, massing and detailing in the District.
3. Buildings to the greatest extent possible shall be placed and oriented to the front of a lot and close to a street and should maintain a pleasing spatial relationship with the roadway and other nearby buildings in relation to their height and mass and that of others. New buildings generally shall not be setback by more than ten (10) feet from the property line and shall occupy 70% of the lot frontage.
4. Front facing walls of retail establishments shall contain display windows appropriate in size and number as determined in the design review process.

5. Walls facing public streets, plazas or other public spaces should include glass, windows, display areas or other features that diminish the appearance of a blank wall.

6. The street level and/or ground level façade shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 70% of the horizontal length of the building. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

N. Façade and Entrances

1. Buildings shall have their principal access directly off a public street and sidewalk.
2. Windows and doors should be balanced in their placement on building facades. Though literal symmetry is not necessary, a general balance among façade elements is desirable.
3. Exterior facades, including eaves, columns, pilasters, cornices, windows and window surrounds, canopies, fascia and roofs, shall be proportionate with the proposed building and compatible with existing architectural precedents in the District.

4. Principal buildings should include elements such as canopies, columns, and arches that establish a human scale.

5. In buildings with multiple tenants or uses, exterior building elements such as doors, windows, materials, storefronts, signage, lighting should be compatible (but not necessarily identical).

O. Scale, Massing and Proportion

The construction of accessory buildings shall be prohibited.

1. Large building masses should be divided into heights and sizes that relate to human scale by incorporating changes in building mass or direction, projections, recesses, sheltering roofs, windows, trees, small scale lighting or other distinctive elements that remain compatible with the building architecture.
2. Projections or recesses should be utilized along with color, texture and/or material changes in order to achieve visual relief of walls or extended facades.

3. Banding of exterior materials and/or architectural details should be incorporated at eye-level to break up large facades and create human scale elements.

P. Materials and Colors

1. Predominant building materials to be used shall include brick, wood, stone or other natural materials Glass shall not constitute the majority of a building exterior. Manmade materials may be used where recommended by Architectural Design Review and approved by the Planning & Zoning Commission.

2. Dryvit or exterior insulation finish systems, smooth-face concrete blocks, tilt-up and pre-fabricated concrete panels and pre-fabricated steel panels shall only be used for structured parking.
3. Predominant exterior building materials should be non-glossy and have subtle, neutral or earth tone or historic colors.

Q. Rooflines

1. Building design shall reflect the rooflines of surrounding properties to avoid incompatible styles and materials, and the roof mass should create a consistent composition but extensive roof faces fronting public streets should be avoided.
2. Roofing materials exposed to view shall be slate, wood, asphalt or standing seam metal shingles.
3. All roof-mounted equipment shall be concealed from public streets and rights-of-way right-of-way by using detailing incorporated into the architectural design of the building as opposed to an applied barrier.

R. Equipment and Service Areas

1. Install new utility systems underground and bury existing above ground services. Utility feeds and metering devices should be screened and may not be located on the building's front facade.
2. All utilities and mechanical equipment mounted on the ground shall be screened using a combination of high quality architectural treatments and evergreen vegetation.
3. Wherever possible, loading docks, solid waste facilities, recycling facilities and other service elements should be placed to the rear or side yard of the building in visually unobtrusive locations with minimum impacts on view.
4. Refuse containers and associated facilities should be hidden by an opaque wall or fence of sufficient height to screen the bin and any building appurtenances, but not less than 6 feet in height.

This amendment is effective December 15, 2012 and amended April 21, 2017.

Section 30: MEDICAL OFFICE/RESEARCH FLOATING ZONE (MORF ZONE)

A. PURPOSE - A floating zone designed to permit and encourage variety and flexibility in uses but also retaining the Commission's legislative authority to guide and ensure proper development in accordance with the Plan of Conservation and Development and these regulations. The Commission may approve, disapprove or approve with modifications the application of this floating zone and a plan for the development of land which plan may deviate from the standards in the underlying zone.

B. APPLICABILITY – This floating zone may be applied to any lot or assemblage of lots (with owner consent) in excess of three (3) acres currently located in the area designated Medical Office / Research in the Town's Plan of Conservation and Development and more particularly described as follows: bounded by Middle Road on the north and west, Munson Road on the east and South Road on the south.

In rendering a decision on a zone change the Commission acts in a legislative capacity and shall be afforded wide and liberal discretion. The Commission shall use its knowledge of the area, public comment, its Plan of Conservation and Development and Article IV Section 12 of this Regulation.

C. PROCEDURE-APPLICATION PROCESS SITE PLAN REQUIREMENTS – An application for approval of a Medical Office/Research Floating Zone shall be made in writing to the Planning and Zoning Commission signed by the owner or owners of the land which are the subject of the application, together with any other applicant. The application shall include ten prints of the site plan of the property drawn to scale showing the information as required in the Zoning Code.

1. The Commission shall refer the proposed plan to the Farmington Economic Development Committee for an advisory report.
2. The Planning and Zoning Commission shall hold a public hearing on the proposal.
3. The Planning and Zoning Commission may attach any conditions to its approval as it considers necessary in order to assure continued conformance with the zoning regulations.
4. A suitable notation shall be made in the Zoning regulation and on the Zoning Map identifying any property for which a Medical Office/Research development floating zone has been approved.

D. PERMITTED USES: The following uses requiring only a Zoning Permit as specified in Article V.

1. Accessory Uses in connection with an approved use, provided that all such uses shall be consistent with the architectural, signage and landscaping of the approved uses.
2. Pre-Existing, Non-Conforming Structures or Uses, in compliance with Article IV, Section 1.

E. USES ALLOWED BY ZONE CHANGE / SITE PLAN REVIEW:

1. Medical and Dental Offices and Clinics
2. Diagnostic or Medical Laboratories

3. Rehabilitation Centers, including physical therapy facilities and sleep centers providing overnight accommodations to patients in recovery or rehabilitation, and to authorized visitors.
4. Surgery Centers, including outpatient centers with overnight accommodations to patients in recovery or rehabilitation and to authorized visitors.
5. Basic or Applied Research, Development or Production Facilities related to medicine, medical services, bioscience, biotechnology, pharmaceuticals, or photonics.
6. Private and Public Parking Structures
7. On-site Parking on an adjacent lot not containing a principal use allowed by this regulation, provided that vehicles have direct access between the adjacent lots to a permitted principal use, and the total number of parking spaces required is determined in accordance with Subsection G of this regulation.

F. MEDICAL OFFICE / RESEARCH DEVELOPMENT GUIDELINES – The intent of the floating zone is to keep development at an appropriate scale and to design elements to strengthen the community and its grand list by allowing compatible uses in accordance with the Plan of Conservation and Development.

The following criteria shall be considered when evaluating site plans for possible application of this zone to any particular site:

G. HEIGHT AND AREA REQUIREMENTS:

1. Minimum Lot Area for a Medical Office/Research Floating Zone shall be 3 acres.
2. Height of Buildings shall not exceed 44 feet, provided that 46 feet shall be allowed if the building includes a surgical center.
3. Building Size shall not exceed 80,000 square feet of gross useable floor area.
4. Yards
   a. Front yard: 40 feet
   b. b. Rear yard: 30 feet
   c. c. Side yard: 30 feet, provided that if the side or rear yards of lots within the Medical Office/Research Floating Zone are adjacent, i) to other MORF zone lots the site plan may utilize a zero lot line, or ii) to other institutional use, then 5 feet.
5. All Principal Buildings in a Medical Office/Research Floating Zone shall be separated from each other by no less than 50 feet.
6. Minimum Lot Frontage shall be 100 feet.
7. Impervious Coverage shall not exceed 50 percent cumulatively for all lands rezoned to MORF within the area designated as Medical Office/Research Floating in the Town's Plan of Conservation and Development, per this Section 30. The maximum impervious coverage per development site shall not exceed 65 percent.

H. ARCHITECTURE: A zone change / site plan application for any new structure in a Medical Office/Research Floating Zone shall include specification of exterior building features such as columns, arches, banding, roofing, masonry, and glass, so as to achieve uniformity with existing structures within the MOC campus.

I. OFF STREET PARKING: Off street parking shall be provided in conformance with Article IV, Section 8, as these regulations as it applies to Medical Offices with Clinics, with the following additional provisions:

1. The location of parking spaces relative to building entrances shall be tailored to the buildings' primary use as medical and dental offices and clinics, by ensuring safe and easy access to people with disabilities.
2. Parking spaces shall be set back no less than 30 feet from any property line, provided that if the side or rear yard of lots within the Medical Office/Research Floating Zone are adjacent, the site plan may utilize a zero lot line, or ii) if the side yard is adjacent to other institutional use, the site plan may utilize 5 feet.

J. LANDSCAPING: Except where the Medical Office/Research Floating Zone is adjacent to a non-residential or institutional use, landscaping shall be provided in conformance with Article IV, Section 13, provided that plantings within the front yard as per Section 28.D.4.a. above shall be determined based on field conditions and controlled by a condition of approval and with the exception of the buffer yard berm but with 1.0 x plant units. In addition, a zone change/site plan application shall be accompanied by specifications of foundation plantings, walkway plantings, courtyard plantings, entrance plantings, island plantings, and irrigation system locations that will achieve uniformity. The Commission reserves the right to increase buffer areas and materials for projects adjacent to residentially zoned properties not covered by this floating zone.

K. LIGHTING: Exterior lighting shall comply with Article IV, Section 14. A zone change/site plan application shall include specification of height, color, and materials for all sidewalk fixtures, so as to achieve uniformity. The Commission may require a reduction in lighting after 10:00 p.m. or when otherwise found to be warranted in order to protect nearby residential properties.

L. SIGNAGE: Shall comply with the provisions of Article IV, Section 7 that apply in the PR zone, with the following additional provisions:

1. A zone change/site plan application shall be accompanied by a signage plan that will ensure that all new or replacement signage will achieve uniformity with MOC zone signage.
2. Such master plan shall identify existing and proposed attached and detached signs and shall specify locations, mounting, overall size, colors, materials, fonts and lighting.
3. The master signage plan shall provide for detached signs with monument bases with material of brick or precast to match existing buildings and provide uniformity.
4. All signs shall be illuminated by exterior front lighting.

M. HOURS OF OPERATION: A zone change/site plan application for a new structure within a Medical Office/Research Floating Zone shall include proposed hours of operation and the reasons for such hours. The Commission shall review such schedule and any impacts on neighboring properties.

N. SIDEWALKS: Newly constructed sidewalks shall be at least six feet wide, and shall be installed throughout the development to provide pedestrians access among all buildings. Existing sidewalks that are less than six feet wide may remain. Entrances to medical office buildings shall be built with heated sidewalks.

O. STAGES: A tract of land in the Medical Office/Research Floating Zone may be developed in stages, as approved by the Commission.

P. ADDITIONAL REGULATIONS:

1. Public bus stops shall be located so as to be most accessible to all buildings and access points.
2. Delivery and pick-up locations for laboratories shall be specifically identified.
3. Delivery and pick-up locations for package and courier services shall be located so as to be most accessible to all buildings.
4. Exterior mechanical equipment such as cooling towers and chillers shall be color-coordinated to match the buildings served.
5. Locations shall be identified for installation of outdoor eating tables, other amenities including consideration how the development will contribute to the overall pedestrian circulation in the immediate neighborhood.
6. The site plan shall identify all areas for dumpsters and rubbish removal and adequate landscaping and screening to protect adjacent residentially zoned properties not covered by this floating zone. Conditions of approval may include limiting hours of garbage pick-up.

Q. EXPIRATION OF SITE PLAN: The approval of the site plan shall be void and of no effect unless construction authorized commences within one year from the date the approval is granted by the Commission. For purposes of this regulation, the term "construction" shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 31. SPECIAL INNOVATION FLOATING ZONE

A. PURPOSE. This floating zone is hereby established to allow and encourage variety

and flexibility in land development within the UCONN Health Center neighborhood and the I-84 corporate office area, including the UTC campus as identified in Chapter 7 of the 2018 Addendum to the Plan of Conservation and Development., The Special Innovation Floating Zone encourages this variety and flexibility while also retaining the Commission's legislative authority to guide and ensure proper development that will be in harmony with the Plan of Conservation and Development.

B. APPLICABILITY. In addition to the permitted and special permit uses found in the underlying zones, a Special Innovation Floating Zone may be established on any lot or assemblage of lots in excess of two acres located within the UCONN Health Center neighborhood or in the above-mentioned I-84 corporate office area. The above- mentioned two acre minimum shall not apply to parcels adjacent to a parcel zoned Special Innovation.

C. ESTABLISHMENT. In rendering a decision on an application of a floating zone and a development plan, the Commission acts in a legislative capacity and shall be afforded wide and liberal discretion. The Commission shall use its knowledge of the area, departmental comments, public comment, its Plan of Conservation and Development and this Regulation to render its decision. The Commission may approve, disapprove or approve with modifications the application of the floating zone and a development plan for the development of land, which may deviate from the standards in the underlying zones. Prior to approval the Commission shall find the following:

1. The proposed is in harmony with the overall objective of the Plan of Conservation and Development.

2. The proposed is superior to a plan possible under the existing zoning regulation for the parcel.

3. The proposed is in harmony with the actual or permitted development of adjacent properties.

D. PROCEDURE – APPLICATION PROCESS AND REQUIREMENTS.

1. Pre-Application Conference. The applicant is strongly encouraged to initiate a pre-application conference with the Commission and its staff pursuant to Section 7-159b of the Connecticut General Statutes. The purpose of the conference is to discuss the conceptual aspects of the proposed development and to present a conceptual plan for informal consideration by the Commission. The conceptual plan shall be designed to allow the Commission to make a general comparison between the proposal and the development allowed under existing zoning. During the pre-application conference, neither the informal review of the conceptual plan nor the Commission's suggestions shall be deemed to constitute endorsement of approval of any portion of the application.

2. Application Requirements. An application for approval of a floating zone and a development plan shall be made by application in writing to the Plan and Zoning Commission, signed by the owner or owners of the land which is the

subject of the application, together with any other applicant. The application shall include an electronic copy of all required plans and documents and the following:

a. Six prints of a A-2 and T-2 survey and a fully engineering site development plan for the proposed development.

b. A Zone change map including two radius lines drawn from the subject parcel boundaries a distance of 200 feet and 500 feet. Such map shall contain a list with the names, mailing addresses, and street addresses / parcel numbers of all parcels within the required radius.

c. Two stormwater and traffic, and photometric studies.

d. Six prints of all proposed building floor plans and elevations, drawn to a scale of not less than 1/16 inch equals one foot, including an indication of all materials proposed to be used in all buildings.

e. Six prints of a landscaping plan indicating the location, size and species of all plant materials proposed to be preserved and planted.

f. For each building and land area proposed to be used for other than residential purposes, a description of the proposed uses, hours of operations, number of employees and other occupants.

g. Electronic copies of all the above material.

3. Public Hearing. The Commission shall refer the proposed plan to Town Departments for review and comment. The Commission shall hold a public hearing on each proposal in accordance with Section 8-3 of the Connecticut General Statutes. Applications shall be made to and acted upon by the Plan and Zoning Commission.

4. Modifications. Applications for changes in an approved site plan shall be made and acted upon by the Commission at a regular monthly meeting, unless the changes are substantial. Changes of a substantial nature shall be made and acted upon at a public hearing. The process for determining a substantial change shall follow the process outlined in Article IV, Section 12.C.3.

E. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V:

1. Accessory Uses in connection with an approved use, provided that all such uses shall be consistent with the architectural, signage and landscaping of the approved uses.

2. Pre-Existing, Non-Conforming Structures or Uses, in compliance with Article IV, Section 1.

F. USES ALLOWED BY ZONE CHANGE / SITE PLAN REVIEW.

1. Mixed-use development that combines multi-family and retail / commercial development, provided that if the property has less than 50 feet of frontage on a public street, retail / commercial development shall not be required of a mixed- use application.

2. Retail, as part of a mixed-use development.

3. Commercial, as part of a mixed-use development.

4. Office development.

G. GENERAL REQUIREMENTS FOR ALL USES.

1. Area. Minimum Lot Area for the Special Innovation Floating Zone shall be two acres of contiguous land, unless parcels are adjacent to existing Special Innovation Floating Zone, then two acre minimum is waived.

2. Height. Buildings shall not exceed four stories or 45 feet in height. Developments contiguous to a single-family residential zone (excepting UCONN Hospital parcels) shall require a 5/6 vote for building heights of four stories or 45ft; otherwise these buildings shall not exceed three stories or 40 feet.

3 Grouping. The minimum distance between any two structures shall be 35 feet.

4. Yards and Buffer Areas:

a. Front Yard. A front yard with a minimum width of 25 feet shall be provided, unless the front yard borders Farmington Avenue in which event the Commission may consider a front yard reduction to 10 feet. Front yards shall be designated along all perimeter property lines contiguous to a street. No buildings, structures or parking areas including stalls or aisleways are permitted within the front yard. One or more driveways may run perpendicular through the required front yard.

b. Side and Rear Yards. Side and rear yards shall not be less than:

i. Abutting Residential Zones, excluding RDM: 25 Feet.

ii. Abutting Special Innovation Floating Zone: 0 Feet.

iii. Abutting all other zones: 10 Feet.

c. Landscaping Space.

i. Where the parcel abuts residential zones, excluding RDM, 25 feet landscaped buffers shall be provided with at least 12 trees and 12 shrubs per 100 feet. Seventy-five percent of all trees in such buffer areas shall be of the evergreen species. Trees and shrubs shall conform to the following standards:

(a) Deciduous trees shall be planted at three inches in caliper with a mature height of at least 30 feet;

(b) Fruit or flowering trees shall be planted at two inches in caliper with a mature height of at least 12 feet;

(c) Evergreen trees shall be coniferous species planted at six feet in height; and

(d) Shrubs shall be either deciduous species planted at two to six feet in height with a mature height of at least six feet or evergreen species planted at two to six feet in spread.

ii. Where the parcel abuts all other zones which require a ten-foot side or rear yard, a ten foot landscaped buffer shall be provided with a columnar evergreen screen and trees planted staggered, at least six feet on center.

iii. Between any portion of a building that is not a garage or covered parking and access drives or parking area there shall be a minimum of six feet of landscaping space, excluding any sidewalks.

iv. The Commission may modify the quantity, size or type of plantings as requested by the applicant where such is necessary to implement an off-street parking plan.

d. Building Set Back. A building set back shall be provided, with the distance between the primary residential building structures and the respective property line measuring a distance not less than 40 feet. A set back of not less than 20 feet is required where the Special Innovation Floating Zone borders other parcels on which the Special Innovation Floating Zone has been applied.

e. Parking Spaces and Accessory Parking & Maintenance Structures are permitted to be closer than 40 feet to the property line but may not encroach on a side yard or rear yard. The size of any standalone parking structure shall be limited to six vehicles, with the exception of below grade, or at grade garages under the proposed uses. The distance between each parking structure shall be at least 24 feet.

2. Access Streets and Sidewalks. The placement, size, arrangement and use of access routes to public or private streets shall be adequate to service residents and provide no hindrance to the safety of existing or proposed streets. Concrete pedestrian sidewalks up to six feet in width may be required at the Commission's discretion along the frontage of any parcel to promote connectivity among parcels. Sidewalks internal to the parcel shall be six feet and either concrete or bituminous. Street and parking lot grading, drainage and surfacing shall comply with the specifications of the Commission.

3. Impervious Coverage. The maximum impervious coverage per development site shall not exceed 75 percent for mixed use developments. The maximum impervious coverage per development site shall not exceed 50 percent if the development is not mixed use; or up to 65 percent with 5/6 vote of the Commission.

4. Lighting. All lighting shall be provided in conformance with Article IV, Section 14, of these regulations. All lighting shall be designed to impose no off-site glare. All fixtures shall be dimmable and night sky compliant.

5. Accessible and Universal Design Standards. Standards for Accessible and Universal Design shall be adhered to as required by Article IV, Section 28 of this Regulation.

6. Waste and Recycling. Refuse containers shall be provided in an appropriate number for waste and recycling unless curbside service is provided. Any such containers, if used, shall be subject to hours of pick-up during normal business hours, which shall be considered to be from 7:30 A.M. to 5:30 P.M.

7. Public Water and Sewers. All units shall be served by public water and sewers. For the purpose of this section, public water shall not include a private or community well.

8. Utility Wires. All utility wires shall be installed underground.

9. Certificate of Occupancy. A Certificate of Occupancy shall not be issued by the Building Official for more than 65 percent of the dwelling units of the approved development plan or of the approved stage of the development until all details of the approved development plan or of the approved stage of the development plan shall have been fully completed or bonded.

10. Phasing. The Commission may approve a Master Plan to be completed in phases. Each phase shall be capable of independent existence without the completion of

other phases. Buffer requirements shall not apply to the common lines between phases of development.

H. MULTI-FAMILY RESIDENTIAL REQUIREMENTS.

1. Maximum Residential Density: 30 units per gross acre, provided that if more than 25 percent of the linear footage of the parcel's property boundary lines abut any residential zone, then, 15 units per gross acre.

2. Dwelling Size. There shall be at least 350 square feet of living area for a studio unit, at least 600 square feet of living area for a one-bedroom unit and at least 800 square feet for a two-bedroom unit.

3. Required Parking Spaces. 1.5 per unit, to be inclusive of spaces within detached garages and those integral to the building. No parking shall be permitted within the buffer area or required front yard.

I. OFFICE DEVELOPMENT. Standards for office development within the Special Innovation Floating Zone shall be consistent with the standards for Professional Office (PR) Zone as stated in Article II, Section 10 of these Regulations, and with the General Requirements for All Uses stated in Subsection G of this Section 31. Upon request of an Applicant, the Commission may consider modifications to the PR standards within the Special Innovation Floating Zone.

J. COMMERCIAL DEVELOPMENT. Standards for commercial development within the Special Innovation Floating Zone shall be consistent with the standards for Business B1 (B1) Zone as stated in Article II, Section 12 of these Regulations, and with the General Requirements for All Uses stated in Subsection G of this Section 31. Upon request of an Applicant, the Commission may consider modifications to the Commercial standards within the Special Innovation Floating Zone.

K. RETAIL DEVELOPMENT. Standards for retail development within the Special Innovation Floating Zone shall be consistent with the standards for Business B1 (B1) Zone as stated in Article II, Section 12 of these Regulations, and with the General Requirements for All Uses stated in Subsection G of this Section 31. Upon request of an Applicant, the Commission may consider modifications to the retail standards within the Special Innovation Floating Zone.

L. EXPIRATION OF APPROVAL. Site plan approvals shall be valid in accordance with the provisions of the Connecticut General Statutes, Section 8-3, as it may be amended over time. The Special Innovation Zone designation remains valid unless amended by the Commission.

Amendment Effective 08-14-20

Section 32. MIDPOINT DEVELOPMENT DISTRICT

A. PURPOSE

The purpose of this section is to encourage variety, connectivity and flexibility in land development within a grouping of parcels identified in the 2018 Addendum to the Plan of Conservation and Development (POCD) as the Midpoint Development District ("MDD"). Section 9 of the Plan of Conservation and Development clearly defines a group of parcels within the MDD that contain both developed and vacant land with significant frontage on Route 4, the Farmington Canal Heritage Trail which, when completed, will run from New Haven, CT to Northampton, MA. The primary goal of this section is to:

1. Limit the extent of the MDD to the area defined in the Plan of Conservation and Development;

2. Redevelop underutilized and/or vacant commercial portions in the district;

3. Incentivize development that is more desirable than what is currently permitted within the industrial and commercial zones that presently exist in the subject area;

4. Allow residential development on undeveloped industrial and commercial portions of the MDD in a manner that respects environmental constraints, including wetland protection and federal and local floodplain regulations, while also paying respect to the Federal Wild and Scenic designation granted to the lower Farmington River in 2019;

5. Require linkage to the Farmington Canal Heritage Trail and Farmington River in an environmentally respectful manner that compliments and provides linkages to other public trails and sidewalk networks;

6. Minimize loss of riparian habitat within floodplain areas, wetlands and the regulated upland review areas and where feasible, restore such areas with indigenous plant species;

7. Provide ultimate control of development on these parcels by retaining the Commission's legislative authority to guide and ensure proper development in accordance with these regulations and the POCD. The Commission may approve the application of a MDD only in accordance with the requirements of this section as illustrated in a zone change application, accompanied by a master plan/special permit.

B. MIDPOINT DEVELOPMENT DISTRICT GUIDELINES

The MDD is intended to accommodate appropriately scaled development, to create a design that strengthens the connection between the proposed development, the Farmington Canal Heritage Trail and the riverfront area by allowing public access via carefully designed trail systems that pay respect to the sensitive environmental characteristics of the river and surrounding environs.

In addition, this regulation promotes the adaptive re-use of vacant and/or underutilized buildings within the MDD.

The following criteria shall be considered when evaluating a master plan for application of a MDD zone to a qualified site:

1. Plan of Conservation and Development – Consistency and compatibility with the Town's POCD and special area studies contained therein. The only parcels eligible for inclusion in the MDD zone are those specifically identified in the POCD.

2. Mixed Use – Creative and proactive planning shall integrate complimentary mixed uses and create a "sense of place" where people can live, work, shop and play, thereby reducing dependency on the automobile.

3. Farmington River Corridor – Provide strict protection of this unique and valuable resource through application of the following standards:
   a. Preservation of the natural Wild and Scenic River corridor by careful placement of improvements into the natural landscape.
   b. Sections 22a-28 through 22a-45d of the Connecticut General Statues and the Inland Wetlands and Watercourses Regulations of the Town of Farmington, as both may be amended.
   c. Promotion of innovative landscaping plans to insure invasive plant species are replaced with indigenous species and require the use of such indigenous species to soften the appearance of any development that may be visible from the Farmington River.
   d. The Flood Protection Zone and Flood Perimeter Overlay Zone requirements of the Town of Farmington Zoning Regulations, as both may be amended, including adherence to the mapping, engineering, and elevation standards found within the Flood Insurance Study, volumes 1-7, and the Federal Insurance Rate Maps both prepared by the Federal Emergency Management Agency, as may be amended.
   e. The Aquifer Protection Act of 2006 and the Aquifer Protection Regulations of the Town of Farmington, as both may be amended.

   f. Vegetation and Wildlife. Unique vegetation and wildlife habitat shall be preserved to the greatest extent possible. Understanding that land development requires some clearing, care shall be taken as follows:
      i. Undertake the identification and removal of invasive species. Develop a re-population plan using only hardy indigenous species. A plan for this activity identifying both invasive removal by species and area, as well as replanting of indigenous species will be included in the application submission.
      ii. The Farmington River corridor is identified on the Natural Diversity Database as defined by the State of Connecticut (NDDB Maps). Steps shall be taken including appropriate measures to protect endangered and/or species of special concern (flora and fauna) and a plan provided to implement mitigation measures as recommended by the Department of Energy and Environmental Protection.

4. Stormwater. No stormwater shall be discharged directly into the Farmington River or its tributaries. The utilization of low impact design (LID) techniques to promote permeability and improve water quality is required. Such practices may include a combination of swales, a series of smaller retention areas, raingardens, and subsurface infiltration drainage systems so that underground infiltration will provide for the treatment of the stormwater, recharge the

aquifer, and will minimize additional removal of the natural landscape. Wherever feasible, pipe-free solutions shall be designed into the overall stormwater management plan. Such efforts are meant to mitigate non-point source pollution, maintain in-stream temperatures and water quality, mimic the natural rate of rainwater infiltration, increase time of on-site stormwater concentration, and to provide nutrient uptake. Any such LID measures will be designed to minimize loss of the natural landscape.

5. Dynamic and Creative Development. Dynamic and creative layout and use mix that recognizes the history of the site and its buildings, encourages a visual and physical connection to the Farmington River while respecting the Federal Wild and Scenic designation and at the same time adding value to the area and to the Town of Farmington overall by connecting the Farmington Canal Heritage Trail to the site and to other sidewalks and pedestrian systems.

C. APPLICABILITY OF MASTER PLAN/SPECIAL PERMIT

The MDD zone may be applied only to those parcels identified within Chapter 9 of the POCD. A decision to apply the MDD zone is a change in zoning for the application site. In rendering a decision on the application, the Commission acts in its legislative capacity and is afforded wide and liberal discretion. The Commission shall utilize its knowledge of the area, the POCD, Article IV Section 12 of the Farmington Zoning Regulations, the required report from the Architectural Design Review Committee and the plans and reports submitted in compliance with the requirements of this regulation, in rendering such decision. A master plan shall be submitted with any request to rezone the subject parcels. The master plan need not be fully engineered but shall contain sufficient detail to provide assurances that the area of proposed development can in fact be developed as indicated. The master plan may be adopted before submission of a site plan application for the site, in which case the Commission shall be considered to have waived the Article IV Section 12 requirement that zone change or special permit applications be accompanied by an application for site plan approval., If applicable, any inland wetland permit application will not be required until the site plan review. An applicant may alternatively choose to apply for a MDD zone designation with master plan/special permit and site plan applications submitted simultaneously.

The lots comprising an approved zone change and master plan may be owned by one or more individual owners and may be transferred individually without further permitting if the master plan is not materially affected.

D. THE MIDPOINT DEVELOPMENT DISTRICT APPLICATION AND MASTER PLAN STANDARDS

Land Use and Density:

All zoning standards applicable to the MDD zone development shall be tabulated on the Master Plan.

Any land uses proposed in the MDD master plan shall be approved via special permit and will be subject to further review in accordance with the recommendations of the POCD and standards of Section IV. 12.

1. Residential and Public Uses Allowed:
   a. Permitted as recommended within Section 9.1 of the POCD:
      iii. Multifamily residential dwellings.
      iv. Public and private community buildings and recreational facilities such as trails and non-motorized boat launch facilities. All public facilities shall be owned in fee simple, or via easement, and maintained by the Town of Farmington.
      v. Public and private access including trails and non-motorized boat launch facilities. All public facilities shall be owned in fee simple, or via easement, and maintained by the Town of Farmington.
   b. Permitted as recommended within Sections 9.2 and 9.3 of the POCD.
      The use for any change in zoning designation to SA or high end residential as recommended under sections 9.2 and 9.3 of the POCD, respectively, shall comply with the use and density requirements of the newly landed zone.

2. Residential Density Requirements for the MDD Zone:
   a. Development as recommended within Section 9.1 of the POCD for the MDD zone shall not exceed 8 units per gross acre.
   b. Development as recommended within Section 9.2 of the POCD for the MDD zone shall not exceed that permitted in the SA Zone.
   c. Section 9.3 of the POCD recommends "high end residential development with river access and views." Density under Subsection 9.3 and the land it impacts shall not exceed that currently permitted, or under the standards of any subsequently approved zone change application meant to accomplish the recommendations of the POCD.

3. Commercial Uses Allowed
   a. Commercial uses under Chapter 9, Section 9.1 of the POCD include:
      i. Public and private recreation facilities.
      ii. Restaurant (low turnover).
      iii. Specialty restaurant including coffee shops, ice cream parlors, craft sandwiches, snacks, and meals, but excluding drive through facilities.
      iv. Brewery and brewpub.
      v. Food trucks or other mobile vendors in accordance with the following standards:
         1. Any such vendor(s) be appropriately licensed by the Farmington Valley Health District.
         2. The location and maximum number of permitted food vendors shall be shown clearly on the proposed site plan.

3. Any such approval shall take into consideration the parking needs of adjacent commercial uses on the site, as well as pedestrian safety of its clientele.
4. Seating, if proposed, shall also be shown on the plan.
5. Appropriate waste receptacles will be provided for all clientele.

vi. Alcohol service only in accordance with Article IV, Section 5.A.3.b of these regulations.
vii. Public and private community buildings and recreational facilities such as trails and non-motorized boat launch facilities. All public facilities shall be owned in fee simple, or via easement, and maintained by the Town of Farmington.
viii. Public and private access including trails and non-motorized boat launch facilities. All public facilities shall be owned in fee simple, or via easement, and maintained by the Town of Farmington.
ix. Retail store including the sale of groceries and pre-packaged meals, and personal service shop.
x. Banking and financial offices.
xi. Medical offices.
xii. Shop for making articles to be sold at retail or wholesale.
xiii. Studio and sample room.
xiv. Health Club.
xv. Day Care Center.
xvi. Adaptive re-use of any nature within an existing building not well suited to the uses listed above due to issues of access, space limitations, or structural defect, as approved by the Commission, subject to all other requirements of the zoning regulations except as modified by the MDD regulation.
xvii. Accessory uses commonly associated with any allowed principal uses.
xviii. Permitting for any other use which is not already specifically recommended in the POCD will first require an amendment to the to the POCD.

4. <u>Area</u>
Any master plan proposed under this section shall be a minimum of five (5) acres in size.

5. <u>Lot Coverage</u>
Lot coverage shall not exceed 40% impervious lot coverage. However, the Commission may by five-sixths vote permit up to 50 percent impervious lot coverage. Pervious pavement options shall be considered, where appropriate, and will be allowed, with approval of the Commission, to reduce impervious coverage impacts. Impervious surfaces used for the benefit of providing public amenities such as pedestrian trails, riverfront access, etc., through, or on, the development shall be excluded from the numerator of the impervious surface calculation.

6. <u>Setbacks</u>
As a master plan is intended to lay out a plan for a mixed-use development conceived as one interconnected community, there are no yard requirements for individual lots within the master plan. Setbacks from properties abutting the MDD, along the roadway corridor, and from buildings within the site shall be sufficient to insure proper design and placement of buildings as determined by the Commission when establishing the MDD zone for a particular

site. The Commission reserves the right to request buffers in the master plan where deemed necessary.

7. Building Height
   a. No new building shall exceed forty-two (42) feet in height; except 45 feet shall be permitted when rooftop units are fully enclosed within the roof structure. In no case, shall any new building be more than three stories.
   b. Existing buildings that exceed the height or number of stories may build out to their maximum height for their current footprint; but may build no higher than their current maximum height.

8. Existing Nonconforming Uses and Structures shall comply with Article IV, Section 1, except that a nonconforming use may be moved to another part of the premises if approved as part of a MDD master plan.

9. Lot Ownership. Individual lots within any proposed master plan may be owned by different entities at the time of application or subsequent to adoption of the MDD zone and master plan.

10. Parking Requirements and Modifications. The parking requirements in Article IV Section 8 of the Zoning Regulations shall apply with the exception that a multi-family residential use shall require 1.25 spaces per unit. Deferred parking and modifications to parking requirements based on shared use may be requested and approved by the Commission when establishing a MDD zone.

11. Building Massing. The shortest distance between any two structures shall not be less than thirty-five (35) feet. No building may exceed 190 feet in length. The Commission may waive these requirements if the design of the proposed development is benefited by closer spacing and alternate building design.

12. Landscaped Buffer Area. The Commission may require a landscaped buffer on the frontage of a MDD zone where residential uses are proposed. The Commission may require that front and side yard buffer areas be planted in accordance with the specifications of an “A” or “B” Buffer yard (40-foot width). No buildings, structures or parking areas, except for access driveways, entrance design features and signage, are permitted in a required buffer area.

13. Dwelling Size. Each dwelling unit shall consist of at least two rooms (for studio units - divided by a half or full wall), exclusive of hall and bathroom. There shall be at least 500 square feet of living area for each unit. There shall be no more than two bedrooms per unit.

14. Access Streets, Drives, Sidewalks and Public Trails. The placement, size, arrangement and use of access routes shall be adequate to service residents and where applicable, the general public and provide no hindrance to the safety of existing or proposed streets.

15. Phasing. The Commission may approve a master plan to be completed in phases. Each phase shall be capable of independent existence without the completion of other phases. Buffer requirements shall not apply to the common lines between phases of development.

16. Utilities. A MDD site shall be served by public water and sewers. For the purpose of this section, public water and sewer shall not include a community well or septic system, respectively. All utility wires shall be placed underground.

17. Protection of Undeveloped Land. Areas of the MDD site that are not proposed to be disturbed may be encumbered by a conservation easement accommodating uses approved as part of the master plan, at the request of the Commission.

18. Mixed Use. The master plan shall include residential and non-residential uses with interconnecting access to be legally established as a condition of approval. Mixed use developments shall demonstrate an effective and harmonious mixing of uses.

19. Lighting. All lighting shall be full cut-off dark-sky compliant. Proposed lighting shall not adversely impact adjacent properties. A conceptual design for lighting fixtures shall be provided with the master plan and full lighting details, including a photometrics plan, shall be required as part of the site plan application.

E. ZONE CHANGE/MASTER PLAN/SPECIAL PERMIT APPLICATION PROCEDURE

An application for adoption of a MDD zone shall be made in writing to the Commission by the owner or owners of the fee to the land and to any buildings which are the subject of the application, together with any other applicant holding legal interest. In the case of a MDD rezoning and master plan approval the Official Zoning Map shall be updated accordingly.

1. Zone Change Requirements. All zone change applications shall be processed in accordance with local and statutory regulations governing such applications.

2. Master Plan Requirements. All MDD zone change and special permit applications shall include the following information:
   a. Eight prints and an electronic file of an A-2 boundary survey of the application site.
   b. Eight prints and an electronic copy of an area map including two radius lines drawn from the subject parcel boundaries a distance of 200 ft. and 500 ft. Such maps shall contain a list with the names and addresses and street address/parcel number of all parcels within the required radius. Each entry shall also be annotated on the map for reference purposes.
   c. The source to be used in determining the location and owners of parcels shall the Town Assessor's data.
   d. Eight prints and an electronic file of a master plan for the site showing the location of existing and proposed buildings, a general plan of development for the property including the general location of trails, sidewalks, driveways, parking areas, and proposed drainage systems, the location of wetlands, watercourses and other natural features of note, proposed recreation areas, concept landscaping design, and a tabulation of the number of units and areas of the various uses proposed, and zoning and parking compliance charts.
   e. Eight prints and an electronic file of conceptual building elevations, drawn to a scale, and architectural renderings noting the number of proposed stories and maximum heights, and including an indication of the types of exterior materials and colors proposed for all buildings.

f. An analysis in narrative form of the history of the site and the elements of the master plan created to enhance, replace, preserve or otherwise pay respect to any historic aspects of the site.
g. A report examining the traffic implications of master plan approval on traffic circulation within the site, parking locations and parking adequacy for the mix of uses, sight distance adequacy at existing and proposed driveways, and off-site roadway capacity including impacts this development may have to levels of service to adjacent intersections and roadways and what measures may be proposed to mitigate any such impacts.
h. A statement on the conceptual design for stormwater management including stormwater runoff attenuation, volume control, water quality management and the use of low impact design principals.
i. A statement indicating the manner in which the master plan meets the Midpoint Development District Guidelines including its consistency with the Town's POCD.
j. The Commission may attach conditions to the approval of the master plan to assure continued conformance with the approved master plan.

2. Design Referral. The proposed master plan shall be referred to the Architectural Design Review Committee ("ADRC") for a statement on appropriateness and architectural continuity.

3. Process. The Commission shall hold a public hearing on the proposed zone change and master plan and shall approve, disapprove, or approve it with modifications.

4. Master Plan Modification. Applications for changes in an approved master plan shall be made and acted upon by the Commission at a regular monthly meeting, unless the changes are substantial. Changes of a substantial nature shall be made and acted upon by special permit application subject to a public hearing. The process for determining a substantial change shall follow the process outlined in Article IV, Section 12.C.3. Written consent of all effected owners of land and buildings shown on an MDD master plan shall be required.

F. PROCESS & REQUIREMENTS FOR MDD ZONE SITE PLAN

An application for site plan approval to develop an MDD zone shall be made to the Commission by the owner or owners of the land and buildings which are the subject of the application, together with any other applicant holding adequate legal interest to do so before development of the site may proceed. The site plan shall include the entire approved MDD master plan area.

1. Consistency with Master Plan. The site plan shall be substantially consistent with the approved master plan for the MDD zone and the POCD.

2. Site Plan Requirements - Site plan applications shall include the following information in addition to meeting the minimum site plan requirements of Article IV. Section 12:
   a. Documentation that an inland wetlands and watercourses application has been submitted concurrently with or prior to submission of a site plan application, where required.
   b. Eight prints of an A-2 survey of the MDD master plan as part of a plan set showing all existing and proposed conditions, with a tabulation of the information required by the Farmington Zoning Regulations.

c. Eight prints and an electronic file of all proposed building floor plans and elevations, drawn to a scale, including an indication of all materials proposed to be used in all buildings.
d. Eight prints and an electronic file of a landscaping plan indicating the location, size and species of all plant materials proposed to be preserved and planted, including a note indicating that no Connecticut-listed invasive plants will be used and reasonable efforts shall be made to remove Connecticut-listed invasive plants present on site in accordance with generally accepted removal practices and a management plan for the continuing removal of invasive plant species throughout the life of the development as certified by a registered landscape architect.
e. Eight prints and an electronic file of a photometrics plan for all site and exterior building lighting. Submission shall include cut-sheets of all light fixtures.
f. Two copies and an electronic file of the Traffic Report and Drainage Report for the MDD master plan.
g. The ADRC shall review the site plan, any improvements or modifications to the exterior of existing buildings and all proposed new buildings or additions as well as landscaping for appropriateness and architectural continuity.

3. Modifications to Site Plan - Applications for minor changes to an approved site plan shall be made and acted upon by the Commission at a regular monthly meeting. Site plan changes that constitute substantial changes to the master plan shall be made and acted upon in conjunction with a special permit application to amend the masterplan. The process for determining a substantial change shall follow the process outlined in Article IV, Section 12.C.3. Written consent of all effected owners of land and buildings shown on an MDD master plan.

G. OTHER REQUIREMENTS

1. Certificate of Occupancy. A Certificate of Occupancy shall not be issued by the Building Inspector for more than 65 percent of the approved number of dwelling units or of the approved construction phase of the site plan until all details of the site plan for the relevant construction phase shall have been either fully completed or bonded.
2. Expiration of Approval. Site plan approvals shall be valid in accord with the provisions of the Connecticut General Statutes, Section 8-3, as it may be amended over time. The MDD zone designation and master plan remain valid unless amended by the Commission.
3. Construction pursuant to an approved site plan may proceed on a phased basis subject to Commission approval. Changes to construction phasing may be approved at the staff level.

ARTICLE III. HEIGHT AND AREA REGULATIONS

Section l. SCHEDULE OF ZONE REQUIREMENTS

All buildings or structures hereafter erected or altered shall, unless otherwise exempted by the provisions of Article IV. Section 1. of the regulations, conform to the requirements for the zone in

which such building or structure is located as found in Section 6. Height and Area Schedule.

Section 2. FLOOR AREA REQUIREMENTS FOR RESIDENCES *

All buildings hereafter erected, structurally altered, or enlarged for use in whole or in part as dwellings shall have the following minimum requirements for living quarters:

A. In R80, R40 and R30 Zones for all principal dwellings, 1,200 square feet of finished living area;

B. In R20 Zones for all principal dwellings, 1,000 square feet;

C. In R12 and R9 Zones for all dwellings, 900 square feet.

D. In two, three and four family dwellings each unit having one bedroom shall contain 525 square feet of finished living area and for each additional bedroom, 120 square feet of finished living area. The preceding minimum floor areas shall also apply to all other multiple family housing where the minimum floor area is not elsewhere established by these regulations.

***** The purpose of the minimum floor area requirements is to assure that a dwelling will safely and reasonably accommodate the uses to which it is likely to be put. The minimum floor areas shown above are believed to be reasonable and appropriate. However, the Commission will consider a request for a special permit for the diminution of said minimum floor area requirements if the applicant persuasively establishes that a floor area less than the minimum provided for will provide safe and reasonable use of the premises and otherwise satisfy the purposes of the zoning regulations. See Article IV. Section 12. for application procedures, hearing and notice requirements.

Section 3. YARD EXCEPTIONS

A. Unless otherwise specifically prohibited by other provisions of these regulations any driveway, walkway, uncovered step or stair, detached wall, light post, flagpole (one per lot), utility unit or similar accessory structure may be erected or located within any yard area established by Article III. Section 6. Aboveground fuel tanks shall be permitted in any required side or rear yard at least ten feet from the property line or five feet when the tank is screened from view of the adjoining property. However no fence or detached wall may be erected or located within any required yard along a street which is greater than four feet in height unless otherwise approved by the Commission. In approving such fences, the Commission shall give due consideration to the protection of the existing streetscape and any scenic views or vistas. The Commission may require the installation of plant material or other suitable material to soften the view of such fence or wall.

Covered steps, porches which are not enclosed, terraces and decks may extend into a required yard provided they are distant from the front yard lot line at least 20 feet, and 10 feet from other lot lines, except from other lot lines along a street where the setback shall be at least 15 feet in the R9 and R12 Zones and at least 20 feet in all other residential zones.

These provisions shall not apply to nonresidential buildings or uses.

B. Other usual projections, such as windowsills, cornices and chimneys may extend into any required yard not more than six inches; and a bay window may extend not more than two feet. The roof overhang of a building may extend not more than one and one-half feet into a required yard.

C. Corner lots shall have a required front yard on only one street front, but the width of any side yard on a street side shall be not less than 15 feet in the R9 and R12 Zones and 25 feet for all other residential lots. Through lots or lots having lot lines along three or more streets shall have a required front yard on only one street, however the lot line along a street which is opposite from the front yard shall be a rear lot line.

   The Commission shall determine at the time of subdivision application which of the street lines shall serve as the front, rear or side lot lines. In the case where no subdivision is involved or where such setback lines were not identified on a previously approved subdivision plan, the property owner shall make such determination.

Section 4. INTERIOR LOTS

A. The Commission may approve the creation of an interior lot only under the following conditions: Where the lot to be divided was established prior to the effective date of these regulations (April 27, 1950) with less than twice the lot frontage required for the zone in which it is situated and it would not be desirable to service such proposed lot or lots by a street as defined under the definition for frontage; or where the establishment of an interior lot would further protect or preserve any of the natural or man-made resources found in Article II. Section 19.B.2. of these regulations. Under either condition the Commission shall also require compliance with Article IV. Section 12.B. of these regulations.

B. The Commission may approve only in accordance with the conditions stated in Section 4.A. above as part of a subdivision, or when no subdivision approval is required, by special permit in accordance with Article IV. Section 12. of these regulations, the use of an access way at least 20 feet wide to serve a residential lot which does not otherwise comply with the minimum frontage requirements for the zone in which it is located. An access way shall be defined as a strip of land providing access to an improved public street from an otherwise landlocked lot. The owner of a lot served by an access way must own such access way in fee simple. The use of a lot served by an access way is restricted to one single-family dwelling.

C. Where an interior lot in an R80 Zone exceeds twice the area requirement of the zone or in all other residential zones where such lot exceeds four times the area requirement of the zone the Commission may require the access way to be 50 feet in width.

D. Each interior lot shall be served by its own driveway except as otherwise approved by the Commission. In making its decision the Commission shall consider the topography, soils and vegetation of the site, as well as existing development and projected development in the immediate area. Where possible, curb cuts will be minimized through the use of shared driveways.

E. Interior lots in all residential zones, except the R80 Zone, shall contain at a minimum twice the lot area required for non-interior lots for the zone in which they are located.

F. The lot line to which the access way leads shall be deemed the front line of the interior lot. The required frontage prescribed for the zone in which such interior lot is located shall be provided at least at the front yard setback line. Such interior lot shall conform to all yard requirements prescribed for the zone in which it is located. The Commission may require the provision of landscaping along the access way to protect existing homes from glare and noise.

Section 5. FENCES IN OTHER THAN FRONT YARD

A. There shall be no limitation on the height of a fence located within the rear yard or a side yard behind the front building line or other required side yard along a street. (See also Article IV. Section 4.)

Section 6. HEIGHT AND AREA SCHEDULE – For all other zones not listed here, see text.

ZONE	DWELLINGS PERMITTED	MAXIMUM HEIGHT	MIN. FLOOR AREA	MINIMUM FRONTAGE	MINIMUM ACREAGE OR LOT SIZE	MINIMUM YARDS		
						FRONT	SIDE EACH	REAR
R80	1 Family	35’	1,200	200’	80,000 sf	50’	40’	50’
R40	1 Family	35’	1,200	150’	40,000 sf	50’	25’	50’
R30	1 Family	35’	1,200	125’	30,000 sf	40’	15’	25’
R20	1 Family	35’	1,000	100’	20,000 sf	40’	10’ for one 30’ for both	25’
R12	2 Family	35’	900	75’	12,000 sf	30’	10’	25’
R12LG	1 Family	35’	900	75’	12,000 sf	30’	10’	25’
R9	4 Family	35’	900	1 fam. 60’ 2 fam. 70’ 3 fam. 80’ 4 fam. 90’	9,000 sf 12,000 sf 18,000 sf 24,000 sf	20’	10% of frontage but not over 10’	25’
R9LG	1 Family	35’	900	60’	9,000 sf	20’	Same as R9	25’

R80 Open Space –Same a R40	R40 Open Space – Same as R30	
R30 Open Space – Same as R20	R20 Open Space – Same as R12	Multiple Family Cluster – See Text

R80, R40, R30, R20 Clusters	1 Family	35’	Same as underlying zone	See Text	See Text	See Text		
R9 Cluster	24 max. 8/bldg.	35’	900	200’	8,712 sf/unit	20’	20’	25’
RDM	5/acre	35’	600		5 acres			
AH	See Text	See Text	See Text		4 acres	See Text		
PR	None	36’		200’	80,000 sf	65’	50’ 100’ abut. Res.	30’ 60’ abut. Res.
BR	None	36’		200’	80,000 sf	65’	50’	50’ abut. Res. 30’ abut. Comm.
B1	None	36’		100’	20,000 sf	20’	15’	15’
CR	None	36’		150’	40,000 sf	40’	20’ for one 50’ for both	25
C1	None	40’		150’	40,000 sf	Same as CR		

ARTICLE IV. SPECIAL REGULATIONS

Section 1. NONCONFORMING STRUCTURES, LOTS AND USES

A. Any structure, lot or use legally existing at the time of the adoption of these regulations or any amendments thereto, which does not conform to the provisions of these regulations, shall be designated a nonconforming structure, nonconforming lot or nonconforming use. The following rules shall apply to such nonconformities.

B. NONCONFORMING STRUCTURES

1. Any building or structure legally in existence at the time of the adoption or amendment of these regulations which does not comply with either the minimum floor area, height, bulk, lot coverage, landscaping or other dimensional requirements of these regulations shall be considered a nonconforming structure. Such structures may continue to be used, subject to the following conditions:

    a. A nonconforming structure may be expanded, altered or extended provided such expansion, alteration or extension does not violate or further violate any of the height, bulk, setback or landscaping requirements for the zone in which it is situated except in the case of residential nonconforming structures in business or industrial zones which shall be governed by Article IV. Section 1.D.1. A nonconforming structure may not be moved to another lot or to another portion of the same lot except where such movement would be in compliance with all height, bulk, setback and landscaping requirements for the zone in which it is to be situated.
    b. A nonconforming structure or building may be repaired or maintained, however it may not be demolished and replaced by a new nonconforming structure except as provided for in this section; or in the case of signs, Article IV. Section 7.B.6.
    c. A nonconforming structure or building which is damaged or destroyed by fire, explosion or natural disaster may be rebuilt, provided such reconstruction does not violate the provision of Article IV. Section 1.B.1.a. and provided the reconstruction is completed within two years of the calamity.

C. NONCONFORMING LOTS

1. Any lot which does not conform to minimum area or frontage requirements for the current zone in which it is located shall be designated a nonconforming lot, providing such lot shall have been recorded by deed or shall have been shown on map tentatively approved by the Commission and filed in the Town Clerk's office prior to the effective date of these regulations (April 27, 1950), or prior to the adoption of any amendment of these regulations, which would otherwise make such lot unlawful.

2. Only one single family dwelling and accessory buildings may be erected on a nonconforming lot located in a residential zone, except as stated below, provided all other requirements of the height and area schedule are complied with. The area or frontage of a nonconforming lot shall not be reduced.
3. Where a nonconforming lot located within a residential zone presently contains or contained subsequent to April 27, 1950 a use, structure or building which is currently or previously accessory to a principal use, structure or building located on a contiguous parcel of land, such lots for the purpose of this regulation are deemed to be merged and therefore no zoning permit or building permit shall be issued for the construction of a single family dwelling on such nonconforming lot.

D. NONCONFORMING USES

1. Any use of a building or lot which was in existence prior to the adoption of these regulations (April 27, 1950), or amendments thereto, and is not permitted as of right or by special permit for the zoning district in which it is located shall be designated a nonconforming use. Such use may continue subject to Paragraphs 3., 4. and 5. below, or be changed only to a conforming use, but shall not be extended or expanded.* This prohibition shall include but not be limited to the following:
   a. The expansion of floor area, volume area or lot area dedicated to such nonconforming use.
   b. The expansion of seasonal or occasional nonconforming uses to a year round or continuous use.
   c. The expansion of operating hours of a nonconforming use which results in a change of nature of such use.
   d. The addition of new facilities, equipment, products or services to a nonconforming use which results in a change of nature of such use.

   * However residential uses or structures located in a business or industrial zone may be expanded or enlarged provided any building expansion complies with the yard and height requirements of the R20 Zone and the number of dwelling units does not increase.

2. No nonconforming use shall, if once changed to a conforming use, be changed back to such nonconforming use.
3. No nonconforming use shall be moved from one portion of a premises to another portion of a premises unless it complies with the use provisions of the zone to which it is relocated.
4. No nonconforming use shall be moved from one lot to another lot unless it complies with the use provisions of the zone to which it is relocated.
5. A building or structure containing a nonconforming use, with the exception of a residential use in a business or industrial zone, may be maintained or repaired provided no structural alterations are made. No such building or structure shall be demolished and replaced by a new building or structure except where the use is changed to a conforming use or except as otherwise provided for in this section.
6. A building or structure containing a nonconforming use which is damaged or destroyed by fire, explosion or natural disaster may be rebuilt, provided such reconstruction does

not violate the provisions of Article IV. Section 1.D.1. and Section 1.D.2. and provided the reconstruction is completed within two years of the calamity.

7. A building or structure containing a residential use and located in a business or industrial zone may be maintained or repaired including the making of structural alterations. Such buildings or structures may be demolished and replaced by a new building or structure provided any expansion of said building or structure does not violate the yard or height requirements of the R20 Zone and if such building or structure is relocated on the site, it shall conform to the yard requirements of the R20 Zone.
8. A nonconforming use shall not be resumed if such use has been abandoned.

Section 2. BUILDINGS AND STRUCTURES ACCESSORY TO ONE TO FOUR FAMILY HOMES

A. Accessory buildings and structures, (exclusive of farm buildings, swimming pools and appurtenances such as decking, tennis courts, satellite receiving antennas and amateur radio towers) shall be subject to the following requirements:

1. Shall be located behind the longest rear wall of the principal building or in the rear half of a lot containing frontage on one street. In the rear yard as measured from the longest rear wall of the principal building but not beyond the middle third of a through lot as measured from the street the principal use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest wall with respect to both streets or in the rear half of a lot as measured from both streets or a combination thereof. To the rear of the home as measured from the longest wall with respect to two streets or in the rear half of the lot as measured from two streets or combination thereof where a lot is bounded by three or more streets.
2. Shall be at least 25 feet from any street line.
3. Shall not exceed a height of 15 feet.
4. Shall be at least 5 feet from the rear and side lot lines.
5. The maximum size of a detached building or structure shall not exceed the area specified in the following table unless a special permit is granted by the Commission.

ZONE	LOT SIZE	MAXIMUM FOOTPRINT OF DETACHED BUILDING OR STRUCTURE
R9 – R80	<10,000 sq. ft.	550 sq. ft.
R12 – R80	10,000 sq. ft. +	700 sq. ft.

The area of a footprint of an accessory building or structure shall be measured from the outside of exterior walls.

B. Accessory farm buildings shall be subject to the following requirements:

1. May be located in the side yard but must be at least 100 feet from any street line.
2. Roadside stands may be located in front yards but must be set back at least 25 feet from any street line.

3. Shall be at least 5 feet from the rear and side lot lines. However, buildings or structures housing or sheltering animals shall be located a minimum of 75 feet from any side or rear property line.

C. Swimming pools and appurtenances such as decking and tennis courts shall be subject to the following requirements:

1. Shall be located behind the longest rear wall of the principal building or in the rear half of a lot containing frontage on one street. In the rear yard as measured from the longest rear wall of the principal building but not beyond the middle third of a through lot as measured from the street the principal use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest wall with respect to both streets or in the rear half of a lot as measured from both streets or a combination thereof. To the rear of the home as measured from the longest wall with respect to two streets or in the rear half of the lot as measured from two streets or combination thereof where a lot is bounded by three or more streets.
2. Shall be at least 25 feet from any street line.
3. Shall meet the side and rear yard requirements for the zone in which it is located shown in Article III. Section 6. of these regulations, except in the R40 and R80 zones where the rear yard requirement shall be 25 feet.

D. Satellite receiving antennas shall be subject to the following requirements:

1. Shall be located behind the longest rear wall of the principal building or in the rear half of a lot containing frontage on one street. In the rear yard as measured from the longest rear wall of the principal building but not beyond the middle third of a through lot as measured from the street the principal use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest wall with respect to both streets or in the rear half of a lot as measured from both streets or a combination thereof. To the rear of the home as measured from the longest wall with respect to two streets or in the rear half of the lot as measured from two streets or combination thereof where a lot is bounded by three or more streets.
2. Shall be at least 25 feet from any street line.
3. Shall not exceed a height of 15 feet to be measured from ground level to the highest point of the antenna.
4. Shall meet the side and rear yard requirement for the zone in which it is located shown in Article III. Section 6. of these regulations.

E. Amateur radio towers shall be subject to the following requirements:

1. Shall be located behind the longest rear wall of the principal building or in the rear half of a lot containing frontage on one street. In the rear yard as measured from the longest rear wall of the principal building but not beyond the middle third of a through lot as measured from the street the principal use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest wall with respect to both streets or in the rear half of a lot as measured from both streets or a combination thereof.

To the rear of the home as measured from the longest wall with respect to two streets or in the rear half of the lot as measured from two streets or combination thereof where a lot is bounded by three or more streets.

2. Shall be at least 25 feet from any street line.
3. Shall be permitted as of right as a freestanding structure or attached to the principal structure, when the height of the tower including the antenna mast does not exceed 45 feet in height.
4. Shall be allowed by special permit as a freestanding structure or attached to the principal structure, when the height of the tower including the antenna mast is more than 45 feet in height but not more than 65 feet in height. The Commission will be guided by standards provided in Article IV. Section 12.
5. Shall be located a distance from all property lines equal to the height of the tower.
6. Shall include a fence, anti-climb device or other means of limiting access to the tower.

F. A building attached to the principal building by a solid covered passageway no less than three (3) feet in width having a roof and a least one wall, a floor and doors on both ends; or attached by sharing a common structural wall with a door permitting access between both buildings shall be considered an integral part of the principal building and not an accessory building.

Section 3. PUBLIC GARAGES AND SERVICE STATIONS

A. In considering approvals for the erection or enlargement of a public garage for more than five motor vehicles, or a motor vehicle service station or gas filling station, or for the conversion of any premises not so used to be used for such purposes, due consideration shall be given to the proposed located of such facility in regard to schools, churches, theaters, traffic conditions, width of highway and effect on public travel.

Section 4. VISIBILITY AT INTERSECTIONS

On a lot located at the intersection of two streets within any zone, no object more than two and one-half feet in height as measured from the edge of pavement of each of the roadways shall be placed or maintained within the triangular area formed by the intersecting edges of pavement and a straight line connecting points on such pavement edges, each of which points is 25 feet distant from the point of intersection. Such objects include but are not limited to plantings, fences, walls or lamp posts, however utility poles and street signs may be permitted within the triangle provided they do not interfere with the visibility of a motorist.

Section 5. SALE OF ALCOHOLIC BEVERAGES

A. No building or use of land for the sale of alcoholic beverages shall be approved in the Town of Farmington unless the following requirements can be met:

1. For a retail liquor outlet, no portion of the lot may be within a 1,500-foot radius of any other lot on which a retail liquor outlet is located;
2. For the sale and consumption of alcoholic beverages on the premises, no portion of the lot may be within a 1,500-foot radius of any other lot used for the sale and consumption of alcoholic beverages on the premises; and
3. No building or land shall be used and no building shall be erected or altered which is intended, arranged or designed to be used for the retail sale of alcoholic beverages, or for sale and consumption on the premises, if any portion of the lot is situated:

    a. Within 500 feet radius of any lot used or to be used for a college, school, church, hospital or library; and
    b. In any zone, except B1, BR and MDD.

B. Waiver of any of the above requirements in this section may be granted by a vote of five-sixths of all the members of the Commission after a public hearing is held in accordance with Article IV. Section 12.C.2. of these regulations and provided the Commission finds that such waiver:

1. Will not cause undue concentration of liquor outlets in the area;
2. Will be in harmony with the general purpose of the Zoning Regulations as it concerns the area;
3. Will not cause the proximity of the proposed outlet to schools, churches, public playgrounds and residential zones or lots used exclusively for residential purposes to adversely affect the health and safety of persons in the area; and
4. Will not cause the location and size of the proposed outlet, the size of the site in relation thereto, and its location with respect to access streets to hinder the appropriate development and use of adjacent land and buildings, or cause traffic hazards.

Section 6. LOADING SPACE

On any lot which is hereafter developed for business, industrial, hotel or institutional use, there shall be provided adequate space suitably located on the lot for the loading and unloading of goods and material. In determining adequacy and suitability of location, the Zoning Enforcement Officer shall be governed by the nature of the use, the volume of vehicular and pedestrian movement which passes the premises and the location of the principal building in relation to the street.

Section 7. SIGNS

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

B. GENERAL.

1. In reviewing a proposed sign or existing signs proposed for modification or alteration, the Commission shall consider the extent to which such signs are compatible with the character of the neighborhood and other signs which may be located on the property or in the general vicinity thereof, the extent to which such signs shall preserve and enhance property values and the extent to which the design and location of such signs shall protect against traffic distractions and hazards.
2. No permanent sign shall be erected, relocated or altered, except for normal maintenance and where a sign face is altered using similar colors, materials and lettering type, without a Zoning Permit issued by the Zoning Enforcement Officer following Commission approval.
3. The total area of a sign shall consist of the smallest rectangle that will contain the entire sign, excluding supports. However, when a sign consists of individual letters or symbols affixed to a freestanding or building wall, the area of such sign shall be measured as the composite of the smallest rectangles, which would contain each separate line of letters or symbols. The height of a sign shall be measured from ground level to the top of the sign, or any part thereof, including supports and lights.
4. Applications for sign approval shall be made on forms provided by the Planning Department and shall be accompanied by such plans and information specified on such forms.
5. The Commission may approve the alteration or replacement of a nonconforming sign provided such alteration or new sign does not exceed any present nonconformities.
6. No lot shall contain more than two flagpoles unless otherwise approved by the Commission.
7. The total area of a double-sided sign shall be deemed the area of the largest face and not the combination of the two faces. Each face of a double-sided sign shall not extend beyond forty-five degrees to one another.
8. Non-Existing Businesses: Any sign which no longer advertises a bonafide business conducted, product sold or activity being conducted shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such signs may be found within thirty (30) days of such cessation of the business.

C. SIGNS WHICH ARE EXEMPT FROM THIS SECTION. The following types of signs shall be exempt:

1. Government flags. However, there shall be no more than three flags on a property unless additional flags are approved for use and display by the Commission. Such flags may only be displayed on poles or posts affixed to the ground or otherwise approved by the Commission.
2. Signs required by law or regulation shall to the extent consistent with such law conform

to this section.

3. Signs used for the control of traffic or the regulation of parking as approved by either the Commission or a government authority.
4. Signs located within the interior of a building with the exception of those signs which revolve, rotate, flash, move or give the appearance of movement and except those signs which are internally illuminated including but not limited to neon signs
5. Signs required by the State or Federal government in conjunction with a publicly assisted or financed development project.
6. A non-illuminated sign advertising that a business is open, whether located inside or outside a structure and provided that such sign is limited to no more than twelve square feet in area.

D. SIGNS PERMITTED IN RESIDENTIAL ZONES.

1. One sign not over two square feet in area generally limited to the name of the occupant and address of the premises.
2. The name of a farm and of the proprietors thereof may be attached to or painted on the wall of a farm building or on a detached pole provided:

   a. The farm building or pole is at least 50 feet from any lot line;
   b. The total area of the sign shall not exceed 20 square feet; and
   c. If freestanding, the height of the sign shall not exceed 10 feet.

3. Bulletin boards on church or school property not exceeding 16 square feet in area and 8 feet in height.
4. The Commission may approve an attached or detached sign for a subdivision development, multiple family housing development or special permit use in a residential zone in accordance with the standards set forth in Sections 7.E. and 7.F.

E. ATTACHED SIGNS PERMITTED IN PR, B1, BR, CR, C1, UC AND EE ZONES.

1. One attached sign per business establishment advertising the business or businesses conducted within the building. Where it is demonstrated by the applicant that more than one attached sign is required to adequately identify a business the Commission may approve additional signs on a particular building wall or on more than one building wall facing directly onto a street or driveway.
2. The total area of all attached signs shall not exceed one square foot for each linear foot of the front of the building. The front of the building shall be defined as the longest building wall which faces directly onto a street or driveway. For attached wall developments such as a shopping center, each business having direct access at grade shall be allowed a total area of attached signage not to exceed one square foot in area for each linear foot of building wall that the business occupies.
3. Attached signs shall not project more than 36 inches from the wall or surface to which they are attached, and not be painted directly on the surface of any building.
4. Any property containing more than two businesses shall submit a unified sign design for the Commission’s approval.

F. DETACHED SIGNS PERMITTED IN PR, BR, CR, B1, UC AND C1 ZONES.

1. General Requirements.

   a. Detached signs may be approved for use in the PR, BR and CR, B1 and C1 Zones in conjunction with or subsequent to special permit approval of a development plan.
   b. Height and area requirements of such signs shall be in accordance with the following:

      1) if located within the first two-thirds of the required front yard and less than 6 feet in height such sign shall not exceed 25 square feet;
      2) if located within the first two-thirds of the required front yard and from 6 feet to 10 feet in height such sign shall not exceed 12 square feet; and
      3) if located beyond the first two-thirds of the required front yard signs shall not exceed 10 feet in height and shall not exceed 50 square feet.

   c. Where a sign is proposed to be located in a side yard the criteria of 1) and 2) shall apply.
   d. In no case shall any sign exceed 10 feet in height.
   e. Any detached sign shall be placed within a landscaped area. The extent and type of landscaping and the location of the sign shall be shown on the plan submitted to the Commission for approval.
   f. Unless otherwise approved by the Commission, all detached signs shall be located no closer than fifteen feet to the edge of the roadway.

2. A shopping center and/or park-like development shall be allowed a sign bearing the name of such center or park at its main entrance.
3. The Commission shall determine the maximum number of detached signs permitted for each individual lot.

G. TEMPORARY SIGNS - ALL ZONES. The following temporary signs are permitted in all zones and shall require a permit from the Zoning Enforcement Officer.

1. Signs advertising a public or semipublic charitable, social, educational or fundraising event provided the sign may not be erected more than 14 days prior to the event and must be removed no later than two days after the event. Such signs shall be non-illuminated, not to exceed 50 square feet in area, and shall not be located in such a manner as to interfere with the safe movement of vehicles or pedestrians. It is prohibited to install temporary signage of any kind at the following intersections: the traffic island located on the south side of the intersection of Main Street and Farmington Avenue (Farmington); the traffic island located on the south side of the intersection of Farmington Avenue and South Main Street (Unionville); the traffic island located at the corner of Colton Street and Main Street (Farmington); the traffic island located at the intersection of High Street and Mountain Road (Farmington); the traffic island located at the intersection of Coppermine Road and West District Road (Farmington); the traffic island located at the intersection of Coppermine Road and Red Oak Hill Road (Farmington); the traffic island located at the intersection of Church Street and Main Street (Farmington); the traffic island located at the intersection of Garden Street and Porter Road (Farmington) as well

as within 50 feet of the Welcome to Farmington sign located at the I-84 exit ramp and Farmington Avenue (Exit 39 Farmington). Town staff shall have the option of removing any and all such temporary signs that are in violation of this provision after endeavoring to notify the sponsor of a permissible event. Such signs shall be brought to and stored at the Town Hall. If unclaimed, these signs will be discarded after 10 days.

2. One non-illuminated sign advertising the sale or lease of a real estate development (new construction or substantial reconstruction), including but not limited to, a subdivision, office building(s), retail store(s), industrial building(s) or vacant commercially or industrially zoned land, provided:

    a. The sign shall not exceed 32 square feet in area;
    b. Shall be located at least 15 feet from the edge of the roadway and on the subject premises; and
    c. A permit shall be issued for a six-month period only and may be renewed for additional six-month periods.
    d. The sign may be displayed for a period not to exceed two years from the completion of such unless otherwise approved by the Commission.

3. One non-illuminated "For Sale", "For Rent" or "For Lease" sign advertising an existing individual single or multiple family dwelling unit, individual building lot or portion of an existing real estate development including existing office building(s), retail store(s), industrial building(s) or vacant commercially or industrially zoned land, provided:
    a. The sign shall not exceed 6 square feet in area, however, in the case of a commercial or industrial building(s) exceeding 10,000 square feet in area and where the building vacancy exceeds 50%, the area of the sign may be increased to a maximum of 32 square feet by the Zoning Enforcement Officer.
    b. Shall be located at least 15 feet from the edge of the roadway and on the subject premises; and

4. The sign shall be in place for a maximum six-month period and said period may be extended by the Zoning Enforcement Officer.
5. Non-illuminated building contractors' sign located on buildings under construction or 15 feet off the edge of roadway not to exceed 12 square feet. The size of such sign may be increased to as much as 32 square feet with the approval of the Zoning Enforcement Officer in the case where such work involves an area exceeding 10,000 square feet or the construction or renovation of at least four dwelling units. Such sign(s) shall be removed immediately after work has been completed by such contractor.
6. Non-illuminated signs announcing the opening of a new or relocated business within the Town of Farmington, one per business. Not more than one sign shall be displayed at any given time for each premise unless otherwise approved by the Commission. Such signs shall not exceed 12 square feet in area and shall be attached to a post affixed to the ground, which is no more than six feet in height. All portions of the sign including post shall be set back at least five feet from the edge of a roadway, however, no sign shall be placed in a location which interferes with a driver's sight line or which obstructs any public sidewalk. All signs shall be uniform in appearance as approved by the

Commission and distributed by the Zoning Enforcement Officer, no additions or alterations to the sign are permitted. These signs may be displayed, following the receipt of a permit from the Zoning Enforcement Officer, for a period not to exceed 60 days from the date of the permit. Each sign must be located directly in front of the new or relocated business except in the case where the main entrance to such business does not face directly onto a public street or in the case where a business is located on a dead end street. In such aforementioned exceptions the sign may be located along the closest public through street. The provisions of this subsection shall not apply to home occupations or to a location for any business, which has been in operation at such location for more than six months.

H. OFFSITE TRAFFIC CONTROL SIGNS shall require approval by the Farmington Traffic Authority.

I. ILLUMINATION.

1. Permanent signs, unless otherwise prohibited by other sections of this regulation, may be illuminated externally as approved by the Commission. Exterior lighting shall be confined or directed to the surface of the sign so that no direct rays or glare are visible beyond the sign face. No such lighting shall create a danger to vehicular traffic nor a nuisance to residential properties. If external illumination is allowed the Commission may require a dimming devise to be installed if the lighting proves to be intense and/or may require the exterior illumination to go dark after 10:00 p.m.

J. DIRECTIONAL SIGNS.

1. The Commission may approve the installation of directional signs for office parks, industrial parks, shopping centers, churches, institutional uses and municipal uses. Such signs shall not exceed two square feet in area, contain black lettering on a white background and shall be mounted on poles not to exceed seven feet in height.

    a. The Commission may approve the installation of one or more temporary directional signs for new or renovated developments such as listed in paragraph 1 above.
    b. Such signs shall not exceed two square feet in area, contain black lettering on a white background and shall be installed or mounted so not to exceed seven feet in height. The Commission shall specify the duration such signs may be posted.
    c. When two or more of such directional signs are at the same intersection or area, such signs shall be attached to the same post.

K. PROHIBITED SIGNS. The following signs are prohibited:

1. Portable or wheeled signs except those advertising public or semi-public events, or signs on parked vehicles where the sign is the primary use of the vehicle;
2. Signs emitting artificial light directly or through transparent or translucent materials from a source of light in the interior of the sign, except as allowed in Paragraph I.2.;
3. Signs which revolve, rotate, flash or move in any manner, or give the appearance of movement;

4. Advertising flags, banners or streamers;
5. Signs which extend above the highest point of a roof. Roof-mounted signs may only be approved upon a finding by the Commission that the display of a sign on other portions of a building would not produce adequate visibility due to on site or off site topographic conditions, orientation of the building with respect to an adjacent street or highway or the location of neighboring buildings or structures on or off site which would tend to produce an obstructed view;

6. Signs which are internally illuminated including but not limited to neon signs, halo lit signs and including signs located inside building windows or which may be viewed through a window from a road, driveway or sidewalk;
7. Billboards;
8. Signs which are directly painted onto any portion of a building or structure;
9. Signs affixed to the roof of any canopy structure located at a gasoline filling station.
10. Signs with LED or LCD letters or symbols.

L. Heights, Size and Locational Exceptions. Where there is ample demonstration that the height, size or locational requirements of this section are inappropriate due to topography, location of a building on a lot or on an abutting lot or to other physical features affecting the parcel or building, the Commission may permit an increase of 50 percent in the size and height limitations specified in this section and may permit a location closer to the front property line than specified in Paragraph F. Such exceptions may be permitted only upon a five-sixths vote of the full Commission.

Section 8. OFF STREET PARKING STANDARDS

A. GENERAL PROVISIONS

1. On all premises off street parking facilities shall be provided for all uses except where the alteration, enlargement or change of an existing use would require no increase in the amount of parking spaces required under Paragraph B. of this se
2. In the PR, BR and CR Zones no parking or loading area (including parking stalls and aisle way) shall be permitted within fifty (50) feet of any residential zone boundary. The Commission may require parking at distances greater than fifty (50) feet as circumstances reasonably justify.
3. All parking lots shall be hard surfaced except as approved by the Commission for parking areas, which are to be developed for a seasonal use, where such parking is in excess of the amount required by this regulation or when determined by the Commission that the use of pervious material would enhance or protect the natural environment.
4. In all business and industrial zones no parking or loading area (including parking stalls and aisle way) shall be allowed neither in the required front yard nor within fifteen (15) feet of any other property line.

   No such parking or loading area shall be permitted within the required front yard for special permit uses in residential zones. In addition, parking and loading areas for special permit uses in residential zones, with the exception of two, three and four family dwellings, shall not be permitted within twenty (20) feet of all other property lines.

   See also Section 13 (Landscape Regulations).

5. Any lighting used to illuminate any off-street parking shall be so arranged as to direct the light away from any adjoining property and streets. See also Section 14.

6. Each off-street parking space shall measure nine feet in width by twenty feet in length (9’ x 20’).

   a. Aisles between parking spaces for one-way travel shall be a minimum of:
   b. Twelve (12) feet for parallel parking, thirty (30) and forty-five (45) degree angle parking.
   c. Eighteen (18) feet for sixty (60) degree angle parking.
   d. Twenty-three (23) feet for ninety (90) degree angle parking
   e. Aisles between parking spaces for two-way travel shall be a minimum of:
   f. Twenty (20) feet for two, three and four family dwellings.
   g. Twenty-three (23) feet for all other uses.
   h. The driveway width for one-way travel shall be a minimum of twelve (12) feet.
   i. The driveway width for two-way travel shall be a minimum of twelve (12) feet for two, three and four family dwellings and twenty-three (23) feet for all other uses not including single-family dwellings.

The width of a driveway, that portion which is located within the required front yard or side yard along a street and serving one single family home shall be a minimum of ten (10) feet and a maximum of twenty-four (24) feet. The actual width shall be determined by the Town Engineer taking into consideration the designation of the intersecting street and the relative location of any garage in conjunction with such driveway to the street line.

7. Where a property includes two (2) or more uses, including those within a shopping center, the parking requirements shall be the composite of the requirement for each use.
8. The Commission may waive the immediate installation of up to twenty-five (25) percent of the parking requirement for any proposed land use if the applicant can sufficiently demonstrate to the Commission that if a waiver is granted, there will still be an adequate number of spaces for the proposed use.

   The applicant shall indicate on the parking plan where the spaces will be located should they become needed. In addition, the applicant shall place a note on the plan agreeing to construct the spaces which had been waived within six months after the date of any request by the Commission to do so. For purposes of calculating lot coverage, the area which is designated for possible future parking shall be considered paved.

   Criteria which the Commission shall be guided by in the granting of such a waiver are:

   a. The promotion of a ridesharing or vanpooling program by the applicant (for office uses only);
   b. A study submitted by the applicant which indicates parking will be adequate if the waiver is granted;
   c. The shared use of parking facilities (does not apply to retail stores); and
   d. The provision of a larger than required buffer yard.

9. Up to twenty-five (25) percent of parking spaces may be designated for compact car parking. The layout of these spaces shall discourage their use by mid and full size cars. Each space shall be a minimum of eight feet in width and sixteen feet in length (8’ x 16’). Aisle width shall be as specified in Section 8.A.6. above. The location of these spaces shall be approved by the Commission. Generally, the compact spaces shall be clustered in the same area. The purpose of this section is to encourage a design which will reduce the amount of impervious surfaces and provide additional landscaped area.
10. A proposed driveway providing access from a street to nine (9) or more parking spaces shall have a maximum grade of six percent (6%) for the first forty (40) feet in from the paved portion of the road.
11. A proposed driveway providing access from a street to eight (8) or less parking spaces shall have a maximum grade of eight percent (8%) for the first twenty (20) feet in from the paved portion of the road.
12. The maximum grade for all driveways and aisles shall not exceed twelve percent (12%) except in the case of single-family homes where such grade may not exceed fourteen percent (14%). The transition to these maximum grades shall be gradual.
13. The maximum grade along the cross slope of a driveway or aisle shall be five percent (5%).

14. The maximum grade along the width of a parking space shall not exceed six and one-half percent (6-1/2%).
15. Each parking space shall have free access to a driveway except in the case of single-family homes and where permitted by the Commission in an RDM Zone, AH Zone, S-A Zone, or any cluster development.
16. One-way or two-way driveways which serve eight (8) or fewer parking spaces shall not be located less than fifty (50) feet from a street intersection as measured from the centerline of such driveway to the extension of intersecting curbs.
17. One-way or two-way driveways which serve more than eight (8) parking spaces shall not be located less than one hundred (100) feet from a street intersection as measured from the centerline of such driveway to the extension of intersecting curbs.
18. Parking spaces may be located in subsurface or elevated garages provided that no parking spaces so located shall be counted toward meeting any of the minimum parking requirements of these regulations except in accordance with the following sentence. Where it is necessary to meet the minimum requirement of these regulations through subsurface or elevated parking structures, then the floor area of each level or part thereof used to meet such minimum requirement shall be considered as impervious surface in determining lot coverage.
19. The Commission may, by way of a special permit in accordance with Article IV, Section 12 of these Regulations, permit the reduction of the length of parking spaces to not less than 18 feet provided such spaces are adjacent to an aisle of not less than 24 feet in width where the stalls are aligned perpendicular to the aisle, or to an aisle of a width approved by the Commission where the stalls are aligned to provide for angled parking.

B. <u>SCHEDULE OF OFF STREET PARKING STANDARDS</u>

1. SINGLE FAMILY DETACHED HOME in all zones: Two (2) spaces per home.
2. TWO THROUGH FOUR UNIT HOME: Two (2) spaces per unit.
3. DWELLING UNITS IN THE RDM ZONE: Two and three-tenths (2.3) spaces per unit.

4. HOTEL, MOTEL, ROOMING, LODGING, BOARDING HOUSE, BED AND BREAKFAST: One (1) space for each room for rent to transient guests plus two (2) additional spaces for each permanently occupied living unit, plus one (1) space per employee on the largest shift.
5. MEDICAL OFFICE including CLINIC: One (1) space for each 150 square feet of gross usable floor area or six (6) spaces for each full-time doctor or dentist, whichever is greater. For the purposes of these regulations, several part-time doctors or dentists shall be considered as one or more full-time doctor(s) or dentist(s) when their cumulative office hours equal a 40-hour (or more) workweek.
6. BUSINESS OFFICE, non-medical use: One (1) space for each 225 square feet of gross usable floor area. Gross usable floor area should be assumed as eighty percent (80%) of total floor area for office buildings where no floor plan exists at the time of application.
7. PRIVATE HOSPITAL: One and one-half (1.5) space for each bed.
8. NURSING, SANITARIUM, CONVALESCENT HOME: One (1) space for every three (3) beds.
9. FUNERAL HOME: Forty (40) spaces, plus twenty (20) for each parlor or chapel in

excess of one.

10. RETAIL AND PERSONAL SERVICE SHOP and BANK carried on independent of a shopping center: One (1) space for each 150 square feet of sale and customer area plus one (1) space for each 225 square feet of gross usable floor area of office space. Retail uses in a shopping center shall require five and one-half (5.5) spaces for 1,000 square feet of gross usable floor area.
11. RESTAURANT, FAST FOOD, DAIRY BAR, GRILL, COFFEE SHOP: One (1) space for each 50 square feet of seating and customer area or one (1) space for every two (2) seats, whichever is greater, plus one (1) space per employee on the largest shift. Parking spaces must be provided at the above rate for all outdoor seating (seasonal and non-seasonal).
12. RESTAURANT, LOW TURNOVER: One (1) space for each 100 square feet of seating and customer area, or one (1) space for every two (2) seats, whichever is greater, plus one (1) space per employee on the largest shift. Parking spaces must be provided at the above rate for all outdoor seating (seasonal and non-seasonal). Where a low turnover restaurant contains additional facilities or amenities such as a dance floor, lounge, freestanding bar or banquet or conference room without fixed seating the Commission may require the provision of additional parking based upon a rate equal to or less than one (1) space per 30 square feet for each facility.
13. INDUSTRIAL (including MANUFACTURING), WAREHOUSE, PUBLIC UTILITY: One (1) space per employee on the largest shift.
14. PLACE OF ASSEMBLY: (including church, theater, auditorium): One (1) space per every three (3) seats, provided that the Commission may by way of special permit in accordance with Article IV, Section 12 of these Regulations approve a parking plan that provides not less than one onsite parking (1) space per every four (4) seats. If requested by the Commission, the applicant for such a special permit shall submit a parking study demonstrating that the combination of onsite and other available offsite parking is not less than one (1) space for every three (3) seats.
15. Where a use is not specifically listed, the Commission shall determine the required number of spaces.
16. BILLIARD PARLOR: Two (2) spaces for each billiard table in the facility plus one (1) for each employee.
17. When multiple uses are present on the premises, such as in a shopping center, the Commission may consider overlapping use of parking spaces based upon the various hours of operation and peak usage for each use.
18. Pediatric or Youth Behavioral Health Center: One (1) space shall be provided per employee on the largest shift. Where door-to-door transportation or valet drop-off/pick-up is provided for children entering and exiting the center, no additional off-street parking is required. Where no such service is proposed, the Commission shall require the applicant submit a parking study demonstrating the adequacy of the proposed on-site parking plan and may determine the adequate number of spaces.

Section 8.A. OFF STREET BICYCLE PARKING STANDARDS

A. DEFINITIONS. For the purpose of applying the provisions of this section the term below shall be defined as follows:

BICYCLE PARKING FACILITY – Devices which support and secure a parked bicycle. Known as rack elements, they may be assembled together to form a complete rack and with proper spacing between racks, a bicycle parking lot.

B. GENERAL REQUIREMENTS.

1. The Commission may require the provision of bicycle parking facilities in conjunction with all new construction; special permits for changes in use; and in cases where the number of existing parking spaces is increased by ten percent or more for the following:

   a. All non-residential uses unless it is determined that such a facility will be unmanned during daylight hours and will not be serving customers onsite.
   b. All residential complexes which contain one or more community facilities such as a clubhouse, meeting room or common recreation area.

   In deciding whether to require such facilities the Commission may consider any resulting loss of parking spaces, negative effects on handicap or pedestrian access as well as any negative impact on the overall design of the site.
2. Bicycle parking facilities should be provided at a minimum having parking for two bikes, with one bicycle parking space provided for every twenty vehicle onsite parking spaces unless otherwise determined by the Commission.
3. Bicycle racks should be arranged so that parking for each bicycle is a minimum of two feet wide and six feet long. Lines of racks should be arranged such that aisle widths of at least four feet are provided between rows of bikes. A minimum of thirty-six inches should be provided between rack elements (side to side). Where a bicycle rack allows bicycles to be locked on both sides of the rack without conflict, each side may be counted as one required space.
4. Bicycle racks should be securely fixed to the ground surface and resist being cut or detached using common hand tools.
5. Bicycle racks should be located at least three feet from any wall or obstruction. They should be located within view and convenient to the main building entrance. In the case of a multiple building complex (non-residential), bicycle racks should be located for each building. In residential complexes, bicycle racks should be provided in a location convenient for each community facility. Bicycle racks shall not interfere with pedestrian circulation and should be safely separated from vehicle parking and driveways.
6. Bicycle parking facilities may be moved or removed by the owner of any premises between November and April with the consent of the Town Plan and Zoning Commission if, in the owner's opinion, it is necessary to facilitate the removal and/or storage of snow.

7. Bicycle parking facilities may be temporarily moved or removed by the owner of any premises if, in the owner's opinion, it is necessary to facilitate paving or other construction in the vicinity of any such bicycle parking facilities. Any such temporary moving or removing of a bicycle parking facility pursuant to this provision shall be done with the consent of the Town Plan and Zoning Commission.

Section 9. STORAGE CONTAINERS, DUMPSTERS, TRAILERS, MOBILE HOMES AND RECREATIONAL VEHICLES

A. STORAGE CONTAINERS AND DUMPSTERS

1. One storage container or dumpster may be placed on a parcel of land occupied or to be occupied by a one, two, three or four family home provided it is located in accordance with Article IV. Section 2.A. of these regulations. However, a dumpster used in connection with a construction activity may be located within the front yard for a period of time not to exceed 60 days.
2. Storage containers or dumpster located on parcels occupied by any other use, permanent or temporary, must be approved by the Commission. However a storage container or dumpster used in connection with an approved construction activity may be approved by the Zoning Enforcement Officer. Permanent dumpsters shall be screened in a manner as specified and approved by the Commission.

B. TRAILERS

1. A total of one open or enclosed utility or recreational trailers, neither to exceed 20 feet in length, may be placed on a parcel of land occupied by a one, two, three or four family home. If the parcel exceeds 15,000 square feet the trailer size may be increased not to exceed 24 feet in length, parcels exceeding 20,000 square feet may have a total of two open or enclosed utility or recreational trailers not to exceed 27 feet in length. Trailers shall be located behind the longest rear wall of the principal building or in the rear half of the lot and at least 10 feet from side and rear lot lines. In the case of a through lot, in the rear yard as measured from the longest rear wall of the principal building, but not beyond the middle third of such lot as measured from the street the principle use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest rear wall with respect to both streets or in the rear half of a lot as measured from both streets. Where a lot is bounded by three or more streets the trailer must be stored to the rear of the home as measured from the longest rear wall with respect to two streets or in the rear half of a lot as measured from two streets. Open or enclosed utility or recreational trailers located on parcels occupied by any other use, permanent or temporary, shall be approved by the Commission.

The length of a trailer shall be determined by the longest measurement from the first vertical member of the trailer body (not to include the trailer hitch or front frame) to the rear most body member. The measurement shall include all overhangs/cantilevered portions of the trailer. Any appendages permanently affixed to the hitch or front frame shall be included in the overall measurement of the trailer. In the event of a fifth wheel type trailer the forward most portion or first vertical member to the rear most body member shall determine the trailer length. Flat trailer length shall be determined by the length of the frame/body excluding the hitch and or portion of the frame that makes up the hitch.

2. A utility or recreational trailer shall not be occupied for living and/or used for any other use, permanent or temporary, on a parcel of land occupied by a one, two, three or four family home without a special permit issued by the Planning and Zoning Commission and shall be limited in use and duration as deemed appropriate by the Commission. Except that the owner of land a recreational trailer is situated upon may permit its occupancy for living purposes by a guest for a period not exceeding two weeks. The location for such trailer(s) shall conform to paragraph 1.
3. A utility or recreational trailer may be placed (occupied or unoccupied) on a vacant parcel of land zoned residential for more than a two-week period only after receipt of a special permit. The trailer or recreational vehicle must have the ability to contain all waste materials for disposal at an approved location and shall not create a hazard to this property or neighboring properties. See Article IV. Section 12. for application procedures, hearing and notice requirements and site plan information. The location for such trailer(s) shall conform to paragraph 1.
4. Construction trailers used as a business office, sales office, or for storage purposes in connection with an approved construction activity may be permitted by the Zoning Enforcement Officer provided they are located in such a manner as to minimize their visibility and/or impact on neighboring properties, private or public. Construction trailers shall be removed from a site no later than 30 days from the time the construction activity is completed.
5. All trailers on a parcel of land occupied by a one, two, three or four family home must be owned and registered to the occupant of said property with the State of Connecticut Department of Motor Vehicles, taxes paid to the Town of Farmington and must be operational and fit for its intended use.
6. Exceptions: The Commission may issue a special permit for exceptions to one or more of the conditions governing the storage of trailers that cannot be located or stored in compliance with the above standards and/or exceed the size or quantity limitations, subject to the following:

    a. The Commission may require screening and /or landscaping to soften the effect and/or impact of the storage of trailers on neighboring properties.
    b. The special permit shall be issued to the applicant and specific vehicle and is nontransferable to a new property owner or for a different trailer.
    c. The Commission may impose additional conditions as deemed necessary to minimize the impact to the property and/or neighboring properties.
    See Article IV. Section 12 for application procedures, hearing and notice

requirements, and site plan information.

C. MOBILE HOME AND RECREATIONAL VEHICLES

1. For the purpose of this regulation a mobile home and/or a recreational vehicle including boats and aircraft shall be treated the same as a trailer and shall be stored in conformance with Article IV. Section 9.B. A mobile home and/or recreational vehicle will be considered as one unit (trailer) and subject to the same limitations on the number of trailers (units) per lot. Mobile homes and recreational vehicles located on parcels occupied by any use other than a one to four family home, permanent or temporary, shall be approved by the Commission. Mobile Homes and Recreational Vehicles including Boats and Aircraft shall be measured from the forward most portion of the vehicle to the rear most portion of the vehicle not to include a trailer hitch or portion of the frame that make up the hitch. A combination of a recreational vehicle and a trailer shall be measured from the forward most vertical member to the rear most member. A recreational vehicle overhanging the front or rear of a trailer shall cause the over hang to be added to the overall length of the trailer.
2. Mobile homes or recreational vehicles (including boats or aircraft) may be placed on a parcel of land occupied by a one, two, three or four family home provided they are owned and registered to the occupant of said property with the State of Connecticut Department of Motor Vehicles, taxes paid to the Town of Farmington, and must be operational and fit for its intended use.
3. A mobile home and/or recreational vehicle shall not be occupied for living and/or used for business on a parcel of land occupied by a one, two, three or four family home without a special permit issued by the Town Plan and Zoning Commission and shall be limited in use and duration as deemed by the Commission. Except that the owner of land a recreational vehicle or mobile home is situated upon may permit its occupancy for living purposes by a guest for a period not exceeding two weeks. The location of such mobile home or vehicle shall conform with paragraph B.1.
4. A mobile home or recreational vehicle may be placed (occupied or unoccupied) on a vacant parcel of land zoned residential for more that a two-week period only after receipt of a special permit. The mobile home and/or recreational vehicle must have the ability to contain all waste materials for disposal at an approved location and shall not create a hazard to this property or neighboring properties. See Article IV. Section 12. for application procedures, hearing and notice requirements and site plan information. The location of such mobile home or vehicle shall conform with paragraph B.1.
5. Exceptions: The Commission may issue a special permit for exceptions to one or more of the conditions governing the storage of mobile homes and/or recreational vehicles that cannot be located or stored in compliance with the above standards and/or exceed the size or quantity limitations subject to the following:

    a. The Commission may require screening and/or landscaping to soften the effect and/or impact of the mobile home and/or recreational vehicle on neighboring properties.
    b. The special permit shall be issued to the applicant and specific vehicle and is nontransferable to a new property owner or for a different vehicle.
    c. The Commission may impose additional conditions as deemed necessary to minimize the impact to the property and/or neighboring properties. See Article IV. Section 12

for application procedures, hearing and notice Requirements, and site plan information.

Section 10. HORSES AND STABLES

Parcels of 80,000 square feet in all zones not meeting the definition of farm as found in Article I. Section 9. are permitted one horse or pony and stable. Each animal above the minimum requires an additional 80,000 square feet.

Stables shall not be located within any required yard as defined in these regulations and shall be at least 100 feet from any water supply, and the manure and refuse shall be disposed of according to the State of Connecticut Public Health Code.

Section 11. EROSION AND SEDIMENT CONTROL PLAN

A. No person shall undertake any grading, stripping, excavating or filling of land, where the cumulative disturbed area exceeds one-half acre, before submitting and receiving approval of an erosion and sediment control plan. **The plan must be certified prior to commencing any of the above activities. Certification shall mean a signed written approval by a designee of the Commission or the Zoning Enforcement Officer. Plans** shall be submitted to the Commission for approval when such activity is proposed in conjunction with an application for a special permit, **subdivision** or site plan approval or regulated activity within an inland wetlands or watercourse. In all other cases such erosion and sediment plan shall be submitted to and approved by the Zoning Enforcement Officer.

B. Grading, stripping, excavating or filling activities which do not require the submission and approval of an erosion and sediment plan must nonetheless be conducted in strict accordance with the following performance standards:

   1. No activity shall interfere with any drainage way or watercourse. No activity shall result in the deposition of debris or sediment off site or into any drainage way, watercourse or inland wetland.
   2. No activity shall result in permanent instability of the terrain or for an extended period of time.

C. In order to be eligible for certification, a soil erosion and sedimentation control plan shall contain provisions to adequately control erosion and sedimentation using best management practices. Such practices shall be consistent with the Connecticut 2002 Guidelines for Soil Erosion and Sedimentation Control.

D. Each erosion and sedimentation control plan shall be prepared by a registered professional engineer and shall contain a narrative description and site plan with a minimum of the following information:

   1. The type and purpose of the development or construction.

2. The schedule for grading and construction activities including:
   a. Estimated start and completion dates, which address seasonal concerns;
   b. Sequence of grading and construction activities;
   c. Sequence of installation and /or application of soil erosion and sediment control measures;
   d. Sequence for any temporary removal and re-installation of the soil and
   e. sediment control measures;
   f. Sequence for final stabilization of the site.

3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.

5. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

6. A plan drawn at a scale between 1”=10’ and 1”=50” showing the following:
   a. The boundaries of the property;
   b. The existing and proposed topography using one or two foot contours;
   c. The location of any area of wetlands and watercourses;
   d. The location of soil types and K factor;
   e. The proposed area to be altered including grading, clearing, excavation, filling, construction of structures, roads, drainage facilities and other utilities;
   f. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
   g. Phase lines (if necessary) showing the sequence of grading and construction activities.
   h. The names of person(s) to be responsible for the installation and maintenance of all control measures with an emergency phone number.

7. The soil erosion and sediment control plan shall contain any other information deemed necessary and appropriate by the applicant or by the Commission or its designated agent.
8. Any plan submitted may be referred to the North Central Conservation District Inc. for review and comment.
9. The Commission may require the posting of a bond to ensure compliance with the certified plan. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan shall be supplied by the applicant subject to the review and approval of the Town Engineer.
10. It is the developer’s/builder’s responsibility to correct erosion and sedimentation problems that occur during construction and take appropriate measures to address such problems.

    In the event that the erosion and sediment control measures as shown on the certified plan are not functioning properly to prevent erosion and sedimentation either through inadequate design, lack of maintenance, emergency conditions or unforeseen field conditions, the Zoning Enforcement Officer shall direct the developer/builder to have the

project engineer revise the plan to correct and/or eliminate any deficiencies in the plan, and to install and maintain new erosion control measures.

11. The Zoning Enforcement Officer shall have the authority to order and/or approve changes to the certified plan in the event of unforeseen field conditions, which require immediate remedial measures to improve the effectiveness of the plan. Changes proposed by the developer/builder to the plan shall be reviewed and approved by the Zoning Enforcement Officer at his sole discretion.
12. In the event that the developer/builder fails to perform the work within the time limits specified in the certified plan or fails to install and maintain the controls specified in the certified plan or properly control the release of sediment offsite or into any wetland or watercourse, the Zoning Enforcement Officer shall advise the developer/builder in writing of this fact and direct that any necessary work be completed within a specified time. If the developer/builder does not comply with the directions of the Zoning Enforcement Officer, the Commission may arrange for said work to be done by the Town, or by a private contractor hired by the Town. The cost of this work shall be paid for with bond funds that were deposited by the developer and held by the Town. The Town may also utilize such funds to reimburse the costs incurred by the Town for action taken in the case of an emergency where there is an immediate threat to the public health and safety as a result of the failure of erosion and sedimentation control measures. Should the developer's bond funds be insufficient to cover the cost of work performed by the Town or a private contractor employed by the Town, the developer/builder shall still be obligated to reimburse the Town for the expenses. In such cases the Town may withhold the issuance of a final or partial Certificate of Occupancy until such time the Town is reimbursed for its costs.
13. The Commission or its designated agent may require the developer/builder to submit progress reports and inspection forms by the project engineer to verify that the soil erosion and sediment control measures have been installed properly and that they are being operated and maintained in accordance with the certified plan.
14. Prior to the commencement of construction, the developer/builder shall enter into a signed agreement with the Town which acknowledges the applicant's responsibility to install and maintain the erosion and sediment control measures, install additional controls if deemed necessary and comply with all conditions of approval of the certified plan subject to enforcement action taken by the Town including the imposition of a fine. This agreement shall also include the name of the person responsible for the installation and maintenance of such controls and the name of the person responsible for the design of the approved plan and any modifications, which may be needed. The document shall also indicate permission for the Town or its agents, employees or contractors to enter the property to make inspections, emergency repairs, corrections or installations.

Section 12. SPECIAL PERMITS, SITE PLANS, INTENT AND APPLICATION REQUIREMENTS

A. INTENT

These Zoning Regulations are based upon the division of the Town into districts, within each of which the use of land and structures and the size and location of structures in relation to the land are substantially uniform. However, it is recognized that there are certain other uses and features that would be appropriate in such districts if controlled as to number, area, location or relation to the neighborhood so as to promote the public health, safety and welfare. Change of zone and special permit uses shall be subject to the satisfaction of the requirements and standards set forth herein. Zone changes and special permit uses are declared to possess such particular characteristics that each shall be considered as an individual case.

B. STANDARDS FOR GRANTING OF A CHANGE OF ZONE OR SPECIAL PERMIT

In considering applications the Commission shall require compliance with the following:

1. That the existing and future character of the neighborhood in which the zone and/or use is to be located will be protected;
2. That adequate safeguards have been taken to protect adjacent property and the neighborhood in general from detriment;
3. That traffic circulation within the site and the amount, location and access to parking is adequate, and adequate sight distance is provided for all proposed and existing driveways;
4. That the road network, to include intersections, impacted by the proposed development will be capable of satisfactorily handling the increase traffic generated by such use;
5. That the i) basic design of the proposed use(s) or buildings; ii) relationship between the buildings and the land; and iii) overall physical appearance of the proposed use(s) or buildings will be in general harmony with the character of the surrounding neighborhood and will not serve to blight or detract from abutting residences or other property;
6. That in the case where an application proposes increased building density over that permitted under the existing zone, the topography and other natural features of the property are capable of accommodating such increased development without detrimental impact; and that adequate safeguards have been taken to protect the natural environment;
7. That all required public services will be reasonably available to serve the proposed development.

   The Commission may attach conditions to an approval of a special permit or site plan in conjunction with a special permit or zone change to ensure compliance with the above standards.

C. PROCEDURES

1. Every application for change of zone and special permit shall require a public hearing. Notice of the public hearing by certified mail shall be mailed by the applicant no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property which is the subject of the application. In the case where any property within 200 feet of the property which is the subject of the application has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners' association and to those owners of buildings or dwelling units located within such 200 feet. In addition to the above, if the project entails the demolition or partial demolition (>50%) of an existing structure in excess of seventy five (75) years old the applicant shall provide notice by certified mail, no later than ten (10) days before such hearing, to the Farmington Historical Society, the Town Historian, the President of the Unionville Museum and the Chairman of the Farmington and Unionville Historic District Commissions. Evidence of such mailing shall be presented to the Planning Department at or before the public hearing. In addition, the applicant shall post a notification sign provided by the Planning Department on the property at least seven (7) days prior to the date of the public hearing.
2. All applications for a zone change or special permit shall be accompanied by an application for site plan approval unless otherwise waived by the Commission. In addition, an application for site plan approval shall be submitted to the Commission for the development of any varied use and for any site or building modifications to any existing special permit use. Applications for site plan approval shall be accompanied by 8 sets of plans, 24" x 36" in size, at a scale of no less than 1" = 100', and contain all information as listed on the Application Checklist which is included as part of these regulations as Appendix B. The Commission may waive any and all of the information required on a site plan provided enough information is submitted to the Commission to sufficiently determine compliance with these regulations.
3. From time to time requests are received for revisions of or additions to approved site plans and/or special permits, zone changes or stated uses. Such revisions or additions may have minor or major consequences. Such requests will be first screened by the Zoning Enforcement Officer and if he determines such a request to be of minor consequence, he will conditionally approve the request and advise the Commission of his action. Unless the Commission acts to modify his conditional approval, the conditional approval shall become final approval. If the Zoning Enforcement Officer determines such request to have a significant consequence, the request shall be submitted to the Commission for its consideration and action. Following a finding by the Commission that the request has a significant consequence the Commission shall conduct a public hearing prior to its action.
4. Changes in special permit uses shall require Commission approval. (Changes in tenancy for approved uses shall not require an application to the Commission, nor shall changes <u>within</u> any one of the individual categories of special permit uses listed for each zone.)
5. Applications under Section 7. for sign approval shall not require public hearings.

Section 13. LANDSCAPE REGULATIONS

A. PURPOSE

These landscaping regulations are adopted for the purpose of protecting property values by: preserving existing vegetation and planting of new materials; providing privacy from visual intrusion; screening undesirable light, pollutants and noise; preventing the erosion of soil; providing water recharge areas; and improving the environmental quality and aesthetics of the Town of Farmington.

B. LANDSCAPE REQUIREMENTS

1. Front Yards. The required front yard or side yard along a street of all lots shall be landscaped and surfaced either with lawn, evergreen ground cover or suitable substitute.

   This required yard area, with the exception of one family homes, shall contain one tree meeting the requirements of Paragraph 4. below for every 25 feet of frontage.

   One or more driveways may run perpendicular - approximations expected - to the required landscaped yard setback, except that the Commission may approve the location of a connecting driveway between separate parcels within this yard. In the case of a single family home a turnaround area, circular driveway or area immediately adjacent to the driveway for no more than three cars may be placed in this required front yard setback. No motor vehicles shall be parked or stored on landscaped surfaces within such yard. No motor vehicles shall be parked or stored in the required front yard on a second driveway of a single-family home.
2. Side and Rear Yards. Any lot developed for business or industrial use shall provide a landscaped area along side and rear lot lines. In the C1, CR, BR, PR and for nonresidential special permit uses in residential zones, and elsewhere when required by the Commission, a landscaped area shall be provided along the side and rear lot lines at least 20 feet in width with two trees meeting the requirements found in Paragraph 4. below for each 50 feet or part thereof of such lines. In the B1 Zone a landscaped area shall be provided along side and rear lot lines at least 15 feet wide with one tree meeting the requirements found in Paragraph 4. for each 50 feet or part thereof of such lines. The Commission may also approve the location of a shared or connecting driveway between separate parcels within these yard areas.
3. Parking Lot Landscaped Area Requirements. Any lot which contains parking facilities for more than ten cars shall also provide landscaped areas within the parking lot equal to at least 10 percent of the gross parking area. Gross parking area shall include the area of parking stalls, aisle ways and associated landscaping. This landscaped area shall require landscaped end islands and landscaped center islands within the parking area. Intermediate landscaped islands measuring 9 feet wide by 20 feet in length shall be provided in parking rows for every 16 spaces. This island shall measure 8 feet wide by 16 feet in length in a row of compact spaces. One deciduous or evergreen tree, meeting the requirements found in Paragraph 4., shall be planted within the landscaped area for each

10 parking spaces. A deciduous or evergreen tree shall be planted upon each island as required by the Commission.

4. Landscaped Buffer Requirements. Landscaped buffers shall be provided where required by this section and shall conform to the standards in the Bufferyards illustrated on Page 165. Seventy-five percent (75%) of all trees in such buffer areas shall be of the evergreen species. Trees and shrubs shall conform to the following standards: i) Deciduous trees shall be planted at 3 inches in caliper with a mature height of at least 35 feet; ii) Fruit trees shall be planted at 2 inches in caliper with a mature height of at least 12 feet; iii) Evergreen trees shall be coniferous species planted at 6 feet in height; and iv) Shrubs shall be either deciduous species planted at 2-1/2 feet in height with a mature height of at least 6 feet or evergreen species planted at 2-1/2 feet in spread.

   a. Front Yard Buffer: A front yard landscaped buffer may be required by the Commission in business or industrial zones and for special permit uses in residential zones except for two, three and four family homes where necessary to preserve and protect the residential character of nearby development. Such buffers shall meet or exceed the requirement of an "A" Bufferyard.
   b. Side and Rear Yard Buffer: A landscaped buffer shall be provided along side and rear yards where business or industrial zones abut residential zones. However a landscaped buffer within a yard along a street shall be provided only at the request of the Commission. This buffer shall meet or exceed the requirements for a "B" Bufferyard along the boundary between a business zone and a residential zone, and meet or exceed the requirements for a "C" Bufferyard along the boundary between an industrial zone and a residential zone. A landscaped side yard and/or rear yard buffer may be required by the Commission between a special permit use in a residential zone, except two, three and four family homes, and adjacent residential zones. Such buffer shall meet or exceed the requirement of a "B" Bufferyard.

5. Existing Vegetation. Existing plant material meeting the requirements of Paragraph 4. of this section may be used to meet all or part of these landscape regulations.
6. Variations to Landscape Requirements. Additional Landscaping: The Commission may require additional landscaping or more mature plantings when unusual conditions require more extensive screening.

   Reduced Landscaping: The Commission may reduce up to 25 percent of the landscape requirements including width and number of plant materials and eliminate the installation of any berm or berm wall by a five-sixths vote for excellence in building and parking design. The Commission shall consider, among other features, physical site characteristics, existing vegetation and natural resources, compatibility of proposed structures with surrounding architectural types, quality of building materials and the size and quality of proposed landscape materials.

   The Commission may waive all or a portion of the landscaped buffer requirements when it has been determined that a proposed use of land is adjacent to a residential zone which contains a non-access highway or non-residential use which is permanent in nature.

7. Landscape Plan Requirements shall conform to the requirement contained in Section 12.

Paragraph C.3.

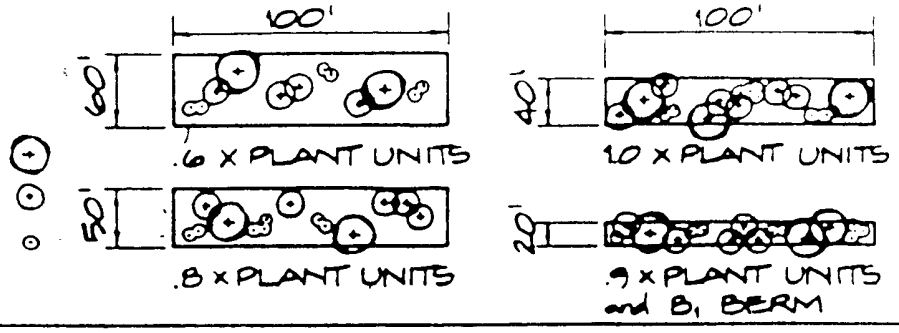
8. Bonding of Landscape Improvements. The Commission may require a bond in an amount to cover the cost of 100 percent of all landscape improvements. These improvements shall include the cost of all plant materials, seed, mulch, topsoil, construction of berms and all labor necessary to implement the landscape plan.
9. Completion of Landscaping. All landscaping shown on the approved plan shall be completed before issuance of a Certificate of Zoning Compliance, or a bond in a form and amount satisfactory to the Zoning Enforcement Officer assuring completion within a specific time (not to exceed one year) shall be filed with the Town. Such bond shall be forfeited if the work shall not have been completed within such time limit.
10. It is the responsibility of the property owner to replace any vegetation required by this regulation, which dies or is lost by theft.
11. The Commission may, by way of special permit in accordance with Article IV, Section 12 of these Regulations, modify all or a portion of the Requirements of this Section 13 where such is necessary to implement an off-street parking plan approved by the Commission pursuant to Article IV, Section 8 of these regulations.
12. Maintenance of Landscaping

    All landscaping elements portrayed on the approved landscaping plan, including buffer treatments, shall be maintained in a manner sufficient to ensure its continuing performance and the survival of plantings, including, but not limited to weeding, mulching and replacement of dead material. Where a maintenance problem arises, upon the order of the Zoning Enforcement Officer, said landscaping shall be restored to a satisfactory condition consistent with the approved landscaping plan.

A Bufferyard

REQUIRED PLANT UNITS / 100'

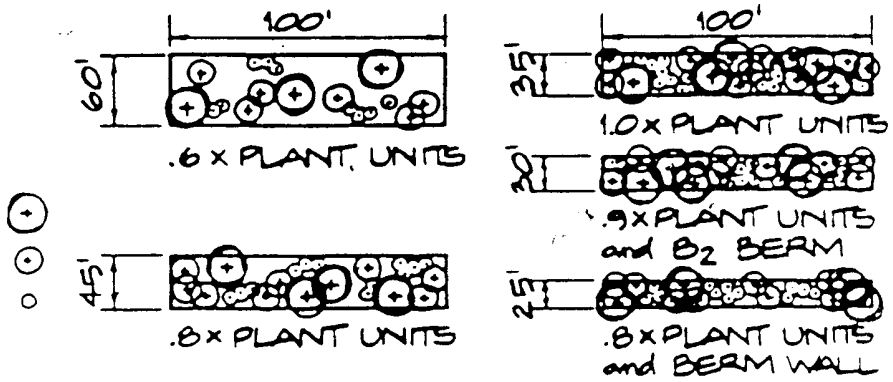
9 TREES
9 SHRUBS



B Bufferyard

REQUIRED PLANT UNITS / 100'

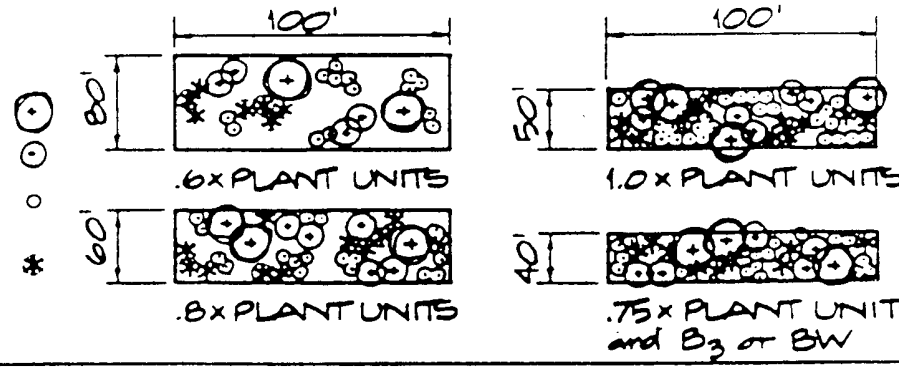
15 TREES
15 SHRUBS



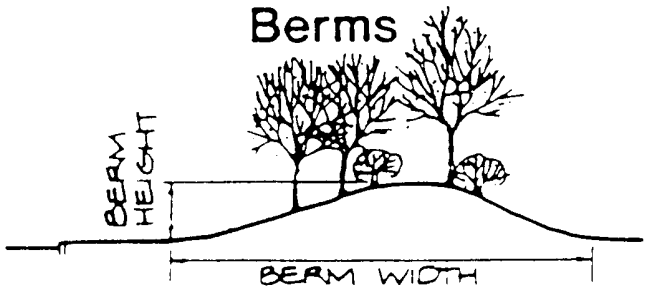
C Bufferyard

REQUIRED PLANT UNITS / 100'

22 TREES
24 SHRUBS

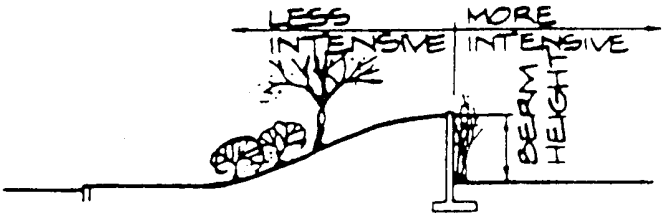


Berms



SYMBOL	HEIGHT	MATERIAL	MIN. WIDTH
B_1	4'	EARTH	20'
B_2	5'	EARTH	30'
B_3	6'	EARTH	40'

Berm Wall



SYMBOL	HEIGHT
BW	4' BERM with 4' WALL

Section 14. LIGHTING

Any interior or exterior lighting, including signs, shall not be of such intensity, or located or directed in such a way, as to produce glare or discomfort on public streets or neighboring property.

All lighting fixtures for commercial or industrial uses, which are at a height of ten or more feet from the adjacent ground and mounted on either poles or buildings shall be down lighting only. Pole height shall not exceed 14 feet as measured from the adjacent ground elevation to the top of the pole or fixture whichever is greatest. However, the Commission may approve the use of a pole up to 24 feet in industrial zones and in cases where such poles are installed in parking areas containing 75 or more spaces. The above standards shall not apply to the illumination of sports fields or courts or to lighting required to identify tall structures such as communication towers or antennae.

Section 15. FIRE PROTECTION

A. SPRINKLER SYSTEMS

1. With the exception of those buildings listed in Section B. of this regulation all buildings and additions to existing buildings both approved by the Commission and built subsequent to the effective date of this regulation (May 24, 1991) shall be equipped with an automatic sprinkler system. Automatic sprinkler systems shall also be provided in existing buildings when their use is changed from an exempted use to a nonexempted use.
2. Automatic sprinkler systems as required by this regulation shall be installed, inspected and maintained in accordance with the requirements of the National Fire Protection Association Standard for the Installation of Sprinkler Systems 13, 13A, 13R and 13D as amended and as referenced in the Connecticut Fire Safety Code or any succeeding statute as amended and as may be in effect at the time the building is constructed. Their design and installation shall also be approved by the Farmington Fire Marshal and the Farmington Building Official.

B. EXEMPT BUILDINGS AND BUILDING ADDITIONS

The following classes of buildings and building additions shall be exempt from the requirement of providing automatic sprinkler systems except as otherwise required by the Connecticut Fire Safety Code or the Connecticut State Building Code:

1. Single family and two-family dwellings.
2. Conversion of an existing building to a three-family dwelling.
3. Buildings included as part of a multiple family development which contain less than three dwelling units.

4. Public or private garages, portable or temporary buildings except where the principal use of such garage or building is the repair or service of automobiles. Buildings which are not enclosed on one or more sides.
5. Nonresidential buildings containing less than four thousand (4,000) square feet in area excluding basement and attic areas. For purposes of this regulation the term basement shall be defined as an area of a building located partially or wholly below grade level and use for a purpose other than the intended principal use of the building.
6. One or more additions to an existing non-sprinklered building not otherwise exempted by this section, provided the area of the addition or cumulative area of such additions is less than 4,000 square feet excluding the area of basements and attics. The required installation of an automatic sprinkler system shall be limited to the area of the nonexempt building addition.
7. Buildings or additions to a non-sprinklered building which require the extension of a water line capable of delivering an adequate volume of water to supply an automatic sprinkler system which is extended exclusively for this purpose a distance beyond 30 feet for each 1,000 square feet of proposed building area excluding basement and attic space. For purposes of calculating the distance set forth in this paragraph such distance shall be measured from the terminus of the existing adequate supply along a route which requires no acquisition of private easements to the location of the proposed building or to the building for which the addition is proposed.

C. OTHER REQUIREMENTS

1. All buildings, with the exception of single-family dwellings, which are exempt from the automatic sprinkler requirements shall comply with the required fire flows as established by the ISO Fire Suppression Rating Schedule-Latest Edition or provide an alternate fire protection system as approved by the Farmington Fire Marshal.

Section 15A. REASONABLE CONSIDERATION FOR THE PROTECTION OF HISTORIC FACTORS

The Commission shall require a special permit / site plan review for the demolition of any building listed in the survey entitled -The History and Architecture of Farmington, Connecticut 1985-1986: An Architectural and Historical Survey, conducted by the Greater Middletown Preservation Trust, as amended. A complete copy of the Survey is available in the Planning Office and the Town of Farmington Libraries web site.

A. PURPOSE -The Town Plan and Zoning Commission (TPZ) finds that within the Town of Farmington there exist many older structures that have or had historic, cultural, architectural and economic significance and which have contributed and will continue to contribute towards a healthy and thriving future for the Town of Farmington. The TPZ further finds that the Town of Farmington derives much of its charm and unique appearance from its architecture and from its history. The TPZ further finds that historic preservation is a means of promoting the general welfare of the Town of Farmington and its residents.

The TPZ further finds that the Town of Farmington's ability to protect, preserve and effectively utilize its historical heritage and character for aesthetic, educational and economic prosperity will be enhanced by a regulation which establishes a mechanism to discuss the proposed demolition of these unique and significant structures and possible alternatives to demolition.

B. AUTHORIZATION

In furtherance thereof and pursuant to the Charter of the Town of Farmington and under the enabling legislation found in Chapter 124 Title 8 Section 8-2 of the Connecticut General Statutes, its Plan of Conservation and Development and the purposes of Zoning as articulated in Article 1 Section 1 of the Zoning Regulation the TPZ has enacted this regulation.

The purpose of the special permit / site plan review process is to ensure that the proposed activity complies with all Zoning Regulations, determine the need for an Inland Wetland and Watercourse permit and to insure all feasible and prudent alternatives to the demolition have been considered.

Considerations - The commission shall consider:

1. The impact of historic preservation recommendations on the overall project.
2. The availability of other architecturally appropriate alternatives which preserves the building.
3. The ability to allow higher densities and modifications to the regulations to allow the greatest number of alternatives and to compensate for the preservation.
4. The impact of the demolition on the property, surrounding properties and the overall historic character of the area.

C. MODIFICATION - In an effort to avoid the contemplated demolition and allow for the most feasible and prudent alternatives without regulatory obstacles, an applicant may seek during the hearing process a modification of certain regulatory requirements as provided by this subsection.

Modifications to the regulations may be authorized for properties that preserve and reuse historic structures and provide permanent protective easements to accomplish the preservation. The applicant must demonstrate to the satisfaction of the Commission that such modification adds to and complements the character of the area, does not adversely impact upon adjacent property or properties and substantially satisfies the standards as provided in this subsection.

This is not a variance procedure as permitted by C.G.S. 8- 6. If not expressly provided for herein no modification of any other requirement may be granted by the Commission nor may the Commission grant a modification or change in use not specifically allowed in the current zone.

The modification procedure is limited to the following regulatory requirements:

1. Lot coverage;
2. Minimum lot size;

3. Minimum lot frontage;
4. Front, side and rear yard setbacks;
5. Parking requirements.

The Commission may not grant any modification in excess of 50% of the regulatory requirements sought to be modified in effect at the time of the request. No showing of a hardship shall be necessary for the commission to grant any modification pursuant to this section nor shall any regulation herein prohibit any applicant from seeking a variance in addition to any modification which may be granted hereby. If the Commission determines in its discretion that the applicant has substantially satisfied the requirements for a modification, the Commission may, by a majority vote of the commission, vote to approve the modification application request. This modification approval shall be specifically noted on the approved plans.

Section 16. TRAFFIC MANAGEMENT REGULATION

A. All applications submitted to the Commission subsequent to the effective date of this regulation (May 24, 1991) and proposing at one time or cumulatively the following minimum floor area or number of parking spaces on a parcel of land shall be accompanied by a Traffic Management Plan which complies with the minimum requirements set forth in the section:

Retail Use (including personal services and banking institutions) - 100,000 square feet.

Office Use (including general, business, professional or medical offices and research and development facilities) - 30,000 square feet.

Industrial Use (including manufacturing, warehousing and assembly) - 100 parking spaces.

Where more than one of the above uses are proposed on a single site the following minimum floor area of number of parking spaces shall be used:

Office Use with Industrial Use - 100 parking spaces.

Retail Use with Office Use - 100 parking spaces as determined by the following formula:

$$\frac{\text{Proposed retail area (sq. ft.)}}{1000} + \frac{\text{Proposed office area (sq. ft.)}}{280} = \text{Number of parking spaces}$$

B. The Traffic Management Plan shall provide a description of the programs proposed by the applicant to reduce the number of employees who commute to work in an automobile alone. The Traffic Management Plan shall at a minimum contain the following elements:

1. Operation of a rideshare program. Explicitly, the preparation and maintenance of a list containing the addresses of all employees working on site. This list shall be made available to any employee wishing to establish a car or vanpool.

2. The posting and dissemination of carpooling, vanpooling and transit information to all employees.
3. Provisions in the site plan design for the establishment of and/or access to bus stops (where service is available) and the designation of specific areas for parking for vanpools.

C. MONITORING

The applicant shall submit to the Commission prior to January 31 of each year a report documenting compliance with the approved Traffic Management Plan.

Section 17. SIDEWALKS

In conjunction with an application for special permit or site plan approval the Commission may require the installation of a sidewalk along a public or private road or within a site.

Section 18. OUTDOOR DISPLAY, SALES OR STORAGE OF GOODS OR MATERIALS

A permanent or temporary outdoor display or sales area may only be established by a retail or wholesale business with the approval of the Commission. A manufacturer may only establish a temporary outdoor display or sales area with the approval of the Commission. Permanent outdoor display or sales area shall only be approved where the Commission finds that it is customary to the specific use. In approving outdoor display or sales area the Commission may regulate its particular location on the site, the number and type of items displayed. No outdoor display or sales area, permanent or temporary, shall be approved by the Commission where it finds that a traffic or pedestrian hazard on or off site will result or where such display or sales area will have a blighting effect on neighboring properties. The Commission may specify certain hours of the day for the establishment or operation of any outdoor display or sales area.

Outdoor storage of materials or supplies (including construction equipment) on a parcel of land occupied by a nonresidential use may only be permitted with the approval of the Commission. Unless otherwise approved such storage area shall be enclosed by a fence and located to the rear of any existing or proposed building(s). These areas shall also comply with any yard requirements applicable to a building as specified by these regulations for the particular zone the storage area is situated in.

Except as located on land occupied by a church or charitable institution, it is prohibited to locate, store or display any cabinet for the purpose of collecting donated used items including clothing, shoes, etc. Such church or charitable institution must approve the placement of such cabinet and shall be responsible for its maintenance. These units shall be situated in locations on the property as approved by the Commission.

Section 19. ROOFTOP UTILITIES

The placement of rooftop utilities, mechanical equipment and satellite dishes on nonresidential or multiple family buildings is only permitted with the approval of the Commission. Such approval may only be granted upon a finding that the above facilities could not reasonably be placed in the building or elsewhere on site. The Commission may require that such facilities be fully screened from a roadway, parking area or adjoining property.

Section 20. HELIPORTS/LANDING AND TAKE OFF OF AIRCRAFT

A. The Commission by special permit or in conjunction with an application submitted for a special permit for property located within any commercial or industrial zone may permit the establishment of a heliport and/or the take off and landing of aircraft. Such operation shall be limited to nonrevenue passenger service and shall not include facilities for maintenance or repair.

B. The take off and landing of aircraft in residential zones may only be permitted by special permit subject to the following restrictions and limitations:

   1. The property upon which such aircraft is to take off and land must contain an area of 2.5 or more contiguous acres.
   2. All take off and landing operations must be located at least 100 feet inside the boundaries of the parcel of land.
   3. Any fuel storage facilities shall comply with the design requirements found in Article II. Section 18.E. of these regulations.
   4. Such activity shall be limited to personal, noncommercial use.

C. In approving a heliport or the take off and landing of aircraft the Commission may regulate the frequency and hours of operation of such facility or activity as well as the type of aircraft used.

   1. See Article IV. Section 12. for application procedures, hearing and notice requirements, and site plan information.

D. Exceptions. The provisions of this section shall not apply to the following:

   1. Emergency landings of aircraft.
      The landing and take off of balloons provided that takeoffs from a particular parcel of land shall be limited to no more than two days within a calendar year.
   2. Air medical helicopter landings and takeoffs for the purpose of emergency patient care and training as requested by emergency medical services, police or fire officials.

Section 21. ACCESSORY APARTMENTS

A. DEFINITION

ACCESSORY APARTMENT means a second dwelling unit located within a detached single-family dwelling situated on an individual lot. Such dwelling unit shall be subordinate to the principal dwelling in terms of size, location and appearance.

B. One accessory apartment as herein defined may be established within a new or existing single family dwelling in accordance with the following standards:

1. An accessory apartment shall not have more than one bedroom and living area not to exceed 650 square feet. However the living area of an accessory apartment shall not exceed 30 percent of the living area of the principal dwelling as measured exclusive of the area to be incorporated into the accessory apartment. The living area of the principal dwelling, exclusive of the area to be incorporated into the accessory apartment, shall not be less than that specified for the zone the dwelling is located in as established in Article III. Section 2. of these regulations. The Commission may approve by special permit an accessory apartment with a maximum living area of 900 square feet and/or having two bedrooms. See Article IV. Section 12. for application procedures, hearing and notice requirements, and site plan information.
2. At least one of the dwelling units shall be occupied by one owner of record of the property who possesses an estate for life or a minimum 50 percent fee simple ownership interest. Occupancy shall be defined as physically living in the dwelling unit for at least six (6) months of the calendar year. The occupant(s) of the unit not inhabited by the owner of the property as herein defined shall be related to an owner of the property by blood, marriage or adoption or shall be employed by the owner for domestic services.
3. The principal dwelling and accessory apartment shall remain under common ownership. An accessory apartment may only be established within a single-family dwelling located on a lot having an area of at least 5,000 square feet. No accessory apartment having more than one bedroom or more than 650 square feet of living area shall be established within a single family dwelling located on a lot less than 12,000 square feet in area.
4. Original construction or modifications made to a dwelling in conjunction with the establishment of an accessory apartment shall be designed and undertaken in such a manner as to maintain the appearance of a single-family residence. The outside entrance to an accessory apartment shall be provided along a building wall which does not face a road unless otherwise approved by the Commission. Plans for building additions or external stairways proposed in conjunction with the development of an accessory apartment must be reviewed and approved by the Commission to ensure conformance with the above standard. The Commission may require the provision of fencing or landscaping to minimize the visual impact of exterior stairs or other external changes.
5. The design of the accessory apartment shall be such that conversion back to a single-family dwelling may be readily accomplished. The residence shall be converted back to a single family dwelling within six (6) months such accessory unit is no longer occupied. This time period may be extended by the Commission.

6. An area adequate to park two additional cars shall be provided on site in conjunction with an accessory apartment having two bedrooms. No additional driveway shall be established for an accessory apartment unless otherwise approved by the Commission.
7. Accessory apartments shall comply with all building code requirements as well as the Farmington Housing Code.
8. An application to establish an accessory apartment must be submitted to the health authority for the Town of Farmington for review and approval when the premises is sewered by an on site sewerage disposal system or a private water system.
9. Accessory apartments may only be permitted in a single family home concurrent with a home business or the leasing of rooms by the grant of a special permit.
10. No accessory apartment may be established until a Zoning Permit and Certificate of Zoning Compliance is issued by the Zoning Enforcement Officer. Such Certificate of Zoning Compliance must be renewed every two years from the date of issuance. The property owner shall submit information to indicate compliance with the provisions of this regulation on forms provided by the Zoning Enforcement Officer.

Section 22. AFFORDABLE HOUSING

An application for affordable housing submitted to the Commission pursuant to the provisions of Section 8-30g. of the Connecticut General Statutes, and not submitted under Article II. Section 25. of these regulations, shall conform with subsections F.1. through F.4. and F.8. of Article II. Section 25. of these regulations with the following exceptions:

A. An affordable housing unit shall be defined as in Section 8-39a. of the Connecticut General Statutes for persons and families whose income is less than or equal to eighty percent of the area median income.

B. Restrictions or covenants requiring that dwelling units be sold or rented at or below prices which will preserve the units as affordable housing shall only apply for a period of twenty years from the initial occupation of such dwelling units.

In addition the approval of such an application for affordable housing as defined above shall not legally take effect until the housing developer has entered into a contract with the Town of Farmington as specified in Article II. Section 25.D. of these regulations.

Section 23. COMMERCIAL WIRELESS TELECOMMUNICATION SITES

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

ANTENNA means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.
CAMOUFLAGED means a commercial wireless telecommunication site that may be disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure.
CARRIER means a company that provides wireless telecommunication services.

CO-LOCATION means locating wireless communication facilities from more than one provider on a single structure or tower. Co-location can also refer to the provision of more than one service on a single structure or tower by one or more carriers.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

COMMERCIAL WIRELESS TELECOMMUNICATION SITE means a facility operated by a licensed commercial wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

HEIGHT OF TOWER means a distance from the ground elevation of such tower to the topmost point of the tower including any antenna or other appurtenances. The total elevation of the tower is the height of the tower plus the ground elevation expressed as above mean sea level.

RADIOFREQUENCY (RF) ENGINEER means an engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

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

B. LOCATION PREFERENCES. The locations for siting commercial wireless telecommunication sites are listed in lines 1 through 10 below, in order of preference.

1. Camouflaged within an existing building, flagpole, tower or similar structure.
2. Mounted and camouflaged on an existing building or structure.
3. Mounted on existing buildings and structures in commercial and industrial zones.
4. Mounted on an existing or previously approved tower without increasing the height of the tower.
5. Mounted on existing buildings and structures in residential zones.
6. Mounted on an existing or previously approved tower resulting in an increase in tower height.
7. Mounted on new towers at or less than 75 feet in height located in commercial or industrial zones.
8. Mounted on new towers more than 75 feet in height located in commercial or industrial zones.
9. Mounted on new towers at or less than 75 feet in height located in residential zones.
10. Mounted on new towers more than 75 feet in height located in residential zones.

C. PERMITTED USES. The following uses which generally pose minimum adverse visual effects subject to the standards in Subsection G.

1. Commercial wireless telecommunication sites which are camouflaged and located inside nonresidential buildings or structures. No changes shall be made to the exterior of such structure.
2. Commercial wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other similar structures

which are not classified as buildings provided the following standards are met:

a. No changes are made to the height of the structure. However the antenna may extend up to 15 feet above the original height of the structure.
b. No panel antenna shall exceed 60 inches in height and 24 inches in width.
c. No dish antenna shall exceed 3 feet in diameter.
d. All related equipment buildings and boxes shall be screened and fenced as required by the Zoning Enforcement Officer.
e. Such towers, poles, light standards, bridges or similar structures shall be located within non-residential zones.

D. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed in Subsections G. and H., the Commission must find that the application complies with the standards found in Article IV. Section 12. See Article IV. Section 12. also for application procedures, hearing and notice requirements. A licensed carrier shall be either the applicant or co-applicant.

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

E. SITE PLAN REQUIREMENTS. All proposals to develop a commercial wireless communication site as a permitted use or special permit use shall be subject to the site plan requirements listed in Article IV. Section 12. of these regulations. In addition the following information shall be submitted in accordance with each particular application where applicable.

1. Permitted Use:

a. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
b. Details of all proposed antenna and mounting equipment including size and color.
c. Elevations of all proposed shielding and details of materials including color.
d. An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.
e. A report from a licensed RF engineer indicating that the proposed wireless telecommunication site will comply with the emission standards found in Subsection G. of this regulation. The report shall include ambient RFR measurements and the maximum estimate of RFR from the proposed wireless telecommunication site(s) plus the existing RFR environment. Such report shall also certify that the installation of such site will not interfere with public safety.

2. Special Permit Use:

a. A map depicting the extent of the carrier's current and planned coverage within the Town of Farmington and the service area of the proposed wireless telecommunication site. A map indicating the search radius for the proposed wireless telecommunication site.

b. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas.
c. Upon request of the Commission, the applicant shall provide complete and accurate propagation plots in relation to scaled elevation drawings addressing all facilities to be installed on the tower.
d. Upon request of the Commission, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of a ground mounted tower. This demonstration shall remain in place for a minimum of 36 hours.
e. Upon request of the Commission, the applicant shall provide a sight line study indicating how the facility would appear from various directions and distances prescribed by the Commission. This could include photographs depicting sight lines before and after installation.
f. All of the plans and information required for Permitted Uses in the previous section.

F. HEIGHT AND AREA REQUIREMENTS.

1. Lot Size. Commercial wireless telecommunication sites containing a freestanding tower shall not be located on any lot less than 20,000 square feet in area. Where it is proposed that such a wireless telecommunication site occupy a lot as a principal use, the minimum lot size shall be equal to that required for the underlying zone or 20,000 square feet, whichever is greater.
2. Height. The maximum height of a tower proposed under this regulation shall be 200 feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances. The maximum height of any roof top mounted wireless telecommunication site shall be 15 feet unless otherwise approved by the Commission.

3. Yards.

a. For purposes of applying the provisions of this paragraph the height of a tower mounted on a building shall be measured from the elevation of the roof at the base of the tower to the tallest point on the tower including the antenna and all appurtenances. All towers shall comply with the following minimum property line setbacks and fall zone requirements:
b. **Fall Zone** – The base of a tower shall be located a minimum distance from a property line equal to the height of the tower. This fall zone area shall not contain any buildings unrelated to the commercial wireless telecommunication site unless otherwise approved by the Commission after the applicant has shown that based upon substantial evidence submitted that the tower is so designed and located as to collapse in a manner which would not result in a threat to buildings or other structures intended for occupancy by persons.

c. **Front Yard or Side Yard Along a Street -** A minimum distance equal to the height of the tower or the setback required for the underlying zone, whichever is greater.

d. **Side or Rear Yards -** In residential zones, a minimum distance of 75 feet for towers equal to or less than 75 feet in height and for towers in excess of 75 feet a minimum distance equal to ¾ the height of the tower.

   In non-residential zones, a minimum distance equal to ½ the height of the tower or the setback required for the underlying zone, whichever is greater.

   However where a side or rear lot line is contiguous to a residential zone the setback for that particular yard shall be as required for such a tower in a residential zone.

e. All equipment buildings/boxes and or equipment areas which are 50 square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

   All equipment buildings/boxes and or equipment areas which are less than 50 square feet in area shall comply with the following minimum property line setbacks:

   Front Yard of Side Yard Along a Street - Same as for a principal building in the underlying zone.

   Rear and Side Yards - 20 feet.

f. Applications proposed for the Flood Protection Zone shall comply with the lot and yard requirements of the R40 zone.

G. GENERAL REQUIREMENTS.

1. No commercial wireless telecommunication site shall be located within 500 feet of a parcel containing a playground or school which is primarily attended by persons under 18 years of age. The Commission may, in its discretion and by a vote of 5 of 6 of its members, waive this requirement for an area designated as the playground, when the limits of the playground area within the parcel are located more than 500 feet from the commercial wireless telecommunications site. When considering such waiver requests, the Commission may consider future playground development proposals for any portion of the parcel if a formal development plan is on file with or pending before, or was previously approved by the Commission or the Director of Parks and Recreation.
2. No commercial wireless telecommunication site shall be located within 200 feet of a residential dwelling.
3. No tower shall be located within 1,000 feet of the boundary of a local historic district.
4. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting shall be avoided if possible.
5. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue, gray or other neutral color as determined by the Commission.
6. No tower shall be located on municipally owned land designated as open space or for recreation use unless approved by the Farmington Conservation Commission.
7. All towers shall be either a monopole or lattice design at the discretion of the Commission. A monopole tower shall be designed to collapse upon itself.

The Commission may require that monopoles be of such design and treated with an architectural material so that it is made to resemble a man-made or natural object such as but not limited to a flagpole or tree.

8. The Commission may require that any proposed tower be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is 100 feet or greater in height or for at least one additional comparable antenna if the tower is between 50 and 99.9 feet in height. The Commission may require the tower to be of such height and structural design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
9. Each tower site must be served by a driveway with parking for at least one vehicle. All provisions of these regulations concerning the design and location of driveways shall apply.
10. Antennas or unshielded equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building. The Commission may require that building mounted facilities be camouflaged or shielded.
11. All dish antennas shall be of mesh construction unless otherwise approved by the Commission.
12. Dish antennas shall not exceed 6 feet in diameter. Panel antennas shall not exceed 5 feet in height.
13. No proposed commercial wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
14. All applications for commercial wireless telecommunication sites within the Flood Protection Zone shall comply with the standards found in Article II Section 16 of these regulations.
15. The design of all commercial wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions. When there is more than one existing or proposed source of electromagnetic emissions at a site or adjacent thereto the design shall consider the cumulative emissions from all sources.
16. All utilities proposed to serve a commercial wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
17. All generators installed in conjunction with any commercial wireless telecommunication site shall comply with all state and local noise ordinances. In addition the Commission may require that generators be screened including the use of panels lined with sound deadening material.
18. All applications for commercial wireless telecommunication towers 50 feet or greater in height shall be accompanied by a letter of intent committing the tower owner and its successors to allow the shared use of the tower if an additional user agrees to meet reasonable terms and conditions for shared use.
19. The Commission under Chapter 98 of the Town of Farmington Code may engage outside consultation to assist in the review of engineering plans and specifications relating to commercial wireless telecommunication sites.

H. FACTORS UPON WHICH SPECIAL PERMIT DECISIONS OF THE COMMISSION SHALL BE BASED.

In passing upon applications for commercial wireless telecommunication sites, the Commission, in addition to the standards found in Article IV. Section 12., shall also find:

1. In the case where a commercial wireless telecommunication site is proposed to be located on a property designated on the State or National Historic Register or within an approved historic district, that such proposal will preserve the historic and/or architectural character of the landscape or any structure.
2. In the case where an application for the proposed location of a commercial wireless telecommunication site is not a preference 1 through 6 location, the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not feasible. In the case where the higher preference location is not technologically feasible, the applicant shall supply documentation of the following factors:

    a. The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved structure as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated with reasonable means.
    b. The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated with reasonable means.
    c. The planned equipment cannot be accommodated on an existing building or structure due to the inability to adequately receive or transmit the desired signal and that such deficiencies cannot be eliminated with reasonable means.
    d. The existing or planned equipment on an existing or approved structure would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated with reasonable means.
    e. Any restriction or limitation imposed by the FCC.
    f. In the case where an application is filed for a preference 9 or 10 location, the applicant, in addition to conforming with paragraph 2. of this section, has adequately described the efforts and measures taken to pursue preference 7 and 8 locations and why such locations were not technologically or legally feasible.

I. MONITORING. Subsequent to the initial operation of a commercial wireless telecommunication site, the owner of such facility shall conduct an actual measurement of the electromagnetic emissions and submit a report prepared by a licensed RF engineer to the Commission. This report shall be submitted between three months and six months after initial operation has commenced. In the case where a commercial wireless telecommunication site is located in or within 1000 feet of a residential zone the Commission may require that such report be prepared and submitted on a frequent basis not to exceed one per each calendar year. When there is more than one source of electromagnetic emissions at

a site the above mentioned report should measure the cumulative emissions from all sources.

J. ABANDONMENT. A commercial wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal, the site shall be restored to its previous appearance and where appropriate revegetated to blend with the surrounding area. The Commission may require a performance bond to ensure the removal of a site and restoration of the subject area.

K. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal. In reviewing a request for an extension of the special permit the Commission may give due consideration to the use of alternative technologies.

Section 24. ADULT-ORIENTED ESTABLISHMENTS

A. Declaration of article policy; findings; purpose and intent.

The Planning and Zoning Commission of the Town of Farmington finds as follows:

1. The operation of sexually oriented businesses in the town requires special regulation by the town to protect, preserve and promote the health, safety and welfare of the potential patrons of such businesses, as well as the health, safety and welfare of the town's residents. Further, protecting order and morality, preserving the character and preventing the deterioration of the town's neighborhoods, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and its leaders.
2. The Planning and Zoning Commission has reviewed the following materials and information regarding sexually oriented business:

    a. Virginia Adult Use Study dated March 1996, published by the Newport News Department of Planning and Development in the Newport News, Virginia;
    b. A study called the "Adult Entertainment Businesses in Indianapolis" dated February 1984 which was conducted by the Department of Metropolitan Development, Division of Planning;

c. A study called the “Adult Entertainment Businesses in Oklahoma City: A survey of Real Estate Appraisers” dated March 3, 1986 which was conducted by the City of Oklahoma City Community Development Department;
d. City of Renton v. Playtime Theatres, Inc, et.al., 475 US 41, 106 S.Ct. 925 (1986);
d. Police Records from the Orange Police Department relating to calls to the VIP store in Orange, Connecticut in 2003 and 2006;
e. Police records from the Hartford Police Department relating to calls to the VIP store in Hartford, Connecticut in 2003, 2004, 2005, 2006 and 2007;
f. Expert Opinion Testimony as set forth in the Expert Witness Disclosures in the case of Ten’s Cabaret, Ltd. V. City of New York, et. al., Index No. 121197/02, Supreme Court of the State of New York, County of New York, dated March, 2008.
g. “Men’s Behavior Toward women After Viewing Sexually-Explicit Films: Degradation Makes a Difference,” Mulac, Jansma and Linz; Communication Monographs,Vol. 69, No. 4, December 2002, pp.311-328;
h. “Crime Risk in the Vicinity of a Sexually Oriented Business: A Report to the Centralia City Attorney’s Office” by Richard McCleary, P.h.D. dated February 28, 2004;
i. “Do ‘Off Site’ Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence,” McCleary and Weinstein, November 14, 2007;
j. “Men’s Interaction with Woman After Viewing Sexually Explicit Films: Does Degradation Make a Difference?” Jansma, Linz, Mulac and Imrich, Communication Monographs, Volume 64, March 1997;
k. City of Milford Adult Use Ordinance.

3. Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:
   a. Large numbers of persons, primarily male, frequent such sexually oriented businesses, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called "adult" motion pictures, videotapes or live entertainment.
   b. Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such sexually oriented businesses for the purpose of engaging in specified sexual activities.
   c. Male and female prostitutes have been known to frequent such businesses in order to provide sex for hire to the patrons, clients or customers of such businesses within such booths, cubicles, studios and rooms.
   d. Doors, curtains, blinds and other closures installed in or on the entrances and exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in specified sexual activities therein with prostitutes, other persons or by themselves, thereby promoting and encouraging prostitution and the commission of specified sexual activities which cause blood, semen, urine or other bodily secretion to be deposited on the floors and walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits.

e. Booths, cubicles, studios and rooms that are closed while they are in use often contain holes that have been cut or smashed out of the walls or other partitioning material. These holes permit the inhabitant of one booth, cubicle, studio or room to engage in specified sexual activities with the inhabitant of the adjoining booth, cubicle studio or room. These holes promote and encourage specified sexual acts to occur between persons anonymously. Anonymous sexual contact poses a higher risk of spread of communicable diseases, including the AIDS virus, Hepatitis B and other sexually transmitted diseases. Further, the existence of such holes in booths, cubicles, studios and rooms at sexually oriented businesses provides an increased risk that blood, semen, urine or other bodily secretion will be deposited on the floors and walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits.
f. Specified sexual activities often occur at unregulated sexually oriented businesses that provide live adult entertainment. Specified sexual activities include sexual physical contact between employees and patrons of sexually oriented businesses and specifically include "lap dancing" or manual or oral touching or fondling of specified anatomical areas, whether clothed or unclothed. Such casual sexual physical contact between strangers may result in the transmission of communicable diseases, which would be detrimental to the health of the patrons and employees of such sexually oriented businesses.
g. The unregulated operation of sexually oriented businesses, including off-site adult businesses like adult bookstores, adult video stores and adult novelty stores, is associated with an increase in the incidence of sex-related crimes and other crimes and also has a disruptive effect on the surrounding neighborhood by causing excessive noise, parking problems, the presence of discarded sexually oriented material on residential lawns, and the performance of sexual acts in public places, as well as causing a deleterious effect on surrounding businesses and decrease in the value of surrounding property.
h. Sexually oriented businesses that operate in close proximity to each other further contribute to an increase in crime, lower property values, blight and the downgrading of the quality of life and value of property in the adjacent area, and sexually oriented businesses that operate within a short distance of schools, churches, parks, libraries and other public facilities negatively impact such places and have an adverse effect upon persons, particularly children, walking to and from such places.
i. The reasonable regulation and supervision of such sexually oriented businesses tends to discourage prostitution, other sex-related crimes, anonymous and high-risk sexual contact and unsanitary sexual activity, excessive noise and property devaluement, thereby decreasing the incidences of communicable diseases and sex-related crimes, all thereby promoting and protecting the health, safety and welfare of the employees and the members of the public who patronize such businesses and protecting the health, safety and property interests of a town and its residents.

4. The unregulated operation of such sexually oriented businesses is and would be detrimental to the health, safety and general welfare of the residents of the town.
5. The constitution and laws of the state grant to the town powers, especially the police power, to enact reasonable legislation and measures to regulate sexually oriented

businesses in order to protect the public health, safety and welfare.

6. It is the purpose and intent of the Planning and Zoning Commission, in enacting this article, to regulate sexually oriented businesses to promote the health, safety and general welfare of the residents of the town and to establish reasonable and uniform regulations of such businesses in order to reduce or eliminate the adverse secondary effects of such sexually oriented businesses, protect residents from increased crime, preserve the quality of life, preserve the property values and the character of surrounding neighborhoods and businesses, deter the spread of blight, and protect against the threat to public health from the spread of communicable and social diseases.
7. It is not the intent of the Planning and Zoning Commission, in enacting this article, to deny to any person rights to speech protected by the United States or state constitutions, nor is it the intent of the commission to impose any additional limitations or restrictions on the content of any communicative materials including sexually oriented films, videotapes, books or other materials. Further, by enacting this article, the council does not intend to deny or restrict the constitutionally protected rights of any adult to obtain or view any sexually oriented materials under the United States or state constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

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

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult Oriented Establishment - An adult-oriented establishment is any business or operation that conforms to one or more of the following descriptions:

Adult arcade means any establishment where one or more still or motion picture projectors, slide projectors, computers or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, videocassettes, live webcasts, slides or other live or photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

Adult cabaret means any nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

1. Persons who appear nude or seminude;
2. Live performances that are characterized by the exposure of specified anatomical areas; or
3. Films, motion pictures, videocassettes, web casts, material over the internet, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

Adult Books means any books, magazines, periodicals, pamphlets, or other printed materials that depict, display or describe specified anatomical areas or specified sexual activities.

Adult entertainment means:

1. Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type that has as a significant or substantial portion of such performance any performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect; and
2. Any amusement machine or computer that is regularly used for presenting material that is characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons thereof.

Adult mini-motion picture theater means any enclosed building with a capacity of 50 or less persons regularly used for showing films, motion pictures, videocassettes, slides, internet sites, webcasts or other photographic reproductions or live videos that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

Adult Model Studio - any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity. Excluded from this definition are any licensed educational institutions where the exposure of specified areas is associated with a curriculum or program.

Adult Motel - a commercial establishment which offers public accommodations, for any form of consideration or gratuity, and provides patrons with closed circuit television transmissions, images transmitted by computer, films, video cassettes, slides or other photographic reproductions which are characterized by an emphasis of depicting or describing specified sexual activity or specified anatomical areas and which advertises the availability of this type of material by means of a sign(s) visible from a public right of way or by means of off premises advertising in newspapers, magazines, leaflets, radio or television; offers a sleeping room for rent for a period of time less than ten hours or allows a tenant or occupant to sub-rent a sleeping room for a time period less than ten hours; or defines itself as such by advertising as an adult oriented business to the general public.

Adult motion picture theater means any enclosed building with a capacity of more than 50 persons regularly used for showing films, motion pictures, videocassettes, webcasts, internet based material, slides or other live or photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

Adult Novelties means: (a) instruments, devices, toys or paraphernalia that are designed for or marketed primarily for stimulating human genital organs, sexual arousal or sadomasochistic use; (b) instruments, devices, gag gifts, toys or paraphernalia that depict, display or are shaped in the form of specified anatomical areas; and (c) oils, lotions, gels or creams that are designed for or marketed primarily for use upon specified anatomical areas and intended for stimulating human genital organs, sexual arousal or as an aid to enhance or promote specified sexual activities.

Adult Oriented Store means any establishment having:

1. greater than five (5%) of its gross floor is devoted to the display of Adult Books, Adult Paraphernalia, Adult Videos or Adult Novelties or any combination thereof;
2. any portion of its stock in trade in Adult Books, Adult Videos or Adult Novelties and in conjunction therewith has rooms, designated areas or facilities for the presentation, observation or use by patrons of any item sold or rented in such establishment.

Adult Paraphernalia - devices or equipment or materials characterized by an emphasis on depicting or describing specified sexual activity or used in connection with specified sexual activity; or defines itself as such by advertising as an adult oriented business to the general public.

Adult theater means any theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear nude or seminude or who appear in performances, whether live or via the internet, that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

Adult Videos means films, motion pictures, videocassettes, webcasts, internet sites, DVDs, software, slides or other photographic reproductions or live video that depict, display or describe specified anatomical areas or specified sexual activities.

Church means any church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.

Employee means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of a sexually oriented business.

Entertainer means any person who provides adult entertainment, whether live or via the internet, within a sexually oriented business, whether or not a fee is charged or accepted for such entertainment and whether or not such entertainment is provided as an employee or independent contractor.

Escort means any person who, for any form of consideration, agrees or offers to act as a social companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means any person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Live adult entertainment means any live performance by a person who appears, or appears live via the internet, nude or seminude or any live performance that is characterized by the exposure of specified anatomical areas.

Massage parlor means any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electric apparatus or appliance with or without any supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. The definition of massage parlor shall not include the practice of massage:

1. In any state-licensed hospital, nursing home, clinic, medical office or rehabilitation facility;
2. By a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist;
3. By any registered nurse, licensed practical nurse or technician working under the supervision of a state-licensed physician, surgeon, chiropractor, osteopath, physical

therapist, or certified massage therapist who shall be present on the licensed premises during the time the service is rendered;

4. By trainers for any amateur or professional athlete or athletic team or school athletic program; or
5. By any state-licensed barber or beautician with regard to the massaging of the neck, face, scalp and hair for cosmetic or beautifying purposes.

Masseur means any person who, for any form of consideration, performs massage activities as described in the previous definition of this section.

Minor means any person under the age of 18 years.

Nude model studio means any place where a person, for any form of consideration, regularly appears nude or seminude or displays specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A nude model studio shall not include a modeling class operated by an accredited public or private school or college.

Nudity means:

1. The appearance of human bare buttocks, anus, genitals, pubic region or the areola or nipple of the female breast; or
2. A state of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region or areola or nipple of the female breast.

Operator means any person operating, owning, managing, conducting or maintaining a sexually oriented business.

Public building means any building owned, leased or otherwise held by the United States, the state, the town, any other town or 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.

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 town, or the state.

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.

Seminude means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual activities is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications that devote at least 25 percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical that reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films that describe and report different cultures and which,

from time to time, publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or semi nudity is indigenous to the population.

Sexual encounter establishment means a business or commercial establishment that, for any form of consideration, offers a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas. A sexual encounter establishment shall not include an establishment where a state-licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medically approved and recognized sexual therapy.

Sexually oriented business means:

1. An adult arcade, adult oriented store, adult cabaret, adult mini-motion picture theater, adult motion picture theatre, adult theatre, escort agency, massage parlor, nude model studio or sexual encounter establishment;
2. Any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides adult entertainment, or which premises are so physically arranged as to provide booths, cubicles, studios, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect; or
3. Any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

Specified anatomical areas means:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely opaquely covered.

Specified sexual activities means:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
3. Fondling or touching of another person's genitals, pubic region, buttocks or female breasts;
4. Lap dancing; or
5. Excretory functions as part of or in connection with any of such activities.

C. <u>Establishment of an Adult Oriented Establishment</u>

Adult Oriented-Establishments are permitted within the C1 and CR Zones upon the approval of the Commission of an application for special permit as submitted by the owners of the land such use is to be situated. In addition to the specific requirements listed in this section, the Commission must find that the application complies with the standards found in Article IV. Section 12. See Article IV. Section 12. also for application procedures, hearing and notice requirements.

No building or use of land for the establishment of an adult-oriented establishment shall be approved in the Town of Farmington unless the following requirements are met:

1. No adult-oriented establishment shall be established on a lot if any portion of such lot is situated within 1,000 ft. radius of any lot used or approved to be used for a public or private school primarily attended by persons 18 years of age and younger, playground, church or library.
2. No adult-oriented establishment shall be established on a lot if any portion of such lot is situated within 1,000 ft. radius of any lot used or approved to be used for an adult-oriented establishment.
3. No adult-oriented establishment shall be established on the same lot that is used or approved to be used for an adult-oriented establishment.
4. No adult-oriented establishment shall be established on a lot if any portion of such lot is situated within a 250 ft. radius of any lot located in a residential zoning district.
5. No sexually oriented business shall be permitted within the same building, structure or portion thereof that is used for residential purposes.
6. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.
7. No alcoholic beverages shall be sold or consumed within adult-oriented establishments.
8. Adult-oriented establishments shall be so designed as to not permit the view of any sexual aids or paraphernalia; films, books, tapes, periodicals, CDs, drawings or advertisements depicting specified anatomical areas or specified sexual activity from a sidewalk, street, driveway or parking area.
9. Any signs located inside or outside an adult-oriented establishment visible from a sidewalk, street, driveway or parking area shall not visually depict, describe or name any specified anatomical area or specified sexual activity.

E. <u>HOURS OF OPERATION.</u> At the time of the public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

F. The approval of a special permit application for adult-oriented establishments shall be void and of no effect unless construction and or operation commences within one year from the date the approval is granted by the Commission.

Section 25. STORMWATER SYSTEMS

A. Stormwater systems designed and installed in conjunction with the development of land must receive the approval of the Commission in consultation with the Town Engineer.

B. Stormwater systems shall be designed for the following objectives:

1. Prevent flooding of onsite or offsite property.
2. Feed and recharge inland wetlands, surface and subsurface waters.
3. Minimize pollutant loads in stormwater runoff into inland wetlands, surface and subsurface waters.
4. Maintain the hydrology of existing sub watersheds including wetlands and watercourses.

C. The Commission may withhold the approval of a storm water system design if it fails to meet the above objectives.

D. The maintenance of a private storm water system is the responsibility of the property owner. The Commission may require that a maintenance program be developed and submitted to them for approval. The Commission may require that a bond be posted and/or that periodic reports be filed with the Town to ensure that the required maintenance has been performed.

Section 26. CONSERVATION EASEMENTS

When a conservation easement is offered or required in conjunction with any approval granted by the Commission, such easement area shall be located on the property by affixing a marker provided by the Town to a tree or a 4” x 4” cedar or pressure treated post, a maximum of 48” high. Such markers shall be spaces at each change of direction of the easement line or a maximum of 50 feet apart. The actual layout of posts and markers shall be approved by the Planning Department staff and must be installed prior to any construction activity unless otherwise approved.

Section 27. REGULATION OF INTENSIVE CONSTRUCTION ACTIVITIES

A. PURPOSE. Vibration, noise and dewatering associated with various construction activities which are deemed intensive including but not limited to pile driving, blasting, mass excavation or compaction and rock crushing may have physical and psychological impact upon neighboring structures and occupants. These impacts could include damage to real property, a reduction of quantity or quality of water from drinking water wells and a diminution in quality of life from various deleterious effects. The following set of regulations has been developed to prevent or diminish such effects.

B. GENERAL REQUIREMENTS. Construction activities such as blasting, pile driving, mass excavation or compaction and rock crushing shall be undertaken in a manner, which avoids or minimizes impacts on surrounding properties and persons. This shall include but not be

limited to the following provisions:

1. Activity such as blasting, pile driving, rock crushing, mass excavation or compaction shall be limited to weekdays only and solely between the hours of 8 a.m. to 2 p.m. unless otherwise directed or approved by the Commission or its designated agent. The Commission may limit the number of events on a daily or weekly basis.
2. Contractors and owners shall utilize appropriate safeguards as directed by recognized industry codes and standards, the Commission or Farmington Town Officials relating to such items as blasting mats to reduce impacts.
3. Utilizing devices, which measure noise and vibration to monitor activities and ensure that they do not exceed the performance criteria established by this and other regulations.

   This regulation is not intended to abrogate or interfere with any state or federal law or regulation which addresses any matter covered by this regulation.

C. PROCEDURE. Construction activities such as blasting, pile driving, mass excavation or compaction and rock crushing shall not occur within the Town of Farmington unless a special permit his been issued by the Town Plan and Zoning Commission. In addition to ensuring that an application complies with the relevant standards found in Article IV Section 12 of these regulations the Commission shall also consider the following:

1. Whether there is a feasible and prudent alternative to the activity applied for.
2. The proximity of residences to the location of such activity. In particular the number of residences located within 1,000 feet of the activity.
3. The presence and proximity of water supply wells to such activity.
4. The likelihood of physical damage to the properties.
5. The presence and proximity of any material waste product or gaseous byproducts which (a) poses a present or potential hazard to human health or the environment; or (b) is highly flammable or which may react to cause fires or explosion or (c) create or augment a fire or explosion hazard.

At the request of the Commission the application shall be accompanied by a report prepared by a professional having experience in this field such as a geologist or licensed engineer which shall include a subsurface investigatory analysis including test pits and/or borings in quantity sufficient to determine the impact of intensive activities. Such report shall provide information on the earth material present on the property, the activity to be undertaken, impacts of such activity on real property and wells and a list of recommended measures to be implemented which will ameliorate or eliminate such impacts including blasting charge design. The report shall also state that the proposed activities will not cause results to exceed those of the performance standards in section D.

The Commission may engage, at a cost to the applicant, a third party review of the above-mentioned reports and submitted evidence. The Commission may attach conditions to their approval, which would accomplish the objectives of this regulation.

D. PERFORMANCE STANDARDS: The following standards and safeguards have been developed with the goal of preventing or minimizing impacts to or upon persons or property

within proximity of the subject activity. Adherence to these standards is no guarantee against damage to property or claims of nuisance by persons in the area.
Nor does compliance with these standards insulate any contractor, operator, owner or developer from any such claims.

1. Air Overpressure – No activity shall produce at the location closest to a habitable building which is most immediately situated to the activity more than 105 db as measured at the C-weighted scale.
2. Ground Motion (vibration) – No activity shall produce at the location closest to a habitable building which is most immediately situated to the activity a particle velocity in excess of 1.5 inches/second at 40 Hz. or more, 1.0 inches/second between 30 and 39 Hz. and 0.5 inches/second at less than 30 Hz.
3. Flyrock – Blasting activities shall not produce flyrock beyond the property lines of the subject site.

E. <u>MONITORING AND REPORTING:</u>

1. Compliance with the standards found in Section D of this regulation shall be confirmed by a comprehensive and continuous seismic monitoring program, which shall be undertaken by the applicant subject to the oversight of the Fire Marshal.
2. All seismographs used to demonstrate compliance with this regulation shall be calibrated to the following minimum specifications:

    a. Seismic Frequency Range: 2 to 200 Hz. (+3 Hz.)
    b. Acoustic Frequency Range: 2 to 200 Hz. (+1 db)
    c. Velocity Range: 0.02 to 4.0 inches/second
    d. Sound Range: 110 to 140 db linear
    e. Transducers: three mutually perpendicular axes
    f. Recording: provide time history of wave form

3. All seismographs shall be calibrated as often as necessary but at least once every 12 months and in accordance with the manufacturer's recommendations.
4. The placement of all measuring instruments and components shall conform to industry standards.
5. Ground vibration shall be measured as particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions.
6. Seismograph records are to be supported by written records containing the following information:

    a. Name of operator.
    b. Location, date and time of the activity.
    c. Identification of nearest habitable building, direction and distance to the activity. Location of monitoring instruments.
    d. Weather conditions.
    e. Type of earth material encountered.
    f. Record of any explosives used. Sketches of blast pattern including number of holes, burden, spacing decks and delay patterns.

7. All information collected by seismic monitoring shall be placed on file with the Fire Marshal's office.
8. The Fire Marshal may require that a representative of his or her office be present for any operation or activity covered by this regulation. The applicant shall pay the cost for any person representing the Fire Marshal.
9. The Town of Farmington may require an independent third party analysis to be paid for by the applicant. This analysis may include an examination of the seismic recordings, recording procedures, and instrument operation.

F. NOTIFICATION/REAL PROPERTY AND WELL SURVEYS. Prior to the commencement of any activity approved pursuant to this regulation the applicant shall:

1. Post signs, a minimum of 20 square feet in area, announcing any blasting and posted in all locations as directed by the Fire Marshal.
2. In the case of blasting, send a notice at least 15 days prior to the activity to all owners of property located within 500 feet of the subject property.
3. Conduct a survey of all structures which are located a minimum of 250 feet from such activity or a distance expressed as $D = 65 \text{ x } \sqrt{W}$, whichever is greater, where D equals the distance from the activity and W equals the maximum charge weight per 8 ms delay. This radius may be extended by the Town Plan and Zoning Commission.

   Surveys shall contain the following information:

   a. Name of property owner, location of property, date and time of survey
   b. Name of person making the survey and the operator
   c. Condition of the structure, documentation of any pre-existing defects and relation of any photographic or tape records to the body of the report
   d. Identification numbers for all photographs
   e. Identification of particularly historic or fragile buildings or valuable or fragile contents, which may be particularly vulnerable to blast vibrations.

4. Conduct a survey of all drinking water wells located within a minimum of 250 feet from such activity or a distance expressed as $D = 65 \text{ x } \sqrt{W}$, whichever is greater, where D equals distance from the activity and W equals the maximum charge weight per 8 ms delay. The Town Plan and Zoning Commission may extend this radius. The survey shall include a test of water quality and quantity.
5. A copy of the surveys required under this section shall be submitted to the Commission and the property owner. If the property owner disagrees with the content of the survey, a detailed description of the areas of disagreement shall be filed with the Commission. When access to the property for a survey is denied by the property owner such information shall be transmitted to the Commission including the date such request was denied with a notation as to whether such denial was verbal or in writing.

Section 28. STANDARDS FOR ACCESSIBLE AND UNIVERSAL DESIGN

A. PURPOSE

The Town of Farmington recognizes the need of its disabled and elderly citizens to have the greatest access possible to buildings and facilities, which are available to the public and thereby promoting the independence, safety and dignity of this sizable population. The Town Plan and Zoning Commission has found that current state and federal codes fail to attain best practices in accessible and universal design. The standards and guidelines found in this section, while exceeding in some instances current code requirements, have been developed to promote optimum accessibility and shall apply to all new construction, expansion, redevelopment and reuse of property as specified in this regulation.

B. SITE PLAN ELEMENTS.

All site plans submitted to the Commission for new construction, additions or substantial redevelopment for commercial, industrial or institutional uses under Section Article IV Section 12 of these regulations shall be subject to the following standards.

1. Sidewalks providing access to or on a site for the public shall have a minimum width of six feet. Such walks shall be widened to as much as eight feet as directed by the Commission where such walk serves a development (retail, personal service, office or institutional use) in excess of 20,000 square feet or is located within the UC zone.
2. Parking areas containing 75 or more spaces shall contain a sidewalk system and be connected by a raised walkway and crosswalk to all buildings located on the premises.
3. Objects protruding into or over the footprint of the walk shall be cane detectable at 24 inches.
4. Sidewalks constructed of pavers, brick or other non-uniform surface material shall have a well-compacted sub-surface to ensure the most even surface as practicable. Loose or uneven pavers, bricks etc. shall be immediately adjusted.
5. Trees, light posts, street furniture or other structures located within a sidewalk shall be positioned in such a manner as to maintain a straight, unimpeded path of travel for pedestrians including those in wheelchairs.
6. Railings used along sidewalks shall contain thin vertical posts between 30 and 48 inches high. Such posts should be spaced as far apart as possible consistent with the State Building Code.
7. Curb cuts and curb ramps shall be painted caution yellow to provide a visual warning.
8. Handicapped accessible parking spaces shall be located wherever possible adjacent to the building so to avoid crossing lanes of traffic. Unless otherwise approved by the Commission, no accessible parking space shall be located more than 100 feet from an exterior entrance to the building it is intended to serve and shall be connected to such building with a walk containing a slope of 1:20 or less.
9. Handicapped parking spaces shall be distributed and located in such a manner where they are not likely to be used for stockpiling of snow.

10. Vehicles shall be deterred from parking within the access aisles attached to handicapped accessible spaces. This may include the use of signage.
11. Developments containing multiple buildings shall provide benches or other seating areas to function as rest areas as directed by the Commission. Benches shall have seat heights 17 to 18 inches; graspable armrests and an ergonomic shape for lumbar support and seat contour. Maneuver space shall be provided to enable chair and scooter riders to transfer to the bench.
12. Directional and informational signs shall be installed at the request of the Commission. Such signs shall light colored letters against dark background.

C. BUILDING ACCESS

For all new commercial, industrial and institutional building construction, additions, installation of handicapped ramps and as directed by this subsection for commercial, industrial and institutional uses, the following standards shall apply.

1. Building entrances shall be designed so that approaches to level areas at entry doors located within 200 feet of any handicapped parking space are sloped at 1:20 or less.
2. Ramps and stair handrails shall be round or oval in shape and constructed of a material that offers a gripping surface that is non-slip and easy to grasp securely.
3. Ramp handrails should be constructed with a clear space of 42 inches from handrail to handrail.
4. Handrails shall be installed on both sides of stairs or ramps with runs continuous over the full length of the stairway or ramp and shall terminate with a horizontal extension on level landings at top and bottom.
5. In the case of new construction, additions and for buildings undergoing redevelopment the Commission shall require the installation of automatic door openers on all exterior entrances located within 200 feet of any handicapped parking space and for any door (exterior or interior) providing the main entrance to an individual business. Such doors shall also have 34-inch wide clear openings.
6. Kick plates from the bottom edge to a height of 16 inches shall be provided and installed on the push side of all exterior doors located within 200 feet of any handicapped parking space and for any door (exterior or interior) providing the main entrance to an individual business. This shall not apply to power doors containing a sensor for automatic operation. In the case of doors to be opened by hand, loop or staple type hardware shall be installed.

D. <u>BUILDING FACILITIES AND DESIGN</u>

For all new commercial, industrial and institutional building construction, additions and elsewhere as directed by this subsection for commercial, industrial and institutional uses the following standards shall apply.

1. For businesses such as retail uses, restaurants and banks that have a counter where business is conducted, such counter shall have a 36-inch wide section where the height is not greater than 34 inches. If customers use such counter for writing, clear knee space

below the 36-inch wide section at a minimum height of 27 inches and a minimum depth of 18 inches shall be provided. In cases where providing this clear knee space is not feasible, the Commission may approve the provision of a pullout or fold down writing shelf.

2. The Commission may require that up to 10% of all dining tables within a restaurant be accessible to patrons using wheelchairs. This percentage may be increased to 20% within restaurants located in the UC zone. This shall include the design of tables which do not contain pedestals which impede foot pedals, foot chair or scooter wheels. One half of all accessible tables shall contain more than one accessible space for diners.
3. Handicapped accessible restrooms shall be provided as required by state and federal regulation. In addition, for new building construction, additions and substantial reconstruction and in cases where a new restroom is added, the following shall apply.
   a. Single sex restrooms shall have an accessible stall with minimum dimensions of 5 feet by 6 feet.
   b. In bathrooms containing more than one toilet stall, in addition to a fully accessible stall, at least one other stall shall be 3 foot wide with 42 inch grab bars mounted on both sides.
   c. In addition to single sex restrooms, the Commission may require the provision of a companion restroom for those requiring assistance.
   d. Locks and latches used in restrooms shall be operational without pinch, grasp or twist of the wrist.
   e. Restroom doors shall contain hinge mounted door closers unless equipped with automatic closers.
   f. Toilets shall have elongated bowls with seat heights of 17 to 18 inches. Flush controls shall be positioned on the open side of the toilet.
   g. Fold down grab bars shall be secured in a vertical position by a holder with an easy release mechanism.
   h. Toilet paper dispensers must be easily usable by persons with limited manual dexterity and be installed in a location, which does not intrude on knee space between the toilet edge and sidewall.
   i. All items within the restroom such as trash receptacles, benches etc. shall be located as to not intrude into maneuver space.

E. <u>ACCESS WITHIN MULTIPLE STORY BUILDINGS</u>

For all new commercial, industrial and institutional buildings containing multiple stories, an elevator or lift shall be constructed to provide handicapped access to all floors above grade. The Commission may require the provision of an elevator or lift for a multiple story addition constructed onto such commercial, industrial or institutional building.

Where an application for change of use is submitted to the Commission for building space located on a floor above grade of an existing commercial, industrial or institutional building, the Commission may withhold the approval of such application upon a finding that such space is not handicapped accessible. In making such a decision the Commission shall take into consideration the nature of such use and the need for accessibility by customers or employees as well as other arrangements, which maybe proposed to provide handicapped access to such use or portion thereof in another portion of the building.

As amended effective May 2, 2008.

Section 29. NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEMS

A. PURPOSE. The Town of Farmington recognizes that non-commercial wind energy systems may be beneficial to its residents and businesses by providing an alternative source of clean energy. However the unregulated design and placement of these systems may result in incompatible land uses, a threat to property values and the health, safety and welfare of Town residents.

B. DEFINITIONS. For the purpose of applying the provisions of this section the terms below shall be defined as follows:

METEOROLOGICAL TOWER – a facility consisting of a tower and related wind measuring devices, which is used solely to measure winds preliminary to construction of a non-commercial wind energy conversion system.

NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM – a facility consisting of some or all of the following: a tower, wind turbine generator with blades, guy wires and anchors, and associated control conversion electronic equipment to convert wind movement into electricity, and that is incidental and subordinate to another use on the same parcel. A facility shall be considered a non-commercial wind energy conversion system only if it supplies electrical power solely for on-site use. However, when a parcel on which a non-commercial wind energy conversion system is installed also receives electrical power supplied by a utility company, any excess electrical power generated by the non-commercial wind energy conversion system, and not then needed for on-site use, may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use. No net revenue to the owners shall be produced by such excess electrical power generation.

C. GENERAL REQUIREMENTS AND STANDARDS. All non-commercial wind energy conversion systems shall conform to the following design and locational standards and may be installed in any zoning district following receipt of a special permit. In addition to the specific requirements listed in this section, the Commission must find that the application complies with the standards found in Article IV Section 12. See Article IV Section 12 also for application procedures, hearing and notice requirements.

1. Properties located in a residential zone may be permitted only one non-commercial wind energy conversion system.
2. No horizontal axis wind energy conversion system shall be permitted on a lot containing less than 40,000 square feet of land area. Vertical axis wind energy conversion systems may be located on a lot containing a minimum of 15,000 square feet of land area.
3. Horizontal axis wind energy conversion systems may not be mounted on a building. These systems shall be mounted on a monopole tower. However by a 5/6 vote of the full Commission, horizontal axis wind energy conversion systems may be mounted on a lattice or guyed tower providing that the lot contains at least 80,000 square feet of land area.

4. The maximum height of a tower containing any type of wind energy conversion system shall be 65 feet, where such lot is located in a residential zone and contains less than three acres. The maximum height of a tower located in either a non-residential zone or within a residential zone on a lot containing three acres or more in land area shall be 100 feet. The height of the tower shall be defined as the vertical distance from the average finished grade along the base of the tower to the highest point excluding any rotor blade or lightning rod but including the turbine.
5. Towers must be set back from all property lines, overhead utility lines, dwellings or other habitable structures a minimum of ten feet plus the height of the tower including the top of the rotor blade. In the case of a guyed tower, no guy wires shall be permitted within 20 feet of any property line. By a 5/6 vote of the full Commission, towers may be located closer to a property line where the tower owner has entered into an agreement to establish a fall zone easement on the adjoining property. Such easement shall be large enough to contain that portion of the tower height, including all rotor blades, beyond the distance of the tower base to the property line. This easement shall be kept free of all buildings and structures as long as it remains in effect.
6. Towers located in residential zones shall be located behind the longest rear wall of the principal building or in the rear half of a lot containing frontage on one street. In the rear yard as measured from the longest rear wall of the principal building but not beyond the middle third of a through lot as measured from the street the principal use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest wall with respect to both streets or in the rear half of a lot as measured from both streets or a combination thereof. To the rear of the home as measured from the longest wall with respect to two streets or I the rear half of the lot as measured from two streets or combination thereof where a lot is bounded by three or more streets. No tower located in any zoning district shall be situated in a required building setback line unless otherwise approved by the Commission.
7. Non-commercial wind energy conversion systems shall conform to the provisions of the Town of Farmington noise ordinance.
8. Non-commercial wind energy conversion systems shall not be illuminated or contain any lighting fixtures, antennas or other signal transmission device.
9. The construction and operation of non-commercial wind energy conversion systems shall comply with all applicable local, state and federal requirements including but not limited to, all applicable safety, construction, environmental, electrical and aviation requirements.
10. The operation of a non-commercial wind energy conversion system shall not cause interference with any electronic signal such as radio or television reception, telephone or microwave transmissions.
11. No rotor blade from a horizontal axis wind energy conversion system shall extend closer than fifteen (15) feet to the ground surface.
12. All wiring of any non-commercial wind energy conversion system shall be installed by an electrician licensed in the State of Connecticut.
13. All horizontal axis wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the system as set by the manufacturer.
14. Tower climbing apparatus shall be located no closer than twelve (12) feet from the

ground.

The Commission may require that a tower be enclosed by a locked protective fence at least six feet in height.

15. No signs may be affixed to or displayed in conjunction with a non-commercial wind energy conversion system except for a safety sign warning of electrical shock or high voltage and/or a sign displaying the name and location of the system's manufacturer. Such signs shall be limited to two square feet each unless otherwise prescribed by law.
16. If a non-commercial wind energy conversion system is not maintained in operational condition or fails to be operated for a period of twelve (12) consecutive months, the system shall be deemed to be abandoned and shall be removed in accordance with subsection G.
17. All power transmission lines connecting a freestanding non-commercial wind energy conversion system to any building or other structure shall be located underground unless otherwise waived by the Commission.
18. Non-commercial wind energy conversion systems shall be sited on the property in a manner that does not result in significant shadowing or flicker impacts upon or affecting neighboring properties.
19. Non-commercial wind energy conversion system components such as transformers shall have their visual impact minimized by use of alternative locations or landscaping. All components of the system including the tower shall be a plain non-reflective muted color without graphics or other decoration.

D. <u>FACTORS UPON WHICH SPECIAL PERMIT DECISIONS OF THE COMMISSION SHALL BE BASED</u>

In passing upon applications for non-commercial wind energy conversion systems, the Commission, in addition to the standards found in Article IV Section 12, shall consider the following:

1. The height of the proposed facility and its proportionality to and compatibility with existing surrounding structures and tree line. The distance of the facility to such structures shall be factored in as part of this consideration.
2. The availability and suitability of alternate sites, which are available to the applicant as well as efforts to mitigate any negative visual impact from the system.
3. The appearance of the system within cultural, scenic or historic view sheds.
4. The impact of the facility on historic districts, historic structures and ridgelines.

E. <u>APPLICATION SUBMISSION REQUIREMENTS.</u> An application for special permit shall be accompanied by the following information and documents.

1. An A-2 survey of the lot the facility is proposed to be established upon. This requirement may be waived by the Commission in the case where a vertical axis non-commercial wind energy conversion system is proposed to be mounted on an existing building or where the Commission finds that the use of a different map will be adequate to present all the information required by this regulation. Any proposed tower structure shall be accurately depicted upon the survey map. This shall also include any land clearing, grading and landscaping.
2. An elevation drawing depicting any proposed tower structure.

3. A plan showing the location of any structures and property lines within two hundred and fifty (250) feet of the proposed facility.
4. In the case where it is proposed to connect the facility to the electrical grid, a copy of a letter to the appropriate utility company notifying them of this proposal.
5. A document listing all safety equipment and maintenance plan for the proposed facility.
6. If required by the Commission, the applicant shall arrange for a balloon or crane test to illustrate the height and location of a proposed tower. The test shall be conducted for at least two days; one of which is a Saturday or Sunday.
   The applicant at the request of the Commission, shall provide photographs showing the tower imposed on the photographs. The photographs shall represent up to four view prospective as chosen by the Commission. Each photograph shall include a description of the technical procedures followed (distances, angles, camera lens, etc.).

F. OPERATION, MONITORING AND MAINTENANCE. The applicant/owner shall maintain the non-commercial wind energy conversion system in a good and safe condition. Maintenance shall include, but not be limited to, painting, structural repairs, and the integrity of safety and security measures. Access to the site shall be maintained to the satisfaction of Town emergency personnel.

G. ABANDONMENT. Any non-commercial wind energy conversion system that has reached the end of its useful life, or has been abandoned, shall be removed. When the facility is scheduled to be decommissioned, the applicant shall notify the Town by certified mail, including the proposed date of discontinued operations and the plans for removal. The applicant/owner shall physically remove the facility no more than 150 days after the date the facility is discontinued or abandoned. The decommissioning of the facility shall consist of the removal off the premises of all wind turbines, structures, equipment, security barriers and transmission lines. In addition the site shall be stabilized so not to result in erosion. Solid and hazardous wastes shall be disposed of in accordance with local and state waste disposal regulations.

H. METEOROLOGICAL TOWER. The owner of a parcel of land who is contemplating the installation of a non-commercial wind energy conversion system may obtain a zoning and building permit to erect a meteorological tower. The tower shall meet the locational requirements found in subsection C.6 of this regulation and be set back from all property lines a minimum distance equal to the height of the tower. The maximum height of a meteorological tower shall be 100 feet. No tower shall be located on a site for more than six months. The application for a zoning permit shall be made on a form prescribed by the Zoning Enforcement Officer.

I. FINANCIAL SURETY. The Commission may require the applicant for a non-commercial wind energy conversion system to provide a form of surety to cover the cost of removal of the facility. The applicant shall submit a fully inclusive estimate of the costs associated with removal. The Commission may add a factor for inflation to the cost estimate.

J. CONDITIONS ATTACHED TO SPECIAL PERMIT. In conjunction with the approval of a special permit for a non-commercial wind energy conversion system, the Commission may impose the following conditions:

1. Limit the permit to a particular owner or operator of the facility.
2. Limit the amount of time the permit shall be in effect.

3. Require particular grading or landscaping to shield various components of the facility.
4. Limit the height of any vertical axis wind energy conversion system as it is affixed to any building or structure.
5. Impose any other condition directly related to the criteria and standards for the establishment of a non-commercial wind energy conversion system.

K. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as any work conducted as authorized by a building permit. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inlands wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Effective date of Section 29. is December 13, 2008.

Section 30. NEW OR EXPANDED HOMES WITHIN EXISTING NEIGHBORHOODS

A. PURPOSE

The construction of new or expanded homes as well as accessory buildings inclusive of garages within Farmington's existing neighborhoods may have a negative impact on the character of such residential areas. Oversized homes may dwarf older smaller houses which may have been constructed decades ago. Conventional looks like building setback regulations do not satisfactorily ensure compatibility between new and older construction. Left uncontrolled, the development of larger out of scale houses and accessory buildings in these areas will seriously affect or destroy the sense of place of an established neighborhood. This regulation seeks to control the size, spacing and height of principle and accessory structures in residential zones within existing zoning building lines so as to preserve some level of uniformity and architectural compatibility.

B. GENERAL REQUIREMENTS AND APPLICABILITY OF THIS REGULATION

This regulation shall apply within all single family zoning districts within the Town of Farmington with the exception of the R-80 zone unless a lot within the R-80 zone contains less than 60,000 square feet in area. In addition, this regulation shall apply to any lot approved for single family use in the RDM and AH zones. However, this regulation shall not apply to vacant lots referenced in Connecticut General Statutes 8-26a.(b)(2)(A) nor to lots located within any subdivision approved after the effective date of this regulation (May 4, 2013) containing more than five lots on a new street.

Following the effective date of this regulation (May 4, 2013) the area of a single family home or accessory building existing as of such date shall not be expanded, cumulatively, by more than thirty percent of the area of the principle residential building without a special permit issued by the Commission unless the area of the home plus accessory building(s) including the addition is less than the area specified below for new construction. In addition, no new accessory building shall be constructed which has an area greater than thirty percent of the area of the principle residential building without a special permit. For the purpose of applying this regulation the area of a home shall exclude basement space or unfinished attic space but include any attached garage or other attached unfinished space and shall be measured from exterior walls. Following the effective date of this regulation (May 4, 2013) no new single family home shall be constructed on a lot regulated by this section, with the following exceptions, unless a special permit has been issued by the Commission.

1. A home containing no more than 1,600 square feet of finished living area and no more than 2,200 square feet of total area and having a height of 24 feet as measured per Article 1 Section 9 of these regulations and located in either the R9, R12 and AH zones.
2. A home containing no more than 2,400 square feet of finished living area and no more than 3,200 square feet of total area and having a height of 24 feet as measured per Article I, Section 9 of these regulations and located in either the R20, R30 or R40 cluster zones.
3. A home containing no more than 4,000 square feet of finished living area and no more than 5,000 square feet of total area and located within the R40 and on lots containing less than 60,000 square feet in the R80 zones.

Additions to homes or accessory buildings for which a special permit has already been approved under this section must be approved by the Commission. The Commission shall decide whether such addition is significant or not. Significant additions shall require a public hearing.

C. APPLICATION REQUIREMENTS

An application for special permit shall be accompanied by plans including elevations drawn to a scale of one quarter inch equals a foot as well as a plot plan accurately showing the footprint of the home (and any addition) as proposed and its relationship of the house to the property lines. The Commission may also ask the applicant to submit information confirming the distance between the home and structures on adjoining properties, a grading plan as well as photographs of the subject site and structures located within 1,000 feet of the property for which approval is sought.

D. STANDARDS FOR GRANTING A SPECIAL PERMIT PERTAINING TO THIS SECTION ONLY

In lieu of the standards found in Article IV Section 12 the Commission shall require that an application filed under this section satisfy the following criteria:

1. That the proposed home, accessory building or home or accessory building with addition is of a size and height that is in keeping with the scale including but not limited to relative footprint, mass and distance from grade to peak of roof of residences in the general

vicinity, which shall be defined as within 1,000 feet of the subject property.
Homes or accessory buildings that are significantly larger than those within 1,000 feet of the property may be approved where the Commission finds that such building is located on a lot significantly larger than the minimum required by the zoning regulations and that the location of the building on such lot will not be visible from the street or neighboring properties.

2. That notwithstanding the standard setback requirements found in these regulations for a particular zoning district, the proposed building or building with addition results in a massing on the property and offsets from the property line as well as neighboring structures on adjoining sites that are consistent with residences in the general vicinity as defined above.

Effective May 4, 2013.

Section 31. MORATORIUM ON MEDICAL MARIJUANA PRODUCTION AND DISPENSARY

Palliative marijuana production and/or dispensary facilities shall not be permitted in any zone until the Town Plan and Zoning Commission adopts regulations governing such facilities or for six months following the effective date of this moratorium, whichever is sooner.

A. DEFINITIONS

DISPENSARY FACILITY: As defined in Section 21a-408 of the State of Connecticut Regulation of the Department of Consumer Protection Concerning Palliative Use of Marijuana.
PRODUCTION FACILITY: As defined in Section 21a-408 of the State of Connecticut Regulation of the Department of Consumer Protection Concerning Palliative Use of Marijuana.

Effective October 31, 2013.

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Section 1. INTERPRETATION

In their interpretation and application these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare. Where these regulations impose a greater restriction on the use of land, buildings or require larger yards, or other open spaces or impose other higher standards than are imposed by the provisions of any law, ordinance, regulations or private agreement, these regulations shall control. When greater restrictions are imposed by any law, ordinance, regulation or private agreement than are required by these regulations, such greater restrictions shall not be affected by these regulations.

Section 2. ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

A. No land shall be used or activity conducted thereupon and no building or structure shall be used, erected, moved, enlarged or structurally altered and no Building Permit shall be issued until the Zoning Enforcement Officer either issues a Zoning Permit for such use or work or certifies in writing that such use or work is in conformity with the Zoning Regulations. A Zoning Permit is a document issued and certified by the Zoning Enforcement Officer that the proposed use and constructions is in conformance with the Zoning Regulations. A Zoning Permit is not required for repairs or alterations to existing buildings or structures, provided that such work does not alter the facade of such building, change the floor area or height of such building or structure and does not change the use thereof. A Zoning Permit shall also be required for signs (See Article IV. Section 7.).

   An application for a permit shall be filed with the Zoning Enforcement Officer on a form to be provided by the Planning Department. For new buildings or structures, proposed demolition of principal / non-accessory structures or changes increasing the floor area of an existing building or structure, an applicant shall present a site plan which is adequate to demonstrate compliance with the Zoning Regulations. The Zoning Enforcement Officer shall refer site plans for the construction of all new commercial and industrial buildings and the demolition of all principal / non-accessory buildings to the Commission for a determination of zoning compliance. The Town Planner is authorized to approve demolition permits for structures which are hazardous and have been ordered to be demolished by the Building Inspector or Fire Marshal.

B. From time to time requests are received for revisions of or additions to approved site plans and/or special permits, zone changes or stated uses. Such revisions or additions may have minor or major consequences. Such requests will be first screened by the Zoning Enforcement Officer and if he determines such a request to be of minor consequence, he will conditionally approve the request and advise the Commission of his action. Unless the Commission acts to modify his conditional approval, the conditional approval shall become final approval.

   If the Zoning Enforcement Officer determines such request to have a significant

consequence, the request shall be submitted to the Commission for its consideration and action. Following a finding by the Commission that the request has a significant consequence the Commission shall conduct a public hearing prior to its action.

Small additions to nonresidential structures or buildings not previously approved by the Commission and changes in use shall be brought to the attention of the Zoning Enforcement Officer. When determined by the Zoning Enforcement Officer that such proposal does not require a special permit or site plan approval, a Zoning Permit may be issued.

C. After a building or structure is completed, and prior to the occupancy of such building or structure, an applicant shall apply for a Certificate of Zoning Compliance from the Zoning Enforcement Officer. This certificate shall state that such building, use or structure is in conformance with all zoning regulations or is a valid nonconforming use under such regulations. The Zoning Enforcement Officer may require that an applicant prepare and submit an as built site plan in order to determine compliance with the Zoning Regulations.

Section 3. ENFORCEMENT

These regulations shall be enforced by the Planning Director or his agent acting as the Zoning Enforcement Officer who is hereby authorized to cause any building, place, premises or use to be inspected, and to order in writing the remedying of any condition found to exist in violation of these regulations.

The Commission, the Zoning Enforcement Officer or any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent the unlawful erection, alteration, reconstruction, maintenance or use of any building or to correct or abate any unlawful act or to prevent the illegal occupation of buildings or land or to prevent any illegal act in or about such premises.

The penalties for such illegal acts shall be as provided in the General Statutes and the Town Code of Ordinances.

Section 4. ZONING BOARD OF APPEALS

A. POWERS AND DUTIES

The Zoning Board of Appeals shall be empowered to act on the following types of applications:

1. Hear and decide appeals where it is alleged that there is error in any order or decision made by the Zoning Enforcement Officer.

2. Decide requests for special exceptions in the following cases:

   a. Where a zone boundary line divides a lot in one ownership, a permit may be issued for a use allowed on either side of the boundary line, but such specially allowed use shall not extend more than 30 feet into the zone in which it is not permitted by these regulations.
   b. Extension of a nonconforming use or building.

3. Authorize upon appeal in specific cases variances from the terms of these regulations where by reason of exceptional shape, size or topography of the lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of the regulations. Before any variance is granted, the Board must make a written finding in its minutes as part of the record in the following instances:

   a. Special circumstances, described in detail, attach to the property which do not generally apply to other property in the neighborhood and constitute the hardship.
   b. Relief can be granted without detriment to the public welfare or impairment to the integrity of these regulations.

4. Pursuant to the authority under CGS § 8-6, these Regulations do not permit the ZBA to grant use variances as specified below:

   a. The use of any residentially zoned premised for uses other than for residential purposes;
   b. The use of a premises within the UC/UV, FC/FV and AP zone for any purpose not specifically permitted by the Zoning Regulations governing said districts; and
   c. The use of premises within single-family residential districts for other than single family residential purposes.

B. PROCEDURE

1. The Board shall hold public hearings on all applications and appeals, and shall publish a notice of said hearing in a newspaper of substantial circulation within the Town in accordance with the General Statutes.

In applications for all variances the applicant shall mail notice of the public hearing by certified mail no later than 10 days before such hearing to all owners of property within 200 feet from any boundary of the property which is the subject of the application. In addition, the applicant shall post a notification sign provided by the Planning Department on the property at least seven (7) days prior to the date of the public hearing. Evidence of such mailing shall be presented to the Planning Department at or before the public hearing. The names and addresses used shall be those as recorded in the office of the Town Assessor on the date the application is filed. In the case where a property requiring notice has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners' association and in the case of a use variance to all owners of buildings or dwellings located within 200 feet of the boundaries of the parcel which is the subject of such application.

2. Every application for variance from the Use Regulations, as distinguished from the Height and Area Regulations, shall be immediately transmitted to the Town Plan and Zoning Commission, and on or before the public hearing held by the Board on such application for variance, the Commission shall make a report with recommendations thereon.
3. All determinations of the Board shall be made in accordance with the comprehensive plan set forth in these regulations and in harmony with the purpose and intent expressed in Article I. Section l. thereof. In addition to this general rule of guidance, and to particular requirements hereinbefore specified in these regulations (see Article IV. Section 12.), no permit for special exception shall be issued by the Board unless it finds in each case that the proposed building or structure or the proposed use of land,

   a. Will not aggravate a traffic hazard, fire hazard or panic hazard. Will not block or hamper the Town pattern of highway circulation. Will not affect adversely the Town's income from taxation by removing considerable real property from the grand list.
   b. Will not tend to depreciate the value of property in the neighborhood, or be otherwise detrimental to the neighborhood or its residents, or alter the neighborhood's essential characteristics.

4. All appeals to the Zoning Board of Appeals from the orders or decisions of the Zoning Enforcement Officer shall be made within ten days from the date on which the order, decision or requirement was rendered.

ARTICLE VI. AMENDMENTS, VALIDITY

Section l. AMENDMENTS

These regulations may be amended, changed or repealed as provided in the zoning law of the State.

Section 2. VALIDITY

The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof.