Chapter 315

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[HISTORY: Adopted by the Planning and Zoning Commission of the Town of Willington 12-15-1970; amended eff. 8-1-1996. Subsequent amendments noted where applicable.[1]]

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1. **Editor's Note: On 9-16-2025, eff. 10-1-2025, the Planning and Zoning Commission of the Town of Willington approved the codification of the Zoning Regulations as Chapter 315 of the Code of the Town of Willington.**

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ARTICLE 1
Preamble

§ 315-1.01. Findings and purpose.

A. Whereas, the Planning and Zoning Commission of the Town of Willington has, over a period of years, conducted studies of the physical, social, economic and governmental conditions and trends of said Town, both by itself and with the assistance of technical and expert guidance; and

B. Whereas, said Commission has held hearings and given opportunity for all the citizens of said Town and other parties in interest to state their opinion thereon, and as a result of said studies and of its own knowledge and experience on said subjects, said Commission has reached certain conclusions and made certain recommendations for the most desirable use of land within said Town for residential, recreational, commercial, industrial and other purposes, for the most desirable density of population in the several parts of said Town, for a system of principal thoroughfares, bridges, streets and other public ways, for parks, playgrounds, and other public grounds, for general location, relocation and improvements of public buildings, for the general location and extent of public utilities, water, sewerage, light, power, transit and other purposes, for the extent and location of various types of housing and other related matters beneficial to said Town;

C. Now, therefore, the zoning districts and regulations herein set forth are hereby promulgated to establish a comprehensive plan to promote with the greatest efficiency and economy the coordinated development and growth of the Town of Willington and the general welfare and prosperity of its people; to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land, and to preserve and protect the value thereof; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements and other purposes necessary or incidental thereto; and to attain all of the other goals and objectives as set forth in C.G.S. § 8-2, as the same may be amended from time to time.

D. Updated to correspond to most current version of C.G.S.

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ARTICLE 2
Area/Use Classifications

§ 315-2.01. Authority; amendment of regulations; repealer.

The Planning and Zoning Commission, acting under authority of C.G.S. Chapter 124, § 8-3, hereby amends and codifies the Zoning Regulations for the Town of Willington which were effective December 15, 1970, as amended, so that the same shall read as is set forth below. The provisions of said regulations and the amendments thereto, insofar as they are consistent with these regulations, are not repealed but are codified in these regulations. Any and all provisions of said regulations, as amended, which are inconsistent with these regulations are hereby repealed, but such repeal shall not affect any violation which occurred before the date as of which these regulations (or any amendments thereof) were adopted or exists on such date or any penalty incurred, and any such violation may be prosecuted under said regulations, as amended.

§ 315-2.02. Zoning districts.

The whole area of the Town of Willington is divided into zoning districts described under separate classification as follows, as specified in the Zoning Regulations, the areas and boundaries of which are approved in accordance with Article 12, Designed Development Zones, of these regulations or as shown on a map entitled "Town of Willington, Zoning Map, Planning and Zoning Commission, October 17, 1974, as approved October 3, 1974, effective October 17, 1974," or any amendments thereof, which accompanies and is part of these regulations, the original map being filed with the Town Clerk.

Residence 80	R-80
Designed Commercial	DC
Designed Recreation	DR
Designed Community Residential	DCR
Designed Industrial	DI
Designed Neighborhood Commercial	DNC
Designed Elderly Residential	DER
Flood/Aquifer	F/A
Reserved Land	RL
South Willington Village Zone	SWV
Strategic Development Zone	SDZ

§ 315-2.03. Boundaries.

A. The boundaries of these zones are hereby established as shown on the Zoning Map above referred to, or any amendments thereof. Zone boundaries may be determined as follows:

(1) Where a district boundary is shown following a street, a public right-of-way, or a watercourse, or a railroad track, the boundary shall be, respectively, the center line of such street, public right-of-way, or watercourse, or a line located midway between the main tracks of said railroad.

(2) Where a dimension is indicated on the Zoning Map, such dimensions shall control. In the

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absence of a specific dimension being indicated on the Zoning Map, the dimension shall be determined by using the map scale.

(3) Where a street, highway, railroad or other physical monument or marker on the ground by which a boundary is determined varies from that as shown on the Zoning Map, the on-the-ground physical monument or marker shall control.

B. In the event that any zone boundary shall be unclear or in dispute, the Commission, following a public hearing, shall determine such boundary and cause a map or other clarifying description to be placed on file in the office of the Town Clerk.

§ 315-2.04. Street classifications. [Amended 9-16-2025, eff. 10-1-2025]

A. For the purpose of providing for the development of a system of major streets and highways in the Town and for the future improvement, reconstruction and necessary widening of streets and highways, each existing street in the Town is hereby designated by one of the following street classifications:

(1) Principal state route: Interstate Route 84; Connecticut Routes 74, 44, 32 and 320.

(2) Arterial/collector local road: Balazs Road; Battye Road; Blair Road; Cisar Road; Daleville Road; Daleville School Road; Eldredge Road; Fermier Road; Fisher Hill Road; Glass Factory School Road; Jared Sparks Road; Kollar Road; Latham Road; Lohse Road; Luchon Road; Marsh Road; Mason Road; Mihaliak Road No. 1; Moose Meadow Road; Navratil Road; Old Farms Road; Parker Road; Pinney Hill Road; Potter School Road; Schofield Road; Tinkerville Road; Turnpike Road No. 2; Village Hill Road.

(3) Minor local street: all other streets in Town.

B. Classification of new streets shall be as set forth in Chapter 310, Subdivision Regulations.

§ 315-2.05. Scope of controls.

After the effective date of these regulations, all construction or development and every alteration, enlargement, development or use of land, buildings, or structures shall conform to the requirements of these regulations, except as provided herein. Any provision of these regulations which is substantially the same as that contained in earlier versions of these regulations shall be deemed to be a continuation thereof, without any gap in coverage or jurisdiction.

§ 315-2.06. (Reserved)

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ARTICLE 3
Definitions

§ 315-3.01. Definitions and word usage.

In the interests of clarity and brevity, the following terms shall, unless otherwise stated, have the meaning herein indicated for all purposes of these regulations. Words used in the present tense shall include the future tense. When the context so requires, words in the masculine, feminine, or neuter gender shall include any gender, and words in the singular or plural shall include both singular and plural numbers.

ABUTTING — Separated by no intervening private property; properties separated by a public or private street shall be deemed to be abutting.

ACCESSORY BUILDING OR STRUCTURE — A building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as the principal building or on a contiguous lot under the same ownership. Any accessory building physically attached to a principal building shall be deemed to be a part of such principal building in applying the bulk regulations to such building.

ACCESSORY USE — A use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as the principal use or on a contiguous lot under the same ownership.

ACRE — An "acre" shall be defined for these regulations as an area of 43,560 continuous square feet of land.

ALTER; ALTERATION — As applied to a building or structure, means a change or rearrangement in the structural parts thereof, 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 increasing in height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area.

AQUIFER — A geologic formation or deposit that contains a considerable amount of obtainable groundwater; in particular, stratified drift areas having a saturated thickness greater than 10 feet which are located near large surface water bodies capable of supplying water to the aquifer by induced filtration.

AQUIFER PROTECTION/GROUNDWATER RECHARGE AREA — An area designated on the map entitled "Groundwater Recharge Area" on file in the office of the Willington Town Clerk, which area is in the direct recharge area for a favorable known aquifer yielding volumes of water suitable for existing or potential public water supplies. A direct recharge area consists of:

A. Those areas immediately overlying an aquifer and adjacent areas of stratified drift that may not have significant saturated thickness to be part of the aquifer but from which groundwater flows directly into the aquifer; and

B. Those areas of adjacent till and bedrock from which groundwater flows directly into the stratified drift deposit.

AWNING — A rooflike cover that is temporary and collapsible in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BASEMENT — That portion of a building having its floor level partly or wholly below the adjacent finished grade, and which has, at any point, more than half its interior height measured from floor to rough

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ceiling above the finished grade of the ground adjoining the building. Compare to "cellar."

BED-AND-BREAKFAST — See "tourist home."

BILLBOARD — See "sign, advertising."

BOARD — Wherever the term "Board" shall appear in these regulations, it shall refer to the Willington Zoning Board of Appeals.

BOARDINGHOUSE — A building where lodging and/or meals for no more than two persons are provided to long-term (i.e., nontransient) residents only, for compensation, utilizing one central kitchen facility. A boardinghouse shall be occupied by the owner of the building, and all elements of the boardinghouse use shall be confined to the principal building on the lot.

BUILDING — Any structure having a roof and intended for shelter, housing or enclosure of persons, animals, or materials. The connection of two or more buildings by means of a porch, breezeway, passageway, carport, or other such roofed structure shall be deemed to make them one building.

BUILDING AREA/BUILDING COVERAGE — The area of the ground beneath a building (i.e., drip line), including the area of all covered porches, eaves, and similar roofed portions of the building, but excluding awnings.

BUILDING HEIGHT — The greatest vertical distance between the finished grade elevation at any point of consideration along the perimeter of the building's drip line and the highest point of the building, including rooftop service structures housing mechanical equipment.

BUILDING LINE — A line combined from the offsets of the front lot line and the street center line that provides for street width and front yard. See Sheet A-2, Appendix A.[2]

BUILDING OFFICIAL — The Building Official, also known as the "Building Inspector," of the Town of Willington.

BUILDING PERMIT — A permit for construction issued by the Building Official pursuant to the Willington Building Code and these regulations.

BUILDING, ACCESSORY — See "accessory building or structure."

BUILDING, NONCONFORMING — See "nonconforming building."

BUILDING, PRINCIPAL — See "principal building."

BULK — The size and shape of buildings, structures and use areas and the physical relationships of their exterior walls or spatial limits with lot lines and other buildings, structures and uses, or with the other walls of the same building, or other portions of the same structure or use. "Bulk" also includes the relationship of buildings, structures and uses with all yards and open spaces required by these regulations, and also includes provisions of these regulations dealing with floor area ratio, building height, lot area per dwelling unit, lot frontage, lot width, required yards, courts, usable open space, spacing between buildings on a single lot, length of building in a row, and all other similar provisions of these regulations dealing with the relationship between land and the improvements or uses located, or to be located, thereon.

CAMPGROUND — A plot of ground used for recreational purposes which can accommodate two or more tents, travel trailers or camper coaches with travel width not exceeding 8.6 feet, and accessory buildings.

CANOPY — A building consisting of a rooflike cover, and having no sidewalls, that is permanent in nature for the purpose of shielding an area from the elements.

CELLAR — That portion of a building having its floor level partly or wholly below the adjacent finished

2. **Editor's Note: Appendix A is included as an attachment to this chapter.**

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grade and which has at no point more than half its interior height measured from floor to rough ceiling above the finished grade of the ground adjoining the building. Compare to "basement."

CEMETERY — Land used for the burial of the dead and dedicated for cemetery purposes, excluding columbariums (vaults for urns containing ashes of the dead), crematories, mausoleums and mortuaries, established and operated by an ecclesiastical society or cemetery association.

CHILD DAY-CARE CENTER/SERVICES — See "day-care center," "group child-care home," and "family day-care home."

CLUB — Land, buildings and facilities owned or operated by a nonprofit entity for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, nor to render a service which is customarily carried on as a business. A "club" shall cater only to its members or guests accompanying them. A "member of a club" shall be a person who, whether as a charter member or admitted in accordance with the bylaws of the club, has become a bona fide member thereof; who maintains his membership by the payment of his dues in accordance with such bylaws; and whose name and address are entered on the list of membership of the club.

CO-LOCATED WIRELESS TELECOMMUNICATIONS FACILITY — A wireless telecommunications facility that utilizes existing towers, buildings or other structures for the placement of antennas or other appurtenances that blends with the architecture of the structure and does not require the construction of a new tower. A co-located wireless telecommunications facility may include accessory structures to house associated telecommunications equipment. No co-located wireless telecommunications antennas or other facilities shall extend above the existing structure with the exception of flat roof structures where they may project up to six feet. A "wireless telecommunications facility" means the mount, including any antenna or other appurtenances, for the provision of wireless telecommunication services, including but not limited to those services defined in the Telecommunications Act of 1996.

COMMISSION — The Planning and Zoning Commission of the Town of Willington.

COMMUNITY RESIDENCE FOR ADULTS IMPACTED BY MENTAL HEALTH DISORDER — See the definition set forth in C.G.S. § 19a-507a, as the same may be amended from time to time.

COMMUNITY RESIDENTIAL FACILITY — See the definition set forth in C.G.S. § 17a-220, as the same may be amended from time to time.**[Amended 9-16-2025, eff. 10-1-2025]**

CONVALESCENT HOME — A medical institution providing shelter, clothing and food to resident patients, and meeting the definition of a skilled nursing facility, as that term is defined in applicable state and federal law. "Convalescent home" does not include "rest home."

COUNTY SOIL AND WATER CONSERVATION DISTRICT — The Tolland County Soil and Water Conservation District established pursuant to C.G.S. § 22a-315 et seq., as amended.

CUL-DE-SAC — A proposed street, or any extension of an existing street, or any combination or pattern of streets or extensions thereof, having only one outlet to a through state or town road.

DAY-CARE CENTER — **[Amended 11-21-2023, eff. 12-15-2023]**

A. A primary use of land or buildings which offers or provides a program of supplementary care for compensation to more than 12 related or unrelated children, or any number of adults, outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week. "Day-care center" does not include services which are:

   (1) Administered by a public or private school system which is in compliance with C.G.S. § 10-188.

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(2) Recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community youth programs.

(3) Informal arrangements among neighbors or relatives in their own homes.

(4) Drop-in, supplementary child-care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently.

B. "Day-care center" includes "child care center" as defined in C.G.S. § 19a-77, but does not include a "family child care home" or "group child care home" as defined in said section. **[Amended 9-16-2025, eff. 10-1-2025]**

DECK — An accessory structure consisting of one or more horizontal surfaces attached to and extending from the dwelling and used for accessory residential uses. A deck may not be covered by any roof, awning, or other surface, nor shall it be enclosed in any manner. A deck's floor shall be no more than six feet higher than the highest point of the finished grade adjacent to the dwelling. For decks extending into required yards in the R-80 Zone, see Article 7, Accessory Uses, Buildings and Structures.

DEVELOPMENT — Any man-made change to real estate, including, but not limited to, the construction of buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations; but excluding the tilling of soil as part of a bona fide farming or gardening operation.

DISTRICT — See "zone."

DRIVE-IN — A use, or an establishment designed or operated for such use, where a patron is served while seated in an automobile located in an off-street or on-street parking area, driveway, or similar area.

DRIVEWAY — Any access from a public highway used, designed, or intended to be used for vehicular ingress and egress to any building, structure, use or lot.

DRIVEWAY, COMMON — A driveway serving more than one residential lot.

DRIVEWAY, LOOP — A driveway intersecting the street at two or more points and serving more than one residential lot.

DUSTLESS SURFACE —

A. For permanent uses: adequately covered with concrete, asphalt, or bituminous products.

B. For temporary uses: screenings, stone, or gravel adequately treated with water, calcium chloride, or similar dust-inhibiting substances and maintained in good condition at all times.

DWELLING — Any building designed and/or used for human habitation, erected on a closed, solid foundation; using permanent, weatherproof exterior materials; constructed with ceilings and walls finished on the interior with lath and plaster or some comparable material; with facilities which are used or intended to be used for living, sleeping, cooking and eating; connected to a safe water supply with adequate sanitary sewage disposal facilities; and equipped with at least one furnace or other customary form of heating apparatus which, in conjunction with proper insulation, is capable of maintaining a healthful interior room temperature of 69° F., with healthful ventilation, when the outside temperature is 0° F. or lower.

DWELLING UNIT — Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

DWELLING, MULTIFAMILY — A single, detached dwelling on one lot used for residential purposes, designed and/or used for occupancy by three or more families living independently of each other, having separate or joint entrances, services and facilities.**[Amended 9-16-2025, eff. 10-1-2025]**

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DWELLING, SINGLE-FAMILY — A single, detached dwelling on one lot designed and/or used for residential purposes for one family only. One or more rooms in a single-family dwelling which are arranged or used for separate occupancy by a person or persons related by blood or marriage to the occupant(s) of the dwelling shall be considered as an accessory use and shall not constitute a separate dwelling; provided, however, that such room(s) contain no provisions for cooking, eating, or dish washing, and provided further that no compensation is paid for such occupancy.**[Amended 9-16-2025, eff. 10-1-2025]**

DWELLING, TWO-FAMILY — A single, detached dwelling on one lot used for residential purposes designed and/or used for occupancy by two families living independently of each other, having two kitchens and separate, independent entrances.

EASEMENT — A right, established in deed or other legal means, of one party to use a designated portion of a second party's land for a specific, limited purpose.

ENLARGEMENT or TO ENLARGE — Any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

ENTERTAINMENT, ACOUSTIC — Indoor or outdoor entertainment where no form of amplification is used.**[Amended eff. 1-11-2018]**

ENTERTAINMENT, ADULT — As defined in Chapter 162, Adult-Oriented Establishments, of the Town Code, adopted on November 1, 2017, and effective December 1, 2017, as the same may be amended from time to time.

ENTERTAINMENT, AMPLIFIED SOUND — Indoor or outdoor entertainment where any form of sound amplification is used.

ENTERTAINMENT, INDOOR — Includes musical or theatrical performances, dancing, comedy acts, educational programs, lectures, readings of literature, or similar activities, with or without fixed seating, contained entirely within a building and not audible from outside that building. Indoor entertainment shall exclude the provision of adult entertainment except in accordance with Chapter 162, Adult-Oriented Establishments, of the Town Code, adopted on November 1, 2017, and effective December 1, 2017, and shall also exclude outdoor entertainment accessory to a single-family dwelling, which shall be a permitted accessory use.

ENTERTAINMENT, OUTDOOR — Provision of entertainment, as a principal or accessory use, for the pleasure of patrons outdoors or in partially enclosed or screened buildings. Includes musical or theatrical performances, dancing, comedy acts, educational programs, lectures, readings of literature, or similar activities, with or without fixed seating. Entertainment within a building in which sound is audible from outside the building shall be deemed to be outdoor entertainment. Such entertainment includes but is not limited to vocal and/or instrumental music, dancing, karaoke, motion pictures, theater, comedy and acting. Outdoor entertainment shall exclude the provision of adult entertainment except in accordance with Chapter 162, Adult-Oriented Establishments, of the Town Code, adopted on November 1, 2017, and effective December 1, 2017, and shall also exclude outdoor entertainment accessory to a single-family dwelling, which shall be a permitted accessory use.

EQUIPMENT — A trailer, piece of machinery or part thereof which exceeds 1,000 pounds and is used in conjunction with a business operation.**[Added 11-19-2024, eff. 1-1-2025]**

EXTEND or TO MAKE AN EXTENSION — An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a nonconforming seasonal use, or of a seasonal dwelling on a nonconforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any

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nonconforming, nonresidential use of land, buildings, or structures.

FAMILY —

A. Any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit; or

B. A group of not more than three persons not so related by blood, marriage, or adoption, living together as a single housekeeping unit.

FAMILY DAY-CARE HOME —

A. A dwelling in which care is provided for compensation to not more than six children, including the provider's own children not in school full-time, where the children are cared for not less than three nor more than 12 hours during a twenty-four-hour period, and where care is given on a regularly recurring basis. "Family day-care home" does not include services which are:

(1) Administered by a public or private school system which is in compliance with C.G.S. § 10-188.

(2) Recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community youth programs.

(3) Informal arrangements among neighbors or relatives in their own homes.

(4) Drop-in, supplementary child-care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently.

B. "Family day-care home" includes "family child care home" as defined in C.G.S. § 19a-77, but does not include "group child care home" or "child care center" as defined in said section. See the definition of "home business." **[Amended 9-16-2025, eff. 10-1-2025]**

FARM — Any tract of land no less than five acres in area for which the principal use is dairying or the raising of agricultural products, forest products, livestock, or poultry, and any uses accessory thereto, but excluding commercial dog kennels; commercial propagation and growing of flowers, plants, nursery stock, and berries, when combined with on-site sales to the general public; commercial greenhouses; commercial livery and boarding stables; commercial veterinary hospitals; cattle feed lots; and rendering plants, slaughterhouses and/or packing houses and other similar commercial and/or industrial operations which do not directly relate to the production of raw, unprocessed agricultural products.

FARM EVENT FACILITY — An accessory use to a property in which the principal use is farming as defined in this section, including but not limited to corn mazes, harvest festivals, educational demonstrations, hay rides, petting zoos, weddings, wedding receptions, birthday parties, nuptial showers, barbecues, cross-country running events, craft shows and similar type uses.**[Amended eff. 8-7-2019]**

FENCE — A structure for enclosure or screening, including a wall.

FIRE MARSHAL — The legally designated Fire Marshal of the Town of Willington or his authorized representative(s).

FLEA MARKET — The use of land or buildings, or any combination thereof, for the commercial sale of new or used products by one or more vendors on a continuous, regular, or intermittent basis. A flea market shall be deemed to be a commercial activity and shall comply with all provisions of these regulations applicable to such uses. The isolated sale by the occupants of one or more dwellings, or by clubs, nonprofit religious, educational, charitable, and other similar organizations of used household articles, baked goods, household crafts, and similar items shall not be considered a "flea market," provided such activity complies

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with the definition of "accessory use" contained in these regulations.

FLOOD or FLOODING — See § 315-4.17, Flood hazard regulations.

FLOODPLAIN — Those areas subject to flooding at base flood as designated Zones A, A7, A8, A10 and A12 on the Willington Flood Insurance Rate Maps (FIRM) dated June 15, 1982, and the accompanying Willington Flood Insurance Study, as the same may be amended from time to time, and on file in the office of the Town Clerk.

FLOOR AREA RATIO — The gross floor area in square feet of all buildings on a lot, divided by the area of such lot in square feet.

FLOOR AREA, GROSS — The sum of the gross area (horizontal) of every floor of a building, as measured by the exterior faces of the walls or from the center line of party or common walls separating two buildings, dwellings, or distinct and separate nonresidential uses having no common exterior access.

A. "Floor area, gross" shall include:

(1) Basement space.

(2) Attic space, whether or not a floor has been laid, over which there is structural headroom of 7 1/2 feet or more.

(3) Floor space used for mechanical equipment with structural headroom of 7 1/2 feet or more.

(4) Roofed porches, breezeways, interior balconies and mezzanines.

(5) Any roofed-over space not located in a basement such as a garage or carport for off-street parking accessory to a dwelling.

B. "Floor area, gross" shall not include:

(1) Cellar space, except that any such space used for a nonresidential use shall be included for the purpose of calculating the required off-street parking spaces for such use;

(2) Elevator shafts and stairwells, accessory water tanks and cooling towers; and

(3) Patios, terraces, unroofed open porches/decks, and outside uncovered steps.

FLOOR AREA, LIVABLE — That portion of the gross floor area of a dwelling which is adequately provided with heat, light and ventilation so as to be suitable for residential use and occupancy. "Floor area, livable" shall include finished basement or attic spaces and enclosed porches but shall exclude garage space, cellar space, terraces/patios, unroofed open porches, steps, and similar unenclosed or unfinished space, and stairways and halls serving more than one dwelling unit. See Article 7.

GAZEBO — An ornamental accessory building that has a roof and is used for seasonal activities. A gazebo can be enclosed by insect screens but shall not be otherwise enclosed. It can be served by electricity but shall not contain any plumbing except in connection with a self-contained hot tub. A gazebo is also known as a "belvedere." See Article 7, Accessory Uses, Buildings and Structures.**[Added eff. 3-1-2004]**

GOVERNMENTAL SERVICES — Any activity or use carried out by a public agency or its duly authorized agents, such as police stations, refuse disposal areas, schools, pollution control plants, highway garages, town halls, town office buildings, fire departments, noncommercial ambulance and other emergency services, and other similar uses.

GROSS FLOOR AREA — See "floor area, gross."

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GROUP CHILD-CARE HOME — An accessory use which offers or provides a program of supplementary care for compensation to not less than seven nor more than 12 related or unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week. "Group child-care home" does not include services which are:**[Amended 11-21-2023, eff. 12-15-2023]**

A. Administered by a public or private school system which is in compliance with C.G.S. § 10-188.

B. Recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs.

C. Informal arrangements among neighbors or relatives in their own homes.

D. Drop-in, supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently.

GUESTHOUSE — A separate building on a residential lot which would meet the definition of a "dwelling"; provided, however that such building shall contain no provisions for cooking, eating, or dish washing, and provided further that no compensation is paid for such occupancy, and provided further that such building shall comply with all provisions of these regulations for accessory buildings and uses.

HEALTH OFFICIAL — The legally designated health authority of the Town of Willington or his authorized representative(s).

HELISTOP — A landing and take-off pad for the pickup and discharge of passengers by helicopter for the exclusive use of the owner of the lot upon which the helistop is located, and excluding passenger service to the general public. A helistop shall be accessory to the principal use of the lot or building upon which it is located. See § 315-11.11, Helistops.

HOME BUSINESS — An accessory use or uses conducted for compensation by the occupant(s) of a residential dwelling which complies with the applicable provisions of § 315-11.01 (special regulations) of these regulations. Home businesses shall include home office, home occupation or rural home business. Such operations shall not include restaurants or other eating or drinking places; dog kennels; animal hospitals; barbershops or beauty parlors having more than one chair; or automotive service, sales or repairs. Group child-care homes: see § 315-11.01B(6) (special regulations).**[Amended 11-21-2023, approved 12-15-2023; 11-19-2024, eff. 1-1-2025]**

HOME FOR THE AGED — See "rest home."

HOTEL-INN — A building designed and used primarily for temporary accommodations for six or more transients, exclusive of employees residing on the premises, and which may include, as accessory uses, the serving of food and drink and the provision of rooms for public assembly.

ILLEGAL USE OF LAND, BUILDING OR STRUCTURE — Any use, whether of a building or other structure, or of a tract of land, or the erection of any building or structure, in/on which a violation of any provision of these regulations has been committed or shall exist or which use is not specifically listed as permitted in these regulations. Such violation shall be determined as of the date of establishment of such use, as nearly as the same may be determined.

INLAND WETLAND — Those areas designated and defined as "inland wetlands" by the Willington Inland Wetlands and Watercourses Agency, pursuant to its regulations, as the same may be amended from time to time.[3]

JUNKYARD — An area of land, with or without buildings, used, either as a principal or accessory use,

3. **Editor's Note: See Ch. 304, Inland Wetlands and Watercourses Regulations.**

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or occupied by the outdoor storage of used or discarded materials such as wastepaper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without dismantling, processing salvage, sale or other use or disposition of the same. A deposit or the outdoor storage on a lot of two or more wrecked or unregistered vehicles, or vehicles otherwise not in a condition for legal use on public highways, or parts of two or more such vehicles shall be deemed a junkyard.

KENNEL, DOG — A place, open or enclosed, in which canines are kept for breeding, boarding, grooming, training or medical attention.**[Amended eff. 6-15-2003]**

LANDSCAPING — Items such as planters, shrubs, railroad ties, stone walls, trellises, ornamental structures six feet or less in height, walkways, and the like. The term "landscaping" shall apply to outdoor items normally used to enhance the aesthetic features of a lot or property. Sight line requirements addressed elsewhere in these regulations shall not be obstructed by landscaping.**[Added 5-29-2001, eff. 6-12-2001]**

LIVESTOCK — Includes such domestic animals as horses, cows, goats and sheep, or the like, but excluding mink.

LIVESTOCK, AVOCATIONAL — An animal or animals kept for the owners or lessee of the property for personal use or for youth projects.**[Added eff. 10-1-2005]**

LOT — One or more contiguous parcels of land under unified ownership, and separately described in a deed of record, which is occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these regulations, and which, in addition, meets the minimum area, width, and other applicable requirements of these regulations for the zone in which such parcel is located, or is a legal nonconforming parcel, as defined in these regulations. In the case of multi- or two-family dwellings, a group of buildings under the same ownership shall be considered as occupying the same lot. The term "lot" includes the terms "plot" and "parcel," but those terms do not include the term "lot."

LOT AREA — The area of a horizontal plane bounded by all lot lines. See § 315-4.04, Lot compliance and buildable area; and also Article 8, Area, Yard and Height Requirements.

LOT COVERAGE — The ratio between the building area and the gross area of the lot.

LOT FRONTAGE — The length of the shortest straight line touching both side lot lines, located entirely within the lot, and touching not less than one point on the front lot line. See Sheet A-1, Appendix A.[4] In the case of a rear lot, the lot frontage shall be measured at that point closest to the street from which the lot derives its principal access, at which point the minimum lot width for the subject zone is met. See § 315-4.18, Rear lots.

LOT LINE — Any boundary line of a lot.

LOT LINE, FRONT — That lot line being along the street line which that lot abuts. In the case of a rear lot, that lot line being closest to the street from which the lot derives its principal access. See Sheet A-1, Appendix A.[5]

LOT LINE, REAR — That lot line which is roughly opposite of, and farthest from, the front lot line. See Sheet A-1, Appendix A.[6]

LOT LINE, SIDE — Any lot line not a front lot line or a rear lot line that connects from each end of the front lot line to each end of the rear lot line. See Sheet A-1, Appendix A.[7]

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4. **Editor's Note: Appendix A is included as an attachment to this chapter.**
5. **Editor's Note: Appendix A is included as an attachment to this chapter.**
6. **Editor's Note: Appendix A is included as an attachment to this chapter.**
7. **Editor's Note: Appendix A is included as an attachment to this chapter.**

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LOT OF RECORD — A lot for which a deed has been recorded in the office of the Town Clerk of the Town of Willington, which lot met the requirements of these regulations and of Chapter 310, Subdivision Regulations, as the same were in force at the time of such recording. See § 315-9.02, Existing nonconforming lots.

LOT WIDTH — The minimum distance between the lot side lines, measured at any point between the lot frontage line and the lot rear line.

LOT, CORNER — A lot of which two adjacent sides face a street or streets so that the interior angle of the intersection is less than 135°, provided that the corner of any such intersection is not rounded by a curve having an inside radius greater than 50 feet.

LOT, NONCONFORMING — See "nonconforming lot."

LOT, REAR — See § 315-4.18, Rear lots.

LOT, THROUGH — A lot, other than a corner lot, having frontage on two or more streets.

MANUFACTURING — Any process whereby the nature, size, or shape of articles is changed or where articles are assembled or packaged in quantity.

MOBILE HOME — See "trailer."

MOTEL — A building or group of buildings containing individual sleeping quarters and individual entrances, and designed, altered, intended, or used primarily for rental to transients on a nightly basis.

NON-BUILDING USE — A principal use of land to which the buildings on the lot, if any, are accessory, such as a trailer, junkyard, public parking lot, a flea market, or open storage yard for materials.

NONCONFORMING BUILDING OR STRUCTURE — A building or structure legally existing on the effective date of these regulations, which met all requirements of the zoning regulations then in force, if any there were, on said effective date, but does not meet the current requirements of these regulations; or a building or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these regulations. See § 315-9.04, Nonconforming buildings and structures.

NONCONFORMING LOT — A lot of record subject to the requirements of § 315-9.02 of these regulations.

NONCONFORMING USE — The actual use of land, buildings, or premises which is not a use permitted by these regulations for the zone in which such use is occurring, but which was legally existing and conforming to all requirements of the regulations then in force, if any, on the effective date of these regulations or on the effective date of any amendment hereto which caused the use to cease to meet the requirements of these regulations. See § 315-9.03, Nonconforming uses.

NURSERY SCHOOL — See "day-care center."

NURSING HOME — See "rest home."

OCCUPY — To take possession or enter upon for the purpose of using. When applied to a trailer, to use for sleeping and dwelling purposes.

OPEN SPACE (as applied to bulk and yard requirements) — An unoccupied space open to the sky on the same lot as the subject building or structure.

PARCEL — Any contiguous piece of land, including one or more contiguous lots of record, unified under the same ownership, whether or not every said piece of land was acquired at the same time; excluding, however, any parcel which is a "lot," as that term is defined in these regulations.

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PARK — An area set apart for recreation of the public, to promote its health and enjoyment, and owned and operated by a public or nonprofit agency.

PARKING SPACE — See Article 18, Off-Street Parking and Truck Loading.

PARKING, OFF-STREET — Parking space(s) as required by these regulations which is/are located outside a public street right-of-way.

PAVED AREA — An area covered with an impervious material such as concrete, asphalt, or bituminous concrete to be used for the storage, passage, or conveyance of motor vehicles or pedestrians, including, but not limited to, streets, parking lots, driveways, loading areas, sidewalks, or impervious surface drainage swales.

PERMANENT FARM STAND — Any permanent building located on a farm used for the year-round sale of products grown or raised primarily on the premises. No more than 1/3 of all products processed or made available for sale shall be from other farms in Willington.**[Amended eff. 8-7-2019]**

PERSON — An individual, firm, partnership, joint venture, association, club, corporation, estate, trust, receiver, syndicate, or other entity or combination thereof.

PLEASURE HORSE — A horse or pony maintained solely for the recreational use of the owner's family.

POULTRY — Chickens, turkeys, pheasants, ducks, and other birds customarily raised for their meat or eggs.

PREMISES — A lot or parcel and all buildings, uses and structures located thereon.

PREMISES, PERMIT — That portion of any building that has been granted a liquor permit by the State Liquor Control Commission.

PRINCIPAL BUILDING — That single building, or interrelated group of buildings, in which is conducted the principal use of the lot on which the building is situated.

PRINCIPAL USE — The primary purpose or function for which a premises is used, designed, or intended to be used.

PUBLIC — Used or controlled exclusively by any department or branch of a governmental unit, excluding clubs, associations, and other private entities which may serve a public purpose.

PUBLIC GARAGE — A building used for the storage of more than three motor vehicles owned by persons other than the owner or occupants of the premises, or in which repairs or similar work is performed upon motor vehicles not owned by the owner or occupants of the premises.

PUBLIC PARKING LOT — A lot used for the storage of registered motor vehicles with parking space(s) available to the general public.

REST HOME — An establishment which is licensed by the Department of Public Health pursuant to C.G.S. Chapter 368v and which furnishes food and shelter to two or more persons unrelated to the proprietor and, in addition, provides services which meet a need beyond the basic provisions of food, shelter and laundry; such services including, but not limited to, assistance in personal hygiene, nutrition, exercise, recreation, and health maintenance. "Rest home" includes "home for the aged" and "nursing home," but does not include "convalescent home" or "skilled nursing facility."**[Amended 9-16-2025, eff. 10-1-2025]**

RESTAURANT — The retail sale of food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters in an enclosed building. See § 315-11.12.

RIGHT-OF-WAY — A servitude imposed by law or by convention, and by which one has a right to pass through the real property of another.

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SIGN — Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises. See Article 19, Sign Regulations.

SIGN AREA OR FACE — The plane defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all the lettering, wording, design, or symbols, together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these regulations, two-sided signs where the sides are back-to-back and located no more than 18 inches apart and parallel shall be considered to have only one sign face. See Article 19, Sign Regulations.

SIGN, ADVERTISING — A sign, including that type of sign commonly known as a "billboard," which directs the attention of the viewer to a business, commodity, service, entertainment, or other use which is conducted, sold, offered, or occurring, either presently or in the future, at a location different from the lot upon which such sign is displayed, or only incidentally occurring upon such lot.

SIGN, BUSINESS — A sign which directs attention to a business, commodity, service, entertainment, or other use which is currently conducted, sold, or offered upon the same Lot where such sign is displayed. A "For Sale" or "To Let/For Rent" sign related to the lot upon which it is displayed shall be deemed to be a business sign.

SIGN, DIRECTIONAL — A sign on a premises, indicating location of the use or purpose of a building, lot, or portion thereof located elsewhere in such building or on such lot, but containing no other information.

SIGN, DIRECTLY ILLUMINATED — Any sign designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such sign.

SIGN, FLASHING — Any sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times, excluding time or temperature signs approved in accordance with Article 19 of these regulations.

SIGN, GROUND — Any sign supported by upright structural components, placed or located upon the ground and not attached to any part of any building.

SIGN, IDENTIFICATION — A sign on a premises bearing the name or similar identification of the use or occupant of a building, lot or portion thereof, or a sign indicating danger or whether a facility is open for business, but containing no other information.

SIGN, INDIRECTLY ILLUMINATED — A sign illuminated by a light source which is so shielded that no direct rays are visible elsewhere than on the sign face, or the area immediately around it, but in no event visible off the lot where said sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such sign shall be deemed to be a directly illuminated sign.

SIGN, MOVING — Any sign, or any portion of any sign, which is not fixed or stationary, or which is capable of any movement whatsoever, excluding barber poles and clocks.

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SIGN, OUTDOOR ADVERTISING AND/OR OFF-PREMISES — See "sign, advertising."

SIGN, OVERHANGING — Any sign extending at an angle from a building which is its sole or principal support.

SIGN, POLE — See "sign, ground."

SIGN, ROOF OR SKY — Any sign erected, constructed, or maintained upon the roof of a building.

SIGN, TEMPORARY — Any sign which is intended to advertise community or civil projects, construction projects, real estate for sale or lease, or other special events of a temporary nature, and erected on a temporary basis.

SIGN, TRESPASS — Any sign on a premises restricting the right to enter such premises and indicating the private nature of such premises.

SIGN, WALL — Any sign painted, posted, or otherwise affixed to any portion of a vertical surface or plane that forms the wall of a building.

SPRING WATER, RECOVERY OF — Water that appears naturally at the ground's surface and is collected at its natural flow rate without any means of assistance.

STREET — An improved right-of-way or fee simple parcel of land dedicated and accepted by the Town or the State of Connecticut for the purpose of public travel by lawful procedure and suitable for vehicular travel, or a proposed street shown on a subdivision plan approved by the Commission in accordance with the applicable provisions of Chapter 310, Subdivision Regulations.

STREET CENTER LINE — A line equidistant from each street line; or if no street line is established, the center line of the existing pavement; or if the street is unpaved, the center line of the existing traveled way.

STREET LINE — The line separating a street from the abutting nonpublic property.

STRUCTURE — Anything which is constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels, an edifice or a building of any kind; any production or piece of work artificially built up or composed of parts and joined together in some definite manner, including signs, vending machines, fences or walls in excess of six feet in height, a wharf or dock, an aboveground tank, or a detached solar panel or satellite dish. A structure shall not include a flagpole, an ornamental well, landscaping, or a fence or wall six feet or less in height.**[Amended 5-29-2001, eff. 6-12-2001]**

STRUCTURE HEIGHT — The greatest vertical distance between the finished grade elevation at any point of consideration along the perimeter of the structure and the highest point of the structure.

SUBDIVISION — The definition of the term "subdivision" as used in these regulations shall be the same as that term is defined in Chapter 310, Subdivision Regulations.

TAG SALE — The temporary use of land or the buildings thereon for the purpose of the public sale of personal household goods by the owner or resident thereof in conjunction with the cleaning out or vacating of residential premises. In no way does the term "tag sale" encompass the sale of any goods brought to the premises for the purpose of public sale except where more than one family may cooperatively enter into such a sale at one location. The term "tag sale" shall include garage sale, yard sale, barn sale, attic sale, and any similar term or activity.

TAVERN/INN — A building designed and used for combined use as a restaurant and for temporary accommodations for transients, in accordance with § 315-11.0, Hotel/motel, of these regulations.

TENT — A collapsible shelter of fabric (as nylon or canvas) stretched and sustained by poles and/or ropes

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used for camping outdoors. Also, "fly" (or "camping canopy"). A fabric (as nylon or canvas) covering, with or without screened walls, suspended over a table or sitting area, used to provide shade and/or shelter from rain. Both tents and flies are temporary shelters used for the enjoyment of the outdoors and do not include any form of permanent base structure and can be dismantled in a matter of minutes.**[Added eff. 11-1-2003]**

TOURIST HOME — A building, or group of buildings, a portion of which is occupied by the owner thereof as a permanent residence, and which building(s) is/are designed or used for the short-term rental of no more than three rooms to transients, and capable of including, as an accessory use, the serving of breakfast only, and exclusively to persons occupying the facility.

TRACT — See "parcel."

TRAILER — A trailer coach or mobile home, or truck- or semitrailer, either on or off wheels but not permanently affixed to a foundation, or otherwise capable of relocation or transport. A mobile building shall be included within this definition regardless of whether it contains cooking, bathing, and/or toilet facilities, as long as it is capable of being connected to a water supply and to a sewage disposal system and is designed for human occupancy on a temporary or permanent basis.

USE — Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel.

USE, NONCONFORMING — See "nonconforming use."

VEHICLE, BUSINESS — A motor vehicle used in conjunction with a business, with or without business lettering or signage, with a gross vehicle weight rating (GVWR) of less than 26,000 pounds and a total length of less than 26 feet.**[Added 11-19-2024, eff. 1-1-2025]**

VEHICLE, COMMERCIAL — A motor vehicle used in conjunction with a business, with or without business lettering or signage, which meets or exceeds a gross vehicle weight rating of 26,000 pounds and/or is more than 26 feet in length.**[Added 11-19-2024, eff. 1-1-2025]**

VETERINARY HOSPITAL — Any land use, building, or structure where animals are given medical or surgical treatment, and are boarded or cared for overnight, but which does not meet the definition or requirements of "veterinary outpatient clinic."

VETERINARY OUTPATIENT CLINIC — A use where small animals or pets are given medical or surgical treatment. Such clinic shall be located within a completely enclosed building, soundproofed and mechanically ventilated so as to prevent the emission of objectionable noise, and with no outside facilities or accessory structures for animals. Such clinic shall provide no boarding of animals except as required for medical treatment. Such boarding shall be accessory to the principal veterinary outpatient clinic use, and shall occupy no more than 20% of the total use floor area, and shall provide space for no more than 14 animals. No structure or use of land shall be considered a "veterinary outpatient clinic" if it has obtained a commercial kennel license from the Connecticut Commissioner of Agriculture in accordance with C.G.S. Chapter 435.

WATERCOURSE — Those areas designated and defined as watercourses by the Willington Inland Wetlands and Watercourses Agency, pursuant to its regulations, as the same may be amended from time to time.[8]

WETLAND — See "inland wetland."

YARD, MINIMUM REQUIRED FRONT — A yard between any principal building and the lot frontage line, extending the full width of the lot between the lot side lines, measured by the minimum horizontal

8. **Editor's Note: See Ch. 304, Inland Wetlands and Watercourses Regulations.**

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distance between any such building and the lot frontage line; or, in the case of a corner lot, a similar yard extending along all streets. At no point shall the required front yard be less than the lot width required for the subject zone. See Article 8, Area, Yard and Height Requirements. See also Article 7, Accessory Uses, Buildings and Structures. See Sheet A-3, Appendix A.[9]

YARD, MINIMUM REQUIRED REAR — A yard between any principal building and rear lot line, extending the full width of the lot between the lot side lines, measured by the minimum horizontal distance between any such building and the rear lot line; or, in the case of a corner lot, a similar yard extending across the side of the lot opposite the street on which the principal building has its street address, or is otherwise the designated front of the lot. See Article 8, Area, Yard and Height Requirements. See also Article 7, Accessory Uses, Buildings and Structures. See Sheet A-3, Appendix A.

YARD, MINIMUM REQUIRED SIDE — A yard between the side lot line and any principal building, extending on both sides of the lot from the front lot line to the rear lot line; or, in the case of a corner lot, a similar yard extending across the side of the lot opposite the street on which such building does not have its street address, or is otherwise not the designated front of the lot. Any yard not a rear yard or a front yard shall be deemed to be a side yard. See Article 8, Area, Yard and Height Requirements. See also Article 7, Accessory Uses, Buildings and Structures. See Sheet A-3, Appendix A.

YARD, REQUIRED — An open space on the same lot with a building having those minimum dimensions prescribed by these regulations.

ZONE — An area within which certain uses of land and buildings are permitted, certain others are prohibited, and certain others are designated as uses requiring a special exception or special permit from the Commission or the Board; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for all property located within the zone to which they apply.

9. Editor's Note: Appendix A is included as an attachment to this chapter.

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ARTICLE 4
General Regulations

§ 315-4.01. Permitted and prohibited uses.

A. Permitted uses. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered in such a manner as to be designed, arranged, or intended for any purpose other than the uses permitted in the zone in which the building or structure is located, except as provided in Article 9, Nonconforming Lots, Uses, Buildings and Structures, of these regulations. Likewise, no parcel of land shall be used, designed, or arranged for any purpose other than the uses permitted in the zone in which that parcel of land is located, except as provided in Article 9 of these regulations.

B. Prohibited uses. Any use of land, buildings, or structures not specifically set forth in these regulations as a permitted use shall be deemed to be a prohibited use. Without in any way limiting the generality of the foregoing, those uses set forth in Article 6, Prohibited Uses, of these regulations are expressly prohibited in all zones.

§ 315-4.02. Permitted area, frontage, yards or lot coverage; building projections; height requirements; minimum floor area. [Amended 9-16-2025, eff. 10-1-2025]

A. Division or conveyance of land. No lot or parcel of land, as defined in these regulations, existing on the effective date of these regulations shall be divided, nor shall any easement be granted to any private person, which has the effect of creating a new parcel which will be nonconforming under the provisions of these regulations. Similarly, no lot or parcel shall be decreased in size, by sale, gift, devise, descent or otherwise so that it or any part of it will be nonconforming under the provisions of these regulations. See Article 9, Nonconforming Lots, Uses, Buildings and Structures.

B. Yards and lot coverage. Except as provided for nonconforming uses in Article 9, no land, building or premises, or part thereof, or other structure shall be constructed, reconstructed, extended, enlarged, moved or altered except in conformity with the regulations herein prescribed for the zone in which it is located. No part of any yard or other open space required about any building may be counted as part of a yard or other space required for any other building.

C. Building projections. Nothing in these regulations shall prohibit the projection of not more than three feet into a required yard/setback of pilasters, columns, belt courses, sills, cornices, or other similar architectural features, nor the planting or landscaping of such yards/setbacks.

D. Exceptions to height limits. Notwithstanding the height limitations imposed by other provisions of these regulations, church spires, belfries, cupolas, towers, domes, chimneys, flagpoles, radio and television antennas, ventilators, skylights, bulkheads, water tanks and similar features which are accessory to a permitted building, and occupying in the aggregate not more than 10% of the ground area of the building upon which they are located and not used for human occupancy, may be up to 15 feet higher than the highest point of the building upon which they are located. A greater height may be authorized by the Commission as a special permit and may be of such reasonable height as may be necessary to accomplish the purpose they are to serve. Where the structure is the principal structure on the lot, the height limits for the subject zone shall apply. For accessory radio towers, see § 315-7.06D, Accessory radio towers.

E. Minimum floor area. All dwelling units shall have the minimum floor area necessary to meet all relevant building, health or fire safety codes as may be applicable.

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§ 315-4.03. Multiple frontage.

Each lot shall meet the minimum lot frontage on at least one street, and front yard requirements on each street, and a building or structure thereon shall be set back the required distance from each street. At the time of the application for a certificate of zoning compliance, in accordance with Article 20, Administration and Enforcement, the applicant shall elect, and so designate on the plot plan, which of the remaining two required yards shall be the side yard and rear yard.

§ 315-4.04. Lot compliance and buildable area.

A. Lot compliance. For the purpose of determining minimum lot area or parcel size, maximum lot coverage, and maximum building coverage in all zones and districts, the following shall be excluded:

(1) The high water level of areas covered by water (such as lakes, rivers, streams, ponds and swamps); and

(2) All areas defined as inland wetlands or watercourses by Chapter 304, Inland Wetlands and Watercourses Regulations.

B. Minimum buildable land criteria.

(1) No building shall be erected or expanded on any lot, nor shall any use be established or expanded on any lot, nor shall any subdivision or resubdivision lot be created which does not comply with the following minimum buildable land criteria: Every lot shall contain at least one contiguous area as nearly rectangular as possible of at least 40,000 square feet, such rectangle having no sides less than 150 feet, every part of which rectangle complies with the requirements of this section (hereinafter, "minimum buildable land area").

(2) Each lot submitted for review under Chapter 310, Subdivision Regulations, and any site plan submitted pursuant to Article 20, Administration and Enforcement, of these regulations shall bear the certification by a Connecticut licensed professional engineer and Connecticut licensed land surveyor that such minimum buildable land area complies with the requirements of this section.

(3) Any principal building and its associated septic system, if any, shall be located entirely within the minimum buildable land area; the well, if any, serving such principal building need not be located within the minimum buildable land area.

(4) All land within the minimum buildable land area shall meet the following requirements:

(a) The following areas shall not be permitted within the minimum buildable land area: the area of all wetlands and watercourses on the lot as defined by Chapter 304, Inland Wetlands and Watercourses Regulations, and as delineated in the field by a soil scientist registered with the Society of Soil Scientists of Southern New England; the area of all land on the lot with slope of over 20%; the area of all exposed ledge on the lot; the area of any right-of-way or easement that affects development potential; and the area within special flood hazard areas as defined in § 315-4.17 of these regulations, and as indicated on the current Flood Insurance Rate Maps of the Federal Emergency Management Agency.

(b) Soils shall have a percolation rate of no slower than 30 minutes per inch as indicated by representative percolation tests on the site located within the minimum buildable land area.

(c) Groundwater shall be no higher than 18 inches below the existing, undisturbed ground

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surface as determined by mottling or seasonal high groundwater, whichever is higher. Groundwater observation test pit results shall only be acceptable when observed during the period between February 1 and April 30, unless the Health Official considers the test to have been performed during a period of unseasonably low groundwater.

(5) Subsection B(4)(a), (b) and (c) shall not apply to lots to be served by public sanitary sewers.[10]

§ 315-4.05. Buildings in front or rear yards.

No building containing a residential use shall be erected, altered, enlarged or maintained in the rear yard of any building on the same lot, and no building shall be erected, enlarged or maintained in the front yard of a building containing a residential use, except as expressly limited in Article 7, Accessory Uses, Buildings and Structures.

§ 315-4.06. Lots in more than one zone. [Amended 9-16-2025, eff. 10-1-2025]

A. In the case of a lot lying in more than one zone, the provisions of the most restrictive zone shall be applied to the entire lot. Zones shall be deemed to range from most restrictive to least restrictive in the following sequence: Flood/Aquifer Zone (A); Residence 80 (R-80); Designed Elderly Residential (DER); Designed Recreation (DR); Designed Community Residential (DCR); Designed Neighborhood Commercial (DNC); Designed Commercial (DC); Designed Industrial (DI).

B. The Reserved Land Zone is not listed because its location is predicated on ownership by public agencies, as defined in these regulations, and thus cannot, by definition, cross property lines.

§ 315-4.07. Lots on narrow streets.

In the case of lots facing streets less than 50 feet wide, no less than 25 feet shall be added to the required front yard requirements of Article 8, and such yard shall be measured from the center line of the traveled portion of the street. For roads 50 feet or more in width, the provisions of §§ 315-2.04 and 315-8.03, respectively, shall apply (dealing with additional setback for roads depending on their classification).

§ 315-4.08. Corner visibility.

On a corner lot in any district, no opaque fence, wall, hedge, or structure, nor any planting or ground level changes more than two feet in height shall be erected, placed, or maintained within a triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 50 feet from the point of intersection, measured along each of said street lines. "Opaque," as used in this section, shall be defined as having a solid area greater than 5% of the total area of the obstruction.

§ 315-4.09. Street numbers. [Amended 9-16-2025, eff. 10-1-2025]

A. Assignment. Street numbers shall be assigned in accordance with Chapter 264, Streets and Sidewalks, Article I, Street Numbering System, of the Town Code, adopted on September 30, 1986.

B. Administration. The applicant in any subdivision, resubdivision, special permit/exception, variance, or any other application before the Commission or the Board shall assign street numbers in accordance with the preceding, and shall include such street numbers on the final plans for such application. The Zoning Agent shall be responsible for reviewing such street numbers and keeping

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10. Editor's Note: Original Sec. 4.04.02.03, third paragraph, regarding special regulations for high-intensity uses, which immediately followed, was repealed 9-16-2025, eff. 10-1-2025.

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records of numbers assigned.

§ 315-4.10. Advertising and outdoor signs.

No land, premises, vehicle, building or structure in any zone shall be used for the purpose of outdoor advertising signs or billboards, but this shall not prevent the use of signs which advertise the goods sold or made and the services rendered on the premises. Permitted signs shall conform to the requirements of Article 19, Sign Regulations, of these regulations.

§ 315-4.11. Carnival and amusement uses; outdoor concerts or festivals.

No land, premises, building or structure shall be used for amusement purposes of the carnival type that uses mechanical rides or includes shooting galleries, games of chance, freak shows, or the like, or outdoor concerts or festivals, except that the Board of Appeals may grant to bona fide nonprofit organizations such uses for a limited period as a special exception in accordance with Article 13, Special Permit/Exception, of these regulations. All other outdoor concerts or festivals of any type or nature shall be subject to regulation by the Commission as provided herein, including, without limitation, the provisions of § 315-11.23 of these regulations, as applicable.

§ 315-4.12. Residence in underground, incomplete or temporary building or structure.

A. With the exception of portions of a dwelling which are partially underground ("walkout basements"), no basement, cellar or garage or any structure of a temporary nature or any uncompleted portion of a structure shall be used as a residence.

B. Likewise, no principal or accessory use shall be established or maintained in a tent, shed, trailer, truck, or similar temporary or mobile structure or device, except for carnival and amusement uses, as set forth in § 315-4.11 of these regulations and except as provided in §§ 315-11.18 and 315-11.19 of these regulations.

§ 315-4.13. Lake protection.

In order to prevent increased runoff into lakes, ponds, and other bodies of open water; to maintain the aesthetic beauty of the edge of such body of water; and protect the water storage capability of the land immediately bordering on such body of water, any part of a lot which lies within 75 feet of the high-water line of any lake, pond, or other body of open water shall be maintained in its natural condition and shall not be filled, excavated, nor a change made in the natural grade, except as provided in Article 15, Excavation and Filling of Earth Products. Trees and shrubs may be trimmed and pruned for a view of the body of water. Trees may be removed which constitute a safety hazard or major nuisance, or where a selected thinning is needed for the growth of the trees. Trees may be removed to the minimum extent required for incidental access to the water for docks, swimming, and other recreational activities to the extent permitted by Chapter 304, Inland Wetlands and Watercourses Regulations.

§ 315-4.14. Buffer requirements for nonresidential uses.

Buffer areas are intended to provide a visual screen between residential zones which are abutting nonresidential uses or zones. Buffer areas are not intended to provide such protection for residential uses in nonresidential zones, it being the intention of these regulations that such uses shall gradually give way to nonresidential ones. The following shall be required for all nonresidential uses abutting residential uses in residential zones:

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A. Types of buffers. Buffer areas may be topographic (e.g., an earth berm), structural (e.g., suitably colored or constructed fencing or walls), landscaping, or any combination thereof. Regardless of type, such buffer areas shall be of such width, height, and character so as to present an opaque visual barrier to parking and storage areas, buildings, or activities on the nonresidential site. In no event shall the mature height of such buffer trees be less than the height of the first story of any dwelling which may exist or may be permitted under these regulations on any adjoining residentially zoned lot. Regardless of landscaping, no building, structure, or parking area shall be less than 50 feet from the property line of any residentially zoned parcel.

B. Landscaped buffers. Landscaped buffers shall meet the following minimum requirements:

(1) Fifteen feet of depth comprised of two rows of suitable deciduous trees of minimum 1/2 inch diameter at breast height (DBH), or evergreen trees six feet in height, spaced 15 feet apart and staggered in rows 13 feet. The space between trees shall be filled with evergreen or deciduous shrub underplanting.

(2) Thirty feet of depth comprised of mixed plantings of suitable evergreen and deciduous trees, arranged in natural groupings, with tree quantity based on an average of one tree (minimum one inch caliper DBH for deciduous, four feet high for evergreen) per 300 square feet of buffer area. Evergreen trees shall comprise no less than 35% of the total number of trees in the buffer area. The space between trees or tree groupings shall be underplanted with evergreen or deciduous shrubs, with quantity based on one shrub per 200 square feet of buffer area. Up to 1/3 of the buffer area may be covered with grasses or ground cover.

(3) Use of existing natural growth for buffer areas is encouraged, and such areas may be augmented with additional trees and shrubs to achieve the required density set forth in the previous subsection.

C. Waiver. In the case of any use for which a special permit or special exception is required by these regulations, the Commission or the Board, as the case may be, may waive specific requirements of this section where their purpose and intent is otherwise satisfied.

§ 315-4.15. Performance standards for business and industrial uses.

A. Nature and administration.

(1) The following performance standards establish maximum levels for various nuisance factors. They shall apply to all business and industrial uses, whether located in a business or industrial district or located in a residence district as a nonconforming use or a special permit/exception.

(2) Measurements to determine present compliance and estimates to determine future compliance may be made by the Zoning Agent or any other public or private agency, firm or person competent to make such measurements or estimates. The Zoning Agent may require the owner or user of property to furnish such measurements or estimates in appropriate cases.

(3) New construction, new facilities and new activities shall not be permitted except in compliance with these standards.

(4) Existing uses shall not be required to reconstruct or rearrange their facilities and activities to provide compliance with these standards unless the same can be accomplished without undue cost (relative to the scale of the operations concerned) as determined by the Commission in the context of any proposed expansion or alteration which may be under review, or unless such

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reconstruction or rearrangement is required through some regulation other than the Zoning Regulations. Where existing uses do comply with these standards, they shall not be altered so as not to comply; and where existing uses do not comply with these standards, they shall not be altered so as to increase any noncompliance. Any existing machine, structure or other facility which does not comply with these standards shall not be replaced with a similar noncomplying facility unless:

(a) The facility is essential to the operation of the business or industry; and

(b) The Commission determines that replacement with a complying facility would be impractical.

B. Standards.

(1) Noise. The sound pressure level of any operation (other than the operation of motor vehicles or other transportation facilities, or operations involved in the construction or demolition of structures, or time signals) shall not exceed the decibel levels in the designated octave bands as stated in Table 4.1. The sound pressure level shall be measured with a sound level meter and an octave band analyzer that conform to specification published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New York, New York; and American Standard Specification for and Octave Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, American Standards Association, Inc., New York, New York, shall be used.) All measurements shall be conducted at any point along or beyond any lot line of the lot upon which the generator is located. The maximum permissible sound-pressure levels between the hours of 8:00 a.m. and 9:00 p.m. for smooth and continuous noise shall be as follows (all of the decibel levels stated below shall apply in each case):

Table 4.1

Frequency (cycles per second)	Sound Pressure Level (Decibels re 0.0002 dyne/cm)	
	Within Any Business District or at Its Boundary	Within Any Residence District or at Its Boundary
25 to 75	79	72
75 to 150	74	67
150 to 300	66	59
300 to 600	59	52
600 to 1,200	53	46
1,200 to 2,400	47	40
2,400 to 4,800	41	34
4,800 to 10,000	39	32

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If the noise is not smooth and continuous or is radiated during sleeping hours, one or more corrections in Table 4.2 shall be added to or subtracted from each of the decibel levels given above in Table 4.1.

Table 4.2

Type of Operation or Character of Noise	Correction in Decibels
Noise occurs between the hours of 9:00 p.m. and 8:00 a.m.	-3
Noise occurs less than 5% of any 1 hour	+5
Noise is of periodic character (hum, scream, etc.), or is of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards in Table 4.1	-5

(2) Vibration. Vibration in the form of earth-borne oscillations shall not cause displacement at any lot line exceeding the limits stated in Table 4.3. These limits shall not apply to operations involved in the construction or demolition of structures.

Table 4.3

Frequency (cycles per second)	Maximum Displacement at Any Lot Line (in inches)	
	Steady State Vibration*	Impact Vibration**
10 and below	0.0008	0.0016
10 to 20	0.0005	0.0010
20 to 30	0.0003	0.0006
30 to 40	0.0002	0.0004
40 to 50	0.0001	0.0002
50 to 60	0.0001	0.0002
60 and over	0.0001	0.0002

* Continuous vibration. Discrete pulses occurring at more than 30 minutes shall be considered steady state vibration.

** Discrete pulses occurring at or less than 30 per minute.

(3) Glare and heat. The use shall be so arranged that any glare or radiant heat produced is shielded so as not to be perceptible at or beyond any property line.

(4) Smoke. The use shall not produce, from any single source of emission, smoke or other air contaminant for a period or periods aggregating more than three minutes in any one hour which

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is as dark as or darker than that designated as No. 1 on the Ringelmann Chart as published by the U.S. Bureau of Mines.

(5) Waste discharges. The use and discharge of substances into the surface water or groundwater systems or public sewers shall be subject to the Regulations of the State Public Health Department, the State Department of Energy and Environmental Protection, and any other federal, state, or local agency. No such use or discharge shall be permitted which can cause contamination of any water supply, surface or subsurface; which is conducive to the breeding of rodents, insects, or other pests; or which creates unsightly accumulations of litter, trash, or debris.

(6) Fire and explosion hazards. The use and all activities occurring therein shall conform to the Fire Safety Code of the State of Connecticut and any other applicable regulation. All activities, and storage of all inflammable or explosive materials, shall provide adequate safety devices, including provisions for the prevention, containment, and extinguishing of any explosion or fire.

(7) Ionizing radiation and radioactive materials. The use shall conform to the Sanitary Code of the State of Connecticut with regard to sources of ionizing radiation and radioactive materials, and to any other applicable regulation.

(8) Electromagnetic interference. The use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference, and to any other applicable regulation.

(9) Odor. The use shall be so arranged that there is no emission of odorous gases or other odorous matter in such quantities as to be offensive to occupants of surrounding properties, measured at or beyond any lot line of the lot upon which the generator is located. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary should fail. There is hereby established as a guide in determining such quantities of odors Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual," Copyright 1951, or any amendments thereof, by Manufacturing Chemists Association, Inc., Washington, D.C.

(10) Construction. All construction shall conform to the following hours: Work may begin daily at 7:00 a.m. through 7:00 p.m., Monday through Friday. Saturday hours are 8:00 a.m. to 4:00 p.m. There shall be no construction of any type on Sunday or state and federal holidays.

§ 315-4.16. Temporary uses.

A temporary use granted under any provisions of these regulations shall not constitute the establishment of a permanent or legal nonconforming use.

§ 315-4.17. Flood hazard regulations. [Amended 9-16-2025, eff. 10-1-2025]

A. Purpose. To protect the public's health, welfare and safety by preventing or minimizing flood damage and in conjunction with the requirements of the National Flood Insurance Program, all proposed development within designated Flood Hazard Zones A-1 through A-15 and unnumbered A Zones (see § 315-4.17D) shall require prior authorization from the Planning and Zoning Commission. Dependent on the nature and location of the proposed development, minor land disturbing activities, proposed accessory structures and minor additions may be authorized through the issuance of a certificate of zoning compliance; while major land disturbing activities, proposed primary structures and major additions shall necessitate special permit approval of the Commission. This regulation also formally

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recognizes the Town's Flood Insurance Study; Flood Insurance Rate Maps, as amended; and Flood Boundary and Floodway Maps.

B. Definitions. For the purpose of this regulation, all definitions shall be in accordance with those contained in the current National Flood Insurance Program Rules and Regulations, which are available in the Willington Land Use Department. Unless specifically defined below, words or phrases used in this § 315-4.17 shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application. The following definitions are exclusively applicable to this § 315-4.17:

ADDITION TO AN EXISTING BUILDING — Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

APPEAL — A request for a review of the Zoning Agent's interpretation of any provision of this regulation or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain subject to 1% or greater chance of flooding in any given year.

BASE FLOOD — The flood having a 1% chance of being equaled or exceeded in any given year.

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

BUILDING — Any structure built for support, shelter, or enclosure for any occupancy or storage.

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

ELEVATED BUILDING — A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

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

(1) The overflow of inland or tidal water.

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

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community, as on file in the office of the Town Clerk.

FLOOD INSURANCE STUDY — The official report by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

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

FLOOR — The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not

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include the floor of a garage used solely for parking vehicles.

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

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

MANUFACTURED HOME — 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. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) — As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the original effective date of the Flood Hazard Regulations/Ordinance (June 15, 1982).

RECREATIONAL VEHICLE — A vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

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

STRUCTURE — A walled and roofed building that is principally aboveground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructure.

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SUBSTANTIAL IMPROVEMENT — 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% of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. 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 project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

VARIANCE — A grant of relief from the requirements of this regulation which permits construction in a manner otherwise prohibited by this regulation where specific enforcement would result in unnecessary hardship, and where the granting of such relief would be in harmony with the purposes of this regulation. The definition of this term and the criteria for the grant or denial of a variance hereunder shall be in accordance with Connecticut law, as construed by the courts of this state, as well as in accordance with the criteria and requirements of this § 315-4.17.

WATER SURFACE ELEVATION — 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. General provisions.

(1) Lands to which this regulation applies. This § 315-4.17 shall apply to all areas of special flood hazard within the Town of Willington.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard are identified by the Federal Emergency Management Agency in its National Flood Insurance Rate Map for the Town of Willington, map revised June 15, 1982, which map, with accompanying floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this regulation.

(3) Establishment of floodplain management. a special permit or certificate of zoning compliance, as hereinafter provided, shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities.

(4) Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this regulation and other applicable regulations.

(5) 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 conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this regulation, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

D. Procedure.

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(1) Prior to the commencement of any development in designated Flood Hazard Zones A-1 through A-15 and unnumbered A Zones, an application with accompanying information shall be submitted to the Commission for its review. Applications shall only be received at a regular meeting of the Commission. To promote expedient review, applications should be filed in the Land Use Department at least seven days prior to a regular meeting for analysis and placement on the Agenda. Upon receipt of the application, the Commission shall review the proposal and determine whether special permit approval or certificate of zoning compliance authorization is appropriate. Prior to this determination, all proposals under this regulation shall be considered special permit applications. If the proposal involves a minor land disturbing activity, accessory structure or minor addition which is clearly consistent with the approval criteria contained in this regulation, the Commission may authorize the Zoning Agent to issue a certificate of zoning compliance. All other proposed activities shall require special permit approval, and a public hearing date shall be established. After conducting the public hearing, the Commission shall complete its review and approve, approve with modification, or disapprove the application. All statutory time requirements for special permit applications shall be followed. Enforcement shall be in accordance with the appropriate sections of the Willington Zoning Regulations and the Connecticut General Statutes.

(2) In riverine situations, the Commission shall notify adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse. Copies of such notification shall be submitted to the Federal Insurance Administrator.

E. Application requirements.

(1) It is recommended that the planning staff be contacted for assistance in determining what information may be required by the Commission. Whereas all applications are initially considered special permits, the application requirements of Article 13 shall be followed. At a minimum, all applications shall include a site plan showing property lines, existing and proposed contours, existing and proposed structures and floor elevations, base flood information, appropriate engineering certifications, appropriate construction plans and other data necessary to accurately review the proposal with respect to approval criteria. Specific base flood elevation data [see § 315-4.17C(2)] shall be provided for proposals greater than 50 lots or five acres, whichever is the lesser, for that portion within the Floodplain District.

(2) Please note that any necessary permits from those government agencies from which approval is required by federal or state law should be obtained prior to submission to the Willington Planning and Zoning Commission.

F. Flood hazard zones/base flood information. When base flood elevation data or floodway data have not been provided in accordance with this § 315-4.17, then the Zoning Agent shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this § 315-4.17.

G. Approval criteria. In reviewing and authorizing any development in designated Flood Hazard Zones A-1 through A-15 and unnumbered A Zones, the Planning and Zoning Commission shall determine that the public's health, welfare and general safety have been protected and that the following specific criteria have been met to the Commission's satisfaction:

(1) That all other necessary permits have been received from those government agencies from which approval is required by federal or state law.

(2) That all appropriate approval criteria from Article 13 of these regulations have been complied

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with.

(3) That all new construction and substantial improvements of residential structures, including prefabricated buildings and manufactured homes, shall have the lowest floor, including the basement, elevated to one foot or more above the base flood level (100-year flood level).

(4) New construction or substantial improvement of any commercial, industrial, or nonresidential structure located in Zones A1-30, AE and AH shall have the lowest floor, including basement, elevated at least one foot or more above the level of the base flood elevation; or nonresidential structures located in all A Zones may be floodproofed in lieu of being elevated, 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 use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed 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 § 315-4.17. Such certification shall be provided to the Zoning Agent.

(5) New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(a) Provide 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;

(b) The bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

(6) That all development proposals, including utilities and drainage, are located and designed to be consistent with the need to minimize flood damage. More specifically:

(a) All public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

(b) New or replacement water supply systems and/or sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Adequate drainage shall be provided to reduce exposure to flood hazards and access to proposed developments shall not be impaired due to flood hazards.

(e) 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.

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(7) That the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse. Engineering certification shall be submitted with the application. Notify adjacent communities and the Connecticut Department of Energy and Environmental Protection, Land and Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(8) That new construction, including prefabricated buildings and manufactured homes, and substantial improvements are designed and anchored to prevent flotation, collapse or lateral movement and constructed with flood-resistant materials and methods. The placement of manufactured homes and subdivisions shall meet the location, anchoring and other construction standards and evacuation requirements contained in the National Flood Insurance Program Rules and Regulations.

(9) Located within areas of special flood hazard established in § 315-4.17A of these regulations are areas designated as "floodways" on the Town's Flood Boundary and Floodway Map. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

(a) In Zone A, should the information obtained in § 315-4.17C(2) be used to designate a floodway, it must be capable of conveying the base flood without increasing the water surface elevation more than one foot at any point.

(b) Encroachments, including fill, new construction, substantial improvements and any other development, are prohibited unless certification (with supporting technical data) is provided by a licensed professional engineer, demonstrating that such encroachments will not result in any (0.00) increase in flood levels during occurrence of the base flood discharge.

(10) If the proposal involves development within Zones A-1 through A-15 and a floodway has not been identified, no new construction, substantial improvements to existing structures, or other development (including fill) shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point in the Town.

(11) All manufactured homes and recreational vehicles (including "mobile" homes placed on a site for 180 consecutive days or longer) to be placed or substantially improved shall be elevated so that the lowest floor is above the base flood elevation and shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

H. As-built plans required. Prior to issuance of any certificates of zoning compliance for any approved development activities in designated Flood Hazard Zones A-1 through A-15 and unnumbered A Zones, the Zoning Agent shall determine that approved plans and elevation requirements have been met. To verify compliance, "as-built" first-floor and basement elevations and final ground elevations certified by a licensed professional engineer or land surveyor shall be submitted to the Zoning Agent for authorized primary structures, major additions, major land disturbing activities or any other development activity where, in the opinion of the Zoning Agent, certifications are necessary. Where floodproofing measures have been utilized or watercourses altered, appropriate "as-built" or "as-constructed" certifications from a licensed professional engineer or architect shall be submitted to the

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Zoning Agent.

I. Variance procedures. Any applicant may request a variance of these standards from the Willington Zoning Board of Appeals. Standard Zoning Board of Appeals' application and processing requirements shall be met. Additionally, variance applicants shall be notified that approval to construct a structure below base flood levels will increase risks to life and property and will result in greatly increased premium rates for flood insurance. A record of all variance actions shall be maintained in the Land Use Department and reported annually to the Federal Insurance Administrator. All variances shall meet the following standards:

(1) Variances may be issued without regard to the standards of this section for the reconstruction, restoration and rehabilitation of structures on the National Register of Historic Places or the State Inventory of Historic Places.

(2) Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall be granted only upon:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in undue hardship to the applicant.

(c) A determination that the granting of a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances or conflicts with existing local laws or ordinances.

§ 315-4.18. Rear lots.

A. Authorization.

(1) The Commission, in accordance with the provisions of this section, may issue a special permit to allow the creation of new rear lots, or the construction of dwellings with accessory buildings on rear lots of record existing on December 31, 1969, only in zones where residential uses are allowed by the permitted use section of these regulations.

(2) No special permit is required for rear lots in approved subdivisions. All rear lots shall be subject to the provisions of this section except rear lots in open space subdivisions which shall be permitted in accordance with § 310-6.05B(1) of Chapter 310, Subdivision Regulations.

B. Purpose. The purpose of this section is to allow the development of existing rear lots and to provide greater development flexibility, particularly where a site has unusual lot line or natural resource configurations or where rear lot development would promote or enhance the protection of valuable natural resource features. This section is not intended to encourage development of land characterized by severe or very severe development limitations or to discourage new road development.

C. Definition. "Rear lot" shall be defined as follows:

REAR LOT — A lot, with less than the required frontage for a particular zone, having a permanent accessway to an accepted Town or state road and meeting the requirements of this § 315-4.18.

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D. Requirements.

(1) An application for a special permit for a rear lot shall be governed by the provisions of this § 315-4.18 and the requirements of Article 13, Special Permit/Exception, except that, for a rear lot, the following portions of Article 13 shall be waived or modified:

(a) In § 315-13.03B(3) and (4), replace "within 500 feet of" to "abutting."

(b) Section 315-13.03B(4)(a), (g), (h) and (j) shall be waived.

(c) In § 315-13.03B(5)(a), the information required shall be limited to proposed grades at two-foot contours or less.

(d) Section 315-13.03B(5)(b) and (d) through (m) shall be waived.

(e) Section 315-13.03B(6) shall be waived.

(f) Section 315-13.03C shall be waived if the Town Health Official submits a report indicating that the site has adequate capacity for a septic system primary and reserve leaching areas.

(g) Section 315-13.03E, F and H shall be waived.

(h) Section 315-13.03I(2) shall be waived.

(i) Section 315-13.05C, D and E shall be waived.

(j) Section 315-13.05J through M shall be waived.

(k) Section 315-13.05O(3) shall be waived.

(l) Section 315-13.05P shall be waived.

(m) Section 315-13.06 shall be waived.

(2) No special permit authorizing the creation of, or construction on, rear lots shall be issued unless the following criteria and conditions (as well as the requirements of Article 13 as modified above) are met to the satisfaction of the Commission:

(a) The Commission shall not approve a new rear lot or lots until it determines that such lot or lots provide the best development of the land, considering subject lot and adjacent lot configurations, topography and other natural resource characteristics, drainage and traffic impacts, accessibility by occupants and emergency vehicles during all weather conditions and seasons, driveway sight lines and utility service capabilities. The Commission shall determine that any proposed rear lot development is not detrimental to the health, safety, general welfare, property values, future land use or road layouts of the future occupants of the rear lot or lots, abutting landowners or the community at large.

(b) The Commission shall approve a rear lot or lots only after receipt of a planning and engineering staff report on the overall layout, the construction and design of the right-of-way and driveway, including sight lines, drainage, and the capacity of the driveway to support emergency vehicular traffic. Except for requirements modified by this rear lot section, each rear lot shall comply in all respects with the standards of the particular zone in which the lot is located.

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(c) Except for rear lots existing, of record, as of the effective date of these regulations, no permit or approval shall be issued for any rear lot of less than 80,000 square feet in area, calculated exclusive of the accessway and any areas not meeting the requirements of § 315-4.04A, Lot compliance, of these regulations. The lot line from which extends the access to the street shall be considered the front lot line. There shall be a maximum of one single-family dwelling with permitted accessory buildings or uses on a rear lot.

(d) All rear lots must have a twenty-five-foot-wide, fee-owned accessway from an accepted Town or state road. Said accessway must be capable of accommodating a driveway which satisfies the provisions of § 315-4.21 from the point at which the accessway touches the road up to the location of the house on the lot. The side of the lot from which the accessway leads shall be considered as the front line of any proposed rear lot.

(e) All rear-lot driveways shall comply with the standards and specifications of § 315-4.21, Driveway standards, of these regulations. No rear lot driveway shall service more than one dwelling.

(f) The owner of a rear lot shall provide and maintain, as per approval specifications, the driveway, drainage and utilities within the accessway and shall be responsible for a continued maintenance and liability.

(g) There shall be a maximum of two adjacent or contiguous rear lots, including rear lots on abutting properties.

(h) No rear lot or lots shall landlock another rear lot or rear land where the potential for feasible future access does not exist, unless the Commission finds that there is no feasible alternative, either existing or future, to development as a rear lot.

E. Compliance. No certificate of zoning compliance shall be granted for any dwelling unit on a rear lot until the requirements of this section and any other approval conditions have been met.

§ 315-4.19. (Reserved)

§ 315-4.20. Stormwater runoff control.

For any use of land for which review is required by the Commission or the Board, the provisions of this § 315-4.20 shall apply:

A. Criteria for review. An applicant for any development involving one or more of the following criteria shall submit a hydrologic review and summary to the Commission/Board:

(1) The development will involve the destruction or removal of vegetation or other ground cover and the exposure of soil materials on five acres or more.

(2) The development will involve the grading or filling of five acres or more of land.

(3) The impervious portion of the proposed development is 25% or greater.

(4) The Commission/Board finds, upon examination and review of all of the circumstances surrounding the application, that a hydrologic review and summary is necessary to protect the public health, safety or welfare.

B. Nature of review.

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(1) The methods used to estimate peak flows and runoff volumes shall be in accordance with those described in Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as they may be amended.

(2) The peak discharges from the two-year, ten-year, and 100-year frequency, twenty-four-hour duration, Type III distribution storms before and after development and downstream impacts shall be analyzed.

(3) The report and analysis submitted to the Commission shall consist of a narrative, summary table and supporting calculations.

C. Results of review. If the Commission/Board determines that downstream areas may be adversely affected by increased peak discharges, or if peak discharges are increased by 15% for the 100-year storm, then the Commission/Board shall require the applicant to submit a proposal for a stormwater management system.

D. Elements of a stormwater management system. The following standards shall be met in any stormwater management system plan submitted to the Commission/Board:

(1) Except as provided below, no increases in peak flow from the analyzed storms shall be allowed unless an analysis of downstream areas shows that increases are acceptable considering:

(a) The timing of peak flows from subwatersheds;

(b) The increased duration of high flow rates;

(c) The stability of the downstream channels;

(d) Flood routing (i.e., the distance downstream that peak discharges are increased); and

(e) Existing land use and zoning.

(2) Prevention of peak flow increases may be accomplished by detention basins, rooftop storage, parking lot storage, underground tanks or other effective methods.

(3) Design of detention basins shall be in accordance with the detention basin (DB) measure contained in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), or as may be amended.

(4) Design of infiltration trenches, parking lot storage, rooftop storage and underground tanks shall be in accordance with the Runoff Management System Standard contained in the Natural Resources Conservation Service Technical Guide, Section IV (NRCS Standard No. 570).

(5) Adequate inlets to a detention basin must be provided to allow entrance of flood flows in excess of the maximum capacity of the storm sewer pipe system.

(6) Maximum infiltration to the groundwater is encouraged except in areas where the potential exists for contamination of an aquifer with polluted surface water. Design of the stormwater management system shall consider reducing runoff by use of such techniques as minimizing impervious areas and maximizing travel times by using grass or rock-lined channels in lieu of storm sewers.

(7) When the Commission/Board determines that engineering, aesthetics, and economic factors make combined detention or other drainage facilities more practical for construction by the

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Town, the Town shall require a fee or equivalent dedication of land which shall be used to construct joint facilities. The Commission/Board may permit several developers to construct joint facilities.

(8) Runoff management system components shall be designed according to sound engineering principles and installed in a sequence that permits each to function as intended without causing a hazard. Single components shall not be installed until plans for the entire runoff management system are completed and approved. Final discharge points shall be approved by the Commission/Board.

(9) All on-site facilities shall be properly maintained by the owners so that they do not become nuisances. A plan of operation and maintenance shall be prepared for use by the owner, or others responsible for the system, to ensure that each component functions properly. This plan shall provide requirements for inspection, operation, and maintenance of individual components, including outlets. It shall be prepared before the system is installed and shall specify who is responsible for maintenance. Adequate rights-of-way must be provided for maintenance access.

(10) All runoff control structures located on private property whether dedicated to the Town or not shall be accessible at all times for Town inspection. Where runoff control structures have been accepted by the Town for maintenance, access easements shall be provided.

(11) Appropriate safety features and devices shall be installed to protect humans and animals from such accidents as falling or drowning. Temporary fencing can be used until barrier planting is established. Such protective measures as guardrails and fences shall be used on spillways and impoundments as needed, or as required by the Connecticut Department of Energy and Environmental Protection's Dam Safety Group.

(12) Runoff management systems should be visually compatible with the surrounding landscape.

(13) Permits for runoff management systems may also be required from the Inland Wetlands and Watercourses Commission where such systems may have an impact on inland wetlands, and from the Connecticut Department of Energy and Environmental Protection where a dam is to be constructed or water diverted. See C.G.S. §§ 22a-365 et seq. and § 22a-409.

(14) The Commission/Board may not waive any one or more of these standards unless the applicant clearly demonstrates that an alternate approach will better protect the public health, safety or welfare. The Commission/Board shall state on the record its reasons for granting any waiver.

§ 315-4.21. Driveway standards. [Amended 5-29-2001, eff. 6-12-2001; 9-16-2025, eff. 10-1-2025]

A. To promote traffic safety and prevent or minimize drainage and icing problems, driveways for all lots shall be designed and constructed in conformance with the minimum provisions of this regulation.

B. All site plans submitted in support of an application for a certificate of zoning compliance shall depict driveway locations, proposed grading, tree and brush removal, drainage improvements and, as appropriate, other construction details. Upon approval, minor on-site modifications may be authorized by the planning and engineering staff, provided the required driveway standards are complied with.

C. Proposed lots which cannot be served by a driveway conforming to required standards shall not be approved by the Zoning Agent unless they are specifically waived by that officer. Said waivers may be approved in situations where no detrimental traffic or drainage impact or erosion is anticipated,

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where the driveway involves unusual site or roadway conditions, or where roadway improvements are pending or anticipated.

D. Unless a waiver is authorized, driveways shall comply with the following standards:

(1) A driveway/curb cut permit is required from the Director of Public Works for all work within the right-of-way. Also see § 315-20.12 for curb cuts.

(2) Driveways shall conform to any curb cut and driveway standards established by the Board of Selectmen and the Town Engineer and, as appropriate, the State Department of Transportation.

(3) Unpaved driveways shall not exceed a slope of 10%; paved driveways shall not exceed a slope of 12%. All driveways shall have a width of at least 10 feet, plus a two-foot-wide, load-bearing shoulder on each side.

(4) Driveways shall be designed to prevent stormwater flows from entering a Town roadway and, wherever possible, the Town right-of-way. Privately owned and maintained drainage diversion swales, detention areas and/or dry wells shall be utilized to the greatest extent possible. Whenever a private drainage swale or private detention area is utilized in diverting driveway water from the Town right-of-way, the owner of the subject lot(s) shall be responsible for maintaining the depicted swale or detention area and any culverts in accordance with the approved design. To ensure proper maintenance of a driveway serving a rear lot and/or a common driveway, no certificate of zoning compliance shall be issued on the subject lot until a deed restriction, approved by the Zoning Agent, is filed on the Land Records. Said deed restriction shall clearly note the maintenance responsibility and, subject to proper notification by the Town, it shall allow the Town to undertake any necessary maintenance activity and charge the property owner for expenses.

(5) Driveways shall have an area with a slope no greater than 4% at the intersection with the street, such area to extend at least 20 feet in length from the street.

(6) All driveways shall have a paved apron if it connects to a paved road. Driveway aprons shall be at least 15 feet in depth and intersect with the street with a twenty-five-foot radius.

(7) Emergency vehicle turnaround and bypass. Driveways exceeding 200 feet in length shall include, within 75 feet from interior end, an emergency vehicle turnaround area at least 10 feet wide and 30 feet deep. Driveways exceeding 500 feet in length shall include an emergency vehicle bypass area to allow for emergency vehicle passing. Such area shall be at least 10 feet wide and 40 feet long. The layout of all driveways exceeding 200 feet in length shall be subject to review by the Fire Marshal or his designee.

(8) Driveways shall intersect roadways at an angle of approximately 90° and shall be located and designed with sight lines as follows: Along state roads, the minimum state recommended sight distance for the established speed limit shall be complied with. A minimum sight distance of 425 feet shall be required along Town arterial/collector streets, and a minimum sight distance of 300 feet shall be required along local streets. The Commission may increase or decrease these required distances depending on posted speed limit, street grades, topography, use of the subject property and other properties along the street, and similar factors.

(9) Except in open space subdivisions, common driveways and loop driveways shall be prohibited. A loop driveway servicing only one residential lot, with both intersections with the street contained within the front lot line of the served lot, shall be permitted.

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(10) All driveways and their shoulders shall be constructed with a base and surface adequate to support a 70,000 pound (GVW) firefighting apparatus. All unpaved driveways and aprons shall have, at a minimum, a gravel base of four inches of bank run gravel containing stone no larger than 3 1/2 inches, plus four inches of process gravel, each layer compacted separately. All paved driveways shall have the preceding gravel base and process gravel, plus, in addition, three inches of Class II compacted bituminous concrete or a suitable alternate material, approved by the Town Engineer. The layout of all driveways exceeding 200 feet in length may be reviewed, and any changes requested by the Fire Marshal or his designee shall be incorporated into the design.

(11) Driveway side slopes shall not exceed a slope of three to one unless retaining walls or other suitable stabilizing provisions are utilized. Guardrails, guideposts, headwalls, flared ends or wider driveway widths shall be used when steep side slopes or culvert crossings present a safety hazard or future maintenance problem. Driveway culverts in the Town right-of-way shall be maintained by the private property owner.

(12) Driveway openings shall be located as far as possible from roadway intersections and no closer than 75 feet to any roadway intersection, unless some less distance is required to meet the sight-line requirements of these regulations or to comply with the provisions of any permit issued pursuant to Chapter 304, Inland Wetlands and Watercourses Regulations.

(13) All driveway gravel base shall be substantially completed at the time of the commencement of construction on any lot.

(14) When a proposed driveway crosses a watercourse or other feature such that a bridge is required, such plan shall be prepared and sealed by a professional engineer licensed in the State of Connecticut. Such plans shall be accompanied by a written statement from the engineer certifying that the bridge has been designed to withstand AASHTO HS20 Live Loads. Upon completion of construction of a private bridge, the licensed professional engineer shall be required to certify that the bridge was constructed in substantial conformance with the design drawings and specifications.

§ 315-4.22. Number of principal uses per lot.

Except in Designed Development Zones, there shall be no more than one principal use on a single lot. In a Designed Commercial Zone, a Designed Neighborhood Commercial Zone, and a Designed Industrial Zone, upon approval of the Commission pursuant to Articles 12 and 13 of these regulations, there may be more than one principal use on a lot, provided one such use shall not be a dwelling. In other Designed Development Zones (Designed Recreation, Designed Community Residential, and Designed Elderly Residential), there may be more than one principal use on one lot, including one or more dwellings, upon approval of the Commission pursuant to Articles 12 and 13 of these regulations.

§ 315-4.23. Riparian corridors. [Amended eff. 12-15-2012]

The following watercourses and their tributaries (upstream to the point where their drainage area is less than 200 acres) are of special concern within the Town: Fenton River, Roaring Brook and Willimantic River. For these watercourses and their tributaries, no buildings or associated parking areas, septic systems, or clearing of vegetation shall be proposed within 150 feet measured horizontally from the wetland boundaries adjacent to each side of the watercourse; provided, however, that septic systems required to serve an existing building or use may be located within such buffer, subject to approval in accordance with Chapter 304, Inland Wetlands and Watercourses Regulations. Utilities, erosion and sediment control

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practices and stormwater management control practices may be installed within the 150-foot buffer, provided their impact is minimal.

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ARTICLE 5
Use Regulations

§ 315-5.01. Use categories.

The land use designations contained in this article are, in part, based upon the categories contained in the Standard Land Use Coding Manual (hereinafter, "SLUCM"). The Zoning Agent may use the SLUCM, as the same may be amended from time to time, to determine if a particular use is included within the meaning of any use category contained herein, but the Zoning Agent shall not be bound by the SLUCM categories where they do not appear to conform with the purpose and intent of these regulations. Any decision of the Zoning Agent relative to the scope of any land use category may be appealed to the Zoning Board of Appeals in accordance with the Connecticut General Statutes.

§ 315-5.02. R-80 Zone. [Amended eff. 6-15-2015; 9-16-2025, eff. 10-1-2025]

A. Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of permitted uses, special permit uses, and special exception uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use in Article 3. Also, see § 315-4.02E for minimum livable floor area requirements.

(1) Permitted. Uses and use categories permitted as a matter of right subject to the issuance of a certificate of zoning compliance and all requirements of the R-80 Zone and any applicable provisions of these regulations:

(a) Dwelling for one family only.

(b) Farm, except that the raising of livestock shall require a parcel at least five acres in area, and provided that no stable or manure pit is within 100 feet of any lot line.

(c) Community residences for adults impacted by mental health disorder, as defined by C.G.S. § 19a-507a, subject to the restrictions set forth in § 315-11.03 (special regulations).

(d) Community residential facility, as defined by C.G.S. § 17a-220, subject to the restrictions set forth in § 315-11.04 (special regulations).[11]

(2) Special permit. Uses and use categories permitted subject to the issuance of special permit by the Planning and Zoning Commission in accordance with Article 13 of these regulations, and all requirements of the R-80 Zone and any applicable provisions of these regulations:

(a) Governmental, philanthropic, educational, religious, cemetery, and charitable uses by a duly incorporated nonprofit body or governmental unit.

(b) Club.

(c) Golf course, subject to the provisions of § 315-11.02 (special regulations).

(d) Two-family dwellings, subject to the provisions of § 315-11.07 (special regulations).

(e) Rest home, convalescent home. See § 315-11.14 (special regulations).

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11. Editor's Note: Original Sec. 5.02.01.01.05, regarding forestry activities and related services, which immediately followed, was repealed 9-16-2025, eff. 10-1-2025.

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(f) Agricultural-related activities, animal husbandry and horticultural services.

(g) Railroad/rapid rail transit lines.

(h) Group child-care home.

(i) Excavation and fill, subject to Article 15 of these regulations.

(j) Commercial propagation and growing of flowers, plants, nursery stock, and berries on parcels of land no smaller than two acres, subject to the provisions of § 315-11.15 (special regulations).

(k) Commercial greenhouses on parcels no smaller than three acres, subject to the provisions of § 315-11.15 (special regulations).

(l) Commercial dog kennels on parcels no smaller than five acres, subject to the provisions of § 315-11.16 (special regulations).

(m) Commercial veterinary hospitals on parcels no smaller than five acres, subject to the provisions of § 315-11.16 (special regulations).

(n) Recreational facilities accessory to schools and places of worship.

(o) Home businesses (accessory use), subject to § 315-11.01 (special regulations).

(p) Open stands accessory to a farm, subject to the provisions of Article 7, Accessory Uses, Buildings and Structures.

(q) Co-located wireless telecommunications facility.

(r) Day-care center.

(s) School bus parking and related facilities: special permit required for principal use on lot and accessory to the specific principal use on the lot.

(t) Keeping of pleasure horse(s), including a building to house, exercise and train the pleasure horse(s). Notwithstanding the provisions of § 315-7.01C and Table 7.1 of these regulations, on a parcel containing at least four acres in accordance with § 315-4.04A of these regulations, the Commission may grant a special permit for an accessory indoor equestrian riding building and outdoor equestrian riding area not open to the general public, for the exclusive personal use of the occupants of the property and their family who must not be required or allowed to pay a fee, provided that the size of the accessory indoor equestrian riding building does not exceed the gross floor area of the existing dwelling on the property by more than 300%, and in no case shall the building exceed 8,000 square feet.

(u) Entertainment, indoor, as an accessory use, subject to the provisions of § 315-11.23 of these regulations.

(v) Farm event facilities (accessory use), subject to the provisions of § 315-11.24 (special regulations).

(w) Permanent farm stand (accessory use), subject to the provisions of § 315-11.24 (special regulations).

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(3) Special exception. Uses and use categories permitted subject to the issuance of special exception by the Zoning Board of Appeals in accordance with Article 13 of these regulations, and all requirements of the R-80 Zone and any applicable provisions of these regulations:

(a) Dog kennel for more than four dogs accessory to a dwelling, subject to the provisions of Article 7, Accessory Uses, Buildings and Structures.

(b) Decks extending or otherwise located within the required yards of the R-80 Zone, in accordance with Article 7, Accessory Uses, Buildings, and Structures.[12]

(4) Permitted accessory uses and structures. Accessory uses and structures are permitted in accordance with the list below, subject to any other provisions of these regulations. See, specifically, Article 7, Accessory Uses, Buildings and Structures:

(a) Garages, parking, per Article 7 of these regulations.

(b) Uses, buildings and structures accessory to an R-80 Zone principal use, per Article 7 of these regulations.

(c) Keeping of pleasure horse(s), subject to the provisions of Article 7 of these regulations.

(d) Keeping of four or fewer dogs, in accordance with Article 7, Accessory Uses, Buildings and Structures.

(e) Signs, per Article 19 of these regulations.

(f) Temporary buildings accessory to construction work in accordance with § 315-11.18.

(g) Telecommunications facilities as an accessory use to a principal governmental use by a duly incorporated nonprofit entity or governmental unit performing public safety functions of a kind customarily performed by governmental units and requiring the use of telecommunications facilities, such as a fire department, police department, or emergency medical service provider, as provided in, and subject to, the provisions of § 315-7.06D(6).

B. Required lot area and lot frontage, minimum lot depth, maximum lot coverage, minimum front yard, minimum side yard, minimum rear yard, and maximum height. The preceding shall be in accordance with Article 8 and § 315-4.14 of these regulations. See also Article 7, Accessory Uses, Buildings and Structures.

C. General and special regulations. See Article 4, General Regulations, and Article 11, Special Regulations, for provisions applicable to particular buildings, uses and structures.

D. Accessory uses, buildings and structures. See Class 5 permits for the sale of alcoholic liquors. See also Article 7, Accessory Uses, Buildings and Structures.

§ 315-5.03. Designed Neighborhood Commercial Zone (DNC). [Amended 9-16-2025, eff. 10-1-2025]

A. Permitted uses and use categories. The purpose of the Designed Neighborhood Commercial Zone (DNC) is to allow for the creation of small, high-quality, integrated, commercial developments within the Town of Willington which meets the daily, convenience-type shopping and service needs of a particular neighborhood within the Town and encourage a diversity of uses which are complementary

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12. Editor's Note: Original Sec. 5.02.01.03.03, regarding indoor entertainment as a special exception use in the R-80 Zone, which immediately followed, was repealed 9-16-2025, eff. 10-1-2025.

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both with the surrounding residential area and among the various uses. While individual developments may take place within a DNC Zone, the Commission shall consider each in terms of its relationship to the zone as a whole and may deny special permits for those uses, buildings or structures which violate the standards of this § 315-5.03 or of Article 13 of these regulations, when viewed in the context of the existing and future development of the DNC Zones. DNC Zones may only be created in accordance with Article 12, Designed Development Zones, of these regulations. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of permitted uses, special permit uses, and special exception uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use in Article 3.

(1) Permitted. Uses and use categories permitted as a matter of right subject to the issuance of a certificate of zoning compliance and all requirements of the DNC Zone and any applicable provisions of these regulations:

(a) Dwelling for one family only lawfully existing on the date upon which such dwelling was originally zoned DNC.

(b) Farm, except that the raising of livestock shall require a parcel at least five acres in area, and provided that no stable or manure pit is within 100 feet of any lot line.[13]

(2) Special permit. Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article 13 of these regulations, and all requirements of the DNC Zone and any applicable provisions of these regulations:

(a) Governmental, philanthropic, educational, religious, cemetery and charitable uses by a duly incorporated nonprofit body or governmental unit.

(b) Club.

(c) Golf course, subject to the provisions of § 315-11.02 (special regulations).

(d) Hospital, rest home and convalescent home, subject to the provisions of § 315-11.14 (special regulations).

(e) Laundry, dry cleaning, laundromat.

(f) Business services, including commercial printing.

(g) Finance, insurance, and real estate services.

(h) Repair of shoes, tailors, upholsterers, and other similar personal services.

(i) Historic and monument sites, parks and playgrounds.

(j) Mortuary.

(k) Office, general or professional.

(l) Professional services, i.e., services to business and professional users.

(m) Retail trade, including shopping centers/malls.

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13. Editor's Note: Original Sec. 5.03.01.01.03, regarding forestry activities and related services, which immediately followed, was repealed 9-16-2025, eff. 10-1-2025.

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(n) Restaurant, subject to the provisions of § 315-11.12 (special regulations), and subject further to the restriction that not more than 20% of the floor of any one building on any lot shall be dedicated to such use.

(o) Agricultural-related activities, animal husbandry and horticultural services.

(p) Railroad/rapid rail transit lines.

(q) Automobile parking lots for commuters.

(r) Nursery school/day-care center.

(s) Commercial propagation and growing of flowers, plants, nursery stock, and berries on parcels of land no smaller than two acres, subject to the provisions of § 315-11.15 (special regulations).

(t) Commercial greenhouses on parcels no smaller than three acres, subject to the provisions of § 315-11.15 (special regulations).

(u) Tourist homes in a single, preexisting principal structure, excluding hotel-inns, tavern/inns, and the like.

(v) Garages for the parking of more than two commercial motor vehicles.

(w) Home businesses, subject to § 315-11.01 (special regulations).

(x) Buildings, uses and structures accessory to a DNC Zone principal use, including automobile parking lots and garages, per Article 7 of these regulations.

(y) Recovery and bottling of spring water.

(z) Co-located wireless telecommunications facility.

(aa) School bus parking and related facilities: special permit required for principal use on lot and accessory to the specific principal use on the lot.

(3) Special exception. Uses and use categories permitted subject to the issuance of special exception by the Zoning Board of Appeals in accordance with Article 13 of these regulations, and all requirements of the DNC Zone and any applicable provisions of these regulations:

(a) None.

(4) Permitted accessory uses and structures. Accessory uses and structures are permitted in accordance with the list below, subject to any other provisions of these regulations. See, specifically, Article 11, Special Regulations, and Article 7, Accessory Uses, Buildings and Structures:

(a) Garages designed or built to accommodate, or being used for, commercial vehicles, directly accessory to the DNC use on the lot.

(b) Signs, per Article 19 of these regulations.

(c) Vending machines, in accordance with § 315-11.05 of these regulations.

(5) Prohibited uses. The foregoing uses shall not be construed to include the storage, handling, processing, or manufacturing of explosives, nor of any materials which may create a public

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health or safety hazard, nor of any materials which, during the processing or manufacturing, will create undue dust, smoke, noxious fumes, noise, vibration, electrical interference, or radioactivity off the premises. In addition, the following operations and uses are expressly prohibited in the DNC Zone:

(a) Drive-in or drive-through restaurants or portions of restaurants, window or curb service.

(b) Garbage and refuse processing or incineration.

(c) Animal slaughter, distillation of bones, rendering of fat or reduction of animal matter or manufacture of animal glue.

(d) Refining of oil or other petroleum products or by-products.

(e) Billiard or pool halls, amusement centers, and other commercial amusement establishments; the foregoing shall not be construed to prohibit health clubs, indoor tennis and/or racquetball, and other similar health/fitness establishments.

(f) Horse, dog, auto, or other racetracks.

(g) Junkyards.

(h) Correctional institutions, including halfway houses or other supervised group quarters.

(i) On-street parking and/or loading areas.

(j) Live entertainment, indoor or outdoor, as a principal or accessory use, except as provided in § 315-11.23.

B. Required lot area and lot frontage, minimum lot depth, maximum lot coverage, minimum front yard, minimum side yard, minimum rear yard, and maximum height. The preceding shall be in accordance with Article 8 of these regulations. See also Article 7, Accessory Uses, Buildings and Structures.

C. General and special regulations. See Article 4, General Regulations, and Article 11, Special Regulations, for provisions applicable to particular buildings, uses and structures, in addition to the following:

(1) No building in a DNC Zone shall exceed 5,000 square feet in total floor area, and the total floor area of all buildings on any lot shall not exceed 10,000 square feet.

(2) All buildings in a DNC Zone shall be designed to resemble and be compatible with residential dwellings in terms of rooflines, exterior materials, window size, type and style, landscaping, lighting, and other similar features.

D. Accessory uses, buildings and structures. See sale of alcoholic liquors. See also Article 7, Accessory Uses, Buildings and Structures.

§ 315-5.04. Designed Commercial Zone (DC). [Amended eff. 9-1-2007; eff. 8-1-2011; 9-16-2025, eff. 10-1-2025]

A. Purpose.

(1) The purpose of the Designed Commercial Zone (DC) is to allow for the creation of a high-quality, integrated, commercial development within the Town of Willington which meets the shopping and service needs of the entire Town and encourages a diversity of uses which are

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complementary both with the surrounding area and among the various uses.

(2) DC Zones may only be created in accordance with Article 12, Designed Development Zones, of these regulations.

B. Permitted. Uses and use categories permitted as a matter of right, subject to an administrative zoning permit and all requirements of the DC Zone and any applicable provisions of these regulations:

(1) Farms, except that the raising of livestock shall require a parcel at least five acres in area, and provided that no stable or manure pit is within 100 feet of any lot line.

(2) Retail and/or personal services within an existing building up to 5,000 square feet.

(3) Business services, banking, real estate, general or professional offices up to 5,000 square feet.

(4) Cafes, coffee shops, bistros or similar food service establishment for which alcohol is not to be served.

C. Permitted accessory uses and structures. Accessory uses and structures are permitted in accordance with the list below, subject to any other provisions of these regulations. See, specifically, Article 11, Special Regulations, and Article 7, Accessory Uses, Buildings and Structures.

(1) Garages designed or built to accommodate or be used for commercial vehicles.

(2) Signs, per Article 19 of these regulations.

(3) Vending machines, in accordance with § 315-11.05 of these regulations.

(4) Outdoor dining, in association with an approved eating establishment.

(5) Apartments above the main floor, provided the requirements as established herein have been met.

D. Special permit. Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article 13 of these regulations. For any use or use type which is not defined within § 315-5.04 as being allowable or prohibited, the Commission may issue a special permit in accordance with Article 13 if such use(s) is found to be in harmony with the purpose of the DC Zone and PoCD.[14]

(1) Governmental, philanthropic, educational, religious and charitable uses by a duly incorporated nonprofit or governmental unit.

(2) Clubs, owned or operated by a duly incorporated nonprofit, as defined.

(3) Golf courses.

(4) Hotels, motels, inns, bed-and-breakfast establishments.

(5) Rest and convalescent homes, subject to the provisions of § 315-11.14.

(6) Business services, banking, real estate, general or professional offices in new buildings or in excess of 5,000 square feet.

(7) Dry cleaning, repair of shoes, tailors, nail salons and other similar personal services in new

14. **Editor's Note: Plan of Conservation and Development.**

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buildings and/or in excess of 5,000 square feet.

(8) Parks and playgrounds, recreational activities with or without buildings.

(9) Motor vehicle gasoline and service station, subject to § 315-11.08.

(10) Motor vehicle limited repair and services, subject to § 315-11.09.

(11) Motor vehicle and motor equipment storage and sales operations, and the display or sale of heavy machinery, trucks, motor homes, or trailers, subject to § 315-11.10.

(12) Retail trade, including shopping centers/malls in new buildings and/or in excess of 5,000 square feet.

(13) Restaurants (with or without alcohol), taverns, distilleries and/or brewpubs, subject to § 315-11.12.

(14) Indoor entertainment and/or theaters (excluding drive-in theaters); provided, however, that total seating shall not exceed 1,000.

(15) Indoor entertainment as a principal use or as an accessory use, subject to the provisions of § 315-11.23.

(16) Agricultural-related activities, animal husbandry and horticultural services.

(17) Railroad/rapid rail transit lines.

(18) Nursery school, day-care center, or similar educational facility.

(19) Commercial propagation and growing of flowers, plants, and nursery stock on parcels not less than two acres, subject to § 315-11.15.

(20) Garages for the parking of more than two commercial motor vehicles.

(21) Buildings, uses and structures accessory to a DC Zone principal use, including automobile parking lots or garages, per Article 7 of these regulations.

(22) Co-located wireless telecommunications facility.

(23) School bus parking and related facilities.

(24) Veterinary hospitals subject to § 315-11.16A, Minimum parcel size.

(25) Dog kennels on parcels no smaller than five acres, subject to § 315-11.16.

E. Prohibited uses.

(1) The foregoing uses shall not be construed to include the storage, handling, processing, or manufacturing of explosives; nor of any materials which may create a public health or safety hazard; nor of any materials which, during the processing or manufacturing, will create undue dust, smoke, noxious fumes, noise, vibration, electrical interference, or radioactivity off the premises.

(2) In addition, the following operations and uses are expressly prohibited in the DC Zone:

(a) Garbage and refuse processing or incineration.

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(b) Animal slaughter, distillation of bones, rendering of fat or reduction of animal matter or manufacture of animal glue.

(c) Refining of oil or other petroleum products or by-products.

(d) Amusement centers and other commercial amusement establishments; the foregoing shall not be construed to prohibit health clubs, indoor tennis and/or racquetball, and other similar health/fitness establishments.

(e) Horse, dog, auto, or other racetracks.

(f) Junkyards.

(g) Correctional institutions, including halfway houses or other supervised group quarters.

(h) Outdoor discharge of firearms.

(i) Live entertainment, indoor or outdoor, as a principal use, except as provided in § 315-4.11, Carnival and amusement uses; outdoor concerts or festivals.

F. Required lot area and lot frontage, minimum lot depth, maximum lot coverage, minimum front yard, minimum side yard, minimum rear yard, and maximum height. The preceding shall be in accordance with Article 8 of these regulations. See also Article 7, Accessory Uses, Buildings and Structures.

G. General and special regulations. See Article 4, General Regulations, and Article 11, Special Regulations, for provisions applicable to particular buildings, uses and structures.

H. Accessory uses, buildings and structures. See sale of alcoholic liquors. See also Article 7, Accessory Uses, Buildings and Structures.

§ 315-5.05. Designed Industrial Zone (DI). [Amended eff. 2-3-2018; 9-16-2025, eff. 10-1-2025]

A. Permitted uses and use categories. The purpose of the Designed Industrial Zone (DI) is to allow for the creation of high-quality, integrated, industrial developments within the Town of Willington which meet the employment, manufacturing, and industrial service needs of the Town, the region, the state, and the nation, and encourage a diversity of uses which are complementary both with the surrounding rural, residential area and among the various uses. While individual developments may take place within a DI Zone, the Commission shall consider each in terms of its relationship to the zone as a whole and may deny special permits for those uses, buildings or structures which violate the standards of this § 315-5.05 or of Article 13 of these regulations, when viewed in the context of the existing and future development of the DI Zones. DI Zones may only be created in accordance with Article 12, Designed Development Zones, of these regulations. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of permitted uses, special permit uses, and special exception uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use in Article 3.

(1) Permitted. Uses and use categories permitted as a matter of right subject to the issuance of a certificate of zoning compliance and all requirements of the DI Zone and any applicable provisions of these regulations:

(a) Farm, except that the raising of livestock shall require a parcel at least five acres in area, and provided that no stable or manure pit is within 100 feet of any lot line.[15]

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(2) Special permit. Uses and use categories permitted subject to the issuance of special permit by the Planning and Zoning Commission in accordance with Article 13 of these regulations, and all requirements of the DI Zone and any applicable provisions of these regulations:

(a) Philanthropic, educational, religious, cemetery and charitable uses by a duly incorporated nonprofit body or governmental unit, excluding group quarters.

(b) Club.

(c) Golf course, subject to the provisions of § 315-11.02 (special regulations).

(d) Research and development processes on any materials not prohibited in § 315-4.15 or Article 6 of these regulations.

(e) Manufacturing and processing. Textile mill products, knit goods, apparel and other finished products made from fabrics; lumber and wood products, furniture and fixtures; plants for assembling, processing, or machine operations on materials such as wood, metal, glass, fabrics, clay, stone, synthetics and plastics; and materials recycling facilities completely enclosed within a building or not visible from the street or from any lot line during all seasons of the year.

(f) Storage, warehousing and wholesale sales yards for such materials as wood, metal, glass, fabrics, synthetics and plastics, including, but not limited to, contractors' machinery and equipment, but excluding such uses as auto wrecking areas, junkyards, and retail sales to the general public.

(g) Food and kindred products, provided there is no danger to public health, or of surface- or groundwater pollution created on or off the premises and provided no odoriferous solids, liquids, or gases are released off the premises.

(h) Business services. Furnishing of wholesale/bulk services such as laundry and dry cleaning, cold storage, bottling and distribution of beverages, and the like, excluding sales or services to the general public.

(i) Stone and monument works.

(j) Veterinary hospitals and kennels, subject to the provisions of § 315-11.16 (special regulations) of these regulations.

(k) Publishing, including printing, binding, and distribution, but excluding sales or services to the general public.

(l) Sales of heavy machinery, trucks, motor homes, and trailers.

(m) Corporate offices, excluding professional offices or other offices open to the general public.

(n) Governmental services.

(o) Historic and monument sites, parks, and playgrounds.

(p) Agricultural-related activities, processing, animal husbandry and horticultural services.

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15. Editor's Note: Original Sec. 5.05.01.01.02, regarding forestry activities and related services, which immediately followed, was repealed 9-16-2025, eff. 10-1-2025.

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(q) Railroad/rapid rail transit lines.

(r) Motor vehicle transportation terminals (bus and motor freight).

(s) Communication facilities and offices.

(t) Helistops, subject to the provisions of § 315-11.11 (special regulations).

(u) Utilities.

(v) Commercial propagation and growing of flowers, plants, nursery stock, and berries on parcels of land no smaller than two acres, subject to the provisions of § 315-11.15 (special regulations).

(w) Commercial greenhouses on parcels no smaller than three acres, subject to the provisions of § 315-11.15 (special regulations).

(x) Garages or surface parking lots for the parking of more than two commercial motor vehicles.

(y) Drive-through facilities accessory to a bank or financial institution.

(z) Excavation and fill, subject to Article 15 of these regulations.

(aa) Co-located wireless telecommunications facility.

(bb) School bus parking and related facilities: special permit required for principal use on lot and accessory to the specific principal use on the lot.

(cc) Motor vehicle fuel sales accessory to a warehouse packaging facility, provided such sales are limited to those directly engaged in the warehouse packaging operation and are not to be made to the general public, subject further to the provisions of § 315-11.08 (special regulations).

(3) Special exception. Uses and use categories permitted subject to the issuance of special exception by the Zoning Board of Appeals in accordance with Article 13 of these regulations, and all requirements of the DI Zone and any applicable provisions of these regulations:

(a) None.

(4) Permitted accessory uses and structures. Accessory uses and structures are permitted in accordance with the list below, subject to any other provisions of these regulations. See, specifically, Article 11, Special Regulations, and Article 7, Accessory Uses, Buildings and Structures:

(a) "Factory stores." Retail sale of products manufactured, assembled, or packaged on or distributed from the premises, provided such retail sale occupies an area no greater than 25% of the floor area of any building.

(b) Outside storage, provided such use shall be visually screened from all surrounding lots or uses, and shall, in no event, be located between any building and any street.

(c) "Employee cafeterias." Restaurants and cafeterias which are for the convenience of occupants and/or employees of the principal use, provided such employee cafeterias shall be located in the same building with the principal use; shall be of a size and character

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which makes them clearly accessory to the principal use; and provide no window, drive-in, curb service, or the like.

(d) Facilities for the temporary housing of employees, visitors and others for training or other short-term purpose, provided such facilities shall not be identified by any sign or other designation.

(e) Offices, uses, buildings and structures accessory to a DI principal use, per Article 7 of these regulations.

(f) Signs, per Article 19 of these regulations.

(5) Prohibited uses. The foregoing uses shall not be construed to include the storage, handling, processing, or manufacturing of explosives; nor of any materials which may create a public health or safety hazard; nor of any materials which, during the processing or manufacturing, will create undue dust, smoke, noxious fumes, noise, vibration, electrical interference, or radioactivity off the premises. In addition, the following operations and uses are expressly prohibited in the DI Zone:

(a) Drive-in or drive-through restaurants or portions of restaurants, window or curb service.

(b) Garbage and refuse processing or incineration.

(c) Animal slaughter, distillation of bones, rendering of fat or reduction of animal matter or manufacture of animal glue.

(d) Refining of oil or other petroleum products or by-products.

(e) Bowling alleys, billiard or pool halls, amusement centers, off-track betting (OTB) parlors, and other commercial amusement establishments; the foregoing shall not be construed to prohibit health clubs, indoor tennis and/or racquetball, and other similar health/fitness establishments.

(f) Horse, dog, auto, or other racetracks.

(g) Junkyards.

(h) Correctional institutions, including halfway houses or other supervised group quarters.

(i) On-street parking and/or loading areas.

B. Required lot area and lot frontage, minimum lot depth, maximum lot coverage, minimum front yard, minimum side yard, minimum rear yard, and maximum height. The preceding shall be in accordance with Article 8 of these regulations. See also Article 7, Accessory Uses, Buildings and Structures.

C. General and special regulations. See Article 4, General Regulations, and Article 11, Special Regulations, for provisions applicable to particular buildings, uses and structures and, in addition, the following:

(1) All access driveways and roads for DI uses shall be located no less than 200 feet from any residential zone line located on the same side of the street as the DI Zone.

(2) There shall be a minimum of 25 feet of landscaped buffer around the entire perimeter of any lot. There shall be a minimum of 50 feet of landscaped buffer between any DI Zone and an abutting residential zone. Existing plant material may satisfy this requirement where the Commission, in

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its sole discretion, determines that it is of the type, size and density to provide a year-round visual screen.

D. Accessory uses, buildings and structures. See sale of alcoholic liquors. See also Article 7, Accessory Uses, Buildings and Structures.

§ 315-5.06. Designed Recreation Zone (DR). [Amended eff. 11-1-2003; 9-16-2025, eff. 10-1-2025]

A. Permitted uses and use categories. The purpose of the Designed Recreation Zone (DR) is to allow for the creation of a high-quality, integrated, recreational park area within the Town of Willington which meets the economic development needs of the Town and encourages a diversity of uses which are complementary both with the surrounding rural, residential area and among the various uses. While individual developments may take place within a DR Zone, the Commission shall consider each in terms of its relationship to the zone as a whole and may deny special permits for those uses, buildings or structures which violate the standards of this § 315-5.06 or of Article 13 of these regulations, when viewed in the context of the existing and future development of the DR Zones. DR Zones may only be created in accordance with Article 12, Designed Development Zones, of these regulations. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of permitted uses, special permit uses, and special exception uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use in Article 3.

(1) Permitted. Uses and use categories permitted as a matter of right subject to the issuance of a certificate of zoning compliance and all requirements of the DR Zone and any applicable provisions of these regulations:

(a) Dwelling for one family only lawfully existing on the date upon which such dwelling was originally zoned DR.

(b) Farm, except that the raising of livestock shall require a parcel at least five acres in area, and provided that no stable or manure pit is within 100 feet of any lot line.[16]

(2) Special permit. Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article 13 of these regulations, and all requirements of the DR Zone and any applicable provisions of these regulations:

(a) Philanthropic, educational, religious and charitable uses by a duly incorporated nonprofit body or governmental unit, excluding group quarters.

(b) Golf course, subject to the provisions of § 315-11.02 (special regulations).

(c) Commercial livery and boarding stables, riding academies, subject to the provisions of § 315-11.17 of these regulations.

(d) Indoor or outdoor recreational facilities, including swimming pools and ponds, tennis, health clubs, skating rinks, and similar health, recreational, and sports activities.

(e) Campground, subject to the provisions of § 315-11.19 of these regulations.

(f) Nursery school/day-care centers.

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16. Editor's Note: Original Sec. 5.06.01.01.03, regarding forestry activities and related services, which immediately followed, was repealed 9-16-2025, eff. 10-1-2025.

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(g) Governmental services.

(h) Historic and monument sites, parks and playgrounds.

(i) Agricultural-related activities, animal husbandry and horticultural services.

(j) Entertainment, indoor, as a principal use or as an accessory use, subject to the provisions of § 315-11.23 of these regulations.

(k) Entertainment, outdoor, as a principal use or as an accessory use, subject to the provisions of § 315-11.23 of these regulations.

(3) Special exception. Uses and use categories permitted subject to the issuance of special exception by the Zoning Board of Appeals in accordance with Article 13 of these regulations, and all requirements of the DR Zone and any applicable provisions of these regulations:

(a) None.

(4) Permitted accessory uses and structures. Accessory uses and structures are permitted in accordance with the list below, subject to any other provisions of these regulations. See, specifically, Article 11, Special Regulations, and Article 7, Accessory Uses, Buildings and Structures:

(a) Retail sale of recreational goods used on the premises, and only during the seasons of the year and times of the day when such principal recreational activity is open to the public.

(b) Clubhouses, community buildings.

(c) Motel or hotel with conference facilities.

(d) Restaurants for guests of the principal use only, and only during the seasons of the year and times of the day when such principal recreational activity is open to the public.

(e) Conference facilities.

(f) Billiards facilities, video arcades, as accessory to a campground.

(g) For uses accessory to a campground, see § 315-11.19R.

B. Required lot area and lot frontage, minimum lot depth, maximum lot coverage, minimum front yard, minimum side yard, minimum rear yard, and maximum height. The preceding shall be in accordance with Articles 8 and 4 of these regulations. See also Article 7, Accessory Uses, Buildings and Structures.

C. General and special regulations. See Article 4, General Regulations, and Article 11, Special Regulations, for provisions applicable to particular buildings, uses and structures and, in addition, the following:

(1) All access driveways and roads for DR uses shall be located no less than 100 feet from any residential zone line on the same side of the street as the DR Zone.

(2) No structure shall be located less than 100 feet from any perimeter property line or the zone line, whichever is less. Likewise, no use which is capable of being used by more than 10 persons (such as sports fields, rinks, courts, places of assembly, etc.) shall be located less than 100 feet from any perimeter property line or the zone line, whichever is less.

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D. Accessory uses, buildings and structures. See sale of alcoholic liquors. See also Article 7, Accessory Uses, Buildings and Structures.

§ 315-5.07. Designed Community Residential Zone (DCR). [Amended eff. 4-1-2015; 9-16-2025, eff. 10-1-2025]

A. Permitted uses and use categories. The purpose of the Designed Community Residential Zone (DCR) is to allow for the creation of high-quality, integrated, residential communities, in association with convenient commercial and recreational facilities which meet the needs of the Town for housing opportunities for persons of varying incomes, lifestyles, ages and needs, and encourages a diversity of residential options which are complementary both with the surrounding area and within each development. While individual developments may take place within a DCR Zone, the Commission shall consider each in terms of its relationship to the zone as a whole and may deny special permits for those uses, buildings or structures which violate the standards of this § 315-5.07 or of Article 13 of these regulations, when viewed in the context of the existing and future development of the DCR Zones. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of permitted uses, special permit uses, and special exception uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use in Article 3.

(1) Permitted. Uses and use categories permitted as a matter of right subject to the issuance of a certificate of zoning compliance and all requirements of the DCR Zone and any applicable provisions of these regulations:

(a) Dwelling for one family only, subject to all requirements of the R-80 Zone.

(b) Farm, except that the raising of livestock shall require a parcel at least five acres in area, and provided that no stable or manure pit is within 100 feet of any lot line.

(c) Community residences for adults impacted by mental health disorder, as defined by C.G.S. § 19a-507a, subject to the restrictions set forth in § 315-11.03 (special regulations).

(d) Community residential facilities, as defined by C.G.S. § 17a-220, subject to the restrictions set forth in § 315-11.04 (special regulations).[17]

(2) Special permit. Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article 13 of these regulations, and all requirements of the DCR Zone and any applicable provisions of these regulations:

(a) Philanthropic, educational, religious and charitable uses by a duly incorporated nonprofit body or governmental unit, excluding group quarters.

(b) Golf course, subject to the provisions of § 315-11.02 (special regulations).

(c) Commercial livery and boarding stables, riding academies, subject to the provisions of § 315-11.17 of these regulations.

(d) Indoor or outdoor recreational facilities, including swimming pools and ponds, tennis, health clubs, skating rinks, and similar health, recreational, and sports activities.

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17. Editor's Note: Original Sec. 5.07.01.01.05, regarding forestry activities and related services, which immediately followed, was repealed 9-16-2025, eff. 10-1-2025.

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(e) Nursery school/day-care centers.

(f) Governmental services.

(g) Historic and monument sites, parks and playgrounds.

(h) Agricultural-related activities, animal husbandry and horticultural services.

(i) Railroad/rapid rail transit lines.

(j) Utilities.

(k) Hospital, rest home and convalescent home. See § 315-11.14 (special regulations).

(l) Group child-care home.

(m) Excavation and fill, subject to Article 15 of these regulations.

(n) Commercial propagation and growing of flowers, plants, nursery stock, and berries on parcels of land no smaller than two acres, subject to the provisions of § 315-11.15 (special regulations).

(o) Commercial greenhouses on parcels no smaller than three acres, subject to the provisions of § 315-11.15 (special regulations).

(p) Commercial dog kennels on parcels no smaller than five acres, subject to the provisions of § 315-11.16 (special regulations).

(q) Commercial veterinary hospitals on parcels no smaller than five acres, subject to the provisions of § 315-11.16 (special regulations).

(r) Recreational facilities accessory to schools and places of worship.

(s) Home businesses (accessory use), subject to § 315-11.01 (special regulations).

(t) Open stands accessory to a farm, subject to the provisions of Article 7, Accessory Uses, Buildings and Structures.

(u) Two-family and multifamily dwellings, subject to the provisions of § 315-5.07C.

(v) Recovery and bottling of spring water.

(w) Entertainment, indoor, as an accessory use, subject to the provisions of § 315-11.23 of these regulations.

(x) Entertainment, outdoor, as an accessory use, subject to the provisions of § 315-11.23 of these regulations.

(3) Special exception. Uses and use categories permitted subject to the issuance of a special exception by the Zoning Board of Appeals in accordance with Article 13 of these regulations, and all requirements of the DCR Zone and any applicable provisions of these regulations:

(a) None.

(4) Permitted accessory uses and structures. Accessory uses and structures are permitted in accordance with the current regulations, subject to any other provisions of these regulations.

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See, specifically, Article 11, Special Regulations, and Article 7, Accessory Uses, Buildings and Structures.

B. Required lot area and lot frontage, minimum lot depth, maximum lot coverage, minimum front yard, minimum side yard, minimum rear yard, and maximum height. Except as provided otherwise in this § 315-5.07, the preceding shall be in accordance with Articles 8 and 4 of these regulations. See also Article 7, Accessory Uses, Buildings and Structures.

C. General and special regulations. See Article 4, General Regulations, and Article 11, Special Regulations, for provisions applicable to particular buildings, uses and structures and, in addition, the following:

(1) Setbacks. Except along an abutting DCR Zone or property line, no building or structure shall be located less than 200 feet from the perimeter property line or the zone line, whichever is less, except that any use permitted in an adjoining R-80 Zone may be located in accordance with the required setbacks for that zone.

(2) Nonresidential uses. No nonresidential use may be included in any DCR Zone development unless such zone contains more than 25 acres of land.

(3) Density requirements.

(a) The overall maximum number of dwelling units for a DCR Zone shall be determined by cumulating the minimum square feet for each dwelling unit in accordance with Table 5.01.

Table 5.01 - Lot Area per Dwelling Unit	
1-bedroom unit	40,000 square feet per unit
2-bedroom unit	50,000 square feet per unit
3-bedroom unit	60,000 square feet per unit
4- or more bedroom unit	80,000 square feet per unit

(b) In determining the above densities, the provisions of § 315-4.04, Lot compliance and buildable area, shall apply; also, see § 315-11.12 (special regulations) for requirements for high-intensity uses.

(4) Minimum livable floor area per unit. For single-family, two-family, and multifamily dwellings in DCR Zones, the minimum livable floor area per unit in Table 5.02 shall apply.

Table 5.02 - Minimum Livable Floor Area per Unit	
1-bedroom unit	600 square feet per unit
2-bedroom unit	725 square feet per unit
3- or more bedroom unit	1,000 square feet per unit

(5) Building separation. All buildings shall be separated by a distance at least equal to the height of such building, but in no event less than 15 feet.

(6) School bus stop. All developments in the DCR Zone shall incorporate a school bus stop area

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which may, at the discretion of the Commission, include a shelter sufficient to protect children from inclement weather, bicycle storage facilities, connecting walkways, and other improvements.

(7) Open space and recreation. All developments in the DCR Zone shall include a minimum of 25% of the land permanently dedicated and, if necessary, improved for open space and/or recreation. Of the total open space so dedicated, at least 1,000 square feet per dwelling unit shall be improved for active and passive recreational use by both adults and children. Such open space and recreation areas shall be in such areas, and improved in such a manner, as the Commission may require. Such open space and recreation areas shall be generally located so as to be accessible to the residents of the development, preferably within 600 feet of the dwellings to be served, and shall be accessible by a driveway/walkway/bikeway no less than 20 feet in width, improved for vehicular access. Such open space and recreation areas shall be dedicated by those methods, used and located to serve those purposes, and owned by those entities as set forth in Article 10, Open Space Subdivision, of these regulations.

(8) Maximum coverage by impervious surfaces. No more than 10% of the site in a DCR Zone shall be covered by buildings, driveways, parking areas, walkways, or other impervious surfaces.

D. Accessory uses, buildings and structures. See sale of alcoholic liquors. See also Article 7, Accessory Uses, Buildings and Structures.

§ 315-5.08. Designed Elderly Residential Zone (DER). [Amended 12-16-2003, eff. 3-1-2004; 1-6-2004, eff. 3-1-2004; eff. 7-1-2005; 9-16-2025, eff. 10-1-2025]

A. Permitted uses and use categories. The purpose of the Designed Elderly Residential Zone (DER) is to allow for the creation of high-quality, integrated, residential communities, in association with convenient support and recreational facilities which meet the special needs of the elderly. These regulations recognize that housing for the elderly is different in impact, character, and use than other types of housing, and this section is intended to encourage and facilitate housing for elderly residents of the Town. While individual developments may take place within a DER Zone, the Commission shall consider each in terms of its relationship to the zone as a whole and may deny special permits for those uses, buildings or structures which violate the standards of this § 315-5.08 or of Article 13 of these regulations, when viewed in the context of the existing and future development of the DER Zones. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of permitted uses, special permit uses, and special exception uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use in Article 3.

(1) Permitted. Uses and use categories permitted as a matter of right subject to the issuance of a certificate of zoning compliance and all requirements of the DER Zone and any applicable provisions of these regulations:

(a) Farm, except that the raising of livestock shall require a parcel at least five acres in area, and provided that no stable or manure pit is within 100 feet of any lot line.

(b) Community residences for adults impacted by mental health disorder, as defined by C.G.S. § 19a-507a, subject to the restrictions set forth in § 315-11.03 (special regulations).

(c) Community residential facilities, as defined by C.G.S. § 17a-220, subject to the restrictions set forth in § 315-11.04 (special regulations).[18]

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(2) Special permit. Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article 13 of these regulations, and all requirements of the DER Zone and any applicable provisions of these regulations:

(a) Philanthropic, educational, religious and charitable uses by a duly incorporated nonprofit body or governmental unit, excluding group quarters.

(b) Club.

(c) Golf course, subject to the provisions of § 315-11.02 (special regulations).

(d) Indoor or outdoor recreational facilities, including swimming pools and ponds, tennis, health clubs, skating rinks, and similar health, recreational, and sports activities.

(e) Elderly day-care centers.

(f) Governmental services.

(g) Historic and monument sites, parks and playgrounds.

(h) Railroad/rapid rail transit lines.

(i) Utilities.

(j) Agricultural-related activities, animal husbandry and horticultural services.

(k) Hospital, rest home and convalescent home. See § 315-11.14 (special regulations).

(l) Group child-care home.

(m) Excavation and fill, subject to Article 15 of these regulations.

(n) Commercial propagation and growing of flowers, plants, nursery stock, and berries on parcels of land no smaller than two acres, subject to the provisions of § 315-11.15 (special regulations).

(o) Commercial greenhouses on parcels no smaller than three acres, subject to the provisions of § 315-11.15 (special regulations).

(p) Commercial dog kennels on parcels no smaller than five acres, subject to the provisions of § 315-11.16 (special regulations).

(q) Commercial veterinary hospitals on parcels no smaller than five acres, subject to the provisions of § 315-11.16 (special regulations).

(r) Recreational facilities accessory to schools and places of worship.

(s) Home businesses (accessory use), subject to § 315-11.01 (special regulations).

(t) Open stands accessory to a farm, subject to the provisions of Article 7, Accessory Uses, Buildings and Structures.

(u) Single-family, two-family and multifamily dwellings, the occupancy of which is restricted

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18. Editor's Note: Original Sec. 5.08.01.01.04, regarding forestry activities and related services, which immediately followed, was repealed 9-16-2025, eff. 10-1-2025.

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to the elderly, subject to the provisions of § 315-5.08C.

(v) Congregate elderly housing, subject to the provisions of § 315-5.08C and F.

(w) Entertainment, indoor, as an accessory use, subject to the provisions of § 315-11.23 of these regulations.

(x) Entertainment, outdoor, as an accessory use, subject to the provisions of § 315-11.23 of these regulation.

(3) Special exception. Uses and use categories permitted subject to the issuance of a special exception by the Zoning Board of Appeals in accordance with Article 13 of these regulations, and all requirements of the DER Zone and any applicable provisions of these regulations:

(a) None.

(4) Permitted accessory uses and structures. Accessory uses and structures are permitted in accordance with the list below, subject to any other provisions of these regulations. See, specifically, Article 11, Special Regulations, and Article 7, Accessory Uses, Buildings and Structures.

(a) For elderly housing, see § 315-5.08E below.

(b) For congregate elderly housing, see § 315-5.08F below.

B. Required lot area and lot frontage, minimum lot depth, maximum lot coverage, minimum front yard, minimum side yard, minimum rear yard, and maximum height. Except as provided otherwise in this § 315-5.08, the preceding shall be in accordance with Articles 8 and 4 of these regulations. See also Article 7, Accessory Uses, Buildings and Structures.

C. General and special regulations. See Article 4, General Regulations, and Article 11, Special Regulations, for provisions applicable to particular buildings, uses and structures, and, in addition, the following:

(1) Setbacks.

(a) No building or structure shall be located less than 200 feet from the perimeter property line or the zone line, whichever is less, except as follows:

[1] The Commission may reduce the minimum setback for multiple-dwelling-unit buildings for the elderly or congregate elderly housing to no less than 50 feet where there are uses on adjoining properties which shall be compatible with, benefit from, or provide benefit to such dwellings. Examples would include shopping facilities, health care facilities, churches, community or governmental buildings, parks, transportation facilities, and the like.

[2] The Commission may reduce the minimum setback for single-family buildings for the elderly to no less than 100 feet in a DER Zone, where the character of the site and surrounding properties provide sufficient buffering.

(b) In any case, those uses (not buildings or structures) permitted in an abutting R-80 Zone may be located in such DER Zone in accordance with the required setbacks for an R-80 Zone.

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(2) Nonresidential uses. No nonresidential use may be included in any DER Zone development unless such development contains more than 25 acres of land.

(3) Density requirements. For single-family, two-family and multifamily dwellings for the elderly (as defined in this § 315-5.08), there shall be an overall density of no more than four dwelling units per acre of land. The overall average density of the entire DER Zone shall not exceed one dwelling unit for the elderly per 20,000 square feet of land dedicated to that use. For congregate elderly housing, there shall be no more than 25 units per acre of land, and the overall density of the entire DER Zone shall not exceed one congregate elderly dwelling unit per 15,000 square feet of land dedicated to that use. In determining these maximum numbers of dwelling units per acre and overall average densities, the provisions of § 315-4.04, Lot compliance and buildable area, and § 315-5.08F(4), Accessory uses and buildings, shall apply.

(4) Minimum livable floor area per unit.

(a) For single-family, two-family and multifamily dwellings in DER Zones, the minimum livable floor area per unit in Table 5.03 shall apply.

Table 5.03 - Minimum Livable Floor Area per Unit

1-bedroom unit	600/525* square feet per unit
1-bedroom unit	725 square feet per unit

* For one-bedroom units in affordable housing developments only, as defined in C.G.S. § 8-30g(a), the minimum livable floor area per unit may be reduced to 525 square feet.

(b) No more than two bedrooms shall be permitted for any dwelling unit in the DER Zone.

(5) Building separation. All buildings shall be separated by a distance at least equal to the height of such building but, in no event, less than 15 feet.

(6) Transportation point. All developments in the DER Zone shall incorporate a separate driveway turnaround, centrally located in the development, to provide for safe pickup or discharge of passengers by bus, van, or private passenger vehicle. Such transportation point may, at the discretion of the Commission, include a shelter sufficient to protect residents from inclement weather, wheelchair lifts, connecting walkways and other improvements.

(7) Open space and recreation. All developments in the DER Zone shall include a minimum of 25% of the land permanently dedicated and, if necessary, improved for open space and/or recreation. Of the total open space so dedicated, at least 1,000 square feet per dwelling unit shall be improved for active and passive recreational use by both adults and children, except that the requirement for facilities for children may be reduced or waived for elderly housing or congregate elderly housing. Such open space and recreation areas shall be in such areas, and improved in such a manner, as the Commission may require and shall be designed so as to provide the maximum recreational opportunities for elderly persons. Such open space and recreation areas shall be generally located so as to be accessible to the residents of the development, preferably within 600 feet of the dwellings to be served, and shall be accessible by a driveway/walkway/bikeway no less than 20 feet in width, improved for vehicular access. Such open space and recreation areas shall be dedicated by those methods, used and located to

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serve those purposes, and owned by those entities, as set forth in Article 10, Open Space Subdivision, of these regulations.

(8) Maximum coverage by impervious surfaces. No more than 10% of the site in a DER Zone shall be covered by buildings, driveways, parking areas, walkways, or other impervious surfaces.

(9) Maximum building height. Single-family, two-family and multifamily dwellings for the elderly shall be no more than one story in height, except that the Commission may allow greater height when an elevator is provided, or when the dwelling unit design provides for the limitations of elderly persons. Congregate elderly housing buildings shall conform to the height requirements of the R-80 Zone.

D. Accessory uses, buildings and structures. See sale of alcoholic liquors. See also Article 7, Accessory Uses, Buildings and Structures; § 315-5.08E below regarding elderly housing; and § 315-5.08F below regarding congregate elderly housing.

E. Elderly housing.

(1) Definition. "Elderly housing" shall be defined as single-family, two-family or multifamily dwellings designed to meet the special and unique needs of the elderly, and restricted to occupancy by such persons, as set forth below.

(2) Restrictions on occupancy. The applicant shall provide the Commission with sample restrictions that will be included in rental or sale agreements and deeds, that will be filed on the Land Records as covenants running with the land, and binding the applicant's successors and assigns in perpetuity. Such restrictions shall provide for the following:

(a) Detailed description of the services to be provided, the common areas and facilities provided, and the apportionment of costs for such services and facilities.

(b) Occupancy of any dwelling unit shall be limited to not more than two persons, not related by blood or marriage, one of whom shall be 55 years of age or older, who desire or require dwelling units designed for the elderly but not allowing the maintenance of an independent life style.

(c) A dwelling unit may be occupied by the surviving member of a household, regardless of age, if the deceased member met the preceding requirements for occupancy.

(d) If a single dwelling unit is occupied by a person 55 years of age or older, the same unit may also be occupied by no more than two persons, not related by blood or marriage to the other, under such age, but in no event under the age of 21 years.

(e) Further, the overall occupancy of any such facility shall be in compliance with any federal or state laws governing fair housing for the elderly and/or the handicapped.

(3) Accessory uses and buildings. Elderly housing may include, as an accessory use, community buildings, medical facilities, and other common services and facilities designed for the benefit of elderly persons, provided that if such services and facilities involve a fee for any services rendered, they shall be restricted to use by the occupants of the development. Elderly housing may also include accessory convalescent, rest home, or elderly day-care buildings or uses, provided the land area occupied by such buildings, including parking, yards, required open spaces, and other areas which would be required if such buildings or uses were a separate, principal use, shall be deducted from the area of the lot in calculating the maximum allowable

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residential density in § 315-5.08C(3).

F. Congregate elderly housing.

(1) Definition. A residential facility of more than 10 private dwelling units designed especially for, and with occupancy restricted to, elderly persons, that provides the supportive services, both licensed and unlicensed, necessary and desirable to maintain the residents in a semi-independent life style. Individual dwelling units may or may not have kitchens. Congregate elderly housing shall provide community living and those levels of medical, recreational, and social services which are appropriate for the size and nature of the facility. In this section, standards and procedures are provided for congregate elderly housing.

(2) Assisted living standards. Congregate elderly housing shall provide, at a minimum, the following:

(a) A common dining room and kitchen facilities for the preparation of meals for the exclusive use of residents and their guests.

(b) Each resident with at least one nutritious meal each day.

(c) Periodic ongoing health monitoring.

(d) A community area or areas suitably equipped to meet the social interactional and leisure time needs of the residents.

(e) A stated program of services with a staff provided to carry out such programs.

(f) Transportation services.

(3) Restrictions on occupancy. The applicant shall provide the Commission with sample restrictions that will be included in rental or sale agreements and deeds, that will be filed on the Land Records as covenants running with the land, and binding the applicant's successors and assigns in perpetuity. Such restrictions shall provide for the following:

(a) All assisted living standards shall be clearly identified and specified. Such standards shall include a detailed description of the services to be provided, the common areas and facilities provided, and the apportionment of costs for such services and facilities.

(b) Occupancy of any dwelling unit shall be limited to not more than two persons, not related by blood or marriage, both of whom shall be 62 years of age or older, who desire or require dwelling units designed for the elderly but allowing the maintenance of an independent life style, except that a dwelling unit may be occupied by the surviving member of a household, regardless of age, if the deceased member met the preceding requirements for occupancy. If a single dwelling unit is occupied by a person 62 years of age or older, the same unit may also be occupied by no more than one person, related by blood or marriage to the other, under such age, but in no event under the age of 50 years.

(4) Accessory uses and buildings. Congregate elderly housing may include, as an accessory use, community buildings, medical facilities, and other common services and facilities designed for the benefit of elderly persons, provided that if such services and facilities involve a fee for any services rendered, they shall be restricted to use by the occupants of the development. Congregate elderly housing may also include accessory convalescent, rest home, or elderly day-care buildings or uses, provided the land area occupied by such buildings, including parking,

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yards, required open spaces, and other areas which would be required if such buildings or uses were a separate, principal use, shall be deducted from the area of the lot in calculating the maximum allowable residential density in § 315-5.08C(3).

§ 315-5.09. Flood/Aquifer Zone. [Amended 9-16-2025, eff. 10-1-2025]

A. Permitted uses and use categories. This section has been established to promote the health, safety and welfare of the Town of Willington by preserving and protecting identified aquifers and areas adjacent to rivers and other watercourses. It is designed to ensure an adequate supply of potable water, to provide a buffer area to protect rivers and aquifers from siltation and other forms of contamination, to protect properties adjacent to rivers and watercourses from flooding, and to prevent undue concentration of development in environmentally sensitive areas. The Flood/Aquifer Zone is an overlay zone, meaning that its location is determined based on the physical characteristics of the property, and it is not depicted on the Zoning Map for the Town of Willington on file in the office of the Town Clerk. The zone as depicted on the Zoning Map is referred to below as the "underlying zone." The Flood/Aquifer Zone includes those areas depicted on a map entitled "Groundwater Recharge Areas," which map is hereby made a part of these regulations and is on file in the office of the Town Clerk, and those areas within special flood hazard areas as defined in § 315-4.17 of these regulations. The areas depicted on these two maps may overlap in certain locations. Accordingly, land and water areas shall be used, and buildings or structures shall be erected, altered, enlarged or used, only for one or more of the uses or use categories listed in the lists below of permitted uses, special permit uses, and special exception uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use in Article 3.

(1) Permitted. Uses and use categories permitted as a matter of right subject to the issuance of a certificate of zoning compliance and all requirements of the Flood/Aquifer Zone and any applicable provisions of these regulations:

(a) Uses permitted as a matter of right in the underlying zone, except as restricted or prohibited below.

(2) Special permit. Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article 13 of these regulations, and all requirements of the Flood/Aquifer Zone and any applicable provisions of these regulations:

(a) All uses and use categories subject to the issuance of a special permit in the underlying zone, except as restricted or prohibited below.

(3) Special exception. Uses and use categories permitted subject to the issuance of a special exception by the Zoning Board of Appeals in accordance with Article 13 of these regulations, and all requirements of the Flood/Aquifer Zone and any applicable provisions of these regulations:

(a) All uses and use categories subject to the issuance of a special exception in the underlying zone, except as restricted or prohibited below.

(4) Permitted accessory uses and structures. Accessory uses and structures are permitted in accordance with the list below, subject to any other provisions of these regulations. See, specifically, Article 11, Special Regulations, and Article 7, Accessory Uses, Buildings and Structures:

(a) Accessory uses and structures permitted in the underlying zone, except as restricted or

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prohibited below.

B. Required lot area and lot frontage, minimum lot depth, maximum lot coverage, minimum front yard, minimum side yard, minimum rear yard, maximum height, and other bulk requirements. The required lot area and lot frontage, minimum lot depth, maximum lot coverage, minimum front yard, minimum side yard, minimum rear yard, maximum height, and other bulk requirements shall be in accordance with the underlying zone. See Article 7, Accessory Uses, Buildings and Structures.

C. General and special regulations. See Article 4, General Regulations, and Article 11, Special Regulations, for provisions applicable to particular buildings, uses and structures and, in addition, the following:

(1) In evaluating any special permit use under this section, the Commission shall, in addition to the standards set forth in Article 13 of these regulations, consider the intent of the Flood/Aquifer Zones as set forth in § 315-5.09A above.

(2) All buildings and structures shall be erected at an elevation and location which will keep them, as well as access to them from a public highway, free from flooding.

(3) All sanitary disposal facilities and water supply systems shall have been approved, in writing, by the Eastern Highlands Health District or its designated agent. In addition, all buildings, structures, and uses with sanitary disposal facilities with average discharges of more than 350 gallons of sanitary wastewater per acre per day shall be evaluated by appropriate Town staff and agencies for impact on surface and subsurface water quality. It shall be the burden of the applicant to establish that no such adverse impact will result from the proposed development.

(4) All buildings, structures, and uses in special flood hazard areas shall comply with the provisions of § 315-4.17, Flood hazard regulations.

(5) Agricultural operations shall employ best management practices as recommended by the USDA Natural Resources Conservation Service and/or Agricultural Extension Service for all animal waste management, application of manure, fertilizer and pesticides, and the handling of all toxic or hazardous wastes.

D. Prohibited uses. All uses not permitted or permitted by special permit/exception are prohibited and, in addition, the following:

(1) Road salt storage and loading facilities.

(2) Solid waste disposal sites.

(3) Hazardous, toxic, or sanitary waste disposal sites or activities.

(4) Underground storage of petroleum products, not including underground propane tanks in subdivisions. Underground tanks shall be located on the as-built plans, and the Fire Marshal shall be notified of each location.

§ 315-5.10. Reserved Land Zone (RL).

A. Permitted uses and use categories. The purpose and intent of the RL Zone is to permit public and quasi-public agencies, publicly chartered utilities, and other agencies providing public benefits pursuant to a governmental mandate, license, franchise, or similar procedure (hereafter, "public agencies"), to conduct necessary and customary operations and land uses without undue restriction

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by these regulations. Towards that end, the intent of these regulations is to be broadly permissive when such public agencies are operating within the scope of their principal function, but to restrict or prohibit any activities not within that scope. Accordingly, land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of permitted uses, special permit uses, and special exception uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use in Article 3.

(1) Permitted. Uses and use categories permitted as a matter of right subject to the issuance of a certificate of zoning compliance and all requirements of the RL Zone and any applicable provisions of these regulations:

(a) Buildings, structures and uses existing on the effective date of this section of the regulations which are designed and used to further the purposes of the public agency, as such purposes are set forth in its charter, bylaws, license, franchise, or other operative document.

(2) Special permit. Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article 13 of these regulations, and all requirements of the RL Zone and any applicable provisions of these regulations:

(a) The expansion, extension, or alteration of buildings, structures and uses beyond those existing on the effective date of this section of the regulations which are designed and used to further the purposes of the public agency, as such purposes are set forth in its charter, bylaws, license, franchise, or other operative document.

(b) Entertainment, indoor as a principal use or as an accessory use, subject to the provisions of § 315-11.23 of these regulations.

(c) Entertainment, outdoor as a principal use or as an accessory use, subject to the provisions of § 315-11.23 of these regulations.

(3) Special exception. Uses and use categories permitted subject to the issuance of a special exception by the Zoning Board of Appeals in accordance with Article 13 of these regulations, and all requirements of the RL Zone and any applicable provisions of these regulations:

(a) None.

(4) Permitted accessory uses and structures. Accessory uses and structures are permitted in accordance with the list below, subject to any other provisions of these regulations. See, specifically, Article 11, Special Regulations, and Article 7, Accessory Uses, Buildings and Structures:

(a) Existing buildings and structures accessory to an RL Zone principal use, per Article 7 of these regulations (special permit required for new accessory buildings or structures).

(5) Prohibited uses. Any industrial, commercial, or residential use that does not directly further the purposes of the public agency, or that is not owned or controlled by it, is prohibited.

B. Required lot area and lot frontage, minimum lot depth, maximum lot coverage, minimum front yard, minimum side yard, minimum rear yard, and maximum height. There shall be no minimum required lot area, frontage, or depth in the RL Zone. Any building, structure, or improvement (including, but not limited to, storage areas, parking lots, tanks, dikes, and the like) shall be no less than 100 feet

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from any property or street line. See also Article 7, Accessory Uses, Buildings and Structures.

C. General and special regulations. See Article 4, General Regulations, and Article 11, Special Regulations, for provisions applicable to particular buildings, uses and structures.

D. Accessory uses, buildings and structures. See Article 7, Accessory Uses, Buildings and Structures.

§ 315-5.11. Table of Uses. [Amended 9-16-2025, eff. 10-1-2025]

A. The following Table 5.04 (Table of Uses) is intended to assist the users of these regulations to quickly determine which uses are permitted in which zones, and, conversely, which zones permit which uses. This table is for convenience only. In the event of any inconsistency between Table 5.04 and §§ 315-5.02 through 315-5.08 of these regulations, the provisions of the latter shall govern. Therefore, users are urged to confirm any particular use by reference to the applicable provisions of §§ 315-5.02 through 315-5.08. The Flood/Aquifer Zone is not depicted on this table because the uses permitted in that zone are governed by the underlying zone (see § 315-5.09). The Reserved Land Zone is not depicted on this table because the uses permitted in that zone are governed by the requirements of the public agency owning the subject property (see § 315-5.10).

(1) The letter "D" in parentheses after the use designation means that there is a definition of that use designation in Article 3, Definitions.

(2) The letter "P" means that the use is Permitted as of right in the Zone under which the letter appears, although the use is still subject to any provisions of these regulations that apply, such as Article 4, General Regulations; Article 8, Area, Yard and Height Requirements; Article 11, Special Regulations, etc.

(3) The letter "A" means that the use is permitted as an accessory use, but not as a principal use. See the definition of these terms in Article 3, Definitions.

(4) The letters "SP" mean that the use is permitted in the zone under which those letters appear only after the issuance of a special permit by the Planning and Zoning Commission. The letters "SE" mean that the use is permitted in the zone under which those letters appear only after the issuance of a special exception by the Zoning Board of Appeals. The requirements for special permits and special exceptions are contained in Article 13, Special Permit/Exception.

(5) The letter "E" means that the use is permitted only if it existed as of a certain date in the zone under which the letter appears. Check the applicable provision of Article 5 to find that date.

(6) If there are no letters for the particular use under any zone column, the use is prohibited in that zone. If the use is not listed on the table at all, the use is prohibited in all zones.

(7) The column entitled "Special Regulations" references the sections of the regulations which contain special restrictions or conditions for the particular use.

B. These use designations are drawn from land use descriptions contained in earlier versions of the Willington Zoning Regulations, and also from the Standard Land Use Coding Manual (SLUCM). In the original SLUCM, the use descriptions may include various sub-uses which are not printed on this table. The Zoning Agent may use the SLUCM as an aid in determining whether any use is included within one of the categories printed here or in Article 5 of these regulations.

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Table 5.04

Uses	Zones							
Categories	**5.02**	**5.03**	**5.04**	**5.05**	**5.06**	**5.07**	**5.08**	**Special Regulations**
Subcategories	**R-80**	**DNC**	**DC**	**DI**	**DR**	**DCR**	**DER**	
Residential								
Dwelling, single- family (D)	P	E			E	P	SP	§ 315-7.07E
Dwelling, two-family (D)	SP					SP	SP	§ 315-4.02E, § 315-11.07, Article 13
Dwelling, multifamily (D)						SP	SP	
Decks	SE/A							
Home businesses (D)	SP/A	SP/A				SP/A	SP/A	§ 315-11.01
Community residences mental health disorder (D)	P					P	P	§ 315-11.03
Community residential facilities(D)	P					P	P	§ 315-11.04
Convalescent homes (D)	SP	SP	SP			SP	SP	§ 315-11.14
Rest homes (D)	SP	SP	SP			SP	SP	§ 315-11.14
Garages, parking	A	SP	SP					Article 7
Manufacturing								
Food and kindred products				SP				§ 315-4.15
Textile mill products				SP				§ 315-4.15
Knit goods				SP				§ 315-4.15
Apparel and other finished fabric products, excluding leather tanning				SP				§ 315-4.15
Lumber and wood products				SP				§ 315-4.15
Furniture and fixtures				SP				§ 315-4.15
Printing, publishing and allied industries			SP	SP				§ 315-4.15
Stone, clay and glass products, excluding structural clay, abrasives, asbestos			SP	SP				§ 315-4.15
Fabricated metal products				SP				§ 315-4.15
General hardware products				SP				§ 315-4.15

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Table 5.04								
Uses	**Zones**							
Categories	**5.02**	**5.03**	**5.04**	**5.05**	**5.06**	**5.07**	**5.08**	**Special Regulations**
Subcategories	**R-80**	**DNC**	**DC**	**DI**	**DR**	**DCR**	**DER**	
Miscellaneous manufacturing and processing				SP				§ 315-4.15
Excavation and fill	SP	SP	SP	SP	SP	SP	SP	Article 15
Temporary construction buildings	A	A	A	A	A	A	A	
Agriculture								
Farms (D)	P	P	P	P	P	P	P	
Farm stands	SP/A	SP/A	SP/A	SP/A	SP/A	SP/A	SP/A	Article 7
Agricultural-related activities/ animal husbandry/horticultural services	SP	SP	SP	SP	SP	SP	SP	
Nursery: plants, flowers, etc.	SP	SP	SP	SP	SP	SP	SP	§ 315-11.15
Commercial greenhouse	SP	SP	SP	SP	SP	SP	SP	§ 315-11.15
Pleasure horse	SP/A							§ 315-7.07C
Transportation, Communication and Utilities								
Railroad, rail transit, etc.	SP	SP	SP	SP		SP	SP	
Motor vehicle transportation:								
Bus transportation terminals			SP	SP				
Motor freight terminals								
Aircraft transportation:								
Airports, flying fields								
Helistops				SP				§ 315-11.11
Automobile parking lots and garages, commercial		A/SP	A/SP	SP				
School bus parking and related facilities	A/SP	A/SP	A/SP	A/SP				
Communication			SP					
Co-located wireless telecommunications facility	SP	SP	SP	SP				
Utilities				SP		SP	SP	
Wholesale Trade				SP				
Retail Trade								

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Table 5.04

Uses	Zones							
Categories	**5.02**	**5.03**	**5.04**	**5.05**	**5.06**	**5.07**	**5.08**	**Special Regulations**
Subcategories	**R-80**	**DNC**	**DC**	**DI**	**DR**	**DCR**	**DER**	
Building, materials and hardware		SP	SP	A				
Farm equipment/heavy equipment			SP	SP				
General merchandise		SP	SP	A				
Food		SP	SP					
Automobile dealers			SP					§ 315-11.10
Gasoline service stations			SP					§ 315-11.08
Marine, aircraft and accessories		SP	SP	A				§ 315-11.10
Apparel and accessories		SP	SP	A				
Personal and business services		SP	SP	A				
Miscellaneous retail trade		SP	SP	A	A			
Eating/drinking/lodging:								
Restaurants (D)		SP	SP	A				§ 315-11.12
Alcoholic beverages		A	SP					
Hotels/motels (D)			SP		A			§ 315-11.06
Conference/convention centers			SP		A			
Tourist homes (D)		SP	SP					
Vending machines		A	A					
Services								
Financial/insurance/real estate services/office: general professional								
Banks (open to public)		SP	SP					
Banking services/offices (not open to public)		SP	SP					
Credit services (open to public)		SP	SP					
Credit services (not open to public)		SP	SP					
Security and commodity brokers/exchanges/services		SP	SP					
Insurance services (open to public)		SP	SP					

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Table 5.04								
Uses	**Zones**							
Categories	**5.02**	**5.03**	**5.04**	**5.05**	**5.06**	**5.07**	**5.08**	**Special Regulations**
Subcategories	**R-80**	**DNC**	**DC**	**DI**	**DR**	**DCR**	**DER**	
Insurance services (not open to public)		SP	SP					
Real estate and related services		SP	SP					
Holding and investment services (open to the public)		SP	SP					
Holding and investment services (not open to the public)		SP	SP					
Personal Services								
Funeral/mortuary		SP	SP					
Laundry/dry cleaning/laundromat		SP	SP					
Shoe repair, tailoring/upholstery/ etc.		SP	SP					
Photographic studios			SP					
Business/professional services (open to public)		SP	SP					
Business/professional services (not open to public)		SP	SP	SP				
Research and development				SP				§ 315-4.15
Warehousing and storage				SP				
Fuel sales accessory to a warehouse packaging facility				A-SP				
Advertising services		SP	SP					
Repair services								
Automobile repair services			SP					§ 315-11.09
Professional services (not open to the public)		SP	SP					
Professional services (open to the public)		SP	SP	SP				
Hospital		SP	SP					§ 315-11.14
Legal services		SP	SP					
Governmental services (D)								
Legislative/judicial	SP	SP	SP	SP	SP	SP	SP	

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Table 5.04

Uses	Zones							
Categories	**5.02**	**5.03**	**5.04**	**5.05**	**5.06**	**5.07**	**5.08**	**Special Regulations**
Subcategories	**R-80**	**DNC**	**DC**	**DI**	**DR**	**DCR**	**DER**	
Police	SP	SP	SP	SP	SP	SP	SP	
Postal	SP	SP	SP	SP	SP	SP	SP	
Educational	SP	SP	SP	SP	SP	SP	SP	
Library	SP	SP	SP		SP	SP	SP	
Commuter parking lots		SP	SP		SP	SP		
Fire departments	SP	SP	SP	SP	SP	SP	SP	
Non-governmental services								
Nursery school/day care (D)		SP	SP		SP	SP		
Day-care center (D)	SP	SP	SP		SP	SP		§ 315-11.22
Family day-care home	A							
Group child-care home	SP					SP	SP	
Elderly day-care home	SP					SP	SP	
Educational (nonprofit)	SP	SP	SP	SP	SP	SP	SP	
Religious	SP	SP	SP	SP	SP	SP		
Charitable/philanthropic	SP	SP	SP	SP				
Cemetery	SP	SP	SP	SP			SP	
Library	SP	SP	SP	SP	SP		SP	
Commercial dog kennel	SP			SP			SP	§ 315-11.16
Dog kennel accessory to dwelling, less than 4 dogs	SE/A							
Veterinary hospital	SP		SP	SP		SP	SP	§ 315-11.16
Veterinary outpatient clinic (D)			SP					
Cultural, Entertainment and Recreational								
Cultural/nature/sports/recreational activities, parks and playgrounds (nonprofit)	SP/A	SP	SP	SP	SP	SP	SP	§ 315-11.17, § 315-11.19
Recreational activities			SP	SP	SP	SP	SP	§ 315-11.17, § 315-11.19
Club (D)	SP	SP	SP	SP	SP	SP	SP	
Golf course	SP	SP	SP	SP	SP	SP	SP	§ 315-11.02

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Table 5.04								
Uses	**Zones**							
Categories	**5.02**	**5.03**	**5.04**	**5.05**	**5.06**	**5.07**	**5.08**	**Special Regulations**
Subcategories	**R-80**	**DNC**	**DC**	**DI**	**DR**	**DCR**	**DER**	
Theater, legitimate and motion-picture			SP					
Historic and monument sites	SP	SP	SP	SP	SP	SP	SP	
Entertainment, indoor	SP		SP		SP	SP		
Entertainment, outdoor					SP	SP		

§ 315-5.12. South Willington Village Mixed Use Zone (SWV). [Amended 9-16-2025, eff. 10-1-2025]

A. Purpose. The purpose of the South Willington Village Mixed Use Zone (SWV) is to encourage adaptive reuse, redevelopment and reinvestment in the area along the Route 32 corridor in South Willington as a means of achieving balanced growth and efficient land use. The provisions of this section recognize the economic challenges related to successful redevelopment and provide an alternative zoning option to promote private reinvestment within this Village area.

B. Objectives of South Willington Village Mixed Use Zone. This zone may be described as the linear section of South Willington generally fronting River Road (Route 32) from the junction of Fisher Hill Road in the north to Baxter Road in the south. The area includes a mixture of residential, business and civic land uses, including a large historic mill property. The prior zoning designation for much of this zone reflects a more typical Euclidean style of zoning that lacks the adaptability required to encourage development in a manner that is both flexible yet focused on the uses that are most appropriate for the area. The specific objectives of the SWV are:

(1) To provide creative and flexible redevelopment and design standards to enhance vitality and activity in South Willington Village.

(2) To encourage redevelopment consistent with the Town's 2018 Plan of Conservation and Development via a streamlined regulatory process.

(3) To encourage a mixed-use pattern of development.

(4) To provide development incentives to stimulate adaptive reuse within the SWV area.

(5) To create a compact blend of land uses which include shops, workspaces, civic buildings, entertainment uses, residences and outdoor amenities.

(6) To provide an environment that promotes safe pedestrian access and connections and to encourage pedestrian-scale conveniences within the village core.

(7) To encourage increased preservation and enhancement through redevelopment of blighted, distressed and underutilized properties.

C. Allowed uses. The following table of uses shall only apply to the South Willington Village Mixed Use Zone (SWV). For a use not listed, the Commission shall decide on the relatedness of the proposed use and the permitted uses listed herein.

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Use		Construction Type	Certificate of Zoning Compliance	Special Permit	Prohibited
1.	Medical or professional office	Existing	X		
		New		X	
1A.	Art galleries	Existing	X		
		New		X	
2.	Personal service shops	Existing	X		
		New		X	
3.	Retail; less than 3,000 square feet	Existing	X		
		New		X	
4.	Cafes without table service	Existing	X		
		New		X	
5.	Restaurants and/or brewpubs of less than 3,000 square feet	Existing		X	
		New		X	
6.	1- and 2-family dwellings	Existing	X		
		New	X		
7.	Multifamily dwellings of 5 or more units, with density determined by soil capacity	Existing		X	
		New		X	
8.	Restaurants and/or brewpubs of 3,000 square feet or greater	Existing		X	
		New		X	
9.	Drive-through facilities	New			X
10.	Motor vehicle service and/or repair	New			X
11.	Child and adult day-care centers	Existing	X		
		New		X	
12.	Accessory apartments	Existing	X		

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Use		Construction Type	Certificate of Zoning Compliance	Special Permit	Prohibited
		New	X		
13.	Multitenant commercial buildings	Existing	X		
		New		X	
14.	New construction, regardless of the permitted use			X	
15.	Light manufacturing (minor processing, assembly) 10,000 square feet or less	Existing		X	
		New		X	
16.	Self storage or commercial warehouse/ distribution facility	New			X
17.	Agriculture	Existing	X		

D. Application process and standards.

(1) Applications.

(a) A certificate of zoning compliance shall be an application reviewed and approved by the Zoning Agent in consultation with the Town Planner. The Zoning Agent may require a property map or survey if necessary.

(b) A special permit shall be an application made to the Town's Planning and Zoning Commission. Before the Commission may approve an application for a special permit, a public hearing must be held. The Zoning Agent, Town Planner or Commission may require additional documentation to be submitted with the application, based on a review and the permit being requested. The special permit application and procedure shall follow Article 13 of these regulations.

(2) Parking, access and loading:

(a) All applications for a certificate of zoning compliance or special permit shall contain a parking plan. Such plan shall be completed to the satisfaction of the Town but, at a minimum, must include:

[1] The anticipated parking demands, including peak hours and the calculation method.

[2] The total allocation of available parking spaces on-site and for the business.

[3] Locations for alternate parking locations (as defined below), should they be necessary.

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[4] Demonstration that the parking provided is adequate for all combined uses and that any proposed parking conforms to Article 18 of these regulations.

(b) In the SWV, alternate parking locations may include the municipally controlled parking lots. Off-site parking spaces on private property shall not be counted unless prior authorization from the property owner has been provided. Shared parking may be allowed, provided both users can demonstrate that peak demand hours are not similar.

(c) Whenever practical, adjacent commercial uses shall facilitate pedestrian access between parcels to promote walkability.

(d) Interior vehicular access between parcels may be considered, provided such agreement has been reviewed by the Town Planner and filed in the Town Clerk's office.

(e) Loading docks and/or areas shall be located or screened as to not be visible from a public street or way.

(f) Whenever feasible, parking areas shall be located behind the principal building.

(3) Site design standards. The following site design standards shall apply to all new construction or any substantial improvements requiring site plan modification as defined within this section. If a specific standard is not defined within this section, the requirements as stated within Article 4 of these regulations shall prevail.

(a) Substantial improvements.

[1] A substantial improvement shall mean any proposed alteration to a property or building that results in one of the following:

[a] A change to the building's gross square footage by more than 5%.

[b] Any site alteration that affects site access, parking and/or loading.

[c] Any change to a building which results in an increase to the height of the structure.

[2] Such improvements shall require special permit approval from the Commission.

(b) Buffers. When adjacent to a residential use, any new construction or substantial improvement as defined within this section shall provide buffering as outlined in § 315-4.14, to the maximum extent practical.

(c) Lot coverage. Total lot coverage within the SWV may be increased by 5% above existing conditions as of right. Any increase to lot coverage in excess of 5% beyond existing conditions will require the submission of a site plan and Commission approval.

(d) Setbacks. Within the SWV Zone, minimum setback requirements are as follows:

[1] Front and rear yard: 1/6 of the lot's road frontage along a public way or 35 feet, whichever is less.

[2] Side yard: 1/2 of the front yard setback.

(e) Height of buildings. In the SWV, maximum height for all new buildings shall not exceed 35 feet.

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(f) Lighting. Lighting shall be installed to promote safe pedestrian and vehicular circulation on the property. Lighting shall be complementary to the architecture of the building and shall consist of full "cutoff" fixtures. In no case shall lighting project upwards or beyond the property. The Commission may require a photometric analysis plan.

(g) Signage. All signage shall be in accordance with Article 19 of these regulations.

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ARTICLE 6
Prohibited Uses

§ 315-6.01. Uses prohibited in all zones.

Any use not listed as permitted by these regulations is deemed to be prohibited (see § 315-4.01 of these regulations). Nevertheless, due to their uniquely objectionable characteristics, certain uses are identified in this Article 6 for specific prohibition in any zone, as principal or accessory uses, and no use category set forth in Article 5 of these regulations shall be deemed to include any use set forth herein. No land, premises, building or structure in any zone shall be used for any of the following uses:

A. Slaughterhouse; distillation of bones, offal or rendering or dumping of dead animals; stockyards.

B. Blast furnaces or smelting of copper, iron, lead, tin or zinc.

C. Potash, coal, coke, tar, oil or other petroleum product distillation, manufacture, or derivation of by-products, including, but not limited to, refining or manufacture of products such as gasoline, lubricating oil, kerosene, naphtha, nitrates (natural and synthetic), synthetic resins, pyroxilin, rayon or nylon yard, and plastics.

D. Manufacturing uses involving the primary production of the following products from raw materials:

(1) Asphalt, rubber (natural and synthetic), cement, charcoal, charcoal fuel briquetting, lime, gypsum, or plaster of paris;

(2) Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black, bone black, creosote, hydrogen, oxygen, soap, paper, industrial alcohol;

(3) Carbolic, phosphoric, hydrochloric, nitric, picric, or sulfuric acid; and

(4) Linoleum, oil cloth, matches, paint, varnishes, turpentine and other solvents.

E. Manufacture or storage of explosives.

F. Fertilizer manufacture.

G. Fat rendering in the manufacture of tallow, grease, glue, gelatin and oil.

H. Refining and recovery of products from fish, wood or wood pulp or fiber, bones, fat and other animal refuse or offal.

I. Natural, propane, or other gas manufacture by other than a public utility; and natural, propane, or other gas storage as a principal use, except that the storage for distributing purposes and the distribution of liquefied petroleum gas may be permitted as a special exception by the Zoning Board of Appeals, provided that there is compliance with all requirements of C.G.S. Chapter 541, Part II, and any regulations adopted pursuant thereto, as the same may be amended from time to time. This provision shall not be construed to prevent the storage for use on the premises of liquefied petroleum gas when installed and used in accordance with applicable Connecticut state laws.

J. Bulk or wholesale storage of gasoline, fuel oil, and all other petroleum products aboveground, excluding such storage for on-site consumption or otherwise accessory to the principal use of the property.

K. Operations involving the keeping, breeding and raising of mink or primates for commercial or

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laboratory purposes; or the keeping, breeding and raising of pigs or swine as a principal use.

L. Any activities dealing with automobile racetracks, snowmobile racetracks, stock car racetracks, drag strips, off-road vehicle trail racing, and all other activities involving racing of, or competitions or spectacles involving, motorized vehicles of any kind.

M. Nitrating of cotton or other materials, milling or processing of flour, food or grain.

N. Junkyards, private dumps or sanitary landfills.

O. Radio, television, microwave, or any other commercial transmission tower as a principal use on any lot or parcel (excluding amateur radio towers as an accessory use to a dwelling and accessory radio towers for private business communication; see § 315-7.06D).

P. Itinerant peddling, sales or promotions conducted from vehicles or from any other mobile or portable facility, excluding vendors legally operating within a public highway right-of-way and permitted accessory uses in Article 7, Accessory Uses, Buildings and Structures, of these regulations.

Q. Similar uses to the above (Subsections A through O) which are dangerous by reason of fire or explosion, or injurious, noxious, or detrimental to the neighborhood because of emission of dust, fumes, odor, smoke, wastes, noise, or vibrations or because of other objectionable features.

§ 315-6.02. Variances prohibited.

Pursuant to C.G.S. § 8-6, as amended by Public Act 77-509, the Willington Zoning Board of Appeals is prohibited from granting any variance which would permit any of the foregoing uses to be established, enlarged, extended, or intensified.

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ARTICLE 7
Accessory Uses, Buildings and Structures

§ 315-7.01. Location and size of accessory buildings. [Amended eff. 6-26-1997; eff. 3-1-2004]

For accessory buildings other than those associated with a farm (for farm accessory buildings, see § 315-7.08):

A. An accessory building attached or connected to the main building by walls or roofs shall be considered a part of the main building, and limited by minimum yard requirements of the principal building.

B. Detached accessory buildings.

(1) Detached accessory buildings which are not more than 10 feet in height may be located:

(a) In the rear half of any lot, but not nearer than 75 feet to any street.

(b) Within 10 feet of the side or rear lines of said lot.

(2) No accessory building used to house domestic animals shall be nearer than 25 feet to any sideline.

(3) See § 315-7.08 for farming accessory buildings and § 315-7.03C for gazebos.

C. Size.

(1) Accessory buildings shall not occupy more than 20% of the gross floor area of the principal building to which they are accessory.

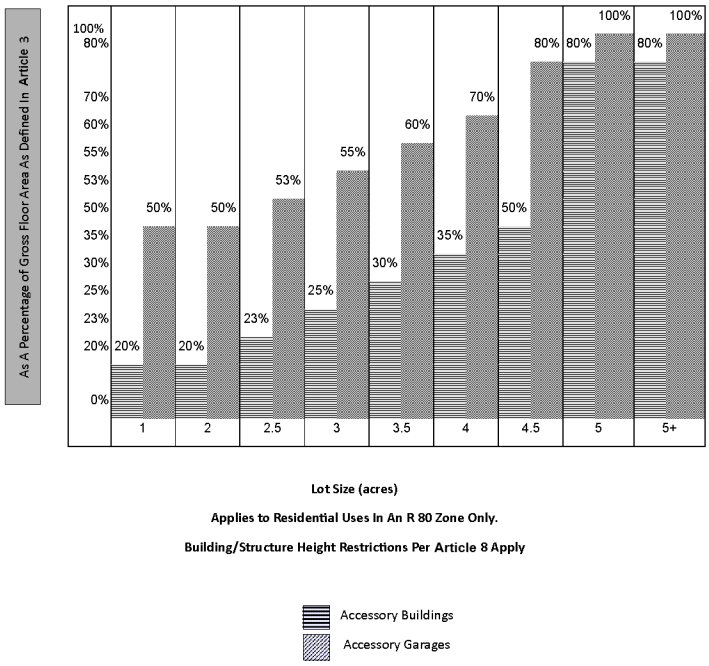
(2) Residential accessory buildings and residential automobile garages (see § 315-7.03A) on individual single-family lots shall not occupy more than the percentages of gross floor area of the principal building to which they are accessory as shown in Table 7.1.

D. Accessory buildings more than 10 feet in height shall conform to the side, front and rear yard requirements of Article 8.

E. All accessory buildings shall be built on the same lot as the principal building or use to which they are accessory.

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Table 7.1
Allowable Accessory Building Size



§ 315-7.02. Use of accessory buildings. [Amended 9-16-2025, eff. 10-1-2025]

A. Accessory buildings shall be used only for uses accessory to a principal use permitted in the subject zone, except for legal nonconforming uses as described in Article 9, Nonconforming Lots, Uses, Buildings and Structures, of these regulations. Such accessory uses may include, for example, the storage of the resident's noncommercial motor vehicles or goods and permitted home businesses.

B. No accessory building shall be used for residence purposes except by persons employed on the premises or nonpaying guests of the occupant of the premises.

§ 315-7.03. Specific types of accessory buildings. [Amended eff. 3-1-2004]

A. Private garages in residential zones. Accessory buildings in Residential Zones may include private garages, whether or not attached to the main building. Not more than two such spaces may be used by commercial motor vehicles as defined by C.G.S. § 14-1. Space for not more than 1/3 of the permitted number of vehicles may be let to persons other than residents of the premises for the storage of noncommercial motor vehicles only. The Board of Appeals, as a special exception, may permit, for a period not to exceed two years, the parking of more than two commercial vehicles where such use will not create a public hazard or be detrimental to the neighborhood.

B. Roadside shelters for schoolchildren. In all zones, roadside shelters for the use of schoolchildren may be permitted. Said shelter shall not exceed 50 square feet in area nor eight feet in height. Its location shall be no closer than one foot to the applicant's front or side property line. Shelters may be located within the road right-of-way with written approval of the Board of Selectmen and/or State of Connecticut Department of Transportation, as applicable. In no case shall the shelter be located closer than 10 feet to the traveled portion of the road. Said shelter shall be removed by the applicant if not used for its intended purpose for one year, or upon order of the Department of Transportation or the

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Board of Selectmen if the building interferes with road right-of-way.

C. Gazebo. Gazebos up to 315 square feet of gross floor area must conform to the front, side and rear yard requirements of Article 8. Gazebos with greater than 315 square feet of gross floor area shall not be located between the principal dwelling and the lot frontage unless approved as a special exception by the Zoning Board of Appeals and must conform to the side and rear yard requirements of Article 8.

§ 315-7.04. Location of accessory structures.

Accessory structures shall be no less than the dimension of their height plus 10 feet from any lot line.

§ 315-7.05. Use of accessory structures.

Accessory structures shall be used only for uses accessory to a principal use permitted in the subject zone, except for legal nonconforming uses as described in Article 9, Nonconforming Lots, Uses, Buildings and Structures, of these regulations.

§ 315-7.06. Specific types of accessory structures.

A. Swimming pools. A swimming pool shall be considered an accessory use or accessory structure to a principal dwelling and must be located on the lot so as to comply with the side, rear, and front yard requirements of Article 8 of these regulations for principal buildings. Swimming pool yards (setbacks) shall be measured from the water-retaining wall in the case of an in-ground pool. In the case of an aboveground pool, setbacks shall be measured from the outer edge and any aboveground deck. Light sources or glare shall not be visible beyond any lot line. All pools shall be safeguarded by means of a suitable fence or other device. Pools shall be screened and buffered by suitable planting or other means to conceal the pool and reduce noise between the pool and any adjoining lot.

B. Dog kennels accessory to principal dwelling. For the purposes of this section, a "dog" shall be defined as any canine of the age of six months or more. The keeping of no more than four dogs in any outdoor enclosure, principal or accessory building, or other structure shall be permitted as an accessory use to a dwelling. The keeping of more than four dogs shall require the issuance of a special exception by the Zoning Board of Appeals, pursuant to Article 13, Special Permit/Special Exception, of these regulations. In addition to the requirements of Article 13, any such special exception shall require compliance with the following:

(1) No special exception for the accessory keeping of dogs shall be issued for a lot having an area of less than five acres.

(2) Such keeping of dogs shall be exclusively for the personal enjoyment of the occupant of the principal dwelling and shall exclude any boarding, breeding, or training of any dogs not owned by the occupants of said dwelling, whether or not for compensation.

(3) Accessory keeping of dogs shall be limited to no more than six adult dogs (six months or more in age) and no more than 12 puppies (less than six months of age).

(4) Any such accessory building, structure, or enclosure of any kind for the keeping of dogs shall be located no less than 100 feet from any lot line, shall be located to the rear of the principal dwelling on the lot, and shall be screened by landscaping or other suitable measures. Depending on the number of dogs to be kept, the character of the neighborhood, and the topography of the area, the Board may require berms or other sound barriers.

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(5) Any special exception issued by the Board shall be temporary and shall expire no more than two years following its issuance, although the Board may issue any such special exception for a lesser period of time. Any renewal of such special exception, and such reapproval following expiration, shall be treated as a new application and shall require a public hearing in accordance with Article 13 of these regulations. In acting on such renewal or reapproval, the Board may consider, in addition to the criteria set forth in Article 13, the impact of the use during preceding special exception periods, changes in the neighborhood since original approval, and the applicant's history of compliance with applicable provisions of these regulations or any conditions attached to any prior special exception. For commercial dog kennels, see § 315-11.16 of these regulations.

C. Decks. Decks, as defined in these regulations (see Article 3, Definitions), are permitted accessory structures, provided that such decks shall not extend into or be otherwise located within the required yards of the subject zone. In the R-80 Zone only, the Zoning Board of Appeals may approve a special exception to allow the extension or location of a deck within a required yard, provided:

(1) The deck shall be accessory to a dwelling.

(2) The dimensions, location, height, method of construction, and materials, and the lighting and landscaping (if any) shall be depicted on the plan submitted in accordance with Article 13 of these regulations.

(3) The construction and maintenance of the deck shall at all times conform in all respects to the plan submitted and approved, or modified and approved by the Board, pursuant to Article 13 of these regulations. The approval of a deck by the Board shall not be construed to permit any other building or structure, nor any expansion or extension of the deck, within any required yard for the R-80 Zone.

D. Accessory radio towers. Commercial radio and television towers (hereafter referred to simply as "tower" or "towers"), for the exclusive use of the occupant of the principal building on the lot [except as provided in § 315-7.06D(6) for governmental and quasi-governmental agencies], may be permitted as an accessory use to a principal industrial or commercial use in a Design Commercial or Designed Industrial Zone, and wireless telecommunications facilities may be permitted as an accessory use to a principal governmental use or by a duly incorporated nonprofit entity or governmental unit performing public safety functions of a kind customarily performed by governmental units and requiring the use of telecommunications facilities, such as a fire department, police department or emergency medical service provider, in an R-80 Zone as provided by § 315-7.06D(6) of these regulations, whereby such accessory use shall be located on the same lot or parcel upon which the principal governmental use is located, upon the issuance of a special permit in accordance with Article 13, Special Permit/Exception, of these regulations, provided that the following additional standards and conditions are met:

(1) Minimum parcel size. No towers shall be established on any lot of land containing less than four acres. In addition, any such lot shall be of such size and dimension that the distance between the tower base and any property line shall be no less than 1 1/2 times the tower height, such height measurement to include any antennas mounted upon the tower.

(2) Other permits. No application for a tower shall be complete without evidence that all necessary permits and approvals have been submitted to the Federal Communications Commission, the Federal Aviation Administration, and such other state or federal agencies as may have jurisdiction. Such evidence shall include any proposed lighting, color selection, method of tower construction, and the like.

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(3) Residential zone prohibition. Towers shall be prohibited as a principal use in residential zones (for towers accessory to a dwelling, see § 315-4.02D of these regulations), except that a wireless telecommunications facility may be permitted as an accessory use to a principal governmental use or by a duly incorporated nonprofit entity or governmental unit performing public safety functions of a kind customarily performed by governmental units and requiring the use of telecommunications facilities, such as a fire department, police department or emergency medical service provider, in an R-80 Zone as provided by § 315-7.06D(6) of these regulations, whereby such accessory use shall be located on the same lot or parcel upon which the principal governmental use is located.

(4) Standards. In addition to the standards and criteria of Article 13, Special Permit/Exception, the Commission shall evaluate the visual impact of the tower on historic or scenic vistas and natural features; the impact on property values on residential areas in the vicinity of the tower; the impact of the tower on migratory waterfowl flight patterns, and other wildlife impacts; and the impact of tower lighting, with special attention to strobe lighting.

(5) Maximum height. In no event shall any tower be greater than 199 feet in height, including the height of any antenna mounted thereon.

(6) Wireless telecommunications facility use. A wireless telecommunications facility use may be permitted in an R-80 Residence District as an accessory use to a principal governmental use or by a duly incorporated nonprofit entity or governmental unit performing public safety functions of a kind customarily performed by governmental units and requiring the use of telecommunications facilities, such as a fire department, police department or emergency medical service provider, as a special permit in accordance with Article 13, Special Permit/ Exception, of these regulations, provided that the additional standards and conditions of § 315-7.06D(1), (2), (4) and (5) of these regulations are met. Such accessory use may include a co-located wireless telecommunications facility as provided by § 315-5.02A(2)(q) of these regulations.

E. Vending machines. See § 315-11.05, Vending machines.

§ 315-7.07. Accessory uses. [Amended 9-16-2025, eff. 10-1-2025]

A. General. Accessory uses of buildings, structures, or land shall be permitted in all zones where such accessory use is customarily incidental to, and is subordinate and secondary to, the principal use of the lot, or the principal building or structure on the same lot, or adjacent lots under the same ownership.

B. Livestock and poultry.

(1) Parcels of five acres or more. Nothing in these regulations shall prevent the keeping and raising of livestock (other than horses; see § 315-7.07C) and poultry for the owner's personal use on any lot containing five acres or more of land; provided, however, that any outdoor fenced or enclosed area for such use shall be no less than five feet from the property line.

(2) Parcels less than five acres. Nothing in these regulations shall prevent the keeping and raising of an animal unit for avocational, personal use or for youth projects as outlined below:

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Animal	Animal Unit Defined As	Minimum Lot Size (square feet)
Cows, steers, calves, bovines	1 head per unit	80,000
Horses, burros, donkeys, ponies	1 head per unit	80,000
Sheep, goats	2 heads per unit	80,000
Rabbits	5 heads per unit	40,000
Backyard poultry	See below	See below

(a) Criteria: Backyard poultry shall include chickens, ducks, turkeys, and other birds of similar mature sizes, but not guinea hens, peacocks, emus or ostriches. Farms as defined herein shall have no limit on the number of poultry that may be kept.

[1] Minimum lot size. A property must be greater than or equal to 40,000 square feet in order to keep backyard poultry.

[2] Number of poultry. A property which meets the minimum lot size may keep up to a maximum of eight backyard poultry.

[3] Roosters. Roosters are not permitted on property which has less than five acres.

[4] Management: backyard poultry shall be suitably contained on the premises at all times. Free-range or uncontained backyard poultry are prohibited.

[5] Setbacks and permitting requirements:

[a] Structures less than 200 square feet and enclosures (such as fenced areas) for the keeping of backyard poultry shall be a minimum of 20 feet from the side and rear property lines and 50 feet from the front property line, or meet the setbacks of the underlying zone (whichever is greater). These structures and enclosures shall not require a certificate of zoning compliance, but all owners of backyard poultry shall submit a written statement to the Zoning Agent, certifying compliance with these regulations.

[b] Any structure for the keeping of backyard poultry that is greater than or equal to 200 square feet shall require review in accordance with Article 7, Accessory Uses, Buildings and Structures, as applicable.

[c] Any structure for the keeping of backyard poultry shall not be less than 50 feet from an adjacent dwelling.

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

[7] Site suitability and impact. In order to minimize potential adverse impacts, the following shall apply:

[a] Sites with slopes greater than 15% shall be avoided or improved to avoid heavy

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surface water runoff, soil erosion, sedimentation or hazardous conditions for keeping backyard poultry.

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

C. Equestrian, noncommercial; noncommercial keeping of horses, ponies, burros, donkeys and bovines. The noncommercial keeping of equines and bovines, as an accessory use to a single-family dwelling, shall be permitted in the R-80 Zone, subject to the following conditions and standards:

(1) Enclosures. All outdoor areas for pasturing of livestock shall be enclosed with a fence capable of confining the livestock to the property; such fence shall be not less than five feet from the property line.

(2) Pits and housing. All manure pits and buildings or structures housing livestock shall be no less than 50 feet from any property line.

D. More than three equines. When more than three equines or bovines are kept on a property, the following standards shall apply in addition to the requirements of § 315-7.07C:

(1) Location on property. The keeping of equines or bovines and any structures accessory thereto shall be restricted to that area to the rear of the principal residence, meaning that side of the residence which is the greatest distance from the street providing frontage or access to the lot.

(2) Stalls. A stall or other space in a suitable, dry, weathertight shelter, by a barn, stable, or other permanent structure, shall be provided for each and every horse to be maintained on the property. Equines or bovines shall not be housed in trailers, tents or other mobile or temporary shelters.

(3) Wetlands. No stable, barn or other structure housing equines or bovines, nor any feed or watering trough, shall be established or maintained within 75 feet of any wetland or watercourse, as defined in Chapter 304, Inland Wetlands and Watercourses Regulations, nor within 100 feet of any dwelling or domestic water supply on an adjacent property. Any outdoor fenced or enclosed area for the pasturing of equine or bovine shall be no less than five feet from the property line.

(4) Disposition of manure. The disposition of all manure and stable sweepings from equines or bovines in buildings shall be by practices as recommended by the USDA Natural Resources Conservation Service and/or Agricultural Stabilization and Conservation Service. The location of any manure management system shall not be located closer than 100 feet to any wetland or watercourse, as defined in Chapter 304, Willington Inland Wetlands and Watercourses Regulations.

(5) Equestrian, commercial. See § 315-11.17.

E. Accessory dwelling unit. An accessory dwelling unit (separate family quarters/in-law apartment) is allowed in any single-family dwelling unit or on a single-family residential lot in any residential zone pursuant to these regulations. Unless specified otherwise, an accessory dwelling unit is allowed with a certificate of zoning compliance.

(1) General requirements. The following requirements apply to all accessory dwelling units:

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(a) At least one of the occupants of either dwelling unit shall be the owner of record of said dwellings or heir.

(b) Accessory dwelling units shall include a distinct kitchen or kitchen area containing a sink, refrigerator, stove or stovetop, oven, cabinets, and adequate counter space for food preparation and serving; and a bathroom containing toilet, sink and shower or bathtub.

(c) The accessory dwelling unit shall include one bedroom. "Bedroom" shall be defined by the building or health code, whichever definition is more restrictive.

(d) Accessory dwelling units shall include a separate outside entrance not located on the front facade of the principal building.

(e) Adequate off-street parking shall be provided.

(f) A new driveway curb cut to serve the principal unit or an accessory dwelling unit shall not be permitted.

(g) No more than one accessory dwelling unit is allowed per parcel.

(h) An accessory dwelling unit shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels, or intermodal freight container.

(i) Accessory dwelling units shall not be rented for durations of less than 90 days.

(j) For an accessory apartment located entirely in a basement, there shall be no maximum size limit.

(k) The gross floor area of an accessory dwelling unit not located in a basement shall not exceed whichever is lesser:

[1] One thousand square feet; or

[2] Forty percent of the gross floor area of the principal structure.

(l) When located in a detached structure, the structure shall comply with all applicable setback requirements for accessory structures.

(2) Owner occupancy required.

(a) Declaration of restrictions. The property owner shall file a declaration of restrictions on the Land Records, stating:

[1] Either the principal dwelling unit or accessory dwelling unit shall be occupied as a primary residence by a record owner of the property at least six months per calendar year. "Owner" is defined as that individual owning at least a 50% fee-simple interest in said property in his or her personal individual capacity only.

[2] Occupancy of the accessory dwelling unit is limited to two adult persons. Children under the age of 18 that are the legal responsibility of an adult occupant may also reside in the accessory dwelling unit, provided that total maximum occupancy of the unit shall not exceed one occupant per 100 square feet of combined living room and dining room space.

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[3] The accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor shall the lot be subdivided to provide a separate lot for the accessory dwelling unit.

[4] These restrictions shall run with the land and are binding upon any successor owner of the property.

[5] These restrictions shall not be modified or removed without the consent of the Town of Willington.

(b) Release of restrictions. Upon verification that an accessory dwelling unit established pursuant to this subsection has been removed, the Town of Willington shall record appropriate documentation to release the encumbrance. Any fees associated with such release shall be borne by the property owner.

§ 315-7.08. Farm buildings, structures and accessory uses. [Amended eff. 8-7-2019]

A. Except as provided in Article 6, Prohibited Uses, buildings used for the storage, processing and manufacture of agricultural products are permitted as an accessory use on a farm.

B. Temporary roadside stands for the seasonal sale of farm products and homemade articles are permitted when accessory to the premises on which they stand, of not more than 200 square foot area, with not more than two signs aggregating 12 square feet in area advertising such produce. Such stand and signs shall be not less than 10 feet from any street line and not less than 50 feet from any street intersection. Their temporary permitted use shall not constitute the establishment of a legal nonconforming use.

C. The slaughtering of livestock and poultry, as an accessory use to a commercial farming operation, is permitted on a farm, provided that in normal operation all stock slaughtered is raised on the farm.

D. Buildings used for the storage on a farm of any number of motor vehicles and equipment, when accessory to such farm use, are permitted. Also permitted is the repair of such vehicles on a farm, but this shall not permit operation of a repair garage for the general public.

E. Accessory buildings to a farming use, described in Subsection C (buildings for slaughtering of animals) and Subsection D (buildings for storage and/or repair of motor vehicles and equipment) above, and accessory buildings housing farm animals and poultry shall be not less than 100 feet from any street or lot line and not less than 150 feet from the nearest existing residential building on land in separate ownership.

F. Permanent farm stands. Permanent farm stands may be permitted as an accessory use in the R-80 Zone by special permit, subject to the following:

(1) Building. A permanent structure for the year-round sales of agricultural and/or horticultural products on a property defined as a farm by § 315-3.01 may be allowed.

(2) Area of structure. No farm stand shall exceed a total of 600 square feet in size.

(3) Product origin. At least 2/3 of the products available for sale shall be grown or raised on the farm. Up to 1/3 of the products available for sale may be handmade or produced by another Willington farm.

(4) Parking. No parking shall be permitted within 100 feet of a property line. Off street parking

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areas shall be pervious to the maximum extent feasible.

(5) Buffer. No farm stand or parking shall be located within 100 feet of any side or rear property line. The Commission may require a landscape buffer for any farm stand within 200 feet of a property line to minimize impacts to adjacent properties.

§ 315-7.09. Home businesses.

See § 315-11.01, Home businesses.

§ 315-7.10. Temporary or seasonal outdoor dining.

Temporary or seasonal outdoor dining shall be allowed as an accessory use to any lawfully existing restaurant or food service establishment, subject to the issuance of an administrative certificate of zoning compliance and upon demonstration of compliance with the following criteria:

A. A site plan has been provided which includes:

(1) Floor plan/layout of outdoor area to confirm no outdoor seating area is within a side or rear yard setback.

(2) Number of tables and/or seats not to exceed 50% of the interior seating capacity.

(3) A parking lot layout which demonstrates that the capacity of the outdoor dining area does not account for more than 50% of the parking spaces provided.

(4) Location(s) of ingress and egress for pedestrians and vehicles.

(5) When an outdoor dining area is proposed adjacent to a parking lot or driveway, the location of an appropriate barrier(s) to ensure separation between vehicles and patrons.

B. A narrative has been provided which included the following information:

(1) Planned use of the outdoor area.

(2) Proposed litter control.

(3) Hours of operation, not later than 11:00 p.m.

C. Proof that the following departments have been made aware of the intent to provide temporary or seasonal outdoor dining (when applicable):

(1) Eastern Highlands Health District.

(2) Willington Fire Marshal.

(3) Willington Building Official.

(4) Connecticut Department of Transportation (if necessary).

D. Live entertainment, amplified or nonamplified music or the consumption of alcohol only shall not be considered an allowable accessory use and shall require the issuance of a separate approval as required by these regulations.

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ARTICLE 8
Area, Yard and Height Requirements

§ 315-8.01. Permitted area, frontage, yards or lot coverage; building projections; height requirements.

A. Division or conveyance of land. No lot or parcel of land, as defined in these regulations, existing on the effective date of these regulations shall be divided, nor shall any easement be granted to any private person, which has the effect of creating a new parcel which will be nonconforming under the provisions of these regulations. Similarly, no lot or parcel shall be decreased in size, by sale, gift, devise, descent or otherwise, so that it or any part of it will be nonconforming under the provisions of these regulations. See Article 9, Nonconforming Lots, Uses, Buildings and Structures.

B. Yards and lot coverage. Except as provided for nonconforming uses in Article 9, no land, building, or premises, or part thereof, or other structure shall be constructed, reconstructed, extended, enlarged, moved or altered except in conformity with the regulations herein prescribed for the zone in which it is located. No part of any yard or other open space required about any building may be counted as part of a yard or other space required for any other building.

C. Building projections. Nothing in these regulations shall prohibit the projection of not more than three feet into a required yard/setback of pilasters, columns, belt courses, sills, cornices, or other similar architectural features, nor the planting or landscaping of such yards/setbacks.

D. Exceptions to height limits. Notwithstanding the height limitations imposed by other provisions of these regulations, church spires, belfries, cupolas, towers, domes, chimneys, flagpoles, radio and television antennas, ventilators, skylights, bulkheads, water tanks and similar features which are accessory to a permitted building, and occupying in the aggregate not more than 10% of the ground area of the building upon which they are located and not used for human occupancy, may be up to 15 feet higher than the highest point of the building upon which they are located. A greater height may be authorized by the Commission as a special permit and may be of such reasonable height as may be necessary to accomplish the purpose they are to serve. Where the structure is the principal structure on the lot, the height limits for the subject zone shall apply, except as provided in § 315-11.13, Wireless telecommunications facilities.

§ 315-8.02. (Reserved)[19]

§ 315-8.03. Front yards.

All required front yards shall be measured as the distance specified in the Minimum Front Yard column of Table 8.02, Schedule of Dimensional Requirements, plus the distance specified in Table 8.01 for each street classification, as established for each street in § 315-2.04 of these regulations, unless the required front yard from the street line results in a greater distance.

§ 315-8.04. Special provisions; street classification; Schedule of Dimensional Requirements. [Amended 9-16-2025, eff. 10-1-2025]

The requirements of Table 8.02, Schedule of Dimensional Requirements, may be modified in accordance with the following standards, criteria and conditions:

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19. Editor's Note: Original Sec. 8.02, Multiple Frontages, was repealed 9-16-2025, eff. 10-1-2025.

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A. DI Zone lot frontage. For lots in the Designed Industrial (DI) Zone, the Commission may, as part of a special permit, authorize the reduction of the minimum lot frontage to 50 feet, or may allow access to such lot by a right-of-way 50 feet in width, where the location, grade, and other characteristics of the access are found to be suitable; where the development of such lot does not impede the development of other interior land for industrial development by removing or obstructing the most logical or feasible road access; and where the applicant demonstrates that there are unique characteristics of the size, shape, topography or other physical properties of the lot which make it unusually difficult or unwise to serve it by the required frontage on a public street.

B. DI Zone, DNC Zone, DR Zone and DC Zone. In the Designed Industrial, Designed Neighborhood Commercial, Designed Recreation, and Designed Commercial Zones, for any use permitted by special permit or special exception, the Commission/Board may, as part of such special permit or special exception, permit a reduction in the minimum front yard of up to 50% of the required lot front yard distance where all parking, loading areas, and driveways parallel to the street are located in the side or rear yards.

C. All zones. See the requirements of Article 4, General Regulations, and specifically the requirements for buildable area contained in § 315-4.04.

Table 8.01
Street Classification

Per § 315-2.04	Designated Distance from Center Line of Right-of-Way (feet)
Principal state route	40
Arterial/collector local road	25
Minor local street	25

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Table 8.02 - Schedule of Dimensional Requirements

For Uses Listed Below, the Following Dimensional Regulations Apply

Zone	Uses herein referred to in abbreviated form refer to the uses listed in detail in Article 5 and in the Use Table		Lot Coverage Maximum (% of total lot area)		Lot Area, Minimum (square feet or acres)	Lot Frontage, Lot Width, Minimum (feet)	Front Yard, Minimum (feet)	Side Yard, Minimum (feet)	Rear Yard, Minimum (feet)	Maximum Building Height (feet)
			Buildings	Pavement						
R-80	Single-family detached	Lot	15% [3]		80,000 square feet	200	50	25	50	40
	2-family detached	Lot	15% [3]		160,000 square feet	400	50	25	50	40
R-80 Open Space Subdivision [4]	Single-family detached	Lot	20% [3]		60,000 square feet	150	20	15	25	40
	2-family detached	Lot	20% [3]		120,000 square feet	300	20	15	25	40
DNC [1]	All uses permitted in Designed Neighborhood Commercial Zone	Zone	25%	25%	80,000 square feet	200	50	50	50	40
		Lot	25%	25%	40,000 square feet	50	25	25	25	40
DC [1]	All uses permitted in Designed Commercial Zone	Zone	25%	25%	5 acres	300	50	75	75	45
		Lot	25%	25%	40,000 square feet	150	25	25	25	45
DR [1]	All uses permitted in Designed Recreation Zone	Zone	10% [3]		25 acres	300	100	100	100	40
		Lot	10% [3]		80,000 square feet	200	50	100	100	40
DCR [1]	All uses permitted in Designed Community Residential Zone	Zone	25% [3]		10 acres	300	100	100	100	40
		Lot	25% [3]		40,000 square feet	150	25	25	25	40
DER [1]	All uses permitted in Designed Elderly Residential Zone	Zone	[2]	[2]	[2]	[2]	[2]	[2]	[2]	40
		Lot	[2]	[2]	[2]	[2]	[2]	[2]	[2]	40

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Table 8.02 - Schedule of Dimensional Requirements										
For Uses Listed Below, the Following Dimensional Regulations Apply										
Zone	Uses herein referred to in abbreviated form refer to the uses listed in detail in Article 5 and in the Use Table		Lot Coverage Maximum (% of total lot area)		Lot Area, Minimum (square feet or acres)	Lot Frontage, Lot Width, Minimum (feet)	Front Yard, Minimum (feet)	Side Yard, Minimum (feet)	Rear Yard, Minimum (feet)	Maximum Building Height (feet)
			Buildings	Pavement						
DI [1]	All uses permitted in Designed Industrial Zone	Zone	25%	25%	10 acres	300	100	100	100	45
		Lot	50%	[3]	40,000 square feet	150	25	25	25	45

[1] Subject to additional requirements of Article 5. A DI-zoned lot may exceed 25% lot coverage for overflow surface parking associated with an off-site use only if the other use is a warehouse/package distribution facility located in the Town of Willington within a one-mile radius of the parking site and the total lot coverage for buildings and pavement does not exceed 50%.

[2] See § 315-5.08, Designed Elderly Residential Zone (DER).

[3] The sum of building coverage and pavement coverage must not exceed this percentage of lot area.

For accessory uses, buildings and/or structures, see Article 7.

C.G.S. § 8-26a(b).

[4] The minimum required open space designation in an open space subdivision is 40%.

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ARTICLE 9
Nonconforming Lots, Uses, Buildings and Structures

§ 315-9.01. Intent.

It is the intent of these regulations to reduce all nonconforming uses, lots, buildings, and structures to conformity as quickly as possible and in no way to allow the extension or enlargement of the nonconformity unless specifically authorized in these regulations. It is also the intent of these regulations, however, to minimize undue hardship for those whose purchase, ownership, or use of the property predated applicable provisions of these regulations.

§ 315-9.02. Existing nonconforming lots.

A. No increase in nonconformity. No lot or parcel shall hereafter be decreased in size, by sale, devise, descent, gift, or otherwise, so that it or any part of it, or so that any structure or building thereon, shall fail to comply with these regulations or shall increase the extent of any nonconformity.

B. Use of nonconforming lots, merger.

(1) The construction of a permitted building or structure, or the establishment of a permitted use, on a nonconforming lot or parcel may be allowed by the Zoning Board of Appeals as a special exception in accordance with Article 13 of these regulations and subject further to the requirements set forth in this § 315-9.02B; provided, however, that if title to a nonconforming parcel or lot, whether improved or not, was at any time after the adoption of Zoning Regulations in the Town of Willington or is now vested in any person(s) that own(s) any parcel or parcels of land contiguous to it, then so much of said contiguous land (including the nonconforming parcel) as is required to conform to these regulations shall be deemed to be a single parcel for zoning purposes, and thereafter may not be divided, sold, transferred, or improved in any manner which would create or result in a nonconformity or in an increased or further nonconformity. In the event that all contiguous lands of said person(s) are together insufficient to meet the minimum requirements of these regulations, then all said contiguous land shall be considered as a single nonconforming parcel for the purposes of this section. The foregoing merger provisions shall not apply to any lot approved pursuant to Chapter 310, Subdivision Regulations, and Zoning Regulations as in force at the time of such approval, pursuant to C.G.S. § 8-26a(b).

(2) The construction of a permitted building or structure, or the establishment of a permitted use, on a nonconforming lot or parcel shall conform to all provisions of Article 8, Area, Yard and Height Requirements, of these regulations, and also to all provisions of § 315-4.04, Lot compliance and buildable area, of these regulations, except as the same may be varied by the Zoning Board of Appeals pursuant to these regulations and the Connecticut General Statutes.

§ 315-9.03. Nonconforming uses.

A. No extension or enlargement. Any nonconforming use, as defined by these regulations, shall be permitted to continue, notwithstanding any other provision of these regulations or any amendment hereof; provided, however:

(1) Such use was lawfully existing at the time of its establishment and has not been abandoned, as defined herein.

(2) Such use shall not be enlarged or extended (see Article 3, Definitions); provided, however, that

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a nonconforming use may be extended by not more than 50% of the nonconforming floor area or the nonconforming land area occupied upon the issuance of a special exception by the Zoning Board of Appeals pursuant to Article 13 of these regulations.

(3) Except as provided in the preceding subsection, such use shall not be altered in such manner as to increase the nonconformity of such use (see § 315-9.03C below concerning substitution).

(4) Except as provided in Subsection A(2), no nonconforming use shall be moved to any portion of a building, structure, or any part of a parcel of land where such use did not previously exist.

(5) A nonconforming use, if changed to a use in conformance with these regulations, shall not thereafter be changed back to a nonconforming use.

B. Restoration and repair of buildings containing nonconforming use. A building or structure containing a nonconforming use may be altered or improved, but not extended or enlarged, and may be repaired or reconstructed as made necessary by normal wear and tear or deterioration. Any building or structure containing a nonconforming use which has been destroyed or damaged by fire, explosion, flood, or any act of God or public enemy may be restored to the same dimensions, floor area and cubic volume lawfully existing immediately prior to such damage or destruction, provided such restoration is commenced within one year and completed within two years of such damage or destruction.

C. Substitution. Any nonconforming use may be replaced with another nonconforming use as a special exception before the Zoning Board of Appeals in accordance with Article 13, Special Permit/ Exception, of these regulations, provided that such replacement use is consistent with the public health, safety and welfare; with the character of the neighborhood, adjacent properties and zones; with the appropriate and orderly development of the neighborhood, adjacent properties, and zones; and provided, further, that such replacement use creates no greater impact on the property, the neighborhood, adjacent properties and zones, in terms of parking, volumes and types of traffic, property values, hours of operation, exterior appearance of the building, structure or lot, or any other factors to be considered by the Board pursuant to Article 13 of these regulations.

D. Abandonment by nonuse or change of use. Any nonconforming use shall lose its nonconforming status and shall thereafter conform to these regulations if said use is abandoned for a period of one year or more, or if it is altered to a conforming use. For any nonconforming use which has ceased operation or existence for any period of time, the Zoning Agent may require evidence that the use was in fact carried on within the said one-year period, or that there was no intent to abandon the use, prior to the issuance of a certificate of zoning compliance or issuance of a cease and desist order. Refusal or granting of such a certificate, or issuance of a cease and desist order, may be appealed by any aggrieved party to the Zoning Board of Appeals, as provided by state statutes.

E. Voluntary abandonment. Any person who has the right of reestablishment or reconstruction as provided in this Article 9 may elect voluntarily to abandon such right, in which case the right shall cease to exist. Such abandonment must be evidenced by a document filed in the Land Records of the Town of Willington.

§ 315-9.04. Nonconforming buildings and structures.

A. No enlargement or alteration. Any nonconforming building or structure existing as of the effective date of these regulations shall be permitted to continue, notwithstanding any provision of these regulations or any amendment hereof; provided, however, that such nonconforming building or structure shall not be enlarged or altered in such manner as to increase the nonconformity of such

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building or structure.

B. Restoration and repair of nonconforming buildings and structures. Nothing in these regulations shall be deemed to prohibit the repair and maintenance of a nonconforming building or structure, provided such repairs or maintenance do not increase the nonconformity of such building or structure. Likewise, any nonconforming building or structure may be enlarged, provided such enlargement is constructed within the applicable requirements of Article 8. Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, flood, or any act of God or act of public enemy may be restored to the same dimensions, floor area, cubic volume, density, and site location as existing immediately prior to such damage or destruction, provided such restoration is commenced within one year and completed within two years of such damage or destruction. The Commission may, for good cause shown, grant one or more extensions of the preceding time limits.

§ 315-9.05. Illegal use.

Nothing in these regulations, including the provisions of this Article 9, shall be interpreted as authorization for or approval of the continuation of the use of land, buildings or structures which are in violation of any zoning regulations in effect prior to the effective date of these regulations.

§ 315-9.06. Special exceptions and variances; amendments to regulations or zones.

A. Applications filed. In accordance with C.G.S. § 8-2h, as amended, no application filed with the Commission which is in conformance with these regulations as of the date of its filing shall be required to comply with, nor shall it be disapproved for the reason that it does not comply with, any change in these regulations or the boundaries of any zone taking effect after the filing of such application.

B. Approvals granted. In accordance with C.G.S. § 8-3(h), nothing in these regulations or any amendment hereof, nor any change in zoning classification, shall be deemed to require any change in the plans, construction, or designated use of any residential building, structure or property for which a special permit, special exception, or variance has been obtained and filed as required by these regulations or the Connecticut General Statutes, as the case may be, prior to the effective date of these regulations or such amendment or change in zoning classification; provided, however, that, for nonresidential property, the applicant shall commence construction of any building or structure, or the establishment of any use, within 12 months of the effective date of such approval; said construction or establishment shall be completed according to the approved plans by the applicant; and a certificate of zoning compliance and certificate of occupancy, where required, shall be issued within 24 months of the effective date of such approval. Any such approval not completed within the time limits contained in this section shall be void. For residential property, all improvements required pursuant to the special permit, special exception, or variance shall be completed within the time periods set forth in the General Statutes upon the effective date of such special permit, special exception or variance, or it shall be void and shall thereafter be required to conform to any amendment of these regulations or zone change classification. No extension of the above time periods may be issued by the Zoning Board of Appeals or the Commission.

§ 315-9.07. Expiration of special permits, special exceptions, and variances.

See Article 20, Administration and Enforcement.

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ARTICLE 10
Open Space Subdivision

§ 315-10.01. Findings.

The Commission finds that in some cases the strict adherence to traditional land development and subdivision techniques within the Town of Willington may result in:

A. The consumption of areas containing valuable recreational, agricultural, forest and other unique natural resources.

B. The construction of extensive roads and other improvements requiring maintenance by the Town of Willington.

C. The development of sites without specific consideration of the limitations of, or opportunities offered by, the existing topographical and soil conditions.

D. The destruction of significant historic sites, geological features, severe slopes, scenic vistas, significant stands of trees, watercourses, wetlands, wildlife habitat or other areas of environmental value, natural beauty or historic interest.

§ 315-10.02. Purpose.

To provide an opportunity for the preservation and protection of the Town of Willington's natural resources by permitting a transfer of density by way of reduction in the minimum lot size normally required in specified zones for residential development in return for the dedication of designated areas as open space; provided, however, that the total number of lots in such subdivision approximates the number otherwise permitted under these regulations and Chapter 310, Subdivision Regulations.

§ 315-10.03. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DEVELOPMENT RESTRICTION — A restriction which perpetually prohibits further development or use inconsistent with the enhancement, preservation and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition, but which may, in the sole discretion of the Commission, permit nonprofit recreational and/or agricultural uses, which nonprofit recreational or agricultural uses do not involve any significant alteration or development of the restricted area in a manner which is inconsistent or inimical to the preservation and protection of the restricted area.

NORMAL LOT SIZE — The lot size, expressed in square feet, normally applicable to the zone in which the proposed open space subdivision is located (80,000 square feet for the R-80 Zone).

OPEN SPACE — Land within an open space subdivision which is subject to a development restriction.

OPEN SPACE SUBDIVISION — A subdivision approved in accordance with this Article 10.

TOTAL AREA — The total area of the proposed open space subdivision expressed in square feet, but excluding any areas not used for detached single-family residential development or open space.

UNBUILDABLE AREA — The area, expressed in square feet, within the proposed open space subdivision which is comprised of wetlands, watercourses, Flood Zone A per FEMA maps, existing and proposed streets and highways, easements and rights-of-way for vehicular access and utilities. For purposes of this definition, easements and rights-of-way of an undefined width shall be deemed to be 25 feet in width.

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§ 315-10.04. General eligibility requirements.

An open space subdivision:

A. Shall only be permitted in the Residence 80 (R-80) Zone.[20]

B. Shall consist of a parcel(s) of land containing no less than a total of 25 contiguous acres.

C. Must not be harmful to the character of the surrounding area and property values of surrounding landowners.

D. Must, except as provided in this Article 10, otherwise comply with all applicable sections of these regulations and Chapter 310, Subdivision Regulations, and provisions of federal, state and local law.

E. Must provide for the dedication of open space in accordance with § 315-10.07B of this Article 10.

F. Must provide beneficial utilization of suitable soil and topographic conditions and protection of soils and topographic conditions not suitable for development.

G. Shall be used only for detached single-family dwellings and two-family dwellings, where and as permitted by these regulations, and permitted accessory uses. All other uses shall require the normal lot size and be subject to approval of the Commission in accordance with the applicable sections of these regulations. In addition, any other use which is proposed after the approval of the open space subdivision shall require an amendment to the special permit granted under this Article 10 in accordance with the applicable sections of these regulations.

H. Must be consistent with the intent of planning and zoning to promote the public health, safety and welfare of the Town of Willington and the Willington Plan of Conservation and Development.

§ 315-10.05. Application procedure.

A. Preapplication conference.

(1) The Commission recommends that, prior to submission of an application for approval of an open space subdivision, the applicant initiate a preapplication conference with the Commission and its staff to discuss conceptual aspects of the proposed open space subdivision and prepare and present a preliminary plan for informal consideration by the Commission. The preapplication conference is recommended to permit the general consideration of factors and problems affecting the development of the subject site before the applicant proceeds with the application and the preparation of final maps, plans and documents required to accompany such application.

(2) Following the preapplication conference, the Commission may provide informal, nonbinding suggestions to the applicant as to whether to proceed with an application under this Article 10 or to adhere to the conventional subdivision requirements of the applicable sections of Chapter 310, Subdivision Regulations.

(3) Neither the preapplication conference, the informal consideration of preliminary plans, nor the Commission's suggestions shall be deemed to constitute any portion of the application for approval of a subdivision.

B. Application. An application for the approval of an open space subdivision shall:

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20. Editor's Note: See also Ch. 310, Subdivision Regulations, § 310-6.02A.

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(1) Require approval of the Commission as a special permit and as a subdivision in accordance with the applicable sections of these regulations and Chapter 310, Subdivision Regulations.

(2) Be submitted with a proper and complete special permit form and subdivision application form, and application fees as set forth in Town ordinances.

(3) Be accompanied by 10 copies of the proposed plan setting forth the information required by this Article 10, the applicable sections of these regulations and Chapter 310, Subdivision Regulations, as well as such additional information as the Commission may require for a review of the proposed open space subdivision under the applicable sections of these regulations, or in order to reach a determination of the impact of the open space subdivision on the surrounding area. Such additional information may include, but is not limited to, the following: information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands; utilities and other information of a similar nature and purpose; a traffic impact study prepared by a Connecticut licensed professional engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; and any reports prepared by the applicant's staff or consultants.

(4) Be accompanied by copies of the proposed certificate of incorporation, if any; bylaws, rules and regulations of any association or corporation of the lot owners within the proposed open space subdivision; copies of the proposed covenants and restrictions to be placed in the deeds of conveyance to the lot owners, and copies of any proposed deeds, agreements, conveyances and restrictions necessary for the creation of open space, including a precise statement of the proposed development restriction.

C. Public hearing. The public hearings on the special permit and subdivision application shall be held concurrently.

§ 315-10.06. Standards and controls. [Amended 9-16-2025, eff. 10-1-2025]

A. Minimum area, yard and coverage requirements:

(1) Minimum lot area, single-family: 60,000 square feet.

(2) Minimum lot area, two-family: 120,000 square feet.

(3) Minimum lot frontage, single-family: 150 feet.

(4) Minimum lot frontage, two-family: 300 feet.

(5) Minimum lot depth: 200 feet.

(6) Minimum front yard: 20 feet.

(7) Minimum side yard: 15 feet.

(8) Minimum rear yard: 25 feet.

(9) Maximum building coverage: 20%.

B. Rear lots. Rear lots in open space subdivisions shall contain 60,000 square feet for a single-family dwelling and 120,000 square feet for a two-family dwelling, excluding the area of the access strip, but shall conform to all other requirements for rear lots (see § 315-4.18, Rear lots).

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C. Minimum buildable area. All lots in an open space subdivision shall comply with the minimum buildable area requirements contained in § 315-4.04, Lot compliance and buildable area, of these regulations.

D. Calculation of maximum allowable lots. In order to determine the maximum number of lots allowable within the proposed open space subdivision, the applicant shall either:

(1) Submit a statement, certified by a Connecticut licensed land surveyor or engineer, setting forth the results of the following calculation; or

TL - UBA/NLS = N

Where:

N	=	Number of lots
TL	=	Total area of parcel, square feet
UBA	=	Unbuildable area, square feet
NLS	=	Normal lot size, square feet

(2) Submit a conventional subdivision plan using the normal lot size which will be reviewed by the Commission without the application of this Article 10, including the depiction of the minimum required open space (20%) set forth in § 310-5.15 of Chapter 310, Subdivision Regulations. Such conventional plan need not contain all information required for a Final Subdivision Plan by Chapter 310, Subdivision Regulations, but shall contain only such information as is necessary to permit the Commission to determine that the conventional plan represents a feasible subdivision of the land at Normal Gross Lot Dimensions. If approved by the Commission as representing a feasible conventional subdivision plan, the total number of lots in such conventional subdivision plan shall be the maximum total number of lots in the Open Space Subdivision.

E. Conformance. Any lot with reduced area approved under the provisions of this Article 10 shall be deemed to be a conforming lot notwithstanding the normal lot size; provided, however, that such lot meets the requirements of the other applicable sections of the regulations and Chapter 310, Subdivision Regulations. Any such lot shall be designated on the approved open space subdivision plan which is presented for recording.

§ 315-10.07. Open space and development restriction. [Amended 9-16-2025, eff. 10-1-2025]

A. Calculation of required open space. In return for the reduction in the normal lot size, the proposed open space subdivision shall require the dedication as open space of an area which is, at a minimum, equal in size to the aggregate difference between normal lot size and the minimum lot area set forth in § 315-10.06A applicable to each lot in the open space subdivision.

B. Dedication of open space. Open space shall be dedicated, by conveyance in fee simple, in accordance with the applicable provisions of § 310-5.15 of Chapter 310, Subdivision Regulations.

(1) The applicant shall designate in its application which of the entities set forth in § 310-5.15 of Chapter 310, Subdivision Regulations, are proposed to own the open space, but as part of the approval of such application, the Commission may modify such designation. Furthermore, the Commission may modify any application so as to designate open space in locations other than those proposed.

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(2) In determining whether the proposed entity is appropriate to own the proposed open space, or whether to require open space in locations different from those proposed, the Commission shall consider the following factors: the ownership of any existing open space on adjacent properties, or the proximity to nonadjacent open space which might reasonably interconnect with the proposed open space in the future; the proposed use of the open space for active or passive uses, and the extent of maintenance, supervision, or management required; the potential benefits which the open space might provide to residents of the Town or the state, if it were accessible to them; the size, shape, topography, and character of the open space; the recommendations of the Willington Plan of Conservation and Development and the Willington Open Space Plan; and the reports or recommendations of any State or town agencies, including, but not limited to, the Board of Selectmen, the Willington Inland Wetlands Commission, the Parks and Recreation Commission, the Conservation Commission, the Windham Regional Planning Agency, and the Connecticut Department of Energy and Environmental Protection.

C. Alteration of open space. Any excavation, filling, regrading or alteration of open space; any construction or expansion of any building, structure or other improvements thereon; or any paving or surfacing of open space subsequent to the date of approval of the open space subdivision shall require an amendment to the special permit granted under this Article 10 in accordance with the applicable sections of the regulations.

D. Evidence of acceptance. If open space is to be owned by a private not-for-profit conservation trust or corporation, the State of Connecticut, the Town of Willington, or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the open space.

E. Required provisions. Regardless of the manner of ownership of the open space, the terms of conveyance shall be in conformance with § 310-5.15I of Chapter 310, Subdivision Regulations:

(1) The continued use of such land for the intended purposes;

(2) The continuity of proper maintenance for those portions of the open space requiring maintenance;

(3) When appropriate, the availability of funds required for such maintenance;

(4) Adequate insurance protection; and

(5) Recovery for loss sustained by casualty, condemnation or otherwise.

(6) Homeowners' associations shall comply with the provisions of § 310-5.15 of Chapter 310, Subdivision Regulations.

F. Boundary lines. The boundary lines of all open space shall be set in the field and marked by permanent, readily visible markers where such lines intersect any lot line, road or perimeter line within the proposed open space subdivision and at such other points as may be required by the Commission to ensure identification in the field.

G. Recording. At the time the approved Open Space Subdivision Plan is filed, the applicant shall record on the Willington Land Records all deeds and legal documents required to ensure the aforesaid guarantees.

H. Right to enforce.

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(1) A right to enforce the development restriction shall be conveyed to:

(a) The Town of Willington, the State of Connecticut, or a private, not-for-profit conservation trust or corporation dedicated to conservation or preservation purposes in cases where the open space is dedicated to an association or corporation of lot owners; or

(b) To the association or corporation of lot owners in cases where open space is dedicated to the Town of Willington, the State of Connecticut, or a private, not-for-profit conservation trust or corporation.

(2) Any deed of conveyance shall contain language providing the holder of the development restriction with the right to obtain reimbursement for all costs it reasonably incurs, including attorneys' fees, in any action to enforce the development restriction in which it is the prevailing party.

I. Association requirements. If the open space is to be dedicated to an association or corporation of lot owners, then the Commission may set additional requirements, including, but not limited to those set forth in § 310-5.15I of Chapter 310, Subdivision Regulations, and the following:

(1) Creation of the association or corporation prior to the sale of any lot.

(2) Mandatory membership in the association or corporation by all original lot owners and any subsequent owner.

(3) The association or corporation shall have the power to assess and collect from each lot owner a specified share of, and, where necessary, provide reserves for the costs associated with maintenance, repair, upkeep and insurance of the open space.

§ 315-10.08. Protection of surrounding areas. [Amended 9-16-2025, eff. 10-1-2025]

In reviewing the proposed open space subdivision, the Commission shall additionally utilize the following criteria:

A. The recommendations of the Willington Plan of Conservation and Development, as amended, relative to open space and recreation.

B. The suitability of areas within the proposed open space subdivision for open space purposes in light of the topography, size, shape, and character of the land to be subdivided, and its relationship to other existing or proposed areas of open space.

C. The maintenance, insurance, and other burdens placed upon the residents of the open space subdivision and/or the Town of Willington.

D. The increase in the burden imposed by the proposed open space subdivision on existing and proposed areas of open space.

E. The recommendations of the Board of Selectmen, the Willington Inland Wetlands Commission, the Parks and Recreation Commission, the Board of Finance, the Conservation Commission, and any other public or private agencies or authorities providing comment to the Commission.

F. The level of access to the areas of open space afforded to members of the general public.

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§ 315-10.09. Location of open space.

Open space preserved in accordance with this Article 10 need not be included within the area of the subdivision for which approval has been sought, but may, at the option of the applicant, be located in such proximity to such subdivision as to ensure that the residents of the proposed subdivision shall derive direct benefits from the open space so dedicated. In determining whether the residents of the proposed subdivision shall derive benefits from the proposed open space, the Commission shall consider:

A. The physical distance between the open space and the proposed subdivision, such that residents of the subdivision will have a view of, ready use of, or other benefit from, such open space.

B. Whether the proposed open space land to be dedicated is served by the same road as the subdivision, such that traffic generation will remain constant over the length of such road.

C. Whether the area of the proposed open space is served by the same municipal service district, as, for example, elementary school district, fire company, or sewer/water trunk lines, such that the burden of providing such services will remain constant within such district(s).

D. Whether the proposed open space provides a needed recreational or other facility, preserves a critical wildlife habitat or unique natural feature, or otherwise fulfills an important recreational/ environmental objective of the Town of Willington in the general area of the subdivision such that property values in the proposed subdivision will be enhanced.

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ARTICLE 11
Special Regulations

§ 315-11.01. Home businesses. [Amended 11-21-2023, approved 12-15-2023; 11-19-2024, eff. 1-1-2025]

A home office, home occupation or rural home business, as defined in Article 3, Definitions, of these regulations, shall be permitted as an accessory use in those zones set forth in Article 5, Use Regulations, of these regulations, subject to the issuance of a certificate of zoning compliance by the Zoning Agent in accordance with the following standards and criteria:

A. Permits required. A home office, home occupation or rural home business as defined by these regulations is permitted in accordance with the table below (§ 315-11.01F).

(1) Home occupation by certificate of zoning compliance may be reviewed and issued in accordance with § 315-20.04.

(2) Home occupations and/or rural home businesses by special permit shall be reviewed and may be issued in accordance with Article 13.

(3) Any home office which does not comply with the requirements of Tier 1 of § 315-11.01F shall seek approval as a home occupation.

(4) Any home occupation which does not comply with the requirements of Tier 2 of § 315-11.01F shall seek approval as a rural home business.

B. General requirements. In addition to the requirements of the table below (§ 315-11.01E), any home business conducted within a building or on a parcel for which the primary use is residential shall meet the following criteria:

(1) The person or persons conducting the operation shall reside on the subject site. Unless a special permit has been issued by the Commission, there shall be no more than two nonresident persons engaged in the conduct of the home occupation.

(2) The home business shall be clearly secondary, subordinate, and incidental to the residential use of the property, and it shall not impair the residential character of the premises and neighborhood.

(3) Any such operation shall comply with the requirements of § 315-4.15 of these regulations.

(4) Any home business shall use a safe and suitable access which will not create traffic hazards on Town or state roads.

(5) Any approval issued for a home business pursuant to this section shall be issued to the occupant of the dwelling at the time such permit is requested for the specific business described. While the right to continue the operation of such accessory use is acknowledged, given that such approval has been granted to the occupant of the dwelling unit, any changes to the statement of use shall require a new approval.

(6) Any family child-care home or group child-care home as defined by C.G.S. § 19a-77 (as amended) shall only comply with the standards set forth by the Connecticut Office of Early Childhood and shall not be subject to the additional requirements established above.

C. Information required. In addition to any requirements of Article 13, Special Permit/Exception, or

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Article 20, Administration and Enforcement, the following shall be submitted to determine compliance with this section:

(1) A detailed statement describing all pertinent aspects of the proposed activity and acknowledging the requirements of this section.

(2) An accurately drawn plot plan (to scale), or a sketch with pertinent dimensions, depicting property lines, structure locations, access drive(s), parking spaces, screening (existing and proposed), and any other pertinent features.

(3) An accurately drawn floor plan (to scale) depicting the area to be utilized by the proposed activity.

D. Multiple home businesses.

(1) A dwelling unit and/or parcel may contain two home offices or home occupations following the issuance of a certificate of zoning compliance.

(2) A dwelling unit and/or parcel may contain two rural home businesses or one home occupation and one rural home business on the same parcel following the issuance of a special permit.

E. Previously issued approvals. Any approval for a home business which has been previously issued shall continue to be governed by said previous approval, provided such renewal is sought and obtained prior to the expiration of the current permit. Any previously issued approval which has expired shall be reviewed in accordance with these regulations (as may be amended).

F. Permit approval table.

Business Type	Tier 1: Home Office	Tier 2: Home Occupation	Tier 3: Rural Home Business
Approval Type	Not required	Certificate of zoning compliance	Special use permit
Meetings Required	None	None	Public hearing
Compliance Review	As needed	As needed	As determined by the Commission
Property Type	Any	Any	Single-family
Eligibility	R-80, DNC, DCR, DER		R-80
Minimum Lot Size	None	None	3 acres
Prohibited Uses	Restaurants, or other eating or drinking places, dog kennels, animal hospitals, barbershop or beauty salon having more than 1 chair, automotive service, sales or repairs		
Permitted Exterior Evidence	None	Shall involve no outside storage, or display of goods or materials, or other evidence other than a single permitted business or commercial vehicle	Limited visible evidence or indication of the operation may be permitted by the Commission

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Business Type	Tier 1: Home Office		Tier 2: Home Occupation		Tier 3: Rural Home Business	
Percent of Building Used for Occupation	Not to exceed 25% of livable floor area		Shall not occupy an area within the principal dwelling which is more than 50% of livable floor area of the home		Shall not occupy a total area within the principal dwelling or an accessory building which exceeds the livable floor area of the home	
Accessory Building(s)	None		Shall not exceed the footprint of the principal dwelling		As determined by the Commission	
Nonresident Employees	None		Not more than 2		Not more than 4	
Vehicles and Equipment	Business:	1	Business:	3	Business:	4
	Commercial:	None	Commercial:	1	Commercial:	2
	Equipment:	None	Equipment:	1	Equipment:	4
Screening	N/A		Commercial vehicles and/or equipment associated with a home occupation or rural home business shall be stored in a building or visually screened			
Visits from Members of the Public	None		Not to exceed 4 per day		As determined by the Commission	
Required Parking	None		2, plus 1 per employee		As determined by the Commission	
Signage	None		Nonilluminated identification sign not greater than 2 sq. ft.			

§ 315-11.02. Golf courses.

The Commission may grant a special permit in accordance with Article 13, Special Permit/Exception, for a golf course, provided that all standards and requirements of that article are met, and, in addition, in compliance with the following provisions:

A. Golf courses shall be approved only in those zones where they are permitted in Article 5, Use Regulations, of these regulations.

B. For purposes of these regulations, compatible recreational facilities, such as outdoor swimming pools and tennis courts, may be considered accessory uses to a golf course, provided that such uses are of such character, size, and intensity as to conform to the definition of accessory uses as set forth in these regulations.

C. Service of food and the sale of alcoholic beverages from a service bar only for consumption on the premises shall be considered accessory uses to a golf course, provided that such uses are of such character, size and intensity as to conform to the definition of accessory uses as set forth in these regulations; and further provided that, for golf courses located in residential zones, such service of food and the sale of alcoholic beverages shall not occur on any day when the subject golf course is

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not open to its patrons.

D. Sale or rental of golf clubs, golf accessories, clothing, and similar items in a "pro shop" shall be considered accessory uses to a golf course, provided that such uses are of such character, size and intensity as to conform to the definition of accessory uses as set forth in these regulations; and further provided that, for golf courses located in residential zones, such sale or rental shall not occur on any day when the subject golf course is not open to its patrons.

E. In considering an application for a golf course in the R-80 Zone, the Commission shall treat the use as a nonresidential activity in a residential zone and shall take into consideration the size and location of the proposed use, the nature and intensity of the operations involved, the size of the site with respect to the existing or future street(s) giving access to it, and other factors so as to ensure that the proposed golf course shall be such that it will be in harmony with the orderly development of the area. The location, nature and height of buildings, walls and fences shall not discourage the appropriate development and use of adjacent residential land and buildings for residential uses, nor impair the value thereof.

§ 315-11.03. Community residence for mentally ill adults. [Amended 9-16-2025, eff. 10-1-2025]

A community residence as permitted by state statutes which houses staff and not more than eight mentally ill adults which is licensed as such by the Connecticut Commissioner of Public Health may be permitted in those zones indicated in these regulations upon receipt of a certificate of zoning compliance and a certificate of occupancy, provided:

A. There is no other community residence within 1,000 feet of its location.

B. Application has been made to the State Department of Public Health with copies to the Regional Mental Health Board, the Regional Mental Health Director, and the Willington Board of Selectmen.

C. If there are other community residences in Town, the total population of such facilities shall not exceed 1% of the population of the Town.

D. All fire code requirements are complied with, including safe exit and fire alarm provisions as recommended by the Fire Marshal.

§ 315-11.04. Community residential facilities. [Amended 9-16-2025, eff. 10-1-2025]

A community residential facility as permitted under state statutes which houses not more than eight persons with intellectual disability and a staff of two, which is licensed as such by the Connecticut Department of Developmental Services, may be permitted in those zones indicated in these regulations upon receipt of a certificate of zoning compliance and a certificate of occupancy, provided:

A. All fire code requirements are complied with, including safe exit and fire alarm provisions.

B. There is no other community residence within 1,000 feet of its location.

§ 315-11.05. Vending machines.

In any application for special permit or special exception under these regulations, there shall be no vending machines located outside of any principal building, except in a location or locations designated on the site plan submitted in support of such application, and approved by the Commission or the Board, as the case may be. For all uses of land which have not received such special permit or special exception pursuant to these regulations, no vending machine shall be located on any premises except immediately adjacent to

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a principal building on the premises, "adjacent" being defined, for the purposes of this section, as not to exceed one foot from such building.

§ 315-11.06. Hotels/motels. [Amended 9-16-2025, eff. 10-1-2025]

Each hotel/motel shall comply with the following requirements:

A. The Commission may require or permit that a hotel/motel have a separate dwelling unit with adequate living space for a resident manager to provide for full-time supervision of the facility.

B. The number of rooms permitted on a lot shall be determined as follows: 4,000 square feet of buildable land (see § 315-4.04) per room if all rooms are on one floor; 2,500 square feet per room if rooms are on two or more floors.

C. Each room shall have a minimum livable floor area of 265 square feet or, alternatively, 225 square feet for 50% of the rooms, provided the remaining 50% contain a minimum of 325 square feet.

D. The application for special permit shall be accompanied by a written report from the Town Health Official, indicating that the septic system and water supply (existing or proposed) are adequate for the size and intensity of the use proposed.

E. The site shall be designed to allow safe and adequate access for guests, service vehicles, emergency vehicles and equipment, and safe pedestrian circulation.

F. The site shall be in a location which is convenient to major arterial roads, fire and other emergency services, and adequate stormwater drainage facilities.

G. Parking and loading shall be in accordance with the requirements of Article 18, Off-Street Parking and Truck Loading, of these regulations.

H. Alcoholic beverages may be permitted in accordance with the requirements of these regulations.

I. The site shall be designed so as to protect bedroom windows from glare from automobile headlights, streetlights, driveway/parking lot lighting, and other light sources on or off the site.

J. Accessory swimming pools shall be adequately enclosed and screened by fencing and landscaping.

K. All buildings shall be designed to be compatible with the traditional architecture of New England inns, especially with regard to roof pitch, exterior materials and detailing, and with clusters of small buildings preferred to a lesser number of larger ones.

§ 315-11.07. Two-family dwellings.

The intent of this section is to allow the construction of an occasional two-family dwelling in appropriate locations without undue concentration of such uses, while allowing the purchasers of lots in new subdivisions to be aware, at the time of purchase, of where such dwellings are to be located. The Commission may grant a special permit in accordance with Article 13, Special Permit/Exception, of these regulations, provided that, in addition to the standards and criteria of Article 13, the following requirements are met:

A. In subdivisions submitted for approval following the effective date of this regulation, two-family dwellings may be built, provided:

(1) Lots designated for two-family dwellings occupy no more than 10% of the total land area of the

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proposed subdivision.

(2) The lot shall contain no less than 160,000 square feet of buildable area (see § 315-4.04) and have a frontage of 400 feet, and all buildings and structures shall conform to the yard and height requirements of Article 8.

(3) Water supply and sewage disposal facilities shall have been approved, in writing, by the Town Health Official. Each dwelling unit shall have a separate, independent septic system but may share a single domestic water supply well.

(4) Each dwelling shall have no more than two driveway openings.

B. New two-family dwellings may be built on lots existing or subdivided prior to the effective date of this regulation, and existing buildings may be converted to two-family dwellings, provided:

(1) For existing buildings constructed prior to or during 1940: The lot shall contain no less than 80,000 square feet of buildable area (see § 315-4.04), and all buildings and structures shall conform to the yard and height requirements of Article 8.

(2) For existing buildings constructed since 1940: The lot shall contain no less than 160,000 square feet of buildable area (see § 315-4.04), and all buildings and structures shall conform to the yard and height requirements of Article 8.

(3) Additions and accessory buildings must conform to the architectural theme, period, scale, materials, and other attributes of the existing structure and shall not detract from the residential character of the building.

(4) Water supply and sewage disposal facilities shall have been approved, in writing, by the Town Health Official.

(5) Each lot used for a two-family dwelling shall have no more than two driveway openings onto the street.

§ 315-11.08. Motor vehicle gasoline and service stations. [Amended 4-1-2014, eff. 4-15-2014; 9-16-2025, eff. 10-1-2025]

A. The location shall be approved by the Zoning Board of Appeals in accordance with the provisions of C.G.S. § 14-321. Such approval shall not be in lieu of the special permit required by these regulations.

B. No unregistered motor vehicle and no motor vehicle registered to a dealer shall be stored or parked nearer to the street line than the building line. No motor vehicle parts, wrecked or dismantled vehicles, or equipment shall be stored outside in a manner visible from the street or any property line during all seasons of the year.

C. No vehicle entrance or exit to a site shall be located within 200 feet, measured along the street, of any entrance to a public playground or a park.

D. No gasoline pumps shall be located in front of the building line. All other structures, such as canopies and trash receptacles, but excluding signs, shall be set back at least 25 feet from the street line, 10 feet from each side lot line, and 20 feet from the rear lot line, unless the Commission shall require larger setbacks pursuant to Article 13, Special Permit/Exception. All buildings and structures shall be located at least 50 feet from the sideline of a contiguous lot in a residential zone. A landscaped buffer no less than 10 feet in width, or a six-foot-high wooden solid fence shall be placed along any lot line

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contiguous to a residential zone. All lighting on buildings or canopies shall be enclosed and recessed below a horizontal surface of the structure, with lenses or other measures to reduce the visibility of the light source and to prevent glare. No lighting fixture shall be located on any vertical surface of a building or structure, from which light is directed upward or outward, horizontally, from any such vertical surface.

E. Motor vehicle car washes shall be permitted as accessory uses, provided that:

(1) Adequate traffic flow patterns are established which prevent conflict with gasoline and service patrons, and which prevent waiting traffic from extending into the street.

(2) The site is to be served by wash-water recycling equipment and there is no discharge of wash water into or onto the ground or into the septic system.

(3) All site and floor surfaces which may receive wash water shall be pitched to drains connected to the wash-water recycling equipment, and such drains shall be equipped with oil separators and such other equipment as the Commission may require to prevent contamination of the waters of the Town.

(4) No service bay shall face the street line, except on a corner lot, where service bays may face one street line. Canopies shall be architecturally compatible with the service station and the design of buildings in the area, and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.

F. Convenience store retail trade shall be permitted as an accessory use, provided that:

(1) Adequate vehicular and pedestrian traffic flow patterns are established which prevent conflict with gasoline and service patrons.

(2) Adequate parking for the additional retail trade use is provided in accordance with Article 18, Off-Street Parking and Truck Loading.

(3) Depending on the size of the facility and the anticipated volume of vehicular traffic and public activity, the Commission may require additional security measures as a condition of the retail trade use.

(4) There shall be no seats, stools, tables, or other facilities for the on-site consumption of food.

(5) Restroom facilities shall be provided for employees and may be required for customers.

(6) There shall be no overnight parking associated with the retail trade use, other than for employees.

§ 315-11.09. Motor vehicle limited and general repair and service. [Amended 9-16-2025, eff. 10-1-2025]

A. The location shall be approved by the Zoning Board of Appeals in accordance with the provisions of C.G.S. §§ 14-51 through 14-54. Such approval shall not be in lieu of the special permit required by these regulations.

B. No unregistered motor vehicle, no motor vehicle registered to a dealer, and no motor vehicle parts or equipment shall be stored or parked nearer to the street line than the building line.

C. No vehicle entrance or exit to a site shall be located within 200 feet, measured along the street, of any

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entrance to a public playground or a park.

D. Motor vehicle car washes shall be permitted as accessory uses, provided that:

(1) Adequate traffic flow patterns are established which prevent conflict with gasoline and service patrons, and which prevent waiting traffic from extending into the street.

(2) The site is to be served by wash water recycling equipment and there is no discharge of wash water into or onto the ground, or into the septic system.

(3) All site and floor surfaces which may receive wash water shall be pitched to drains connected to the wash water recycling equipment, and such drains shall be equipped with oil separators and such other equipment as the Commission may require to prevent contamination of the waters of the Town.

(4) No service bay shall face the street line, except on a corner lot, where service bays may face one street line. Canopies shall be architecturally compatible with the service station and the design of buildings in the area, and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.

E. All driveways, outdoor storage areas, and other areas to be used by vehicles shall be paved with a dustless surface, and shall be landscaped with perimeter and interior islands to direct traffic flow and screen working or storage areas.

§ 315-11.10. Motor vehicle and motor equipment storage and sales. [Amended 9-16-2025, eff. 10-1-2025]

A. The location shall be approved by the Zoning Board of Appeals in accordance with the provisions of C.G.S. §§ 14-51 through 14-54. Such approval shall not be in lieu of the special permit required by these regulations.

B. No unregistered motor vehicle, no motor vehicle registered to a dealer, and no motor vehicle parts or equipment shall be stored or parked nearer to the street line than the building line.

C. No vehicle entrance or exit to a site shall be located within 200 feet, measured along the street, of any entrance to a public playground or a park.

D. No gasoline pumps shall be located in front of the principal building.

E. Motor vehicle car washes shall be permitted as accessory uses, provided that:

(1) Adequate traffic flow patterns are established which prevent conflict with gasoline and service patrons, and which prevent waiting traffic from extending into the street.

(2) The site is to be served by wash-water recycling equipment and there is no discharge of wash water into or onto the ground or into the septic system.

(3) All site and floor surfaces which may receive wash water shall be pitched to drains connected to the wash-water recycling equipment, and such drains shall be equipped with oil separators and such other equipment as the Commission may require to prevent contamination of the waters of the Town.

(4) No service bay shall face the street line, except on a corner lot, where service bays may face one street line. Canopies shall be architecturally compatible with the service station and the design

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of buildings in the area, and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.

F. All driveways, outdoor storage areas, and other areas to be used by vehicles shall be paved with a dustless surface and shall be landscaped with perimeter and interior islands to direct traffic flow and screen working or storage areas.

§ 315-11.11. Helistops.

Private-use helistop may be permitted as a special permit use in those zones indicated in Article 5, Use Regulations, of these regulations for the landing and takeoff of helicopters and restricted to use by the owner or by persons authorized by the owner, provided that:

A. The design of the helistop shall meet the criteria provided in the Federal Aviation Administration's Heliport Design Guide, Advisory Circular No. 150/5390-1B, dated August 22, 1977, as revised or amended.

B. The helistop receives any and all licenses required for such facilities by applicable state or federal law or regulation.

C. No helistop shall be located less than 500 feet from a residential zone as measured from the center of the helistop to the residential zone line.

D. Helistops located at least 500 feet but less than 1,000 feet from a residential zone shall be restricted to use by helicopters in the following categories:

(1) Single-engine, turbine-powered helicopters having maximum gross weights not exceeding 4,500 pounds.

(2) Twin-engine, turbine-powered helicopters having maximum gross weights not exceeding 10,500 pounds.

E. Helistops located at least 1,000 feet but less than 1,500 feet from a residential zone shall be restricted to use by helicopters in the following categories:

(1) All helicopters listed in § 315-11.11D above.

(2) Single-engine, piston-powered helicopters having maximum gross weights not exceeding 4,500 pounds.

(3) Single-engine, turbine-powered helicopters having maximum gross weights not exceeding 8,000 pounds.

F. Helistops located at least 1,500 feet from a residential zone shall be restricted to use by helicopters in the following categories:

(1) All helicopters listed in § 315-11.11D and E above.

(2) All helicopters having maximum gross weights not exceeding 22,000 pounds.

G. The entire helistop facility shall be located entirely on the applicant's site and shall be at least 100 feet from any property line.

H. No maintenance or supply facility or facility for the storage of fuel shall be permitted on the site.

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I. A helistop facility for landings and takeoffs shall be graded and designed to prevent volatile levels of flammable liquids or the vapors of such liquids from entering buildings, from spreading onto automobile parking areas, roads or drives, or from entering the drainage systems of the site, roads or adjoining properties.

J. Fire protection measures and equipment shall meet NFPA recommendations as enumerated in the FAA Heliport Design Guide, and all expense associated with such measures and equipment shall be borne by the helistop owner.

K. The requirements and restrictions in § 315-11.11D, E and F above and any limitations imposed on the number of flights between the hours of 10:00 p.m. and 7:00 a.m. pursuant to § 315-11.11M hereof may be waived on a temporary basis only by the First Selectman of the Town of Willington or his/her designee and only in conjunction with a special event such as an athletic contest, holiday celebration, parade, civic activity or similar public activity; or when necessary for law enforcement purposes, medical emergencies and natural disasters.

L. The requirements and restrictions in § 315-11.1H and J may be waived on a temporary basis only by a Fire Chief or the Fire Marshal of the Town of Willington or his/her designee.

M. The Commission may establish hours of operation for any helistop and may prohibit or restrict the number of flights between the hours of 10:00 p.m. and 7:00 a.m. The Commission may also restrict or limit the number or type of flights between the hours of 7:00 a.m. and 10:00 p.m.

N. The sound pressure level of helicopters landing or taking off from helistops shall not exceed the decibel level of 90 measured at any residential zone line nearest to the helistop. Sound pressure level shall be measured with a standard "A" scale sound level meter (slow response) manufactured according to the United States of America National Standards Institute (USANSI) Standard S1.4-1961, as revised, which has been calibrated in accordance with USANSI standards.

(1) The microphone used to measure the loudness of a noise shall be placed at any point on the residential zone line, but no closer than five feet to any wall and not less than three feet from the ground.

(2) The Commission shall require the submission of such sound test data as it deems appropriate to support any application for a helistop.

O. Each year, the applicant shall appear at a special permit public hearing for the purpose of reviewing the operation of any helistop authorized pursuant to this section to ensure the applicant has conformed to all conditions of approval and that the representations made by the applicant in his/her application and at any public hearing attendant thereto were accurate. The special permit use shall be reapproved if the Commission finds it in compliance with the terms and conditions of its initial approval.

§ 315-11.12. Restaurants. [Amended eff. 11-1-2012]

A. Food service shall be primarily to customers seated at tables or at counters within an enclosed building. There shall be no outdoor seating or eating, provided, however, that the Commission may permit outdoor cafe service as an accessory use to a restaurant where the applicant establishes that adequate provisions have been made for litter, public health, insect/pest control, and unauthorized access or use, and where the site is suitable for such accessory outdoor cafe service.

B. The Commission may approve a specific request for drive-through service as an accessory use to a restaurant, provided that the applicant demonstrates, to the satisfaction of the Commission, that

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adequate provision has been made for the stacking of adequate numbers of vehicles in a lane which is separate from the traffic circulation pattern associated with the restaurant and its parking area. Likewise, the Commission may approve a specific request for outdoor window service as an accessory use to a restaurant, provided that the applicant demonstrates, to the satisfaction of the Commission, that adequate provision has been made for pedestrians to park and safely reach the window without crossing through adjacent lanes of moving traffic or stacking lanes for drive-through service, and a covered, sheltered, illuminated area has been provided for pedestrians adjoining the outdoor service window.

C. Take-out service of food to be consumed off the premises may be permitted as an accessory use to a restaurant.

D. No restaurant located as the principal use of a building on a separate lot shall have fewer than 30 seats for the service of patrons, excluding counter seats, and table seats in a separate bar- or taproom. A restaurant which is part of a unified shopping center or other multiuse (i.e., more than two principal uses) shall have no fewer than 10 seats for the service of patrons, excluding counter seats, and table seats in a separate bar- or taproom.

E. The foregoing restrictions shall not apply to the retail sale of specialty foods to be consumed primarily off the premises, with only incidental on-premises consumption, such as ice cream and donut shops, delicatessens, gourmet and health food stores, and the like.

F. High-volume, short-duration restaurants, usually referred to as "fast food" restaurants, shall be required to meet the following additional standards:

(1) The applicant shall provide a traffic study prepared by a qualified traffic engineer which contains, at a minimum, an analysis of current and projected traffic volumes, peak-hour projections, turning movements, sight lines, parking demands, access for emergency vehicles, deliveries and loading, and such other factors as may be relevant for the particular site and its conditions.

(2) Buildings shall be designed to serve the intended use and to be in harmony with the architectural character of a small rural town. Buildings are not to be advertisements in themselves, including the use of "motif" colors. All building designs must be approved by the Commission per Article 13 of these regulations.

(3) Glass shall occupy no more than 30% of the exterior wall surface of the building, and all glass shall be tinted.

(4) No "fast food" restaurant shall be located less than 500 feet from any residential zone measured from any point on the site to any zone line unless the "fast food" restaurant is located on a site, any portion of which site is located within 500 feet of any point where an on-ramp and/or an off-ramp to an interstate highway intersects with a local or state highway, or any portion of which site is located within 500 feet of the intersection of Town principal state route as defined in § 315-2.04A.

(5) The control of litter shall be the sole and exclusive responsibility of the owner/operator of the "fast food" restaurant which generated it, and adequate provisions shall be made for its containment, recovery, and removal from the site and from any surrounding properties where it may be found. This obligation shall be secured by a cash bond to be posted with the Commission, the size of which shall be determined by the Commission based on the size and anticipated volume of off-site consumption of food. Further, violation of this provision shall be

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considered a violation of these regulations and shall subject the owner/operator to those penalties set forth in these regulations and the Connecticut General Statutes.[21]

§ 315-11.13. Wireless telecommunications facilities. [Amended 6-19-2001, eff. 6-26-2001; 9-16-2025, eff. 10-1-2025]

A. Intent. Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers and other similar structures but will also frequently be located on new or enlarged towers. This requires that the Town of Willington regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers which are able to transmit their signals at much greater distances.

B. A number of providers of wireless communication services have recently been licensed by the Federal Communications Commission, and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the Town of Willington and these efforts are expected to include requests to construct new communication towers.

C. The intent of this proposed regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Town of Willington while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically, this regulation has been developed in order to:

(1) Update Willington's Zoning Regulations to comply with the Telecommunications Act of 1996 and provide for the establishment and expansion of wireless telecommunications services.

(2) Minimize the number and height of towers and encourage the use of existing and the joint use of new towers for the placement of telecommunication antennas.

(3) Provide for the needs of the Town of Willington for:

(a) Public health and safety.

(b) Telecommunications facilities for Willington's citizens and Willington's business and industrial sector.

(c) Protection of sensitive areas from adverse aesthetic and environmental impacts from telecommunications facilities.

(4) Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community.

(5) Encourage providers to co-locate their facilities on a single tower.

(6) Site facilities below visually prominent ridge lines.

(7) Minimize the location of towers and antennas in visually sensitive areas.

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21. Editor's Note: Original Sec. 11.12.07, regarding restaurants as high-intensity uses, and original Sec. 11.12.08, regarding the service of alcoholic beverages in restaurants, which immediately followed, were repealed 9-16-2025, eff. 10-1-2025.

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(8) Encourage creative design measures to camouflage facilities.

(9) Protect historic and residential areas from potential adverse impacts of such towers.

(10) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

D. Definitions. For the purposes of this § 315-11.13, the following terms shall have the stated definitions:

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

APPLICANT — Shall be the licensed carrier (or provider) and landowner, acting jointly.

BASE — Location where a tower is attached to its foundation.

BASE EQUIPMENT — A structure or building at the base of the mount or a box located inside such a structure or building within which is housed service, electrical and backup power equipment.

BASE HEIGHT — The maximum building height in the subject zone, plus 10 feet.

CO-LOCATION or CO-LOCATED — The use of a single mount or site by more than one licensed carrier. "Co-location" also means locating a wireless telecommunications facility on an existing structure (e.g., water tower) or building, provided that the facility does not extend beyond 10 feet above the mount or, for electric transmission tower mounts, that the facility does not extend beyond 15 feet above the mount.

COMMISSION — The Planning and Zoning Commission of the Town of Willington or, for wireless communications facilities which will be reviewed by the Zoning Board of Appeals under the provisions of this § 315-11.13, the Board.

FALL ZONE — The distance equaling the height of a tower from any property line of the proposed site except in those instances where the antenna is co-located on an existing structure.

HEIGHT OF TOWER — The vertical distance measured in feet from the lowest existing ground elevation of such tower base to the topmost point of the tower, including any antenna or other appurtenances. The "existing ground elevation" shall mean the actual elevations of the property at the time of the adoption of this section, or the elevation approved by the Commission in connection with any application filed hereunder.

LICENSED CARRIER (OR PROVIDER) — A company authorized by the Federal Communications Commission (FCC) to build and operate the proposed wireless telecommunications facility.

MOUNT — The structure or surface upon which antennas are mounted. There are three types of mounts:

(1) Roof-mounted is mounted on the roof of a building.

(2) Side-mounted is mounted on the side or facade of a building.

(3) Ground-mounted is mounted on the ground, including mounting on a tower.

NOT SENSITIVE — All areas not categorized as sensitive (see "sensitive" below).

NOT VISIBLE — That the base, base equipment and lower 50% of a tower is behind a building of at least one story in height or a stand of trees (the average height of which is not lower than 20 feet and which in the winter screens at least 80% of the base, base equipment and lower part of a tower),

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as viewed by an observer from any sensitive area (see "visible" below).

SENSITIVE — Historic areas, residential areas, and other areas.

(1) HISTORIC — Areas include any existing Historic District in the Town of Willington, and properties listed on the National Register of Historic Places or areas within 250 feet of such district or properties.

(2) RESIDENTIAL — Areas include residential zones or areas within 250 feet of such zones.

(3) OTHER AREAS — Areas include village, riparian corridors, and stream belts.

TOWER — A mount structure that is intended solely to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include:

(1) Self-supporting lattice;

(2) Guyed;

(3) Monopole; and

(4) Structure which blends into neighborhood architecturally but which use is actually for antennas (acting as tower).

VISIBLE — That the base, base equipment and lower 50% of a tower is visible to a higher degree than for a tower that is not visible, as viewed by an observer from any sensitive area.

WIRELESS TELECOMMUNICATIONS FACILITY (FACILITIES) — The mount, including any antennas or other appurtenances, for the provision of wireless telecommunications services, including but not limited to those services defined in the Telecommunications Act of 1996.

E. General requirements.

(1) Co-location encouraged. Co-location is encouraged and preferred to the construction of a new mount or tower. The applicant shall commit to allow co-location in accordance with this section. Applicants shall provide a description of existing telecommunication towers or other suitable mounts in the service area and documentation indicating why their telecommunication antennas cannot be mounted on these towers. Such documentation shall include demonstration that the shared use is not technically, legally, or environmentally feasible; or, for towers constructed prior to the effective date of this section, that shared use is not economically feasible or that the owner of such facility/facilities has refused permission for the shared use. The owner of any tower approved under this section shall be required to make space available for additional antennas to the maximum feasible number of other users, including competitors. Such availability shall be made under commercially reasonable terms and conditions. Failure of an owner to share use of a tower approved hereunder shall constitute a violation of any permit issued to such owner and shall be grounds for the Commission, upon public hearing and notice to the owner, to revoke such permit.

(a) In the event co-location is found to be unfeasible by the applicant, the Commission may retain a technical expert to verify if co-location at the site is feasible or is not feasible. The cost for such a technical expert will be at the expense of the applicant, and such cost shall be reimbursed prior to the decision on any pending application. Failure to reimburse the Commission for such costs shall be grounds for denial of the application without prejudice.

(2) Alternative sites. The Commission may require the investigation of alternative sites by the

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applicant and demonstration of a good-faith effort to co-locate with other carriers. Such good-faith effort includes contact with all other licensed carriers licensed to operate a wireless telecommunications facility in Willington. In the event the applicant finds an alternate site to be unfeasible, the Commission may retain a technical expert to verify if the alternate site is feasible or not. The cost for such a technical expert will be at the expense of the applicant, and such cost shall be reimbursed prior to the decision on any pending application. Failure to reimburse the Commission for such costs shall be grounds for denial of the application without prejudice.

(3) Principal or accessory uses. Antennas and towers may be considered either principal or accessory uses. An existing telecommunications facility or other use on the site shall not necessarily preclude the location of a new facility on the site if the new facility meets the intent, standards and requirements of these regulations.

(4) Compliance with other laws. The applicant shall present evidence that the proposal meets the minimum standards and requirements of the Federal Aviation Administration (FAA) and FCC or any other applicable Town, state or federal codes, standards or requirements.

(5) No negative impacts. If any proposed facility is found by the Commission to result in significant negative impacts on the public health, safety, or welfare, it shall not be approved. Such significant negative impacts shall not include the health or environmental effects of radio frequency emissions to the extent that such emissions comply with standards adopted by the Federal Communications Commission.

(6) Abandonment/discontinuation. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless telecommunications facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

(a) In the event that a licensed carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon such discontinuation of operations.

(b) Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless telecommunications facility within 90 days of the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to, removal of antennas, mount, base equipment, and security barriers from the subject property and restoring the location of the wireless telecommunications facility to its natural condition, except that any landscaping and grading shall remain in the after condition. The Commission may secure the removal of the wireless telecommunications facility by means of a bond; the amount of such bond shall be determined in accordance with § 315-20.11 of these regulations.

(c) If a carrier fails to remove a wireless telecommunications facility in accordance with this section, the Town of Willington shall have the authority to enter the subject property and physically remove the facility. Costs for the removal of the wireless telecommunications facility shall be charged to the landowner in the event the Town of Willington must remove the facility, and the cost thereof may be deducted from any bond posted by the carrier.

(7) Expansion/alteration of existing facility. Where a previously approved facility is proposed to be extended or substantially altered in a manner that in any way changes the character or intensity

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of the use, such proposed extension or substantial change or alteration will be treated as a new application under this section.

(8) Term of permit. Approvals for wireless telecommunications facilities are limited to a ten-year time period. Upon expiration of the time period, the applicant may seek renewal. If renewal is sought, the Commission may deny the renewal only if it finds that the requirements of Subsection E(9) of this section have not been met, or that the facility has a significant impact on the quality of life in the community which was not disclosed or reasonably discoverable at the time of the original application, and that due to developments in communication technologies the facility is outmoded. If renewal is not sought or renewal is sought but denied, the facility shall constitute a zoning violation and the procedures under the abandonment provisions of this section shall be imposed.

(9) Maintenance required. The applicant shall maintain the wireless telecommunications facility. Such maintenance shall include, but shall not be limited to, painting, structural integrity and landscaping. In the event the applicant fails to maintain the facility, the Town of Willington may undertake the maintenance at the expense of the applicant.

(10) Submission of radio frequency emissions. After a wireless telecommunications facility is operational, the applicant shall submit, within 90 days of beginning operations, actual existing and maximum future projected measurements of radio frequency (RF) radiation from a wireless telecommunications facility. Should the applicant be required to submit additional information to the FCC regarding RF radiation after beginning operations, the applicant shall also submit such additional information to the Commission. Should a new wireless telecommunication tower require co-locators, to the degree possible, the maximum future projected measurements of RF radiation shall be submitted to the Commission. Violation of any standard for RF radiation adopted by the federal government shall constitute a violation of any permit issued hereunder and shall be grounds for revocation of such permit as provided herein.

(11) Facility on Town property. In the event that a facility is constructed on Town property, the Town shall be held harmless from any responsibility due to structural or other failures of the facility. Such hold harmless shall be set forth in a written document satisfactory to the Town Attorney.

(12) Economic development. In order to promote economic development, the Commission may consider the adequacy of service in commercial and industrial areas when evaluating any application.

(13) Licensed carrier and owner as applicant. Application for any wireless telecommunications facility shall be made by a licensed carrier only, acting jointly with all record owners of the subject property, and referred to in this section as the "applicant." The applicant shall provide written notice to the Commission, within 90 days, of any change in the composition of the parties constituting the applicant of a wireless telecommunications facility.

F. Specific standards.

(1) Locational standards.

(a) Facilities clustering. If the Commission finds that a particular area or site, structure or building is well-suited to the location of one or more facilities, it may require the clustering of mounts in or on said area, site, structure or building, provided that all facilities meet the requirements of this section.

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(b) Locations in order of preference for facilities, [1] being the most preferred, [5] being the least (see also Charts 1 to 3 in Subsection G):

[1] On existing or approved towers.

[2] Within existing structures (e.g., steeple, spires, etc.).

[3] On existing structures (e.g., buildings, water towers and utility poles).

[4] In nonsensitive areas.

[5] In sensitive areas with mitigation.

(c) The applicant shall show the Commission the applicant's plan or model for the coverage of all areas in the Town of Willington and the locations of all existing and proposed towers that would provide that coverage.

(d) The applicant shall show all facilities within Willington and within one mile of the Town's boundary with adjacent communities.

(2) Site standards.

(a) All utilities serving the facility shall be underground.

(b) Unless base equipment is located in underground vaults or in an existing structure and no security fence is required, the base area of a facility shall be large enough to accommodate:

[1] The required base equipment access drive and parking for all carrier vehicles anticipated.

[2] Screening and landscaping area at least 20 feet wide around the outside of the security fence perimeter or the area around the smallest rectangle that can be drawn about all base equipment if no fencing is required. This area shall be planted to screen the base equipment or security fence from view. The Commission may also require walls to achieve the screening function, especially where the tower is close to a building located on the site and the wall can be made to seem as an extension of the building.

(c) A tower proposed as a ground-mounted facility shall have two times the fall zone distance from any abutting sensitive area if it is deemed not visible and three times the fall zone from any sensitive area if it is deemed visible.

(d) Base equipment structures, cabinets and fencing of ground-mounted facilities shall not be located within any required yard.

(e) In order to facilitate the evaluation of the site in relation to the proposed use, the Commission may require studies of the site and environs, balloon tests, photographic superimpositions and other studies in connection with any application.

(3) Structural standards.

(a) Unless otherwise specifically approved by the Commission, all antenna-supporting structures proposed under this section shall be a structure (acting as a tower) which blends into the neighborhood architecturally but which use is actually for antennas, or shall be a monopole tower.

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(b) Unless required by the FAA, the color of towers and other visible facility equipment shall be a noncontrasting blue or gray.

(c) Unless required by the FAA, no lights shall be permitted on any facility higher than 14 feet above the surrounding grade. Strobe lights shall not be permitted on any visible facility and shall be strenuously avoided for any not-visible facility. All such lighting shall be in conformance with other applicable sections of these regulations. All egress lighting shall be motion- or thermal-activated and shall not be on continuously after dark.

(d) No signs other than for safety or security directly involving the operation of the facility shall be permitted.

(e) To minimize tower proliferation, towers shall be designed structurally to adequately carry the weight, load/stress and height to permit at least three additional co-locators, including a municipal antenna, unless specifically waived by the Commission. To achieve this, the tower may be designed for incremental height expansion.

(f) The maximum size of dish antennas shall be three feet six inches in diameter. The maximum size of a panel antenna shall be two feet by eight feet by six inches.

(g) Except as provided below, roof-mounted facilities shall not extend more than 10 feet above the maximum height of the building and shall be located away from the roof perimeter to minimize visibility from the ground.

(h) Roof mounts on existing buildings may extend higher than 10 feet above the surface of any roof on buildings in industrial or commercial areas, provided that:

[1] No base equipment, cabinets, fences or screens are visible from streets or surrounding properties.

[2] The Commission finds that the proposal does not significantly and negatively impact the area.

[3] The Commission finds that there does not exist a significant number of locations from which the top of the roof is visible.

[4] The proposed structure is not within any sensitive area.

(i) Antennas mounted on the facade of buildings shall be of a design, color, and material which blends with the materials of the existing building to the greatest extent possible and shall be located to create the least conflict in compatibility with the appearance of the building.

(j) The height of the tower shall not exceed the height requirement of the district unless the applicant can demonstrate to the satisfaction of the Commission that such service can only be provided at the location and at the height requested, but in no event shall the total height exceed 199 feet. Further, any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet or for at least one additional user if the tower is over 50 feet but less than 100 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights. See the requirements for co-location hereinabove.

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(k) Any facility to be located within special flood hazard areas shall comply with all applicable provisions of these regulations. See § 315-4.17 of these regulations.

G. Application process.

(1) The application process for telecommunications facility siting shall vary depending on height, area sensitivity, base visibility and co-location provisions, because of the significance of these factors in determining impact levels. The review process necessary for each wireless telecommunications facility location shall be determined by using the three charts below (for use of charts, see † Directions). Where two (or more) sensitive areas apply, the value from the most restrictive one shall be used.

Chart 1 - Comparison of Tower/Antenna Height to Sensitivity of Area				
Not-Sensitive Zones/Uses		**Other**	**Sensitive Residential**	**Historic**
To maximum building height in zone	1	2	3	4
To base height	2	2	3	4
Base height to 75 feet	3	4	4	X
Greater than 75 feet to 100 feet	3	4	4*	X
Greater than 100 feet to 125 feet	4	4	X	X
Greater than 125 feet to 150 feet	4	X	X	X
Greater than 150 feet to 175 feet	4	X	X	X

Chart 2 - Comparison of Visible/Not Visible to Chart 1 Results					
	1	2	3	4	X
Not visible	A	B	C	D	X
Visible	B	C	D	X	X

Chart 3 - Comparison of Co-Location to Chart 2 Results					
	A	B	C	D	X
Antenna is co-located	I	I	II	II	IV
New tower provides for co-location	I	II	III	IV	X
New tower provides no co-location	II	III	IV	IV	X

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† Directions: In Chart 1, choose the value corresponding to the appropriate column and row. Using this value on the top row of Chart 2, choose the letter corresponding to the appropriate variable on the left-side column. Using this letter on the top row of Chart 3, choose the value corresponding to the appropriate variable on the left side column. Using this resultant, go to the Key to determine the review process.

Key

1-4, 4*	=	1 = least restrictive to 4 = most restrictive 4* = additionally requires 3-acre lot minimum
A-D	=	A = least restrictive to D = most restrictive
X	=	Use is prohibited; variance required, see Subsection G(4) of this section
I	=	Use permitted by right, building permit only by Building Official
II	=	Certificate of zoning compliance required from Zoning Agent
III	=	Site plan review process by Commission per Article 13 and § 315-11.13H
IV	=	Special exception process by Commission per Article 13

(2) For a wireless telecommunications facility requiring a special exception application, the notification area shall be within 250 feet from any property line of the proposed site.

(3) In addition to § 315-11.13E, General requirements, in evaluating a wireless telecommunications facility requiring a special exception or variance application, the Commission shall also consider the potential for co-location, alternative site locations, feasible alternative technologies and cooperation by the applicant regarding the use of the wireless telecommunications facility for Town emergency communication services, except that consideration of renewals shall be evaluated by § 315-11.13E(8) only.

(4) Where a tower is prohibited, the applicant may seek a variance from the Willington Zoning Board of Appeals. The approval of any such variance application shall be subject to all applicable requirements of this section with which the facility is capable of compliance, and the "hardship" requirement for the granting of a variance of this section shall consist of any inability to serve the communications needs of the subject area without such variance. All applications for variance shall contain the same information as set forth in this section. In granting or denying a variance, the Zoning Board of Appeals may consider, in addition to other relevant factors, the following:

(a) There is the existence on the site of an adequate stand of evergreen trees whose characteristics, including height, density and area of coverage, are such that the facility will blend in with the surrounding trees.

(b) The wireless telecommunications facility is constructed to look like an evergreen tree and will have characteristics such that it will blend in with the surrounding trees.

(c) The existing trees shall be within an easement and shall be preserved and maintained by the applicant in a manner reasonably assuring their long-term survival.

(d) The impact by the facility on the area is minimal and is outweighed by the need for the service the wireless telecommunications facility provides.

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(5) Temporary mobile facility. The temporary use of a mobile wireless telecommunications facility, sometimes known as "cell on wheels" (COW), based on such factors as its size, the size of the site, its placement on the site, potential safety impacts and the degree to which the COW does not compromise the character of the surrounding area and generally meets the intent of this regulation, may be approved as follows:

(a) By a certificate of zoning compliance issued by the Zoning Agent, allowing for an initial period of up to three months if they find that the COW has not created nuisances or hazards or excessively compromised the character of the area.

(b) The Commission may, by site plan review, grant approval for up to an additional three months beyond any approval period granted by the Zoning Agent, if it confirms the findings in Subsection G(5)(a) above.

(c) The Commission may, by special exception, grant approval for up to an additional three months beyond any approval period granted by the Commission through site plan review approval in Subsection G(5)(b) above, if the applicant can show a need to extend such time of temporary facility operation, and an application for one or more permanent location(s) is in active preparation or has been submitted for consideration. The Commission may grant approval for the time during which the construction of any permanent facility approved by the Town is being delayed by a pending administrative appeal or other legal proceeding, provided such extension shall be for no more than the period of pendency of such legal proceeding, plus the time required to construct the facility upon the conclusion of such proceeding.

H. Submission requirements. Any application for a wireless telecommunications facility, whether by certificate of zoning compliance, site plan review, special exception, or variance, shall contain all the information required in accordance with the applicable provisions of these regulations, and, in addition, the following:

(1) Permitted use or certificate of zoning compliance:

(a) A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

(b) Details of all proposed antenna and mounting equipment, including size and color.

(c) Elevations of all proposed shielding and details of materials, including color.

(d) An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing, including color.

(e) A design drawing, including cross section and elevation of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. Where a monopole is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.

(f) A report from a licensed engineer, indicating that the proposed wireless telecommunications site will comply with the emission standards found in § 315-11.13E(10) of this section, modeled at the full, ultimate capacity of the facility, and measured at the perimeter of any fenced enclosure surrounding the tower. Such report shall

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also certify that the installation of such site will not interfere with public safety communications and shall provide supporting data and calculation as will permit an independent engineer to confirm the conclusions of said report.

(g) An analysis of the fall zone for the proposed tower prepared by a licensed engineer.

(h) Proof that either the applicant or a co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.

(i) A report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for any airport if the site is near an airport or in the flight path of an airport.

(j) A map depicting the extent of the provider's planned coverage within the Town of Willington and the service area of the proposed wireless telecommunications site, and a master plan depicting how coverage within the Town is to be provided, including future tower sites.

(k) A map indicating the service radius for the proposed wireless telecommunications site.

(2) Special exception use:

(a) All of the plans and information required in the previous subsection.

(b) Upon request of the Commission, the applicant shall provide a simulation of the proposed wireless telecommunications site in order to help the Commission ascertain the visual impacts associated with such proposal.

(c) For towers located in or within 1,000 feet of a sensitive area, the applicant shall provide a viewshed analysis showing all areas from which the tower would be visible.

(3) A plan for the removal of the wireless telecommunications facility upon its abandonment or obsolescence, including detailed procedures and methods to be employed, and accompanied by an estimate of the cost of such removal. Such estimate shall include the cost of any engineering or other supervisory services.

(4) Alternate sites where the proposed wireless telecommunications facility could be located if the proposed site is found to be unacceptable. Allegations by the applicant that there are no alternative sites will require detailed, written reports by the qualified engineers to support such allegations, there being a presumption that cases where there is only one feasible site are very rare.

(5) The location of any designated scenic roads, historic districts, or buildings on state or federal registers of historic structures within a two-mile radius of the proposed facility.

I. Fees. The application fees shall be calculated as follows:

(1) For telecommunications facilities permitted by right, there is no application fee, over and above that normally required for a building permit and certificate of zoning compliance.

(2) For telecommunications facilities which are up to the base height, co-locating and not otherwise permitted by right or renewals under § 315-11.13E(8), the basic application fee shall be $150.

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(3) For a mobile wireless telecommunications facility sometimes known as "cell on wheels" (COW), the fee is $200, plus $15 per foot above the base height.

(4) For telecommunications facilities which are above the base height and 75 feet or less, the fee is $200, plus $15 per foot above the base height.

(5) For telecommunications facilities which are above 75 feet and 100 feet or less, the fee is $250, plus $15 per foot above the base height, plus $20 per foot above 75 feet.

(6) For telecommunications facilities which are above 100 feet and 125 feet or less, the fee is $330, plus $15 per foot above the base height, plus $20 per foot above 75 feet, plus $50 per foot above 100 feet.

(7) For telecommunications facilities which are above 125 feet and 150 feet or less, the fee is $400, plus $15 per foot above the base height, plus $20 per foot above 75 feet, plus $50 per foot above 100 feet, plus $55 per foot above 125 feet.

(8) For telecommunications facilities which are above 150 feet and 175 feet or less, the fee is $450, plus $15 per foot above the base height, plus $20 per foot above 75 feet, plus $50 per foot above 100 feet, plus $55 per foot above 125 feet, plus $65 per foot above 150 feet.

(9) For telecommunications facilities which are above 175 feet, the fee is $550, plus $15 per foot above the base height, plus $20 per foot above 75 feet, plus $50 per foot above 100 feet, plus $55 per foot above 125 feet, plus $65 per foot above 150 feet = $85 per foot above 175 feet.

§ 315-11.14. Hospitals, rest homes and convalescent homes.

A. Minimum parcel size. The minimum lot area shall be two acres, or 1/5 of one acre for each person accommodated.

§ 315-11.15. Commercial propagation and growing of flowers, plants, nursery stock and berries; commercial greenhouses.

A. Minimum parcel size. The commercial propagation and growing of flowers, plants, nursery stock, and berries shall not be permitted on a parcel less than two acres in area. A commercial greenhouse shall not be permitted on a parcel less than three acres in area.

B. Buffering. For the purposes of 315-4.14 (general regulations), the uses specified in this § 315-11.15 shall not be deemed to be nonresidential use and need not comply with the buffering requirements of § 315-4.14; provided, however, that the Commission may require screening and buffering of outdoor storage areas, parking lots, and other components of the use which are commercial in character.

§ 315-11.16. Commercial dog kennels and veterinary hospitals. [Amended 9-16-2025, eff. 10-1-2025]

A. Minimum parcel size. Commercial dog kennels and veterinary hospitals shall not be permitted on a parcel less than five acres in area, which parcel shall be accessed by a street classified as principal state route or arterial/collector local.

B. Setback. In a residential zone, no building, run, pen, or other structure or enclosure designed or intended for occupancy by dogs shall be less than 100 feet from any property line nor less than 75 feet from any wetland or watercourse as defined in Chapter 304, Inland Wetlands and Watercourses Regulations.

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C. Noise control. All runs, pens, or other enclosures designed or intended for occupancy by dogs shall be surrounded by walls or earthen berms no less than eight feet in height. All buildings or structures for occupancy by dogs shall be fully enclosed, with walls, roof and windows, and shall be ventilated by louvered or baffled openings or by mechanical ventilation equipment to control noise.

D. Waste control. All waste from dogs shall be enclosed in a watertight enclosure designed to prevent the escape of odor or access by insects or other pests. Such container shall be emptied regularly or otherwise disposed of so as to control odor or risks to the public health.

§ 315-11.17. Commercial livery and boarding stables; riding academies. [Amended eff. 8-1-2011]

A. Minimum parcel size. Commercial livery and boarding stables and riding academies shall not be permitted on a parcel less than 20 acres in area.

B. Setback. All areas where horses are to be pastured, exercised, or otherwise maintained shall be fenced so as to contain the horses within the property. No stable, paddock or other structure or enclosure designed or intended for overnight occupancy or exercise by horses shall be less than 100 feet from any property line nor less than 75 feet from any wetland or watercourse as defined in Chapter 304, Inland Wetlands and Watercourses Regulations. The foregoing shall not apply to pasture areas or other large, open areas for the grazing of horses; provided, however, that any such areas shall be no less than five feet from the property line.

C. Waste control. The disposition of all manure and stable sweepings from horses in buildings shall be by practices as recommended by the USDA Natural Resources Conservation Service and/or Agricultural Stabilization and Conservation Service. The location of any manure management system shall not be located less than 100 feet from any property line or from any wetland or watercourse, as defined in Chapter 304, Inland Wetlands and Watercourses Regulations.

D. Maximum resident horses. The maximum number of resident horses shall be no more than 25 resident horses for parcels over 20 acres, plus one additional horse for each acre over 20 acres.

E. Use of buildings. The use of temporary buildings, trailers, or tents for the stabling of horses for a period exceeding 10 days is prohibited. Temporary shelters for horses shall be permitted for not more than four occasions of no more than 10 days each in any calendar year. All materials, supplies, and feed shall be enclosed within a permanent building.

F. Noise. The premises shall be designed and used so as to avoid noise levels which are a nuisance to surrounding property owners. Public address systems are prohibited.

G. Lighting. There shall be no floodlighting which transmits light outside the property upon which it originates.

H. Fire. All buildings and structures shall be reviewed and approved by the Fire Marshal to ensure the adequacy of fire prevention measures.

§ 315-11.18. Trailers.

A. Scope. The use of trailers for any purpose, other than the retail or wholesale sale thereof, shall be permitted only in accordance with the provisions of this § 315-11.18.

B. General provisions. No trailer shall be used for human occupancy except for one of the uses expressly authorized by this § 315-11.18. The following provisions and requirements shall apply to such use or occupancy of any trailer in the Town of Willington:

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(1) Definitions. For the purpose of this § 315-11.18, the following terms shall be defined as follows:

SITE — A parcel of land on which one trailer may be maintained.

TRAILER — A trailer coach or mobile home, or truck- or semi-trailer, either on or off wheels but not permanently affixed to a foundation, or otherwise capable of relocation or transport. A mobile building shall be included within this definition, regardless of whether it contains cooking, bathing and/or toilet facilities, as long as it is capable of being connected to a water supply and to a sewage disposal system, and is designed for human occupancy on a temporary or permanent basis. See Article 3, Definitions.

(2) Water supply and sewage disposal. Any trailer occupied for human occupancy shall be connected to a permanent potable water supply and sewage disposal system in accordance with state and local regulations and shall be approved, in writing, by the Health Official and Building Official of the Town of Willington.

C. Construction field office. The Zoning Agent may grant a construction field office permit to permit the temporary use of a trailer or a construction shanty as a field office accessory to a bona fide construction operation that has been granted a special permit in accordance with Article 13, Special Permit/Exception, of these regulations. If such field office is to be provided with electricity and/or water, its installation must be inspected by the Building Official to ensure compliance with any applicable codes. Such use of a trailer or mobile building shall not extend to a real estate or sales office connected with the sale of land and/or building.

D. Temporary emergency trailer for damaged/destroyed residence. The Zoning Agent may issue an emergency certificate of zoning compliance for the temporary use of a trailer in the case of a fire, collapse, explosion, or act of God involving the applicant's place of residence. Approval from the Building Inspector and Health Official must be obtained prior to occupancy.

E. Application conditions for trailers. Unless some lesser time is specified in this § 315-11.18, any special permit, special exception, or certificate of zoning compliance issued in accordance herewith shall be valid for one year unless revoked for failure to maintain the premises in accordance with this section. Such approval shall be renewed each year on or before March 1, after inspection and certification by the Health Official and the Zoning Agent that the requirements of this section are being met.

§ 315-11.19. Campgrounds. [Amended eff. 11-1-2003; 9-16-2025, eff. 10-1-2025]

The purpose of this section is to promote and assure the health, safety, convenience and property values of the residents of Willington and persons who will utilize the facilities permitted under this section.

A. Parcel size. Campgrounds shall only be approved on a parcel of land containing at least 20 contiguous acres, which acreage shall comply with the buildable area requirements of § 315-4.04 of these regulations.

B. Buffering. No campsite, or building or structure used for active recreational purposes, shall be located less than 100 feet from any property line. Such buffer area shall be suitably landscaped to provide an all-season screen. Existing vegetation may be used or augmented to meet this requirement, at the discretion of the Commission. The Commission may, at its discretion, reduce the landscape buffer area to no less than 50 feet from any property line if it finds that existing site conditions, topography or landscaping provide adequate landscape buffering for adjacent buildings or uses. The Commission may require that existing landscaping be augmented to ensure that an adequate landscape buffer is provided.

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C. Noise. The premises shall be designed and used so as to avoid noise levels which are a nuisance to surrounding property owners. Public address systems or any other sound amplification devices are prohibited.

D. Lighting. There shall be no floodlighting which transmits light outside the property upon which it originates.

E. Registration of occupants. The owner or operator of any campground shall maintain an accurate register at the campground in which shall be recorded the following information: name and permanent address of each occupant of any vehicle to be parked at the campsite, including any camper trailer or similar recreational vehicle; date of arrival and date of departure; make, model and registration number of each vehicle; and the campsite number to be occupied by the owners or occupants of each such vehicle. Such register shall be available to the Zoning Agent and to the police, fire, and health officials of the Town or the state.

F. Limitation on campsite occupancy.

(1) During the period from April 1 through November 30 of each year, the rental, use and enjoyment of all campsites shall be permitted. During the period from December 1 through the last day of March of the following year (the "off season"), a maximum of 20 campsites shall only be available for use on Fridays, Saturdays, Sundays and Mondays, and for every day during the period from December 20 through January 3 of the following year. The owner or operator of the campground shall designate the 20 sites and disclose them to the Zoning Agent on or before December 1 of each year (the "off season sites"). On Tuesdays, Wednesdays and Thursdays during the off season, the campground shall be closed and access to the campground shall be physically blocked by means of a gate or other physical barrier.

(2) During the off season, water service to all campsites shall be discontinued and electricity to all campsites, except the off season sites, shall be discontinued. Electricity to the off season sites shall be discontinued on the days during the off season that the campground is required to be closed as provided above. Permanent occupancy of any campsite is prohibited; campers must at all times maintain a permanent, principal domicile outside the campground.

G. Limitations on size of camping vehicles. No camping trailer or motor home shall exceed 36 feet in length nor more than 8.6 feet in width. Such vehicles may extend an additional 4 1/2 feet in width, provided such extensions are not permanently extended and collapse back into the vehicle for travel.

H. Campsites.

(1) Each campsite shall be for the exclusive use of the persons registered to use it. Each campsite shall contain not less than 3,000 square feet and shall have a width and depth of not less than 40 feet.

(2) Campsites may be occupied by tents, recreational vehicles, or vehicles designed or intended for camping, meeting the requirements of § 315-11.19G, such as camping trailers or motor homes. The establishment of permanent buildings or structures on campsites is prohibited.

I. Each campground shall be provided with one or more service buildings adequately equipped with flush-type toilet fixtures. No service building shall contain less than two toilets for women, one toilet for men, one lavatory and shower for each sex, one urinal for males, one laundry tray, and one slop-water closet. Dependent trailers (i.e., trailers without a toilet) shall be parked not more than 200 feet from the service building. Service building shall be of moisture-resistant material to permit frequent

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washing and cleaning and have sufficient toilet and laundry facilities according to requirements promulgated by the Health Official to serve adequately both males and females. In addition to the above requirements, where dependent trailers are accommodated, toilet facilities shall be provided in the ratio of at least two flush-type water closets for each sex for every 10 dependent trailers.

J. Every campground shall be served by a private sewage system and a sewage treatment system. A trapped dumping station shall be provided at each campground.

K. The storage, collection and disposal of refuse shall be so managed so as to avoid a health hazard or an odor nuisance. Fly-tight, watertight, rodent-proof containers shall be provided in adequate numbers within 150 feet of each trailer, and satisfactory container racks shall be installed; garbage shall be collected at least twice per week.

L. Insect- and rodent-control measures to safeguard public health as recommended by the Health Official shall be applied in the campground.

M. Electrical outlets shall be weatherproof, and no power line shall be permitted to lie on the ground or be suspended less than 18 feet above the ground.

N. Liquefied petroleum gas for cooking or heating purposes shall not be used at individual trailer spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be securely fastened in place and adequately protected from the weather. The location of these tanks is to be regulated by the Fire Marshal.

O. Every campground shall be kept free of flammable material at all times. Portable fire extinguishers shall be available and in good repair for use in fighting fires. Fires shall be made only in stoves, incinerators, or other equipment designated for that purpose. The campground shall be subject to all rules and regulations of the Fire Department of Willington.

P. The average number of rental sites shall not exceed 10 sites per buildable acre of land as designated on the site plan and approved by the Commission as being part of the area to be utilized for recreational facilities and uses. The buildable acreage may include buffer areas, recreational facilities, rental sites, community areas and emergency overflow areas, support facilities, and land which is readily accessible and considered an integral part of the recreational facilities and uses complex.

Q. The minimum one-way road width shall be 11 feet within the campground. One-way streets in excess of 1,000 feet may be required by the Commission to provide turnarounds. For two-way streets, a road width of 18 feet is required.

R. Accessory uses to a campground. Notwithstanding any other provision of these regulations to the contrary, upon the granting of a special permit for a campground by the Commission, the following may be permitted as accessory uses to the campground, provided they are designed and intended for the primary use of the occupants of the campground and comply with the provisions of Articles 7 and 8 of these regulations:

(1) A camp store, not to exceed 1,500 square feet in retail sales area, for the sale of grocery items and provisions.

(2) An office for use by the owner, manager and/or caretaker.

(3) Conference or banquet facilities, which may include a kitchen and outdoor seating or eating, provided adequate provisions have been made for litter, public health, insect/pest control, and unauthorized access or use, and where the site is suitable for such outdoor use. If food is to be

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prepared within the facility or catered, the facility must satisfy all applicable requirements of the Public Health Code. If alcoholic beverages are to be sold or served at an event or function, the host of the event or the caterer must comply with the Connecticut Liquor Control Act,[22] any applicable regulations of the Connecticut Liquor Control Commission. The conference or banquet facilities shall only be used by the occupants of the campground or for private parties. In no event shall the facility be open to the public at large unless the host of the event is a nonprofit entity and obtains a special exception as provided in § 315-4.11 and Article 13 of these regulations. The days of operation of any such conference or banquet facilities shall coincide with those of the campground.

(4) Music and/or live entertainment, indoor or outdoor, provided that the Commission may limit the hours of the same so that it shall not become a nuisance to abutters. If any such music or entertainment is provided outdoors, it shall only be for the enjoyment of the occupants of the campground. Any entertainment provided at a private party shall be contained indoors. No such entertainment shall be provided for a fee to the public at large, unless hosted by a nonprofit entity and the nonprofit entity obtains a special exception as provided in § 315-4.11 and Article 13 of these regulations.

(5) In any campground having more than 20 campsites, there may be located upon the premises up to one single-family dwelling, as an accessory use to the campground, for occupancy by the owner, manager and/or caretaker of the campground. The dwelling shall comply with the provisions of Articles 4 and 8 of these regulations and with all other provisions of the Willington Zoning Regulations. Upon written request of the Commission or the Zoning Agent, at least one occupant of the dwelling shall provide written documentation sufficient to establish their affiliation with the campground as owner, manager and/or caretaker.

§ 315-11.20. (Reserved)[23]

§ 315-11.21. (Reserved)[24]

§ 315-11.22. Day-care centers. [Amended eff. 10-1-2005; 9-16-2025, eff. 10-1-2025]

A. Minimum parcel size. A day-care center in a residential zone (R-80, DNC, DCR, or DER) shall not be permitted on a parcel containing less that 75 square feet of land per person to be cared for on the premises.

B. Buffering. Day-care centers shall be considered "nonresidential uses" and shall be governed by the buffering requirements of § 315-4.14 of these regulations.

C. Limitation of street classification. A day-care center in a residential zone shall be permitted only on a principal state route or an arterial/collector local road, as defined in § 315-2.04 of these regulations.

D. Limitation on enrollment in residential zones. A day-care center in a residential zone shall have no more that 30 persons cared for on the premises at any given time, excluding staff.

E. Limitation to transition areas. In order that day-care centers shall serve as transitional uses between residential and nonresidential zones, a day-care center in a residential zone shall be permitted only

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22. Editor's Note: See C.G.S. § 30-1 et seq.

23. Editor's Note: Original Sec. 11.20, High-intensity uses, was repealed eff. 11-1-2021.

24. Editor's Note: Original Sec. 11.21, Commercial logging, was repealed eff. 11-1-2021.

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within 1,000 square feet, measured along the street line, of a nonresidential zone, or along a principal state route having existing mixed uses.

F. Drop-off area. Every day-care center shall provide secure area where vehicles may park or stop for the purpose of dropping off children/adults. Such area shall permit direct access to the principal building without having to pass through or across any parking area, driveway, or other area occupied by vehicles. Such area shall be designed so as to preclude vehicles from backing into the flow or through traffic on the site and to have adequate capacity to minimize the need for double parking during peak drop off periods. Such area shall not be included in satisfying the parking requirements of § 315-18.15 or 315-11.22G.

G. Parking. See § 315-18.15 for staff parking. In addition, each day-care center for children shall provide parking for visiting adults and special functions equal to one parking space per six children cared for. A portion of such required parking may be load-bearing grass (so called "grassphalt"), gravel, or other surface suitable for infrequent use.

H. Construction. All contractors working in any zone shall conform to the following hours: Work may begin at 7:00 a.m. through 7:00 p.m., Monday through Friday. Saturday hours are 8:00 a.m. to 4:00 p.m. There shall be no construction of any type on Sunday or state and federal holidays.

§ 315-11.23. Entertainment regulations. [Amended eff. 11-1-2018; 9-16-2025, eff. 10-1-2025]

For zones where outdoor entertainment and/or amplified entertainment is to be allowed.

A. General performance criteria. Where permitted, amplified entertainment is subject to the requirements of Article 13 of these regulations and further subject to the following:

(1) To the extent possible, sound amplification and light equipment is oriented in a manner that directs the sound and light away from abutting properties, and buffering is provided to mitigate noise and light trespass.

(2) Outdoor entertainment shall start no earlier than 11:00 a.m. and shall cease no later 10:00 p.m. and may occur on Thursday, Friday, Saturday or Sunday.

(3) The Commission may impose additional requirements regarding buffering and days and hours of operation in cases when the site on which the outdoor entertainment is proposed is located within 200 feet of a residential property, place of worship or school.

B. In zones where indoor entertainment is to be allowed:

(1) Accessory use:

(a) If accessory to a special permit use, then by special permit; if accessory to a certificate of zoning compliance, then by certificate of zoning compliance.

(b) Acoustic and amplified indoor entertainment may be engaged in the following uses: assembly halls, auditoriums, banquet halls, cafes, churches or other places of worship, clubs, country clubs, dance halls, entertainment and/or education centers, fraternal organizations, hotels and motels, indoor theaters, public and private schools, restaurants, taverns and other uses in which entertainment uses clearly meet the definition of an accessory use, as determined by the Zoning Agent, except as otherwise restricted or prohibited by these regulations.

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(2) As a principal use. Location, seating, hours, duration and any appropriate restriction or attenuation requirements to be determined based upon the location of the facility. Whether the proposed entertainment is acoustic entertainment or amplified entertainment, the type of building or structure within which the entertainment is to occur, and the location and orientation of any surrounding properties, shall be in a manner consistent with the applicable provisions of these regulations.

§ 315-11.24. Farm event facilities. [Amended eff. 8-7-2019]

Farm event facilities may be permitted as an accessory use in the R-80 Zone by special permit, following the submission of an event facility plan at the time of application which demonstrates compliance with the following:

A. Event facility uses. Following the issuance of a special permit, uses to be considered for farm event facility permits may include corn mazes, harvest festivals, educational demonstrations, hay rides, petting zoos, weddings, wedding receptions, birthday parties, nuptial showers, barbecues, cross-country running events, craft shows and similar-type uses.

B. Location and size. All farm event facilities shall be located on land owned and occupied by the applicant. All events shall take place on the subject farm within an accessory building unless specifically approved by the Commission. The property shall be of sufficient area to provide the buffer, parking, and screening requirements set forth herein.

C. Site plan. A site plan shall be provided. The Commission and/or staff may require that a plan with a higher level of accuracy be provided.

D. Buffer. No activity building or parking shall be located within 100 feet of any side or rear line. The Commission may require a landscape buffer for any farm stand within 200 feet of a property line to minimize impacts to adjacent properties.

E. Operation. The proposed hours, frequency, and number of events shall be subject to approval by the Commission.

F. Parking. No parking shall be permitted within 100 feet of a property line. Off-street parking areas shall be pervious to the maximum extent practicable. The applicant shall demonstrate that the parking spaces are of sufficient numbers to accommodate the proposed use.

G. Waste disposal. A waste disposal area shall be designated on the site plan, screened from view and placed to the side or rear of the building. Containers shall have sufficient capacity to remain closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions.

H. Restrooms. The number and/or type of restrooms shall be determined by the Health District. Location of such facilities shall be designated on the event plan.

I. Noise. Noise levels shall comply with live entertainment regulations in accordance with § 315-11.23 and shall not constitute a nuisance to nearby properties.

J. Attendees. Total occupancy at any one time shall not exceed a number to be set by the Commission or the Fire Marshal's rated occupancy, whichever is less, at any given time.

K. Temporary structures. Temporary accessory structures such as tents shall not exceed 3,000 square feet of gross floor area. Temporary structures shall be put up no more than three days in advance of the event and removed no more than three days after the event for which they are first set up.

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L. Expansion. Any increase to hours, activities, products or services offered shall first require approval from the Commission.

M. Duration. The length of the permit shall be determined by the Commission.

§ 315-11.25. Cannabis establishments.

A. Purpose. The purpose of this section is to allow for the comprehensive review and deliberation of cannabis establishments to ensure any cannabis establishment proposed is in harmony with and will not have a detrimental effect upon the surrounding area and that both the operation and location are protective of public health and welfare.

B. Definition of terms. For the purpose of this section only, the terms referred to herein shall be defined and used as outlined and defined in P.A. 21-1 (SB 1201), as amended.

CANNABIS ESTABLISHMENT — A nonprofit person(s) or business entity otherwise engaged in an activity which would be defined as a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, and product packager by P.A. 21-1 (SB 1201).

CANNABIS HYBRID RETAILER — A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

CANNABIS RETAILER — A person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and sell cannabis to consumers and research programs.

CULTIVATOR — A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with no less than 15,000 square feet of grow space.

FOOD AND BEVERAGE MANUFACTURER — A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

MICRO-CULTIVATOR — A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than 2,000 square feet and not more than 10,000 square feet of grow space, prior to any expansion authorized by the Commissioner of the Department of Consumer Protection.

PRODUCER — A person that is licensed as a producer pursuant to C.G.S. § 21a-408i and any regulations adopted thereunder.

PRODUCT MANUFACTURER — A person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.

PRODUCT PACKAGER — A person that is licensed to package and label cannabis.

C. Cannabis establishments allowed by special permit. Cannabis retailer, hybrid retailer and dispensary facilities may be permitted in the Design Commercial Zone only, subject to the standards specified herein, in addition to the standards set forth in Article 13 of these regulations following the issuance of a special permit.

(1) Cannabis retailers and hybrid retailers.

(a) All retail establishments shall meet the following criteria:

[1] Shall not be located within 1,000 feet of any other cannabis establishment as defined

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herein or within 500 feet of any child day-care facility or church when measured using a direct line between any part of the permit premises and any part of a lot used as such, and shall not be located adjacent to any park, playground or public or private school.

[2] Hours of operation will be limited to no earlier than 8:00 a.m. or later than 9:00 p.m.

[3] No consumption of any cannabis product may take place on-site.

[4] Signage shall be in accordance with Article 19 of these regulations.

[5] Shall not be located on or within 1,000 feet of State Interstate 84.

[6] Shall be located in a building at least 15,000 square feet in size.

(b) Any application for a cannabis retailer approval shall include:

[1] An operational plan to indicate, at a minimum, how the facility will be managed related to:

[a] Hours of operation.

[b] Security and access.

[c] Installed signage.

[d] Odor monitoring and mitigation.

[e] Parking and circulation plan.

(2) Conditional approval. In addition to any conditions imposed pursuant to Article 13 of these regulations, all special permits for cannabis establishments shall be subject to the following conditions:

(a) Special permits shall be approved with the condition that the applicant continuously maintains all necessary approvals required by the State of Connecticut for the duration of the operation.

(b) The conditional approval shall not be considered fully executed until a copy of the state-issued license has been provided to the Land Use Department. Such approval must be filed with the Town within six months of the issuance of the special permit. The Zoning Agent may issue not more than two six-month extensions to this requirement, provided the applicant can demonstrate that an application has been filed with the Department of Consumer Protection and the expected decision date will fall within the time frame of the extension.

(c) No entity shall commence operations, sales or advertisements without a valid, current license from the state and fully executed special permit from the Town.

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ARTICLE 12
Designed Development Zones

§ 315-12.01. Intent.

The purpose of this article is to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the following objectives:

A. The provision of housing for persons who, due to age or health, require more compact residential patterns than are possible with conventional single-lot subdivisions;

B. To encourage appropriate and harmonious variety in the physical landscape, to encourage and improve the level of amenity and design, and to more effectively promote the health and general welfare of the Town of Willington;

C. To provide recreational opportunities for residents of the Town and the region while minimizing adverse impacts on the Town and the neighborhood; and

D. To improve the tax base of the Town, provide employment opportunities, and encourage attractive commercial and/or industrial environments which meet the needs of Town residents for shopping, services and professional offices.

§ 315-12.02. Change of zone.

A. Any owner of property may apply to the Commission for a change of zone to one of the following Designed Development Zones, provided said application conforms in all respects to the requirements set forth in this article for such zone change and to the requirements of any other applicable section of these regulations for the particular use(s) proposed:

   (1) Designed Neighborhood Commercial (DNC).

   (2) Designed Commercial (DC).

   (3) Designed Recreation (DR).

   (4) Designed Community Residential (DCR).

   (5) Designed Elderly Residential (DER).

   (6) Designed Industrial (DI).

B. Approval of a change of zone to such designation shall be a precondition of any application for any use permitted in such zone in accordance with Article 5, Use Regulations, of these regulations.

C. For the purpose of this article, the term "underlying zone" shall be defined as the zone or district existing on the subject parcel prior to the filing of an application for a Designed Development Zone.

§ 315-12.03. Application procedure for all designed development zones.

A. Informal preliminary considerations. The Willington Planning and Zoning Commission recommends that, prior to the submission of an official application for Designed Development Zone approval, the applicant initiate a preapplication conference with the Commission and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems

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affecting the development of the land before the applicant proceeds with the official application and the preparation of final maps, plans and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission. Neither the preapplication conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a preliminary site development and land use concept plan approval. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Designed Development Zone. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, state, or federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for change of zone.

B. Formal application.

(1) Who may apply. The following persons may apply for a Designed Development Zone: an owner, or all of the joint owners, of the property within the proposed Designed Development Zone; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document; provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for certificate of zoning compliances from the Town or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for certificate of zoning compliances from the Town.

(2) Application form and fee. All applications for a Designed Development Zone shall be submitted to the Commission on a form prescribed by it and accompanied by an application fee in accordance with the ordinances of the Town of Willington.[25] In addition, each application shall be accompanied by a list of the names and addresses of the owners of all properties abutting the subject zone change, as such names and addresses appear in the records of the Town Assessor.

(3) General statement. Applications for change of zone to any Designed Development Zone shall include a general statement describing the following:

(a) The specific types of proposed uses on the site;

(b) The methods by which site utilities will be provided;

(c) The proposed timetable for development, including a description of phases, if any;

(d) The open space resources of the site, and the amount of open space to be retained, and the method of preservation, if any;

(e) The pattern/method of ownership and maintenance of any interior roadways, public facilities, the sewage disposal systems(s), the water supply system(s), and other common elements;

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25. Editor's Note: See Ch. 231, Land Use Applications.

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(f) For residential developments, a schedule of bedrooms per dwelling unit, total numbers of units, square footage of units, and such other data as may be required to evaluate compliance with the standards and criteria of these regulations;

(g) A statement outlining how the proposed development conforms to the Comprehensive Plan embodied in these regulations and the adopted Plan of Conservation and Development of the Town and how the proposal will better utilize the resources of the site to the benefit of the neighborhood and the Town than would be possible under the requirements of the underlying zone; and

(h) A statement outlining how each of the requirements set forth in these regulations is met, and how each of the criteria for evaluation of the application is satisfied.

(4) Zone change map for recording. All applications for a Designed Development Zone shall be accompanied by a boundary survey, suitable for filing in the office of the Town Clerk, indicating the area of the proposed zone change relative to existing property boundaries and the names of all abutting property owners of record. Said survey shall include a key map, as described in § 315-12.03B(5)(c)[1], but none of the other information required in § 315-12.03B(5)(c). Said survey shall be certified by a Connecticut licensed land surveyor that the survey conforms to the standards of survey and map accuracy respectively of Class A-2 as defined in the "Recommended Standards for Surveys and Maps in the State of Connecticut," as adopted by the Connecticut Association of Land Surveyors, Inc., on September 13, 1984, or as the same may be amended from time to time. In the event that the Commission approves a zone change of a lesser area than that requested, the applicant shall provide an amended zone change map reflecting the zone change as approved.

(5) Preliminary site development plan and land use concept plan. All applications for a Designed Development Zone shall be accompanied by a preliminary site development and land use concept plan as required below:

(a) The plan shall be drawn clearly and legibly in ink on transparent cloth or other equally stable material at a scale of one inch equals 40 feet or less. Sheet size shall not exceed 24 inches by 36 inches, and the plan shall be drawn by a professional engineer, architect, landscape architect, or land surveyor licensed in the State of Connecticut. The Commission may require that up to four paper prints be provided. Where appropriate, the information may be provided in textual rather than graphic form.

(b) All plans shall have a revision block indicating dates and brief descriptions of all revisions. All areas of the plan modified by revisions made after the filing of the application shall be clearly "clouded" or otherwise highlighted.

(c) Any and all of the following information may be required at the discretion of the Planning and Zoning Commission in accordance with the scale of the proposed development:

[1] Key map. A key map at a scale of one inch equals 1,000 feet, showing the location of the proposed development and its relationship to existing Town roads.

[2] Adjacent land uses. The boundaries of the subject parcel or parcels to be rezoned and/or developed; owners of these parcels and adjacent parcels, roadways, structures, and land uses within 500 feet of the boundaries of the parcel.

[3] Existing site features. Existing structures, roads, land uses, topography at a contour

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interval of five feet or less, major and unique natural, scenic, historic, and open space features of the parcel and their relationship to the proposed development.

[4] Proposed land uses. The proposed density of land uses intended for different parts of the parcel, including the number of dwelling units, and the amount of land to be devoted to each land use, including the amount and general location of proposed open spaces.

[5] Proposed buildings. The general height, bulk, use and location of buildings.

[6] Circulation. The proposed location of roads, parking and pedestrian circulation including tie-ins with existing Town facilities.

[7] Water supply. The proposed method of supplying potable water to the development.

[8] Sewage disposal. The proposed method for the collection and disposal of all sanitary waste.

[9] Stormwater. The proposed stormwater handling concept, including possible utilization of detention, aquifer recharge, sediment control, irrigation, and fire protection storage.

[10] Surface water quality. A statement indicating the quality of existing watercourses through or near the site.

[11] Erosion control. A statement indicating the erodibility of the soils and a general indication of the need for erosion and sedimentation control.

[12] Noise. The expected intensity and frequency of noise.

[13] Soils. A detailed soil survey for the parcel prepared by the Natural Resources Conservation Service or its equivalent, prepared by a qualified soil scientist.

[14] Watercourses. The location of any inland wetland and watercourse as defined by Chapter 304, Inland Wetlands and Watercourses Regulations, as amended.

[15] Scheduling. A general schedule of development in terms of time and site development area for all proposed phases.

[16] Restrictions. The substance of any proposed covenants, easements, restrictions and organizations.

[17] Further documentation. Other documentation as may reasonably be required by the Commission to make an adequate determination of the appropriateness of the proposal to the site and of its fulfillment of the intent of these regulations. The Commission may require information generally required in the final site development plan if it feels such information is necessary to make an adequate judgment. Preliminary findings for all site investigations shall be indicated.

(6) Subdivision application. If the preliminary site development and land use concept plan depict the division of the subject property so as to create a subdivision or resubdivision, as those terms are defined in Chapter 310, Subdivision Regulations, an application under such regulations shall be required prior to any conveyance of land requiring approval pursuant to such regulations.

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(7) Additional information. A change of zone application calls upon the Commission to exercise a legislative function and to determine that the Designed Development Zone applied for will be superior to the underlying zone in achieving the purposes of these regulations as set forth in Article 1 hereof. It is the obligation of the applicant to provide any additional information which the Commission may request or require in order to make such a determination. Such information may include, but is not limited to, additional information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like; a traffic impact study prepared by a Connecticut licensed professional engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; detailed architectural information, such as color samples, screening of roof- or ground-mounted heating and air-conditioning equipment and ventilation ducts, building illumination, samples of construction materials, and the like; detailed landscaping plans, including the type, size, number and location of material to be planted, the location and construction material of any fences, walls, flagpoles, street furniture, walkways, trash disposal areas, and the like; and reports from its own consultants and staff, or from government agencies.

C. Public hearing, personal notice, and action.

(1) Procedures and notice; signs.

(a) Procedure; notice. The Commission shall act in such manner and in accordance with such time limits as are designated for changes of zone in accordance with § 315-22.03 of these regulations and in accordance with the applicable provisions of the General Statutes. In the event of conflict between the procedure set forth in these regulations and the General Statutes, the latter shall prevail. In addition to any notice provided by statute or § 315-22.03, the applicant shall mail personal notice to each owner of abutting property, as their names and addresses appear in the records of the Town Assessor, said notice to be by certified mail, return receipt requested. Said notice shall be mailed no less than 10 days prior to the initial public hearing on the zone change, and the applicant shall submit, at such hearing, evidence of such mailing and of receipt, where available. The applicant need not provide similar notice of any continuation of the initial public hearing. The Commission may approve all or part of the zone change requested.

(b) Posting of sign. No less than seven days prior to the opening of any public hearing, the applicant shall post signs on the property which is the subject of any application for a Designed Development District. The face of such signs shall be as provided by the Commission and shall set forth the date, time and place of the public hearing, the agency (the Commission or the Board) hearing the application, and a brief description of the use. It shall be the obligation of the applicant to post such signs on the property in locations which are plainly visible from the nearest public street and to maintain the sign until the opening of the public hearing. Said sign shall be placed at intervals of one sign every 100 to 150 feet along all streets upon which the subject parcel has frontage. No sign need be posted for the continuation of a public hearing once it has opened.

(2) Action on preliminary site development and land use concept plan. The Commission shall approve, modify and approve, or disapprove the preliminary site development and land use concept plan. Any special permit for any use within the approved Designed Development Zone shall conform to the approved preliminary site development and land use concept plan, except to the extent that the Commission approves or requires a departure therefrom. No certificate of zoning compliance or building permit shall be issued, nor shall any construction activity of any kind commence, for any work depicted on an approved preliminary site development and land

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use concept plan until such time as a special permit, in accordance with Article 13 of these regulations, has been issued for development to be located in the phase, or on the lot or site, where such construction activity is to occur.

(3) Notice of action and filing of map. Upon approval of a Designed Development Zone and preliminary site development and land use concept plan, the Commission shall provide notice to the applicant and the public, as provided in the General Statutes, and shall cause the approved Designed Development Zone and the said plan to be noted on the Official Zoning Map of the Town of Willington by outlining the boundaries of the land affected thereby and indicating the approval date.

(4) Recording. The applicant shall, within 90 days of approval of any Designed Development Zone, record notice thereof in the Willington Land Records under the name of the record owner of land affected thereby, giving a legal description of the land and giving specific reference to the approved plan(s) and map(s); and, further, the applicant shall record in the Willington Land Records a copy of the approved plan(s) and map(s) endorsed by the signature of the Commission's Chairperson or Secretary. If the approval of one or more federal, state or Town agencies is necessary for the commencement of construction of any building or structure or the establishment of any use depicted on the preliminary site development plan and land use concept plan, the time for recording shall be extended to 90 days after the applicant obtains the last approval from such an agency necessary for the commencement of construction or the establishment of use.

§ 315-12.04. Criteria for decisions on change of zone and preliminary site development and land use concept plan.

In acting on the application for change of zone and the preliminary site development and land use concept plan, the Commission shall be guided by the following general and specific standards and criteria:

A. General standards and requirements for all designed development zones. In considering a petition for a Designed Development Zone, the Commission shall be guided by the following considerations. Where necessary, documentation by the petitioner shall be presented to the Commission when required so that the impact of the proposal on these considerations can be assessed.

(1) The need for the proposed project in the proposed location, in accordance with the recommendations of the adopted Plan of Conservation and Development for the Town of Willington and the Comprehensive Plan as embodied in these regulations.

(2) The existing and future character of the neighborhood in which the Designed Development Zone is to be located. Particular attention shall be paid to the type and density of adjacent residential development, the character and uniqueness of the natural resources of the neighborhood, the character and use of existing highway facilities, and the Plan of Conservation and Development and the Comprehensive Plan.

(3) The location and character of buildings in relation to one another and to existing or likely adjacent structures. Such location and character shall create a harmonious grouping and shall be compatible with surrounding structures.

(4) Traffic circulation within the site; the amount, access, and location of parking and loading facilities; and the quantity and composition of traffic generated by the proposed uses. Development shall be located so as to provide direct access to existing major streets and highways and to discourage increased traffic loads through residential neighborhoods and minor

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residential streets and to prevent increased congestion or circulation problems on existing streets. The proposal shall not impose upon the Town improvements to circulation off the site along existing roads or at affected neighboring intersections.

(5) The quality of the natural resources within the proposed zone and the effect the proposal will have on such resources. The presence of wetlands and floodplains, the quality of the water in streams and ponds, and the impact the proposal might have through the disposal of septic effluent or stormwater runoff, the degree of topographic alteration, and the uniqueness of animal and plant communities shall be considered. The site shall be suitable for development in the manner proposed without causing hazards to persons or property on or off the site from flooding, erosion, slipping of soil, or other harmful or inconvenient effects. Conditions of soil, groundwater level, drainage, and topography must be appropriate for both land and pattern of use intended.

(6) The availability of water to the site and adequate disposal of sewerage effluent. The characteristics of the soil to accept the effluent in a safe and harmless manner, in the quantities proposed, shall be adequate. Sufficient water shall be available to the site to supply the needs of the proposed uses.

(7) The location and type of display signs and lighting and the hours and type of operation of commercial and industrial operations. Such facilities and operations shall not cause annoyance and inconvenience to the neighboring residential areas.

(8) Safeguards to protect adjacent property and the neighborhood in general from disturbance through the use of appropriate landscaping and siting of uses and facilities.

(9) The economic impact on the Town of Willington with particular attention on the effect on existing public highways of the proposed development and the likely burden to be placed on educational and other services.

B. General findings required. In general, the Commission shall make the following findings for the subject Designed Development Zone:

(1) The proposed designed development shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties.

(2) The location and size of proposed uses, the intensity of operations involved in connection with such uses, the site layout, and their relationship to access streets shall be such that vehicular and pedestrian traffic generated by the use or uses shall not be detrimental to the character of the neighborhood.

(3) The establishment of such Designed Development Zones will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(4) The proposed uses permit the development of the site without the destruction of valuable natural assets or pollution of lakes, streams, and other water bodies while providing the best possible design of structures and land uses compatible with the shape, size, and topographic and natural character of the site.

C. Specific requirements for all designed development zones.

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(1) Access.

(a) Access and circulation ways shall be designed to permit firefighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and snow removal equipment to operate in a safe and efficient manner. Such accessways are not to serve as car storage areas.

(b) The Commission may require the street system to connect to two or more existing Town through roads or state highways in order to provide for a safe and efficient circulation system within the Town, except where topography or other physical considerations do not permit such streets or where such street connections would adversely affect the neighborhood. The Designed Development Zone shall be served from, or have access to, at least one through improved Town road or state highway which provides adequate circulation and access to other sections of the Town. Ease of entrance to, and exit from, the development with minimum impact on normal traffic flow must be assured.

(c) The Commission may require temporary turnarounds and street connections to adjoining undeveloped land as necessary for its proper development, except where topography does not permit or where such street connections would adversely affect the neighborhood.

(d) The street system shall be designated to permit connection to existing and proposed facilities where necessary for proper functioning of the utility systems, or the extension of utilities to adjoining properties.

(e) Buildings, walls, fences, planting and other sight obstructions shall be so located and designed that a driver backing out of any garage, carport or parking space has an unobstructed view of approaching traffic.

(2) Parking. Parking for all uses shall be in accordance with the requirements of Article 18 of these regulations; provided, however, that the Commission may waive up to 10% of the total parking requirement for a Designed Development Zone comprised of a mix of land uses which have peak parking demands at different times of the day or week so as to justify an assumption of multiple use of the same parking spaces for certain land uses.

(3) Underground utilities. All developments shall provide for underground installation of all utilities in both public ways and private extensions thereof. All developments shall provide proper design and construction of storm sewer facilities, including grading, gutters, piping and treatment of turf to handle stormwater and prevent erosion and the formation of dust. Utilities and maintenance facilities shall be in accordance with the requirements and regulations of the appropriate authority having jurisdiction.

(4) Pedestrian circulation. The Commission may require such walkways within the development as shall serve pedestrian movements to community facilities within the development.

(5) Streets.

(a) Public streets. Streets designated on the preliminary site development and land use concept plan and approved by the Commission to be dedicated to the Town shall conform to the specifications prescribed by Chapter 310, Subdivision Regulations, of the Code of the Town of Willington, regardless of whether the development requires subdivision approval in accordance with those regulations.

(b) Private streets and driveways.

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[1] Driveways serving more than one dwelling or serving any nonresidential use shall have two traffic lanes for their entire length and shall be at least 18 feet in width in addition to any parking space, except where a single lane may be used for short direct service driveways or where simultaneous two-way traffic is not anticipated.

[2] The interior roadways of a Designed Development Zone are to be owned and maintained by either the residents of the community, a duly authorized association, or other legally organized entity which may own the development as a whole.

(6) Waste disposal. Adequate sight screening must be provided for all garbage collection areas.

(7) Buildable area/minimum parcel size calculation. For all purposes of this Article 12, including, but not limited to, calculation of the minimum size of the Designed Development Zone, density, building coverage, and the like, the area of the Designed Development Zone shall be the buildable area, which is to be computed in accordance with § 315-4.04 (general regulations) of these regulations.

(8) Minimum road frontage. No property proposed for a Designed Development Zone shall have less than 100 feet of frontage on an accepted, improved Town road or state highway.

(9) Setback requirements, building proximity.

(a) No building or structure shall be less than 50 feet from any boundary of the proposed Designed Development Zone. Where a Designed Development Zone adjoins a single-family home development or approved residential subdivision, the Commission may require additional setbacks and/or natural screening to ensure privacy for adjacent residences.

(b) Setbacks between buildings and structures within the Designed Development Zone shall be such as to provide light and air, as well as acoustical and visual privacy for all dwellings; and access space for service, fire protection and maintenance equipment and operations.

(10) Design. The layout/arrangement/design of any proposed Designed Development Zone shall protect neighborhood property values, prevent future deterioration, promote good community living standards, provide for preservation of the historic character of the Town, provide for feasible management and control of the premises, and serve the purposes of this Article 12 and Article 1 of these regulations, specifically including the protection of the public health, safety, and welfare. Site and architectural design shall take advantage of topographic features, provide visual and acoustical privacy between family units and/or other land uses, provide for landscaping and restoration of all areas disturbed by construction, and complement any adjoining neighborhood. Consistency of scale and architectural design and detailing throughout the various structures within the Designed Development Zone shall be maintained.

(11) Open space.

(a) Definition. All land not used for the construction of dwellings, supporting facilities, parking, vehicular circulation, or private yards shall be considered open space. It shall be so arranged and defined that its area, permanent use and control can be established with restrictions or covenants prohibiting or restricting construction upon it.

(b) Method of preservation. All common open space shown on the preliminary site development and land use concept plan must be preserved by one of the following

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methods, as determined by the Commission:

[1] Owned by a corporation composed of the owners of all lots or other ownership units. When ownership of common open space is held by such a corporation, membership in said corporation shall be mandatory for all unit or lot owners, and said corporation shall have powers of assessment and enforcement as set forth in C.G.S. Chapter 828, the Connecticut Common Interest Ownership Act. In addition, any such common open space shall be subject to a conservation easement in favor of the Town of Willington in such form as the Commission shall specify. Such easement may, in the Commission's discretion, provide for public access in areas where such access appears appropriate upon consideration of the area and the recommendations of the adopted Plan of Conservation and Development.

[2] Owned by a private conservation trust, the State of Connecticut, the Town of Willington, or such other corporate or governmental entity as such assure the preservation and maintenance of such common open space in perpetuity. No application for a Designed Development Zone shall be deemed complete without written evidence from the proposed entity that it is willing to accept the ownership and maintenance of such common open space. If the proposed entity is other than the Town of Willington, any conveyance shall be subject to a conservation easement in favor of the Town of Willington, as described in the preceding subsection.

[3] Ownership by the developer or its successors. Ownership of common open space by the developer or its successors shall only be permitted in Designed Development Zones where no subdivision of the property is proposed, i.e., where the entire zone is owned and managed by a single commercial entity. The developer shall convey a conservation easement in favor of the Town of Willington, as described in the Subsection C(11)(b)[1] hereinabove.

[4] Any other method of perpetual preservation for open space, active or passive recreation, agricultural, wildlife, or similar purposes; provided, however, that no area reserved for open space shall be used or occupied by commercial buildings or uses, or otherwise available for a charge or fee to the general public, such as riding academies or stables, golf courses, driving ranges, country clubs, nurseries, day-care centers, retail uses, and the like. Such uses may be included in a Designed Development Zone if permitted by Article 5, Use Regulations, of these regulations, but shall not be considered "open space."

(c) General requirements for open space.

[1] Regardless of the method employed, the instrument of conveyance must include provisions suitable to the Planning and Zoning Commission for guaranteeing:

[a] The continued use of such land for the intended purposes;

[b] Continuity of proper maintenance for those portions of open space land requiring maintenance;

[c] When appropriate, the availability of funds required for such maintenance;

[d] Adequate insurance protection; and

[e] Recovery for loss sustained by casualty condemnation or otherwise.

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[2] In any event, the developer must file in the Willington Land Records, at the time the approved site development plan is filed, legal documents which will produce the aforesaid guarantees and, in particular, will provide a method for restricting the use of common open spaces for the designated purposes.

(12) Phasing. Each phase proposed for a Designed Development Zone shall be capable of independent existence and operation and shall be consistent with the approved preliminary site development and land use concept plan. Amenities, such as recreation areas, community buildings, open space, and other similar improvements, shall be divided as equally as possible among phases, or shall be completed in the earliest phase(s) of the development, as the Commission may require. Any amenities or improvements for any phase, or for all phases if the Commission so requires, shall be bonded in accordance with the requirements of this Article 12.

(13) Other standards of these regulations. In addition to the foregoing standards, the Commission shall also apply the standards set forth in all other applicable sections of these regulations, such as parking, general regulations, special regulations, and the like.

§ 315-12.05. Special standards for Designed Neighborhood Commercial (DNC) Zones.

A. Intent. To provide convenient access to establishments serving the daily trade and service needs of residential neighborhoods.

B. Location. A DNC Zone shall be located only along or at the intersection of roads classified as "principal state route" or "arterial/collector local roads" (see § 315-2.04 of these regulations), which can provide safe and convenient access to the facilities without undue impact on residential streets. Vehicle access shall not be closer than 50 feet to any residential property line on the same side of the street as the DNC Zone.

§ 315-12.06. Special standards for Designed Commercial (DC) Zones. [Amended 12-1-2009, eff. 12-9-2009]

A. Intent. To encourage the development of commercial facilities in a harmonious and coordinated fashion to serve the needs of the whole community.

B. Location. A DC Zone shall be located along or at the intersection of roads classified as "principal state route" or "arterial/collector local roads" (see § 315-2.04 of these regulations) or at the intersection ("intersection") of a road not so classified, provided that said intersection is located within 600 feet of an on-ramp to an interstate highway, and further provided that all driveways which do not enter from or exit onto a "principal state route" or an "arterial/collector local road" are located within 1,250 feet of said intersection. Any facility in the DC Zone must be serviced by a road which provide safe and convenient access to the property without undue impact on other residential streets. Access shall be directly from any such roads, and vehicular access shall not be closer than 100 feet to any residential zone line, on the same side of the street as the DC Zone.

§ 315-12.07. Special standards for Designed Recreation (DR) Zones.

A. Intent. To accommodate recreational facilities which require large tracts of land, and which are compatible with the rural and residential character of the Town, and located in association with certain complementary accessory uses and designed as a total recreational facility.

B. Location. DR Zones shall be located so as to provide safe and convenient access to roads classified as "principal state route" or "arterial/collector local roads" (see § 315-2.04 of these regulations),

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which can provide safe and convenient access to the facilities without undue impact on residential streets. Residential and rural areas shall not be subject to large volumes of traffic or traffic containing large or heavy trucks. Vehicular access shall not be closer than 100 feet to the boundary of the DR Zone on the same side of the street as the DR Zone.

§ 315-12.08. Special standards for Designed Community Residential (DCR) Zones.

A. Intent. To encourage the development of complete residential neighborhoods with a variety of housing types in association with convenient commercial and recreational facilities designed as a single, harmonious community and to allow the maximum protection of desirable open space and natural features through increased sitting flexibility.

B. Location. A DCR Zone shall have safe and convenient access to roads classified as "principal state route" or "arterial/collector local roads" (see § 315-2.04 of these regulations), which can accommodate the projected increased volume of traffic caused by the development, in addition to the projected future traffic demands caused by ultimate development of other land served by the subject highway, without exceeding the capacity of the existing highway facility and creating dangerous or inconvenient conditions, or congestion on adjacent highways or affected intersections.

§ 315-12.09. Special standards for Designed Industrial (DI) Zones.

A. Intent. To permit the development of a parcel of land with groups of industrial facilities in a coordinated and harmonious fashion such that they are generally compatible with the low-density, residential and rural character of the Town of Willington.

B. Location. A DI Zone shall be located so as to abut and have direct access to roads classified as "principal state route" or "arterial/collector local roads" (see § 315-2.04 of these regulations), which can provide safe and convenient access to the facilities without undue impact on residential streets. Access roads and driveways shall not be closer than 200 feet to any residential zone line on the same side of the street as the DI Zone.

§ 315-12.10. Conformance to recorded documents.

Land described shall be used and developed only in accordance with the recorded documents.

§ 315-12.11. Amendment of approved designed development zones.

A. An application to alter or extend an approved Designed Development Zone shall specify the nature of the planned alterations and/or extensions and shall be accompanied by a scale plan of the proposed alterations and extensions in the same detail as is required in an initial application for Designed Development Zone and shall be accompanied by a fee in accordance with Town ordinance. Such application shall be processed in the same manner as a new application under this article.

B. Any amendment to, or extension of, any previously approved Designed Development Zone shall be processed as an application under this Article 12.

C. Any amendment to the preliminary site development and land use concept plan may be requested and acted upon as part of the application for, and action on, an application for special permit/exception in accordance with Article 13 of these regulations, or, alternatively, the Commission may act upon such amendment as a separate application from the original applicant, a successor in interest, or the Commission itself, following a public hearing and other procedures as prescribed for a change of zone. See Article 22, Effective Date, Severability and Amendments, of these regulations.

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§ 315-12.12. Commencement and completion of construction.

A. For any Designed Development Zones approved pursuant to this Article 12, the construction of any building or structure or the establishment of any use depicted on the preliminary site development plan and land use concept plan, or any phase thereof, shall be completed by the applicant, and a certificate of zoning compliance and certificate of occupancy, where required, shall be issued, within four years from the effective date of any special permit issued in accordance with the said preliminary site development plan and land use concept plan. Upon application, the Commission may grant one or more extensions of the aforesaid time limit for a period of up to a total of four additional years. The foregoing time limits shall be tolled during the pendency of any court appeal of the approval of the Designed Development Zone or, for any particular phase or portion of the zone, of any special permit issued thereunder. The extension and tolling provisions hereof shall, to the extent permitted by law, apply to previously approved Designed Development Zones. The time from the commencement of site work on any special permit use approved in accordance with the Designed Development Zone to the issuance of a certificate of zoning compliance for such use shall not exceed a period of three years, excluding any delays caused by acts of God or other circumstances beyond the control of the applicant, provided that:

   (1) The Commission may grant one or more extensions of up to two additional years where construction is diligently proceeding; or

   (2) For a smaller development, the Commission may specify a shorter period of time between commencement of site work and the issuance of a certificate of zoning compliance.

B. In the event that any such building, structure, or use shall not be completed within the time limits contained in this section, the subject property, or such portion thereof as shall be in violation of this section, shall revert to the underlying zone following a public hearing, with notice to all property owners within the subject Designed Development Zone, and upon the filing in the Willington Land Records of a notice to that effect by the Commission or its authorized agent.

§ 315-12.13. Performance bonds.

The Commission may require performance bonds to insure improvements in connection with any Designed Development Zone, or any special permit issued pursuant thereto, in accordance with Article 20, Administration and Enforcement, of these regulations.

§ 315-12.14. Deeds.

Any conveyances of Town roads, open space, drainage easements, or other interests in real property to be conveyed to the Town of Willington shall be by warranty deed and shall be accompanied by a current certificate of title prepared by an attorney admitted to the bar of the State of Connecticut, and certifying that such conveyance is free and clear of, or subordinated to, any mortgage lien, restriction or other encumbrance.

§ 315-12.15. Strategic Development Zone (SDZ).

A. Purpose.

   (1) Willington has identified that considerable growth opportunities exist within specific commercial nodes and that these areas play a crucial role in the future viability of the Town. As such, the purpose of this zone is to encourage focused growth in these areas through diverse development and uses or projects which can act as anchors for employment and commercial

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growth, diversify the Town's grand list and increase commercial activities in Willington to further support existing businesses.

(2) The Commission acknowledges that in specific cases, allowing key parcels to be developed in a more flexible manner than would otherwise be allowed by the underlying zoning district can ultimately facilitate more suitable development than what the underlying zoning may otherwise produce. Projects approved in accordance with this section must contribute to the Town's overall vision, complement the goals of the Plan of Conservation and Development and act as a catalyst to spur economic activity in the area surrounding these nodes.

B. Vision. The overall vision for the Strategic Development Zone (SDZ) is one that affords flexibility to facilitate high-quality site design, a diversity of uses, and robust environmental protection standards for the purpose of enabling the highest and best use of the property. The framework of any application under this section should align with the following guiding principles:

(1) Developments should accommodate all users, with connections to existing infrastructure when feasible (sidewalks, nearby open spaces or recreation facilities, etc.). Additionally, site-to-site pedestrian connections should be provided.

(2) Low-impact development (LID) techniques should be implemented to eliminate or substantially reduce the generation of off-site stormwater runoff.

(3) Parking areas should generally be located to the rear of the property and behind the principal building. When not feasible, parking areas should be screened. Shared parking arrangements to minimize total area devoted to parking lots are encouraged.

(4) Mixed-use developments, including multifamily housing and commercial uses, are encouraged.

(5) "Green" building technology and use of renewable energy techniques are strongly encouraged.

(6) Residential buildings and nonresidential buildings which are not screened from public view, through the use of topography, fencing, landscaping, site layout or otherwise, shall incorporate architectural elements which should include natural materials, facade modulation, and ground-floor windows, and should be designed in a pedestrian-friendly scale when appropriate.

C. Eligibility and boundaries. The SDZ may only be applied within areas designated on the Town's Official Zoning Map as "SDZ."

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ARTICLE 13
Special Permit/exception

§ 315-13.01. Intent.

In dividing the Town of Willington into zones, it is recognized that there are certain uses which may be necessary or desirable to the Town, but which may be detrimental to the Town or the neighborhood in certain locations or if proper safeguards are not provided. Therefore, in Article 5, Use Regulations, of these regulations, those uses are listed as permitted only upon the issuance of a special permit by the Commission or the issuance of a special exception by the Zoning Board of Appeals. The Commission or the Zoning Board of Appeals, as the case may be, must evaluate the impact of each proposed use upon neighboring uses and the Town as a whole in determining the appropriateness of any use requiring a special permit or a special exception for the proposed location. For simplicity, both "special permit" and "special exception" will hereafter be referred to simply as "special permit/exception," and the terms "the Commission or the Zoning Board of Appeals, as the case may be" shall hereafter be referred to simply as "the Commission/ Board."

§ 315-13.02. Special permit/exception requirement.

A. In any instance involving a use or uses requiring a special permit/exception as set forth in Article 5 of these regulations, no land or water areas shall be used; nor uses altered or expanded in space, time, or intensity; nor buildings or structures erected, altered, enlarged, or used until the Commission/Board shall grant a special permit/exception in accordance with this Article 13, or amend a previously granted special permit/exception.

B. The Commission/Board may waive the requirement for a special permit/exception where it finds that:

   (1) One special permit/exception use is being substituted for another similar use on the same lot which was previously granted a special permit/exception by the Commission/Board;

   (2) The new use will require no greater parking or loading than the original, as set forth in Article 18 of these regulations;

   (3) The new use shall entail no exterior change to the building or site; and

   (4) The new use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in § 315-13.05 of these regulations.

§ 315-13.03. Required information for special permit/exception. [Amended 9-16-2025, eff. 10-1-2025]

The following information shall, at a minimum, be provided by any applicant for special permit/exception:

A. Application form. A completed application form prescribed by the Commission/Board, and an application fee as prescribed by Town ordinance.

B. Site plan. A site plan composed of one or more sheets, none of which shall exceed 24 inches by 36 inches, which shall conform to the following requirements and contain the following information:

   (1) Boundary survey. A boundary survey prepared and sealed by a Connecticut licensed land surveyor, which survey shall be drawn at a scale of not smaller than one inch equals 40 feet and which survey shall be certified to conform to the standards of map and survey accuracy,

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respectively, for Class A-2 as defined in the "Recommended Standards for Surveys and Maps in the State of Connecticut," as adopted by the Connecticut Association of Land Surveyors, Inc., on September 13, 1984, or as the same may be amended from time to time. Said survey shall include the dimensions of the subject property and its acreage or square footage.

(2) Location map. A location map, at a scale of one inch equals 1,000 feet, showing the location of the site in relation to existing roads, major watercourses, and adjoining properties, and other features which would assist the Commission/Board and the public to orient themselves to the site and its boundaries.

(3) General information.

(a) The name and address of the applicant, property owner of record, the name of the development, and the names and addresses of the owners of record of all properties adjacent to, or across any street from, the subject property.

(b) The name, address and professional seal of each design professional responsible for, or participating in, the design of the site.

(c) The Assessor's map, block and lot numbers for the subject property and properties within 500 feet of the perimeter of the site.

(d) The date of the site plan, a North arrow, the scale of the plan, and a revision block indicating dates and brief descriptions of all revisions. Areas of the plan modified by revisions made after the filing of the application shall be clearly "clouded" or otherwise highlighted.

(e) A description of any existing deed restrictions, covenants, easements, rights-of-way, or similar encumbrances which run with the land, including the identity of the dominant and servient estates, the volume and page of the Willington Land Records where the same are recorded, and the date upon which they will expire, if any.

(4) Site features, existing. On the site, and within 500 feet of the perimeter of the site using existing or available information, unless otherwise required by the Commission/Board:

(a) All existing uses of land, including uses not requiring buildings or structures, such as outside storage; property lines, streets, utility lines, ledge outcrops, specimen trees, major tree or shrub areas, and other significant features of the site, both natural and man-made.

(b) Wetlands and watercourses in or near the site as defined by Chapter 304, Inland Wetlands and Watercourses Regulations, and a statement indicating the quality thereof; the high water level of areas covered by water (such as lakes, rivers, streams, ponds, swamps, and the like).

(c) Areas having slopes in excess of 20%.

(d) Flood hazard areas as designated on the most current Federal Flood Insurance Rate Map for the Town of Willington, and the rate map designation for such areas.

(e) Existing structures and their uses, general type of construction, height, and the like.

(f) The location of all existing wells, public water supply watersheds, and other public or private water supplies, and fire protection facilities.

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(g) The maximum slope of the site, expressed as a percent; existing monuments, iron pins, and other boundary indicators.

(h) The soil classifications, as per the U.S. Natural Resources Conservation Service/Tolland County Coding of Soil Types, prepared by a qualified soils scientist, and a statement indicating the erodibility of the soils and a general indication of the need for erosion and sedimentation control.

(i) Existing contours of the land at intervals of two feet, or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented.

(j) Existing roads, paths, and major and unique natural, scenic, historic, and open space features of the parcel.

(5) Site features, proposed. On the site, and for any area off the site where any alteration whatsoever is proposed:

(a) Any change whatsoever to any of the existing features depicted on the site plan in accordance with the preceding subsection, including, but not limited to, proposed uses of land, including uses not requiring a structure or building; the amount of land and/or buildings dedicated to each use; proposed grades at two-foot contours or less; any signs, accessory structures, fences, walls, or other similar structures; location and details for the collecting and handling of refuse; the location of gas, electric, and other utilities to be provided, and whether utility lines shall be placed above or beneath the ground.

(b) The location, dimensions, square footage (both ground floor and total), height, and type of construction of all buildings or structures, including fences, walls, signs, lighting fixtures, flagpoles, and the like.

(c) The location of any proposed well, septic system, and the location of, and test results for, any and all percolation and deep test holes, as verified by the Town Health Official.

(d) Any regrading, excavation, filling, and the volumes of material to be brought onto or removed from the site.

(e) The percentage of building coverage, combined building and paved area coverage.

(f) Alterations in property boundaries, easements, utilities, and the like.

(g) The location of any roads, curbs, sidewalk, driveway, parking and loading area(s), paths, and similar improvements, and any tie-ins to existing Town or state facilities.

(h) Phase lines, proposed future division of the property, long-term easement boundaries, and the like.

(i) In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut licensed professional engineer.

(j) The areas of wooded portions of the site, or specimen trees, to be removed or retained, and the location, design, and content of landscaping to be created, including the size, number, and type of all landscaping material to be planted, and the proposed treatment of all buffer strips, screens, and islands.

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(k) The expected intensity and frequency of noise which may be emitted from the site or use, and the methods to be used to control the same.

(l) The height, bulk, use and location of all buildings; plans for the use of interior spaces of proposed buildings; the exterior appearance of proposed buildings, including exterior elevations, roof plan, designation of materials, colors, and textures of exterior finishes, doors, windows, roofing, trim, and the like; location of heating, air-conditioning, ventilation, and similar equipment; and special exterior features, such as building-mounted signs, drive-in windows, building or roof lighting, roof drainage/gutters, and features on the interior of the building designed to be capable of being seen from the exterior.

(m) The applicant shall submit the results of water quality analysis of all existing watercourses on the site, which shall be performed by a state-approved laboratory. The applicant shall submit similar analyses upon the completion of all construction activities and prior to issuance of a certificate of zoning compliance.

(6) Parking and drainage.

(a) The site plan shall include all information necessary to establish conformance with the requirements of Article 18 of these regulations, Off-Street Parking and Truck Loading, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.

(b) The site plan shall depict the dimensions of all parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Commission's engineering consultant to properly evaluate the stormwater management plan for the site.

(c) For any site plan which depicts more than 2,000 square feet of impervious surface, be it building areas or paved areas, the site plan shall include provisions to retain stormwater runoff so as to produce no increase in peak runoff. The methods used to meet this requirement shall be as prescribed by the Commission's engineering consultant.

(d) The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas.

C. Sanitary waste disposal plan. For any site which is not planned to be served by a public sanitary sewer connection, the applicant shall provide adequate information to demonstrate that the proposed/existing use will be adequately served by a subsurface sewage disposal system in accordance with the Connecticut Public Health Code.

D. Soil erosion and sediment control for land development. Every application for special permit/exception shall include an erosion and sedimentation control plan which conforms to the requirements of Article 16 of these regulations.

E. Protection of surface and groundwater supply.

(1) Pursuant to C.G.S. § 8-2, as amended by Public Act 85-279, every application for special permit/exception shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

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(a) A statement describing the nature of the use of any buildings or areas of the site and their method of waste and stormwater disposal.

(b) The nature of any discharges anticipated.

(c) The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.

(d) The nature of the groundwater or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Energy and Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.

(e) Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.

(f) Other information which might assist the Commission/Board in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission/Board that he/she is qualified to prepare such evaluations. The Commission/Board may refer such evaluations to any governmental agency for review and comment.

(2) The information described in Subsection E(1)(d), (e) and (f) need only be provided when the information set forth in Subsection E(1)(a), (b) and (c) indicates the presence of materials or processes which have the potential to adversely impact groundwater.

F. Water supply; certificate for community wells.

(1) The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures.

(2) In accordance with C.G.S. § 8-25a, as amended by P.A. 84-330, any development providing water by means of a "water company," as that term is defined in C.G.S. § 16-262m(a), shall provide to the Commission/Board a certified copy of a certificate of public convenience and necessity issued for the development by the Connecticut Department of Public Health. No application for special permit/exception involving such a water company shall be deemed complete without said certificate unless the applicant shall provide a resolution of the Willington Board of Selectmen, waiving said certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

G. Inland wetlands and watercourses. No application for special permit/exception shall be deemed complete without the submission of a copy of a report and motion for approval of an inland wetlands permit from the Willington Inland Wetlands and Watercourses Commission, provided such a permit shall be required under regulations adopted by said Commission.[26] Any plans submitted to the Commission/Board shall conform, in all relevant respects, to those plans submitted to the Willington

26. Editor's Note: See Ch. 304, Inland Wetlands and Watercourses Regulations.

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Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission.

H. Covenants and restrictions. The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these regulations and the final development plan, as approved.

I. General provisions.

(1) Sufficiency of information presented. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information, and demonstrate compliance with all of the requirements and criteria of these regulations, in a way that is clear and comprehensible to the Commission/Board and its staff.

(2) Additional information. The Commission/Board may require additional information as may be needed to evaluate the appropriateness of the proposed use in the proposed location, including, but not limited to, information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like; a traffic impact study prepared by a Connecticut licensed professional engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; detailed architectural information, such as color samples, screening of roof- or ground-mounted heating and air-conditioning equipment and ventilation ducts, samples of construction materials, and the like; the location and construction material of any fences, walls, flagpoles, street furniture, walkways, trash disposal areas, and the like; and reports from its own consultants and staff, or from government agencies.

(3) Number of copies. The applicant shall submit no less than nine copies of all plans, reports, and other documents enumerated above.

(4) Waivers. The Commission/Board may, upon the written request of the applicant or upon its own motion, waive the submission of information set forth in § 315-13.03B, Site plan, which is not required in order to determine compliance with the criteria set forth in this Article 13. The Commission/Board may not waive the submission of information set forth in § 315-13.03C through G.

(5) Signature block. All plans shall contain the words "Approved by the Willington Planning and Zoning Commission/Zoning Board of Appeals," with a designated place for the signature of the Chairperson, Vice Chairperson, or Secretary of the Commission/Board and the date of signing.

(6) Adequacy of information to establish compliance. All applications shall contain sufficient information to permit the Commission/Board to make the findings required in § 315-13.05 of these regulations.

§ 315-13.04. Application procedure. [Amended 9-16-2025, eff. 10-1-2025]

A. Who may apply. The following persons may apply for a special permit/exception: an owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document; provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for certificate of zoning compliances from the Town or, in the

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alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for certificate of zoning compliances from the Town.

B. Informal discussion. Any proponent of a use permitted by special permit/exception may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission/ Board for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission/ Board shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission/Board upon the future receipt, if any, of a formal application for special permit/ exception. Following any informal discussion, the Commission/Board may suggest that the proposal, or certain aspects thereof, be referred to other municipal, state, or federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for special permit/exception.

C. Submission of application.

(1) Complete application. A complete application shall consist of the application form and fee, together with the required information set forth in this Article 13. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or the Board, as the case may be, or 35 days following the submission of such application, whichever shall first occur.

(2) Notices mandated by statute.

(a) In accordance with C.G.S. § 8-7d, the Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any special permit/exception in which any portion of the property affected is within 500 feet of the boundary of the adjoining municipality, a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit in the site, a significant portion of the sewer or water drainage from the project on the site will flow through or significantly impact the drainage or sewerage system within the adjoining municipality, water runoff from the improved site will impact streets or other municipal or private property with the adjoining municipality. Such notice shall be made by certified mail and shall be mailed within seven days of the receipt of the application, and no public hearing shall be held on any special permit/exception application unless or until such notice has been received. The adjoining municipality may, through a representative, appear and be heard at any hearing on such application.

(b) In accordance with C.G.S. § 8-3i, in any special permit/exception application for any property which is within the watershed of a water company, as defined in C.G.S. § 16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

(3) Notice to adjoining owners. The applicant shall also notify all adjoining landowners of record of

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the date, time and place of the public hearing of the Commission at which said special permit/ exception is to be considered no less than 10 days preceding the date of said hearing, and shall submit proof to the Land Use Department of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.

(4) Posting of sign. No less than seven days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any application for special permit/ exception. The face of such sign shall be as provided by the Commission and shall set forth the date, time and place of the public hearing and the agency (the Commission or the Board) hearing the application. It shall be the obligation of the applicant to post such sign on the property in a location which is plainly visible from the nearest public street and to maintain the sign until the opening of the public hearing. Said sign shall be placed at intervals of one sign every 200 feet along all street(s) upon which the subject parcel has frontage. No sign need be posted for the continuation of a public hearing once it has opened.

(5) Submission for review. In addition to the requirements set forth in the preceding subsections, the Commission/Board may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

(6) Time limits.

(a) The Commission/Board shall, within 65 days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or the applicant's authorized representative shall attend the public hearing, and the absence of the applicant or the applicant's authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than 35 days following the opening thereof. Within 65 days following the close of said public hearing, the Commission/Board shall act upon said application. The applicant may request an extension of any of the time limits set forth in this subsection for a period not to exceed 65 days.

(b) These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these regulations.

(7) Action.

(a) The Commission/Board shall review the application for conformance with the criteria of this Article 13. The Commission/Board may approve, modify and approve, or disapprove the application. If the Commission or the Board determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such reapplication is made within one year of the denial without prejudice, the Commission/Board may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

(b) The Commission/Board may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Article 13. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for nonstructural uses such as excavations, outdoor events, and the like), the Commission/Board may grant a

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special permit/exception which is temporary and will be effective only commencing on, or terminating on, specified dates.

(c) The Commission/Board shall state, upon the record, the reasons for its action and shall publish notice of such action as required by Connecticut General Statutes. The Commission/Board shall, in addition, send written notice of its decision under the signature of the Commission's/Board's Secretary or clerk, by certified mail, to the applicant within 15 days of its action.

(8) Endorsement and filing. Within 65 days of the Commission/Board approval, the applicant shall submit one set of final plans on a reproducible material suitable for filing in the Town Clerk's office and six sets on paper, reflecting all conditions or modifications required by the Commission/Board, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission/Board except for the depiction of modifications and conditions required by the Commission/Board in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission/Board shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per Article 20 of these regulations) have been provided, the plan shall be endorsed by the signature of the Chairperson, Vice Chairperson, or Secretary of the Commission/Board, as the case may be. Thereafter, it shall be the responsibility of the applicant to file one set of endorsed final plans in the office of the Town Clerk. In accordance with C.G.S. § 8-3d, no special permit/exception shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within 60 days following the signing by the Commission's/Board's authorized officer(s) shall become null and void. Any special permit/exception site plan filed in the Town Clerk's office without the endorsement of the Commission's/Board's Chairperson, Vice Chairperson, or Secretary shall likewise be void.

§ 315-13.05. Criteria for decision. [Amended eff. 12-15-2012; 9-16-2025, eff. 10-1-2025]

In reviewing an application for special permit/exception, the Commission/Board shall consider the following criteria and shall make a finding that:

A. Complete application. The application shall contain all information required by this Article 13, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission/Board to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.

B. Compliance with regulations. The application shall conform in all respects with these regulations, unless a certified copy of a variance from any such provision is submitted with the application or the Zoning Agent has issued a finding that the nonconformance is a legal, preexisting nonconformity in accordance with Article 9 of these regulations. Further, the application shall conform to Chapter 310, Subdivision Regulations; Chapter 304, Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an inland wetlands permit issued by the Willington Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Health Official or his authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these regulations.

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C. Frontage improvements. Where the subject site has frontage on an existing street, the pavement and shoulders shall be improved in accordance with the pattern existing on said street and any special requirements created by the proposed development, including, but not limited to, street widening, acceleration/deceleration lanes, curbing, stormwater drainage, street trees, and sidewalks.

D. Traffic access. All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection and for the extension of any road or driveway terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s). No driveway onto a public street shall exceed 30 feet in width, excluding the radius fillets at the point of intersection with the street, and no proposed driveway shall be closer than 100 feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in nonresidential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and sight lines shall comply with state standards, where applicable.

E. Emergency access. All site plans shall make adequate provision for facilities and access for fire, police and other emergency protection. Such provision shall include, but not be limited to, fire lanes, access drives to otherwise remote portions of a building or site, adequate lighting of remote or visually obscured building or site areas, fire hydrants where surface or subsurface water supplies exist, and the like.

F. Sanitary waste disposal plans. All plans shall provide for the disposal of sanitary waste in conformance with the Public Health Code and, in addition, in a manner which protects surface water and groundwater supplies, inland wetlands and watercourses, and ensures the protection of the public health and safety. Any sanitary waste disposal plan located in or in the immediate area of soils having "severe" limitations, as set forth in the U.S. Department of Agriculture, Natural Resources Conservation Service, Soil Interpretations Record (also known as "NRCS Soils 5 Form"), as the same may be amended from time to time, shall have a 100% replacement area.

(1) No special permit/exception shall be approved, or modified and approved, unless the soil percolation and groundwater and ledge observation test pits, which must be taken in situ (original undisturbed soil), and other site conditions in the area of the primary and reserve septic system(s), indicate:

(a) No slope shall exceed 25% in the area of the designated proposed primary and reserve septic systems.

(b) Soils shall have a percolation rate of no slower than 30 minutes per inch.

(c) Groundwater shall be no higher than 18 inches below the existing, undisturbed ground surface as determined by mottling or seasonal high groundwater, whichever is higher. Observation test pits for groundwater/ledge and percolation tests may be taken during any month of the year. The Health Official may require additional testing should, in his opinion, the existing tests not be adequate or performed during an extremely dry period. All testing shall comply with the State of Connecticut Public Health Code, as updated and

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revised from time to time.

(d) Bedrock shall be no higher than four feet below the surface as observed during soil testing. The preceding shall not apply to developments to be served by public sanitary sewers.

(e) There shall be no inland wetland or watercourse as defined by Chapter 304, Inland Wetlands and Watercourses Regulations, within the primary or reserve septic system area(s). The presence of such wetlands soil types shall be determined by a detailed field survey only, conducted by a soils scientist certified as meeting the basic qualification of the Society of Soil Scientists of Southern New England.

(f) There shall be no areas within Flood Zone A (100-year), as indicated on the current Flood Insurance Rate Maps of the Federal Emergency Management Agency, within the primary or reserve septic system area(s).

(2) For items in Subsection F(1)(a) through (e) above, the Commission may accept soil and topographic conditions for the site as they are proposed to be, rather than as existing, if the proposed alterations are found to be in harmony with the preservation of the rural character and natural resources of the Town and if engineering evidence indicates that the limitations of the existing soil and topography will not be present in the proposed conditions. Prior to the issuance of a building permit, the applicant shall demonstrate that all of the preceding requirements are, in fact, met for the site as altered.[27]

G. Erosion, sediment, and runoff control standards. No site plan shall be approved which will cause erosion, flooding, or sedimentation on the property being developed, surrounding properties, or wetlands or watercourses, as the same are defined by the regulations of the Willington Inland Wetlands and Watercourses Commission. Stormwater runoff shall be channeled into stormwater drainage systems and/or detention areas in accordance with proper civil engineering practice. For any site plan which depicts more than 2,000 square feet of impervious surface, be it building areas or paved areas, there shall be no increase in the peak stormwater runoff as a result of the proposed development. Measures used to control erosion and sedimentation shall, at a minimum, meet the standards and specifications of the Tolland County Soil and Water Conservation District.

H. Wetland and watercourse protection. No sanitary disposal system shall be located within 150 feet of major rivers and their tributaries (see § 315-4.23).

I. Surface water and groundwater protection. In reviewing any site plan or use, the Commission/Board shall consider the impact on existing and potential public surface and ground drinking water supplies. The application may be denied if the Commission/Board concludes that unreasonable adverse impact will result from the granting of the special permit/exception.

J. Water supply. No site plan depicting a development to be served by a water company, as defined hereinabove, shall be approved unless and until a certificate of public convenience and necessity, or the waiver thereof by the Willington Board of Selectmen, has been obtained in accordance with § 315-13.03F of these regulations.

K. Public health and safety. The site and building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited to the following:

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27. Editor's Note: Original Sec. 13.05.06.06, third paragraph, regarding septic systems for high-intensity uses, which immediately followed, was repealed 9-16-2025, eff. 10-1-2025.

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(1) Adequate access for emergency vehicles and equipment.

(2) Adequate water supply for firefighting, in accordance with recommendations of the Fire Marshal or his/her designee.

(3) Adequate utility capacity.

(4) Floodproofing measures which may be desirable, even if over and above the minimum requirements of these regulations or applicable state or federal standards.

(5) Protection of the natural environment.

(6) Avoidance of glare visible from public streets or adjacent properties.

L. Appropriateness of use. The proposed use shall be appropriate for the designated location with regard to:

(1) The size and intensity of the proposed use and its relation to existing land uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties.

(2) The capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of nonresidential traffic through residential streets.

(3) The development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(4) The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls.

(5) The overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use.

(6) The preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors.

(7) The availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail.

(8) The degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate.

(9) The use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.

M. Architectural character, historic preservation, site design.

(1) The overall architectural character of the site and building designs shall not be detrimental to property values in the neighborhood or the Town and shall preserve and enhance the Town's historic and rural character in terms of scale of buildings, the preservation of scenic vistas and public access, materials used, rooflines, door and window details, site and building lighting,

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street furniture, paving materials, landscaping, signs, colors, and all other features of the site and buildings which are visible from the exterior of any building on the site or from adjoining properties or streets, or which may impact the character or quality of life on adjoining properties, in the neighborhood, or throughout the Town.

(2) In multibuilding commercial or industrial developments, all buildings shall reflect a common architectural theme through the use of similar materials, rooflines, and other exterior treatments. All commercial and industrial uses shall include landscaped areas of not less than 10% of the developed lot area. Landscaped areas shall be strategically placed to enhance property values and to protect adjacent uses. With the exception of required loading facilities, all nonresidential buildings shall maintain a landscaped area no less than 15 feet in width between any and all parking areas and the building. With the exception of required driveways and walkways, all residential buildings shall maintain a landscaped area no less than 30 feet in width between any and all parking areas and the building.

(3) Failure to maintain any landscaped area or buffer strip required by these regulations shall constitute a violation of these regulations.

N. Uses in, adjacent to, or impacting residential areas. In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of a residential zone or area of residential uses, the Commission/Board shall find that:

(1) The location and size of such use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or inconvenient to, or detrimental to the character of, the said residential district or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, signs and landscaping shall be designed so as to protect the residential character of surrounding residential neighborhoods or residential zones.

(2) Where any lot, or part thereof, adjoins or is separated by a street from a residential zone, the provisions of § 315-4.14 (general regulations) (concerning buffering) shall apply. In addition, the Commission may require additional setbacks or buffers for uses which pose special potential for adverse impacts due to their hours of operation, lighting, noise, odor, and any other similar characteristics. No building, parking, or loading areas (other than driveways) shall be located in any minimum yard required by these regulations.

(3) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(4) No use shall be permitted which does not meet the requirements of § 315-4.15 (general regulations) (dealing with performance standards) of these regulations.

(5) No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission/Board, and such authorized outside storage shall be screened in such manner as the Commission/Board may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.

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(6) All buildings in multibuilding developments shall be logically related to provide convenient access to a common open space. Incompatible building types and uses shall be separated by open space and suitable screening.

O. Special requirements for uses in the watershed of the Fenton and Mt. Hope Rivers. The following special requirements shall apply to all special permit/exception uses located within the watershed of the Fenton River or Mt. Hope River:

(1) The total coverage for all buildings and paved areas shall not exceed 10%.

(2) No portion of any septic disposal system shall be located within 200 feet of any inland wetland or watercourse as defined in Chapter 304, Inland Wetland and Watercourses Regulations, such wetlands and watercourses to be determined based on their natural, predevelopment locations. Sufficient soil of acceptable character shall be present within the site to ensure safe and effective functioning of an on-site septic system. All septic systems shall be designed by a sanitary engineer licensed in the State of Connecticut and shall include a renovation analysis demonstrating compliance with current standards adopted by the Connecticut Department of Energy and Environmental Protection.

(3) No stormwater discharge from parking areas, roadways, rooftops or areas covered with similar impervious surfaces shall be deposited directly into any wetland or watercourse nor discharged directly into the ground. Suitable surface and/or subsurface measures shall be taken to detain, filter, renovate and otherwise improve the quality of any such waters before discharge to surface or subsurface waters on or off the site. Existing wetlands may be employed for final treatment of stormwaters to the extent of their capacity to do so, but only after initial treatment by new wetlands or structural filtration methods.

P. Compliance with preliminary site development and land use concept plan.

(1) The special permit/exception shall comply in all respects with the preliminary site development and land use concept plan approved by the Commission in accordance with Article 12, Designed Development Zones, of these regulations, except as the Commission may approve or require an amendment thereto.

(2) In the event that a preliminary site development and land use plan covering the subject property cannot be found after diligent search by the applicant and the Commission, the Commission may use the following alternative procedures and criteria in lieu of an evaluation of compliance with the preliminary site development and land use plan:

(a) The Commission may request its staff or consultants to prepare a suitable preliminary site development and land use plan for the subject Design Development Zone, under which the Commission may evaluate the special permit/exception use in the context of the subject Design Development Zone as it has, in fact, evolved and as it should evolve in the future;

(b) The Commission may require the applicant to prepare, for the Commission's consideration, a suitable preliminary site development and land use plan which demonstrates that the proposed special permit/exception use is compatible with the subject Design Development Zone as it has, in fact, evolved and as it should evolve in the future; or

(c) The Commission may determine the suitability of the proposed special permit/exception use within the subject Design Development Zone by reference to the criteria set forth in

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§ 315-12.04 of these regulations.

(3) If the Commission elects to proceed under options in Subsection P(2)(a) or (b) above, it shall hold a public hearing on the preliminary site development and land use plan as presented by its staff or the applicant, and thereafter may approve, modify and approve, or deny such plan. If approved, with or without modifications, such plan shall become the adopted plan for the subject Design Development Zone and shall be filed in the office of the Town Clerk, and all future special permit/exception applications shall be evaluated by reference to such plan.

§ 315-13.06. Specific recommendations and requirements for sites and buildings.

The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission/Board will examine in evaluating any application for special permit/ exception, and the preferred or required features, as the case may be:

A. Building materials. Preferred building materials shall be with brick, stone, or narrow-width siding, or the like. Not preferred are corrugated or unpainted metal, unfinished concrete block, and asphalt shingle siding. Roofing materials should, where visible, be cedar shake, slate, copper, asphalt shingles, or reasonable equivalents. Tar paper, corrugated metal, or plastic roofing surfaces are strongly discouraged. Building-mounted lighting shall utilize shielded light sources and shall be of a style and character which is in harmony with the character of the Town. Building-mounted floodlights and ornamental building lighting are discouraged. All roof-mounted ventilation, heating, and air-conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed building.

B. Lighting. Lighting shall be limited to that required for basic security and protection of the premises. In public commercial, industrial and recreational developments, during operating hours, only sufficient illumination shall be provided for the safe passage and illumination of vehicles and pedestrians, being, in general, illumination to an average level of 1/2 footcandle per square foot. Lighting standards in most parking areas should not exceed 20 feet in height, but in no event higher than the height of the building adjacent to the area to be illuminated. (See specific requirements in Article 18, Off-Street Parking and Truck Loading.) No lighting shall create glare, and the light source shall be recessed into the body of the luminaires and shall be designed with reflectors and/or lenses to focus all light downward, with sharp cutoff on the horizontal plane, so that neither the light source nor unreasonable ambient light will be visible from beyond any property line of the site. Pedestrianways shall be illuminated by light bollards or other low-level lighting standards with shielded light sources. All loading areas, rear entries, and other high-crime areas shall be illuminated to the level of parking areas.

C. Site plan. The Commission/Board may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along public streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission/Board may permit gravel or other surfaces for interior walkways where minimal use of such walkways is anticipated.

D. Landscaping and screening. All parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood and to provide all-season visual buffers between the proposed use and any

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incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees shall have a minimum caliper measured at breast height of 2 1/2 inches, all evergreen trees shall have a minimum height of six feet, and all shrubs shall be of a size at least 1/3 their mature potential. All artificial trees, shrubs and grass are prohibited, except for seasonal, festive, or other temporary decoration. The Commission/Board may require that any or all buildings shall have foundation plantings.

NOTE: See the provisions of Article 4, General Regulations, and Article 11, Special Regulations, for additional requirements which may be applicable to special permit/exception uses.

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ARTICLE 14
(Reserved)

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ARTICLE 15
Excavation and Filling of Earth Products

§ 315-15.01. Purpose and authority.

The purpose of these regulations is to regulate the filling, processing and removal from land of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss, and other similar substances, so as to prevent conditions in the Town of Willington detrimental to the public safety, health, and general welfare, including, but not limited to, erosion, depletion of natural resources, dangerous open pits, lowering of property values, stagnant water bodies, nuisances, traffic hazards, and unsightly operations. This article is enacted pursuant to C.G.S. § 7-148.

§ 315-15.02. Definitions.

For the purposes of this Article 15 only, terms used herein shall be defined as follows:

EXCAVATION or EXCAVATION OPERATIONS — The term "excavation" or "excavation operations" shall include:

A. Any operations involving excavating, grading, filling or removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss, and any other earth products in the Town of Willington; and

B. The transportation of such products from such operations across private property located in the Town, regardless of whether the operation itself is within the Town or in an adjacent town.

PERMIT PREMISES — Any portion of a lot or of premises (as defined in these regulations) upon which a special permit in accordance with this Article 15 has been issued, or upon which premises any such special permit would be required pursuant to the provisions of this Article 15.

§ 315-15.03. Permit required.

Except as provided in the following section, there shall be no excavation operations on any premises except upon the issuance of a special permit in accordance with this Article 15. Upon the issuance of such special permit, excavation operations shall be permitted in all zones.

§ 315-15.04. Exempt operations.

This Article 15 shall not apply to:

A. Excavation of less than 100 cubic yards of material over a twenty-four-month period from a lot.

B. The construction of a wall, sewer or water line, septic system, swimming pool, fence, sidewalk, driveway or parking area incidental either to an existing building or to a building for which a certificate of zoning compliance and a building permit (where required by the Building Code) have been issued; or any work incidental to landscape gardening on the property.

C. Excavation involving the movement of earth products from one part of the premises to another part of the same premises, when such removal/filling is made for agricultural purposes or landscaping.

D. Necessary excavation, grading, removal or filling incidental to the construction or alteration of a building or structure for which a certificate of zoning compliance and, where required, a building permit has been issued.

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E. Necessary excavation, grading, removal or filling incidental to the construction or alteration of a public highway, or a street in a subdivision approved by the Commission and filed in the office of the Town Clerk in accordance with Chapter 310, Subdivision Regulations.

§ 315-15.05. Special permit application requirements. [Amended 9-16-2025, eff. 10-1-2025]

The Commission may grant a special permit in accordance with this article (in lieu of the provisions of Article 13, Special Permit/Exception, of these regulations) for the removal or filling of soil, loam, sand or gravel, stone or clay, under the following conditions:

A. The owner of the land, or his agent, shall submit a plan of the permit premises prepared by a professional engineer and a land surveyor licensed in the State of Connecticut which shall:

(1) Show the boundaries of the entire parcel of land owned by the applicant, with the permit premises delineated.

(2) Be drawn to one inch equals 40 feet scale.

(3) Indicate existing contour lines and proposed final contour lines of the project area, as well as all area within 100 feet thereof, or such greater distance as the Commission may require to establish conformance with the criteria of this section. Said plan shall also indicate the location of surface and determinable subsurface rock and the seasonal high groundwater table.

(4) Indicate bench marks (two) established from USGS monumentation or by a bench mark established on-site.

(5) Show the location and elevation of all existing and proposed streets, roads or highways on and within 500 feet of the permit premises, or such greater distance as the Commission may require to establish conformance with the criteria of this article.

(6) Indicate the existing and proposed drainage of the permit premises, including drainage provisions during the excavation or filling phases, as well as an erosion control plan.

(7) Show all adjacent property owners and indicate the names and mailing addresses of all property owners within 1,000 feet of the permit premises, as such names and mailing addresses are shown on the current records of the Assessor.

(8) Show the location of all structures, watercourses, utilities, rights-of-way, and easements on the permit premises, and areas which are wooded or open field.

(9) Show details of regrading and revegetation of the permit premises, including the number, size at planting, and location of all landscaping material and the mix of grass seed for all restored area.

B. A statement and map describing the stages of operation by area and time sequence shall be submitted.

C. A list of the number and types of machinery to be used on the premises and for hauling, the proposed hours of operation, and the location and type of any storage building existing or to be erected on the permit premises shall be submitted.

D. All applications shall include a sedimentation and erosion control plan in accordance with Article 16 of these regulations, and also including routes water will follow both during and after work is completed; temporary measures, both mechanical and vegetative, for erosion control; measures planned for keeping sediment on the site; and any permanent mechanical measures needed to control

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water runoff and thus erosion and sediment.

E. The applicant shall submit a reuse plan which will indicate the final land configuration of the parcel. In order to encourage land aesthetics, final slopes may consist of variations of 3:1 and 4:1 ratios. Said plan, subject to approval of the Commission, shall also include provision for ground cover, including topsoil, reforestation and seeding. Said reuse plan shall indicate:

(1) Proposed final condition of the land and its usefulness for development in accordance with the zoning of the premises, based on the remaining natural resource conditions after restoration;

(2) Alterations to the land resulting from the excavation operation; and

(3) Evidence (such as borings) that adequate cover will remain over bedrock to permit development of the premises in accordance with its zoning, including adequate depth for drainage, septic systems, and other utility installation.

F. The applicant shall submit:

(1) The anticipated haul pattern for the operations, which shall be approved or modified and approved by the Commission.

(2) A statement of the total cubic yards of material to be removed from, or brought into, the site; the number of truck loads required to move such a volume of material, based on the types of trucks to be used in the excavation operation; and the approximate number of trips per day, based on the probable seasons of operation and the proposed hours of operation.

(3) Evidence of the approval of the excavation operation, where required, by the Willington Inland Wetlands and Watercourses Commission, and the final report of that Commission, as required by C.G.S. § 8-3c.

(4) An application or renewal fee in accordance with Town ordinances.

§ 315-15.06. Requirements for excavations.

All excavations shall comply with the following minimum requirements:

A. At no time shall more than five acres, or 10% of the premises, whichever is less, be left in an unrestored condition, unless expressly authorized by the Commission due to special circumstances such as topography, weather, or unique site conditions, and excepting applications to which § 315-15.13 applies.

B. The use of any proposed buildings on the permit premises during the term of the excavation operation shall be limited to sanitary facilities and the storage of tools, equipment and materials essential to the operation; and allowing human habitation by the landowner, his next of kin, or any employees of the operation in accordance with other applicable provisions of these regulations.

C. All aspects of the excavation operation shall strictly comply with the plans and other supporting information submitted, as the same may be modified by the Commission, and shall comply at all times with the provisions of these regulations.

D. Removal of material shall not result in a grade steeper than 3:1, except for areas of ledge outcrop. There shall be no excavation operations within 50 feet of any property line or of a street line, except that the Commission may waive such buffer where the reuse plan indicates that excavation closer to the property line would facilitate a valid ultimate use of the property. Where the use of an abutting

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property is similar or compatible to the proposed use, or where the topography of the property is appropriate, grades may be as steep as 2:1 and material may be removed to the property line to conform to existing or proposed grades. All slopes shall be protected both during and after disturbance by cutoff ditches or other erosion control devices or measures.

E. Excavation operations, including loading and delivery of material, shall not commence before 7:00 a.m., EST or DST (as the case may be) and shall terminate not later than 6:00 p.m., EST or DST (as the case may be), Monday through Saturday. No operations are permitted on Sunday or legal holidays. The foregoing shall be deemed to be the standard maximum days and hours of operation in the absence of any condition in the special permit to the contrary. The Commission may require or permit greater or lesser days or hours of operation, depending on the use of adjoining or nearby properties and of properties along the roads of the anticipated haul pattern; the pattern and character of traffic on the roads of the anticipated haul pattern, including times of commuter traffic, school buses, and truck or other traffic from other land uses in the area; the topography of the property and its ability to contain or deflect noise and dust; and the presence or absence of specific measures to control noise in the excavation operation.

F. No on-site processing of material may be permitted unless such use is expressly requested in the application and approved by the Commission as part of the special permit issued hereunder. The plan submitted in support of the special permit shall depict the proposed location of such processing. In any event, no rock crushing or other processing of material shall occur within 100 feet of any property line or of any street. The Commission may increase or decrease such minimum setback depending on the projected life span of the excavation operation, the character and use of adjacent or nearby properties, the topography of the property and its ability to contain or deflect noise and dust, and the presence or absence of specific measures to control noise in the excavation operation.

G. During the period of excavation, provision shall be made for proper drainage. The drainage system may include sedimentation basins designed in accordance with Natural Resources Conservation Service standard practices. The drainage system shall, where recommended by the Town Engineer, include detention basins designed to prevent any increased rate of discharge due to the additional runoff caused by the excavation. The effectiveness of the drainage facilities, including vegetative cover, shall be assured for a twelve-month period following completion of each stage of the operation, and no bonds for such stage shall be released until the expiration of such time. The Commission may extend such twelve-month period for good cause, such as the failure of the vegetative cover to become established, unusual weather conditions, failure of the drainage design, and similar factors.

H. In any area where the Commission reasonably finds that there is a need to minimize the nuisance of noise, flying dust and rock, and the accumulation of groundwater or surface water, the Commission may require any or all of the following measures:

(1) Limitations on the height of stockpiles.

(2) Provisions for watering/wetting of stockpiles, haul roads, or working surfaces/areas, or covering or temporary mulching of stockpiles.

(3) Construction of visual and/or noise buffers by fencing, earth mounding, vegetative screening, a particular orientation for working faces of the excavation, or other similar measures.

I. Where necessary to protect the safety of persons entering the permit premises, the Commission may require fences, gates, or barricades to control or prevent vehicular access.

J. The sale of earth products to the general public on the premises is permitted where and as designated

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in the application and approved by the Commission.

K. Truck access roads to and within the permit premises shall be so arranged as to eliminate danger to traffic and to minimize the nuisance to surrounding property owners. Such access roads shall have a dustless surface for the first 300 feet from the public street, which is to be maintained in good condition at all times. There shall be an anti-tracking pad adjacent to the street, or such other additional or alternative measures as the Commission may approve upon the written request of the applicant to prevent the tracking, washing, spillage or other deposition of material on the street.

L. The applicant shall make provision for such highway warning signs as are reasonably required by the Commission and authorized by the State Traffic Commission or the Board of Selectmen, as the case may be.

M. As each stage of the excavation operation is completed, that portion of the permit premises shall be graded to its final contour lines as shown on the plans, as approved by the Commission, and a layer of arable topsoil, of a quality approved by the Zoning Agent, shall be spread over the previously excavated areas, except exposed rock surfaces, to a minimum depth of four inches. The areas shall be mulched and seeded in accordance with current recommendations of the Natural Resources Conservation Service. The cover vegetation shall be stabilized and maintained for a period of 24 months following seeding. The Commission may authorize different restoration vegetation for areas which are to be used for recreation or agriculture.

N. No loam shall be sold from any permit premises unless the applicant can conclusively establish that the required four inches of loam would remain to provide the cover specified in the preceding subsection for all disturbed areas.

O. Removal or disturbance of any material below that elevation shown on the final approved plan is prohibited (i.e., no mining permitted).

§ 315-15.07. Criteria for decision.

In passing on applications for special permits pursuant to this Article 15, the Commission shall consider the following criteria:

A. The application shall contain all information required by this Article 15, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these regulations. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.

B. The application shall conform with applicable provisions of these regulations, unless an express waiver is granted where specifically authorized herein. Further, the application shall conform to Chapter 310, Subdivision Regulations; Chapter 304, Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an inland wetlands permit issued by the Willington Inland Wetlands and Watercourses Commission, where required; and all relevant provisions of the United States Code and the Connecticut General Statutes and regulations adopted pursuant to them (such as water diversion permits from the Connecticut Department of Energy and Environmental Protection or wetlands permits from the U.S. Army Corps. of Engineers), whether or not cited in these regulations.

C. No excavation operation shall be approved where there is substantial evidence, on the record, that

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such operation poses a demonstrable risk of degradation of surface water or groundwater supplies arising out of any element of the proposed use or site plan.

D. The effect of such removal or filling on the surrounding property and the future usefulness of the premises when the operation is completed.

E. The traffic and safety impacts of the haul pattern.

F. The impact of noise, dust, erosion, blasting, and other proposed activities on neighbors.

G. The environmental impact of the use, including impacts on groundwater and surface water quality and quantity, wildlife habitat, aquifer protection, and similar considerations.

H. Compliance with the performance standards of § 315-4.15 of these regulations.

I. The adequacy of the provisions for a dustless surface on access roads, and the minimization of the nuisance from noise, flying dust and rock.

J. Provision for adequate vegetative screening, fencing, earth mounding for safety, and visual and noise buffers along the property and street lines may be required, as determined by the Commission.

§ 315-15.08. Application procedure.

The application procedure set forth in § 315-13.04 of these regulations (concerning special permits/ exceptions) shall apply to applications under this Article 15, except as modified in the following § 315-15.09.

§ 315-15.09. Permit review, expiration and renewal.

A. Inspection and testing. The Commission or its Zoning Agent may, at any time, inspect the permit premises for compliance with these regulations, the approved plans, and any conditions of the permit. The Commission or its Zoning Agent may take water samples from appropriate locations and have them analyzed to determine the impact of the excavation operation on surface or subsurface water quality. Such monitoring shall not relieve the permit holder of its responsibility to assure effective water pollution control.

B. Permit review. During the month of April and the month of August, or more often if conditions warrant, the Commission may require the permit holder to review the site, either in the field or before the Commission or both, to address permit compliance and to review progress toward restoration.

C. Permit expiration and renewal. Any permit or renewal thereof shall expire on March 1 of the year following its date of issuance. The Commission may authorize renewal of any permit for additional periods of not more than one year, without an additional public hearing, if the excavation operation is proceeding in accordance with all these regulations and any permit issued hereunder. The permit holder shall apply for such renewal no less than 45 days, nor more than 90 days, prior to the expiration of the current permit. Renewal applications shall include evidence of compliance herewith, including, but not limited to, an updated survey depicting the existing contours, as compared to the proposed contours; photographs of the site; water quality or noise test data; and the like. The Commission may require additional information if the renewal will involve changes from the original permit. The Commission may also impose additional conditions on, or modifications to, the original permit which appear necessary or desirable in light of the history of the operation.

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§ 315-15.10. Staging.

The Commission reserves the right to require project stages to limit the amount of land to be denuded and stripped at any one time. Such requirements shall be based upon the character of the neighborhood, the topography of the site, the potential for erosion by wind or water, and the recommendation of the Town Engineer or such other state or local agency, or special advisor, as may provide advice to the Commission.

§ 315-15.11. Bonding.

Before a permit or renewal is granted, the owner shall post a bond in the form of cash, a passbook assigned to the Commission, or an irrevocable letter of credit issued by a bank having offices in Windham or Tolland County in the State of Connecticut, any of which shall be filed with the Treasurer of the Town of Willington. For excavations lawfully existing on the effective date of these regulations, the Commission may accept insurance bonds with an insurance company licensed to do business in Connecticut. The amount of the bond, and the type of bond or combination of bonds (cash, passbook, letter of credit), shall be determined by the Commission and be sufficient to insure full and faithful compliance with the provisions of these regulations, including the protection of Town roads, and final reseeding, regrading and site restoration as required by these regulations and the permit. The amount of such bond shall be reviewed by the Town Engineer and/or the Natural Resources Conservation Service of the United States Department of Agriculture. The form of bonds shall be approved by the Commission's legal counsel and shall be on forms approved by the Town. Bonds may be reduced, in the Commission's sole discretion, as areas of the site are restored and the scope of the excavation operation is reduced; or the Commission may increase such bonds due to inflation, unforeseen restoration problems, correction of violations of these regulations, and other similar factors.

§ 315-15.12. Enforcement.

Any permit issued hereunder may be enforced in accordance with the provisions of Article 20 of these regulations.

§ 315-15.13. Preexisting excavation operations.

Excavation operations in existence as of the effective date of this regulation shall submit permit applications in accordance herewith, and shall be bound by all procedural requirements hereof, and shall conform to all operating requirements contained herein. However, this Article 15 shall not be construed to require any alteration of any area already restored in accordance with the predecessor Section 4.9.3, as effective December 15, 1970, and as amended thereafter, or to require closure of any working face in existence; nor shall renewal of such permit be denied for the reason that it does not comply with any criteria as to the location of the excavation (that is, its relationship to surrounding uses or zones) which are contained in this Article 15 but which were not contained in said predecessor section. All existing excavation operations shall submit a plan depicting stages by which areas of active excavation either existing or approved pursuant to the predecessor Section 4.9.3, but which violate the provisions of this Article 15, shall be brought into conformance herewith, except as exempted by this Article 15. Such plan shall submitted by March 1, 2005, and shall provide for full conformance with this Article 15 no later than March 1, 2007, or such later date as approved by the Commission.

§ 315-15.14. Revisions to approved plan.

Nothing herein shall prevent the Commission from approving a revised plan, without a public hearing, depicting minor modifications, or depicting reductions to the scope of work originally approved (but not expanding or extending it), provided that the bond required in § 315-15.11 shall not be released until

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all required provisions of these regulations have been met, and provided further that any significant modification or any expansion or extension of the operation shall require a public hearing prior to approval.

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ARTICLE 16
Erosion and Sedimentation Control

§ 315-16.01. Intent.

This regulation is adopted to help preserve Willington's natural environment and promote the public health, safety and general welfare. Through the establishment of specific site development principles and review procedures, this article attempts to reduce damages from soil erosion and sedimentation, reduce downstream flooding and, in general, ensure proper storm drainage management.

§ 315-16.02. Site development principles. [Amended 9-16-2025, eff. 10-1-2025]

Earthmoving, grading or land disturbing activities, including the removal of trees and other vegetative cover, the development of haul roads and logging decks for forestry operations, cut and fill activities and all erosion and sedimentation control plans as required (see § 315-16.03), shall (as applicable to the specific site and development) comply with the following site development principles:

A. The earthmoving, grading or land disturbing activity, including haul roads for forestry operations, shall be fitted to the topography and soils so as to create the least erosion potential. Where possible, extensive cut and fill operations should be avoided.

B. Prospective building sites shall not be stripped of vegetation prior to the issuance of a certificate of zoning compliance. Only the smallest practical area of land shall be exposed at any one time during development. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

C. Wherever possible, natural terrain and vegetation shall be retained and protected and significant stands of trees shall be preserved.

D. As necessary, temporary seeding, mulching, staked hay bale check dams, jute or tobacco netting and other control measures shall be used to protect critical areas exposed during development.

E. Wherever possible, buffers of undisturbed natural vegetation of 50 feet or more shall be retained along all watercourses and wetlands.

F. Except as approved by the Commission, with the recommendation of the Town Engineer and the Director of Public Works, cut and fill slopes shall not be steeper than 3:1 unless stabilized by a retaining wall or riprap. All fill material shall be placed and compacted so as to minimize sliding or erosion of the soil. As necessary, diversions, waterways, grading or other adequate protective measures shall be provided to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

G. Drainage provisions shall be made to effectively regulate any increased runoff caused by changed soil and surface conditions during and after development in accordance with § 315-4.20 of these regulations.

H. Permanent or temporary control measures such as diversions, waterways, hay bale check dams, detention basins, sediment basins (silt traps, debris basins) and other structures shall be installed, as necessary, in conjunction with the initial grading operations. Where possible, necessary control measures shall be put into effect prior to commencement of activity in each exposed area. At a minimum, said control measures shall be maintained until the development has been completed and all disturbed areas have been permanently stabilized to ensure the removal of sediment from runoff

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waters draining from land under development. As necessary, temporary seeding shall be utilized as a nonstructural measure for stabilizing slopes during winter conditions and where bare slopes will be untreated for long periods of time.

I. All disturbed areas shall be properly and neatly graded and shaped as soon as possible. Final grading shall include removal of large rocks, stumps, debris and other deleterious materials from finished surface. A final, permanent, vegetative cover shall be established upon achievement of final grade.

J. Grading equipment shall not cross active watercourses except by means of bridges, culverts or other methods approved by the Commission or the Zoning Agent.

K. Unless approved by the Commission, topsoil shall not be removed from developing areas except for sites of structures or man-made improvements. The topsoil from areas intended for such improvements shall be redistributed within the boundaries of the subject site to facilitate the provision of a suitable base for seeding and plantings. As necessary, additional topsoil shall be brought to the site. Soil and other material shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved.

L. During grading operations, necessary measures for dust control shall be exercised.

M. All erosion and sedimentation control measures shall be in place prior to the commencement of construction.

§ 315-16.03. Erosion and sedimentation control plan (ESCP). [Amended 9-16-2025, eff. 10-1-2025]

A soil erosion and sedimentation control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than 1/2 acre, except as provided in § 315-16.03B.

A. Applicability and review procedure.

(1) Earthmoving, grading or land disturbing activities shall not commence until an ESCP based on the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) and the site development principles of § 315-16.02 is submitted and approved by the Commission or Zoning Agent as noted below. In situations where a proposed land use activity requires (through zoning, subdivision or state statutory provisions) Commission or Zoning Board of Appeals action, a required ESCP shall be submitted with other application requirements, and upon acceptance, the plan shall be acted upon by the Commission or Board, as the case may be, within statutory time requirements. In situations where a proposed land use activity requires an ESCP but does not require Commission or Board approval, the ESCP shall be reviewed by the Zoning Agent under certificate of zoning compliance (certificate of zoning compliance) procedures. The Zoning Agent shall act on the submittal within 30 days of its receipt.

(2) Prior to final action, the Commission, the Board, or the Zoning Agent may refer the ESCP to the Inland Wetlands and Watercourses Commission or any other appropriate review agency for comments and recommendations, provided such review shall be completed within 30 days. No ESCP shall be approved which is inconsistent with the site development principles of § 315-16.02 or is deemed inadequate for construction purposes. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under C.G.S. Chapter 124 or 126. The Commission or Board, as the case may be, shall either certify that the soil erosion and sediment control plan complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these

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regulations. Planned soil and erosion control measures and facilities shall be installed as scheduled according to the certified plan and shall be maintained in effective condition to ensure compliance.

B. Components of an erosion and sedimentation control plan (ESCP). A soil erosion and sedimentation control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology or most effective method(s). When a plan is required, the degree of detail to be incorporated shall be based on the specific site characteristics, including, but not limited to, types of soil; the degree and length of slope; the existing vegetation; the size of the disturbed area; the duration of the exposure; the nature of adjacent land uses; and the proximity of watercourses and poorly drained, very poorly drained, alluvial or floodplain soils as designated by USDA Natural Resources Conservation Service. To avoid unnecessary costs and expedite review, the Willington planning staff shall be contacted prior to the formulation of a plan. When required, five copies of an ESCP drawn at a scale adequate to give a clear representation of the proposal, and sufficient detail for erosion and sedimentation measures, shall be submitted. Dependent on the degree of detail required and space availability, the components of an ESCP may be included as part of a subdivision or site plan map. All ESCPs shall include the following:

(1) A narrative describing the following:

(a) Description of the development.

(b) A schedule of operations to include starting and completion dates for major development phases, such as land clearing and grading, street and storm drainage installation, sediment control measures, etc., and sequence of all grading and construction activities.

(c) Seeding, sodding or vegetation plans, including proposed seeding dates, seeding and fertilization mixes, application rates and specifications for all uprooted or unvegetated areas.

(d) The location design criteria and construction details of proposed structural sediment control and soil erosion measures, such as diversions, waterways, grade stabilization structures, debris basins, etc., and sequence for installation and/or application of these measures and for final stabilization of the site.

(e) Acknowledgement and utilization of the site development provisions of § 315-16.02 of this regulation.

(f) General information relating to the implementation and maintenance of the soil erosion and sediment control measures and stormwater management facilities.

(2) A site plan map at a sufficient scale to show:

(a) Property lines and street locations and adjacent properties.

(b) Site characteristics, including types of soils; contours, existing and proposed, at an interval adequate to indicate clearly the degree and length of slopes; existing vegetation and the location of watercourses and wetlands in the area. Two-foot contour intervals may be required by the Commission or Zoning Agent.

(c) The location of potentially serious erosion areas, existing erosion problem areas, areas to be stripped of vegetation and other exposed or unprotected soil areas.

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(d) Existing structures on the project site, if any.

(e) Existing and proposed drainage structures and, as necessary, drainage runoff calculations.

(f) The proposed area alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads, and, if applicable, new property lines.

(g) The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.

(h) The sequence of grading and construction activities.

(i) The sequence of installation and/or application of soil erosion and sediment control measures.

(j) The sequence for final stabilization of the development site.

(3) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

C. Enforcement.

(1) Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission or its agent shall have the authority to require additional erosion and sediment control measures at any time that field conditions require them, it being recognized that unforeseen weather, topography, and other site and environmental factors can render the ESCP inadequate.

(2) The estimated costs of measures required to control soil erosion and sedimentation, including stormwater runoff controls, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission in accordance with § 315-20.11 of these regulations.

(3) Site development shall not begin unless and until soil erosion and sediment control measures are installed in accordance with the approved ESCP, and the ESCP shall at all times be followed both as to schedule and measures to be taken.

(4) These regulations shall be enforced under the provisions of C.G.S. §§ 8-3 and 8-25, as amended.

§ 315-16.04. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CERTIFICATION — A signed, written approval by the Planning and Zoning Commission (or its designated Agent) that a soil erosion and sediment control plan complies with the applicable requirement of these regulations.

DEVELOPMENT — Any man-made change to real estate, including but not limited to the construction of buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations, but excluding the tilling of soil as part of a bona fide farming or gardening operation.

DISTURBED AREA — An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

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EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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

INSPECTION — The periodic review of sediment and erosion control measures shown on the certified plan.

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

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

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

WATERCOURSE — Shall be defined in accordance with Chapter 304, Inland Wetlands and Watercourses Regulations.

WETLAND — Shall be defined in accordance with Chapter 304, Inland Wetlands and Watercourses Regulations.

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ARTICLE 17
Aquifer Protection Regulations

§ 315-17.01. Purpose; statement of intent.

The purpose of this Article 17 is to secure the public health, safety and welfare by protecting and preserving groundwater quality within stratified drift aquifers which are existing or potential public drinking water supplies. These groundwater resources have been shown to be easily contaminated by many land uses and activities, and it is necessary that specific controls over land use be exercised within these areas to protect groundwater quality.

§ 315-17.02. Authority.

These regulations are promulgated pursuant to C.G.S. § 8-2.

§ 315-17.03. Definitions.

For the purposes of this Article 17 only, the following terms shall be defined as follows:

AQUIFER — A geologic formation, group of formations, or part of a formation that contains saturated, permeable materials to yield significant, usable quantities of water to wells and springs. Such a formation is usually composed of rock or sand and gravel.

AQUIFER PROTECTION AREA — That overlay zone which consists of the primary recharge area for aquifers in the Town of Willington. Those recharge areas, as believed to exist based on existing data, are illustrated on a map entitled "Groundwater Recharge Areas Connecticut Areawide Waste Treatment Management Planning Board Scale 1 Inch Represents 2,000 Feet Sheet No: 25, 26, 40, 41 Date: March 1980," which map is on file in the office of the Willington Town Clerk and which map is hereby incorporated as a part of these regulations. Such map is intended to be illustrative only and shall not limit or restrict the extent of the aquifer protection area.

BEDROCK — Solid rock, commonly called "ledge," that forms the earth's crust. It is locally exposed at the land surface, but is more commonly beneath anywhere from a few inches to more than 300 feet of unconsolidated materials.

GLACIAL TILL or TILL — A predominantly nonsorted, nonstratified sediment deposited directly by a glacier and composed of boulders, gravel, sand, silt and clay, mixed in various proportions.

GROUNDWATER — Water below the land surface, in the saturated zone, i.e., the subsurface zone in which all open spaces between soil particles or bedrock fractures are filled with water under pressure which is equal to or greater than atmospheric pressure.

MOST SIGNIFICANT STRATIFIED DRIFT AQUIFER — The favorable set of geologic and hydrogeologic conditions within stratified drift deposits that are capable of supporting public water supply wells or well fields. Such favorable conditions are coarse-grained stratified drift deposits that have deep saturated subsurface regions containing groundwater.

PRIMARY RECHARGE AREA — That area immediately overlying a most significant stratified drift aquifer, adjacent areas of stratified drift that may not have sufficient saturated thickness to be part of the most significant stratified drift aquifer, and portions of the till area in which the groundwater flows directly into the most significant stratified drift aquifer. The boundary of the primary recharge area is the contact point between the stratified drift and the adjacent glacial till or bedrock. Those primary recharge areas, as believed to exist based on existing data, are illustrated on a map entitled "Groundwater Recharge Areas Connecticut Areawide Waste Treatment Management Planning Board Scale 1 Inch Represents 2,000 Feet

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Sheet No: 25, 26, 40, 41 Date: March 1980," which map is on file in the Office of the Willington Town Clerk and which map is hereby incorporated as a part of these regulations. Such map is intended to be illustrative only and shall not limit or restrict the extent of the primary recharge area.

RECHARGE AREA — That area from which water is added to the groundwater by natural processes, such as infiltration of precipitation, or by artificial processes, such as induced infiltration.

STRATIFIED DRIFT — Predominantly unconsolidated, sorted sediment deposited by glacial meltwater consisting of gravel, sand, silt, or clay in layers of similar grain size.

UNDERLYING ZONE — One of the Zoning Districts set forth in Article 2 of these regulations which governs the use of land, buildings and structures in those zones.

§ 315-17.04. Permitted uses in primary recharge areas.

A. All uses permitted in the applicable underlying zone shall be permitted within the aquifer protection/ groundwater recharge areas except as limited by the following conditions or restrictions:

   (1) No use may discharge on average more than 350 gallons of sanitary wastewater per acre per day to on-site septic systems, except upon the issuance of a special permit by the Commission in accordance with Article 13 of these regulations. The applicant discharging more than 350 gallons of sanitary wastewater per acre per day to on-site septic systems shall provide sufficient documentation to establish that wastewater discharges will not contaminate the groundwater.

   (2) In the case of business or industrial uses, or other uses requiring a special permit in accordance with other provisions of these regulations, the special permit required by this article shall be combined with, and made a part of, the special permit for such use.

B. Agricultural operations shall be permitted uses, provided that they employ best management practices as recommended by the USDA Natural Resources Conservation Service and/or Agricultural Stabilization and Conservation Service, for all animal waste management systems and application of manure, fertilizer and pesticides.

§ 315-17.05. Prohibited uses in primary recharge areas.

The following uses shall be prohibited in the primary recharge/groundwater recharge areas:

A. Road salt storage and loading facilities.

B. Solid waste disposal sites.

C. Septage (septic tank contents or wastewater treatment plant sludge) disposal sites.

D. Underground storage of petroleum products.

§ 315-17.06. Removal from primary recharge areas.

The restrictions of this Article 17 shall not apply where it can be determined, through on-site investigation meeting the standards of the United States Geological Survey, that a parcel of land within the aquifer protection area is not within a primary recharge area.

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ARTICLE 18
Off Street Parking and Truck Loading

§ 315-18.01. Off-street parking required.

Parking areas off a Town or state road, and off of any interior access driveway, shall be provided to serve all buildings and all uses of land erected/established, moved, altered or enlarged, or otherwise developed. Such parking areas shall be provided, in accordance with the standards hereinafter specified, to accommodate the motor vehicles of the occupants, employees, customers, and other persons normally occupying, visiting, serving, or otherwise frequenting such building or land at any one time. Any land developed as a unit under single ownership and control shall be considered a single lot for the purpose of these regulations.

§ 315-18.02. Loading areas required.

For all buildings other than single-family, two-family, or multifamily dwellings, loading areas for the loading and unloading of trucks shall be provided off the street and without encroachment on any required parking area, maneuvering lane, or access driveway. One loading area shall be provided for any building, or combination of buildings on a single site, having a gross floor area of 10,000 square feet or more, plus one such area for each additional 25,000 square feet of gross building area on any single lot.

§ 315-18.03. Dimensions. [Amended 9-16-2025, eff. 10-1-2025]

A. Parking spaces. Each bay or stall in an enclosed garage, carport, or similar enclosed shelter available for vehicular parking and having dimensions of at least 10 feet by 20 feet shall count as one parking space. Likewise, for single- and two-family dwellings only, each ten-foot by twenty-foot area of a driveway shall count as one parking space, excluding areas on corner lots required to be unobstructed (see § 315-4.08). For all uses of land other than single-family and two-family dwellings, each parking space shall be not less than nine feet in width and 18 feet in depth.

B. Maneuvering lanes. Each row of parking spaces shall be served by a maneuvering lane or lanes not less than 24 feet wide for two-way traffic, and 16 feet wide for one-way traffic. Angle parking for one-way traffic shall not exceed 60°.

C. Access drives. Parking areas shall be served by access drives no less than 24 feet in width nor more than 35 feet in width. One-way driveways shall be no less than 12 feet in width nor more than 16 feet in width. Access drives on state roads shall comply with all applicable state regulations or with these regulations, whichever shall be more restrictive.

D. Loading areas. Loading areas shall have a minimum dimension of 12 feet by 50 feet, with a minimum vertical clearance of 14 feet six inches. Loading areas may be located within a building or in an open space, but not within any space designated for off-street parking or driveways accessory thereto. All loading areas shall have an unobstructed access at least 10 feet in width from the loading dock or area to the street; such access may be combined with vehicular parking access driveways, but such combination should be avoided, especially where the volume of traffic from the general public will be high (as in retail or office developments). No loading area shall be located in any required front yard.

§ 315-18.04. Handicapped parking.

All commercial, industrial, governmental, and multifamily residential buildings and uses shall provide

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parking spaces for handicapped individuals. Said spaces shall conform to C.G.S. § 14-253a and the requirements of the Connecticut Building Code.

§ 315-18.05. Surfacing.

A. For uses of land other than single-family dwellings, and except as provided below, all parking areas, loading areas, maneuvering lanes, and access drives shall be improved with an adequate all-weather, dustless surface consisting of no less than four inches of processed stone or gravel and a minimum of three inches of bituminous concrete. A greater thickness or higher specification of surfacing may be required by the Commission/Board as part of a special permit/exception application where especially high traffic volumes or heavy vehicle weight is anticipated. All parking spaces shall be defined by curbing or wheel stops to prevent cars from damaging landscaping islands or pedestrian walkways. All parking spaces shall be delineated by painted lines or other clearly visible means.

B. The Commission, as part of a special permit (but not the Board, as part of a special exception), may waive the requirement for a dustless surface, curbing and painted lines, and permit alternative surfacing with washed gravel, stone dust, or similar materials, provided that:

(1) The Town Engineer shall approve the design and alternative surfacing of the parking area.

(2) Wheel stops shall be provided by anchored timbers, stone, or similar methods.

(3) The applicant shall be responsible for regular maintenance of the surface such that it remains free of puddles, icing, potholes, erosion, dust, and similar defects, and is usable by the public during all weather conditions. Failure to comply with this provision shall constitute a violation of these regulations and subject the owner or occupant of the property to the penalties provided by law.

(4) The Commission finds that the character of the neighborhood, the projected intensity of use, the overall size of the parking area, and the nature of the proposed alternative surface make such a waiver appropriate.

§ 315-18.06. Drainage.

For uses of land other than single-family dwellings, all parking areas shall provide for proper drainage, efficient maintenance, and snow removal. In accordance with the applicable provisions of § 315-4.20, Stormwater runoff control, of these regulations, stormwater drainage systems shall produce no increase in peak runoff by means of man-made detention ponds, retention systems or existing natural areas on the site. All stormwater drainage systems shall provide for the trapping and removal of road sand and other waterborne debris. All drainage systems shall be designed to prevent the flow of stormwater onto Town or state roads.

§ 315-18.07. Illumination. [Amended 9-16-2025, eff. 10-1-2025]

In accordance with § 315-13.06B, Lighting, of these regulations, for uses of land other than single-family dwellings, all parking areas shall be illuminated to an average level of 1/2 footcandle per square foot. Lighting in parking areas shall not exceed 20 feet in height or the height of the tallest roofline of any building on the site, whichever is less; provided, however, the Commission, as part of a special permit, may allow lighting no more than 30 feet in height for the central areas of very large parking lots (more than 100 cars) in industrial and commercial developments, and where sixteen-foot standards, or less, are used along all entrance and interior driveways, adjacent to all buildings. No lighting shall create glare, nor shall the unshielded light source be visible from any property line of the site. The same standards shall apply to

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maneuvering lanes and access drives. Pedestrianways shall be illuminated by light bollards or other low-level standards with shielded light sources. All loading areas, rear entries, and other high-crime areas shall be illuminated to the level of parking areas.

§ 315-18.08. Landscaping and screening.

Landscaping shall be provided in accordance with § 315-13.06D, Landscaping and screening, of these regulations. Specifically, all parking and loading areas shall utilize landscaped islands to define and separate parking rows, maneuvering lanes, and access driveways to prevent random vehicular movement and the appearance of large areas of uninterrupted pavement. Capacity of any parking area shall not exceed 75 spaces, and where more parking is required, two or more parking areas shall be provided, separated by a minimum of 15 feet of landscaped area. Loading areas shall be screened by fences, walls, or landscaped screens. Nonresidential parking and loading areas shall be screened from adjacent residential uses in accordance with the provisions of § 315-4.14, Buffer requirements for nonresidential uses, of these regulations; provided, however, that required screening along streets may be modified where required to provide safe sight lines.

§ 315-18.09. Pedestrian circulation.

The Commission/Board may require provisions for safe pedestrian circulation by means of separate walkways, crosswalks, and similar facilities. Such walkways shall be surfaced and maintained for use in all seasons.

§ 315-18.10. Continuing character of obligation.

The requirements of this Article 18, including, but not limited to, the provision of off-street parking and off-street loading, shall be the continuing obligation of the owner of the property upon which any building or use is located as long as such building or use is in existence. It shall be a violation of these regulations for any owner or person in possession of any property to discontinue, obstruct, alter, fail to maintain or plow, or otherwise render unusable any parking or loading area, maneuvering lane, access drive, or any other requirement of this Article 18.

§ 315-18.11. Location of parking areas and access driveways.

All parking spaces required by these regulations shall be located on the same lot as the building or use which they are intended to serve, except in the case of collective provision of parking spaces, as set forth in the following section. All access driveways for any off-street parking area containing 10 or more vehicle spaces or any loading area shall be located no less than 50 feet from any intersecting street lines and shall have a minimum sight line as specified by the Town Engineer.

§ 315-18.12. Collective provision.

Nothing in these regulations shall be construed to prevent the collective provision of loading areas for two or more adjacent buildings which are physically connected, as in a unified shopping center, mall, or office complex, provided the total number of such loading areas shall not be less than the sum of the requirements for the various buildings or uses computed separately. Likewise, nothing in these regulations shall be construed to prevent the collective provision of off-street parking areas for two or more adjacent buildings or uses, provided the total number of such parking spaces shall not be less than the sum of the requirements for the various buildings or uses computed separately, except as provided in § 315-18.13 of these regulations. Further, there shall be no collective provision of off-street parking unless the subject site is under unified ownership or control or unless suitable, perpetual cross-easements are on file or to be

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filed in the Willington Land Records, binding multiple property owners to permit unrestricted access and parking on the entire site to the general public and providing for the maintenance of the parking areas on the total site.

§ 315-18.13. Shared use of parking spaces.

As part of a special permit/exception, the Commission/Board may, by specific provision in the motion of approval, permit the same parking space(s) to be calculated for more than one building or use where evidence is provided which indicates that such buildings or uses will have peak occupancy or parking demand during different times of the day or week. In no event shall such joint use reduce the required parking for any building or use by more than 25%.

§ 315-18.14. Gross floor area and gross leasable area defined.

"Gross floor area" (hereafter, "GFA") shall be defined as the sum of the areas of the floor(s) of a building, as measured by the exterior faces of the walls, including covered porches and the like as measured at the exterior limits thereof, but excluding garage space which is in the basement of a building or otherwise covered, or, in the case of garage space(s) accessory to a dwelling unit, which is at grade. "Gross leasable area" (hereafter, "GLA") shall be defined as gross floor area minus common, public areas not assigned to any tenancy, such as lobbies, porticos, breezeways, stairways, elevators, utility rooms, and the common area of enclosed or covered malls.

§ 315-18.15. Minimum off-street parking requirements.

For any permitted developments, off-street parking shall be no less than as set forth in this § 315-18.15. Whenever the calculation produces a fractional parking space, the required parking shall be rounded to the next highest whole number. The following shall be considered as minimums only, and in the case of uses which are projected to generate a greater parking demand than required by their square footage, seating, or other factors, the Commission may require additional parking as necessary to accommodate the projected demand. In those cases where the specific use is not listed in the following table, the Commission shall designate that use category which most nearly approximates the anticipated parking demand of the proposed use.

Required Off-Street Parking Spaces for Permitted Uses		
Use	**Requires**	**Per**
Single-family dwellings	2 spaces	Dwelling
Two-family dwellings	2 spaces	Dwelling
Multifamily dwellings	2 spaces	Dwelling
Multifamily dwelling (designed elderly residential)	1.5 spaces	Dwelling
Community residence	1 space	Nonresident staff member/ employee, plus
	1 space	Every 2 resident adult occupants

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Required Off-Street Parking Spaces for Permitted Uses		
Use	**Requires**	**Per**
Governmental, philanthropic, educational, religious, and charitable uses	1 space	Greater of 200 square feet of GFA or
	1 space	3 seats in sanctuaries, meeting halls, etc.
Club	1 space	800 square feet of GFA
Golf course	1 space	800 square feet of GFA, plus
	2 spaces	Green
Hospital, sanitarium, rest home, convalescent home	1 space	Greater of 250 square feet of GFA, or
	2 spaces	Bed
Agricultural-related activities, processing, animal husbandry and horticultural services; forestry activities and related services	1 space	1,000 square feet of GFA
Railroad/rapid rail transit lines	1 space	Greater of 300 square feet of GFA, or
	2 spaces	Loading platform
Group child-care home	1 space	Greater of 500 square feet of GFA, or
	1 space	6 children authorized to be cared for at the facility
Excavation and fill operations	As may be determined by the Commission, based on the size and character of the operation and the number of employees anticipated	
Commercial propagation and growing of flowers, plants, nursery stock, and berries; and commercial greenhouses	1 space	Greater of 500 square feet of GFA, or (including greenhouses and storage buildings)
	2 spaces	Acre of land in active cultivation
Commercial dog kennels	1 space	5 dogs capacity
Commercial livery and boarding stables	1 space	Greater of 500 square feet of GFA or (including stables, arenas, storage buildings, barns, and the like)
	1 space	Stall
Commercial veterinary hospitals	1 space	250 square feet of GFA

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Required Off-Street Parking Spaces for Permitted Uses		
Use	**Requires**	**Per**
Recreational facilities accessory to schools and places of worship	5 additional spaces	Each playing field or play area
Home occupations (accessory use). See also detailed requirements in § 315-11.01, Home businesses. There shall be no on-street parking for any home occupation.	2 spaces	Dwelling; plus
	1 space	Nonresident employee (5 total spaces maximum)
Retail buildings and open stands accessory to a farm	1 space	Greater of 150 square feet of GFA (or covered space)
	1 space	300 square feet of land used for display/sale of goods
Library (public)	1 space	300 sq. ft. of GFA
School, elementary	2 spaces	Greater of classroom, or
	1 space	Projected teacher or staff member
School, middle or junior high	1.5 spaces	Greater of classroom, or
	1 space	Projected teacher or staff member
School, secondary (high)	2.5 spaces	Greater of classroom, or
	1 space	Projected teacher or staff member
School, junior college, college, or university	1 space	3 classroom and assembly hall seats, plus
	Additional spaces in accordance with the most analogous provisions of these regulations for other accessory uses, such as dining halls, faculty offices, research facilities, and the like	
Theaters; other places of public assembly	1 space	3 seats
Mortuaries	5 spaces	Chapel or similar room
Restaurants	1 space	3 table seats, plus
	1 space	2 counter or bar seats
Motels and hotels	1 space	Room, plus
	1 space	1,000 square feet of GFA of supporting facilities (such as meeting/conference rooms, offices, enclosed pools and the like), plus any spaces required by these regulations for restaurants

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Required Off-Street Parking Spaces for Permitted Uses		
Use	**Requires**	**Per**
Professional and other offices (excluding medical offices)	1 space	250 square feet of GFA
Medical offices, such as doctors, dentists, medical laboratories	1 space	150 square feet of GFA
Manufacturing operations	1 space	750 square feet of GFA
Banks, insurance companies, other financial institutions	1 space	300 square feet of GFA
Retail trade	1 space	250 square feet of GFA
Service station	1 space	Bay or work area
Warehousing, shipping/receiving, transportation terminals	1 space	5,000 square feet of GFA

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ARTICLE 19
Sign Regulations

§ 315-19.01. Authorization.

No sign shall be established, constructed, enlarged, altered, extended, or moved except in conformance with these regulations.

§ 315-19.02. Purpose.

The purpose of these regulations is to permit the identification of land uses for the convenience of the general public, while regulating and restricting signs so as to prevent them from:

A. Being excessive in number, illumination, area, or height;

B. Being distracting to motorists;

C. Being incompatible with the use of the land or building to which they are accessory;

D. Having an adverse impact on property values and the aesthetic and historic character of the Town of Willington; or

E. Otherwise impairing the public health, safety and welfare.

§ 315-19.03. Prohibited signs.

The following signs are prohibited in all zones:

A. Flashing signs, as defined in these regulations (see Article 3), except for signs indicating the time and/or temperature, by means of white lights only, which may be permitted in the DC, DNC or DI Zones.

B. Moving signs (also at times called "mechanical" signs) as defined in these regulations (see Article 3). "Moving signs" shall include, but not be limited to, permanent spinners, streamers, banners, and the like (excluding temporary events, such as openings and festivals).

C. Portable or mobile signs, being any sign which is mounted on wheels, is collapsible, or mounted or painted on a vehicle which is generally in the same location for purposes of identification. "Portable signs" shall include, but not be limited to, so-called "A" signs and signs on balloons, kites, or other objects suspended in the air.

D. Advertising signs, as defined in these regulations (see Article 3). No sign shall constitute the principal use of any lot.

E. Signs painted directly upon any building surface, such as a wall or roof, or painted or otherwise displayed upon the surface of the earth itself.

F. Roof signs or sky signs, as defined in these regulations (see Article 3).

G. Any sign which displays lights resembling those customarily used by police, fire, ambulance, or other emergency vehicles, and any sign which uses the word "stop," "caution," "slow," or any other word, phrase, symbol, or character that might be misconstrued to be a public safety warning sign or other official traffic control sign.

H. Any illuminated sign in which the background (as opposed to the text) is illuminated by means of an

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internal light source through a translucent or transparent material.

§ 315-19.04. Exempt signs. [Amended 4-1-2014, eff. 4-15-2014]

The following signs do not require a sign permit, as provided in § 315-19.05 below, provided that they comply with the provisions of these regulations:

A. Public signs. Signs of a noncommercial nature, erected in the public interest by or on the order of a public official in the performance of his/her duty, including, but not limited to, safety signs, trespassing signs, traffic control signs, and signs of memorial or historic interest. To qualify for this exemption, traffic control signs must conform to Connecticut Department of Transportation standards; trespassing, memorial, historic interest, and all other signs may not exceed four square feet in area.

B. Small identification signs.

(1) One ground sign per lot, only for uses permitted in residential zones, not exceeding two square feet in area, located on the premises, not illuminated, and announcing only the name and/or occupation of the building occupant.

(2) One public convenience sign for each building in a nonresidential zone, attached flat against the principal building, identifying store hours, the name of the business, or other basic information of a nonadvertising nature, and not exceeding four square feet in area.

(3) Trespass signs and other signs indicating the private nature of a driveway or other premises, not to exceed four square feet.

C. Special event temporary signs. For public, charitable, educational or religious events: one sign not exceeding 20 square feet in area on the same lot as the event, plus two other signs of the same size at other locations (with the permission of the property owner), provided the said signs are posted no sooner than 14 days prior to the event and removed at the close of the event. In addition, directional signs may be posted, provided they do not exceed four square feet in area and are posted no sooner than 14 days before the event and are removed at the close of the event.

D. Construction, sale, and rental temporary signs (on-site). One construction or project sign per lot not exceeding 32 square feet in area for residential uses, nor more than 32 square feet for commercial and industrial uses, and, in addition, one freestanding sign per subcontractor not exceeding four square feet. Also, one sign per residential lot advertising "for sale" or "for rent"; or one sign per 600 feet of contiguous street frontage; such "for sale" or "for rent" signs not exceeding four square feet. All such signs shall be displayed for no more than six months, which time period may be extended by the Commission for an additional six months. All such signs shall be removed no more than 10 days following the completion of a construction project, or the sale or rental of all lots, dwelling units, or other spaces.

E. Temporary interior business window signs. Signs located on the inside of the windows of commercial buildings.

F. Governmental insignias. The flag, seal, or other official insignia of any nation, state, city or other political unit, provided the same shall be no larger than 50 square feet.

G. Tag sale signs. One sign, not exceeding two square feet in area, located on the same lot as the tag sale, and for a period not to exceed 72 hours.

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H. Change in text/content. A change in the text or content of a sign, with no other change in size, location, color, illumination, or any other aspect of the sign, shall not require the issuance of a new sign permit.

I. Maintenance. Routine repainting, cleaning, and other normal maintenance and repair of a sign or sign structure, unless a structural change is being made.

J. Art forms. Artistic paintings, sculptures, and similar works of art shall be permitted, provided that such works contain no commercial message, motif, or image; are not designed for the purpose of attracting the attention of the general public by their size, colors, or other characteristics; comply with the height, location, size, and other requirements of these regulations; and are limited to no more than one such structure for each building on the lot.

§ 315-19.05. Sign permit.

Except for those signs enumerated in the preceding § 315-19.04, no sign shall be erected or established until the issuance of a sign permit. For any use of land or buildings requiring a special permit or special exception pursuant to these regulations, all required information shall be submitted as part of the application for such special permit or exception, except that, in addition to the review thereof, any and all applications for sign permit, or any amendment thereto, shall be approved, modified and approved, or disapproved exclusively by the Commission, as part of its action on the special permit, or separately in the case of a special exception application. Where no application for special permit or special exception is involved, the application for sign permit shall be filed separately with the Commission.

A. Application for sign permit; information and fees required. Every application for sign permit shall contain, at a minimum, the following information:

(1) A site plan depicting the location of the sign(s) on the subject site and its relation to adjacent buildings and structures, and any associated landscaping, lighting sources, structural components, and the like.

(2) An illustration of the proposed sign(s), including dimensions, text/content, materials, color, and structural support.

(3) A narrative description of the sign(s), including its purpose; method of illumination; materials (if not evident from the illustration); the section of the regulations under which such sign is permitted; a description of the total area, location, type and other information for all other signs on the lot; and any other information not contained in the site plan or illustration.

(4) For a temporary sign, the dates upon which the sign is to be displayed, and the purpose thereof.

(5) Such other information as the Commission may require to determine compliance with these regulations.

(6) An application fee in the amount of $25.

B. Criteria for review.

(1) That the proposed sign(s) conforms to all applicable requirements of these regulations.

(2) That the proposed sign(s) is appropriate in size, location, illumination, and character for the building or use with which it is associated and the area in which it is proposed; in harmony with the historic, rural character of the Town of Willington; and will not adversely impact property

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values, public safety, or the general welfare.

(3) That the proposed sign(s) is (are) designed, constructed, located, erected and maintained in accordance with all applicable requirements of the State Building Code.

(4) For signs associated with uses requiring a special permit or special exception: compliance with the criteria of Article 13, Special Permit/Exception, of these regulations.

(5) In addition to the minimum and maximum parameters contained in this Article 19, the Commission may also impose more restrictive requirements where required to protect the public health, safety, welfare, property values, the natural environment, the character of historic areas, or the other purposes of these regulations. The situations where such additional restriction may be imposed include, but are not limited to, the following: areas of historic importance; nonconforming nonresidential uses in residential zones; signs in locations where sight line hazards may be created or maintained; developments adjacent to significant wildlife habitats; and developments adjacent to uses requiring special protection from light and the other characteristics of signs, such as hospitals and rest homes, schools, churches, and other public or community buildings.

C. Action. The Commission may approve, modify and approve, or deny an application for sign permit. Such modifications may include, but are not limited to, requirements for certain dimensions, illumination, lettering size, location, height, landscaping, and other characteristics or dimensions of the sign(s), even when such requirements are more restrictive than the minimum and maximum requirements contained in this Article 19. In determining such requirements, the Commission shall consider the character of the area where such sign is located; the use with which it is associated; the types, sizes, dimensions, and the like of surrounding signs (both existing and proposed); and the general compatibility of the sign(s) with the most desirable and tasteful developments (both existing and proposed) located on parcels in the general area.

§ 315-19.06. Specific requirements for all signs.

For the definitions of the terms "sign" and "sign area or face," see Article 3, Definitions, of these regulations. All signs shall conform to the following requirements:

A. Location. Unless noted otherwise in these regulations, no ground sign shall be located within the right-of-way for any street. Overhanging signs shall project no more than four feet from such building and shall not, in any event, project into any public street right-of-way. New signs shall be located such that they do not block the sight lines of existing signs on neighboring properties. No sign shall be erected in such a manner that will or reasonably may be expected to interfere with, obstruct, confuse, or mislead traffic. No sign or portion thereof shall be erected at the intersection of public streets, within the triangular area formed by a line connecting points 25 feet from the intersection street lines.

B. Height. No ground sign shall exceed a height of 15 feet in commercial or industrial zones and six feet in residential zones, except as permitted by § 315-19.07A(4). Any sign attached to the wall of a building shall not project above any point of the roof of a building with a flat roof, nor above the eave of a building with a pitched or mansard roof.

C. Obstruction. No signs shall be permitted to physically obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress for any building or structure. The foregoing shall not be construed to prohibit the placement of paper or similar temporary signs in windows which do not physically obstruct or structurally alter such window.

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D. Illumination. All lighting of signs shall be of low intensity, and from indirect or internal sources so shielded that the source of illumination (bulb, etc.) is not visible from, and does not cast light onto, any street or any adjacent lot.

E. Ground sign landscaping. Every ground sign shall be provided with suitable, properly maintained landscaping.

F. Maintenance. All signs shall be maintained in a clean and inoffensive condition, free and clear of rubbish and weeds. Normal maintenance shall include painting, changing, adding, or removing advertising or information on display surfaces and routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and reflecting the current occupancy of the site.

G. Other permits required. All signs are considered structures and shall meet the required Electrical and Building Codes of the Town of Willington. Only materials permitted by the Building Code governing structural materials and equipment as approved by the Building Official, conforming to standard engineering practices, shall be used in the manufacture and erection of signs. All electrical signs shall bear the seal or certification of an approved testing laboratory or a licensed electrician. Materials selected for permanent signs shall be durable, capable of withstanding weathering over the life of the sign with reasonable maintenance.

H. Nonconforming signs. Signs existing upon the effective date of this regulation and not conforming to its provisions, or any amendment thereto, shall be deemed a nonconforming sign. No nonconforming sign shall be structurally altered, relocated, or replaced except in compliance with these regulations. See § 315-19.04H regarding changes in content or text.

I. Obsolete signs. Any sign now or hereafter existing which no longer advertises a bona fide business or product sold shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within 10 days of written notification from the Zoning Agent. Failure to comply with such notification shall be deemed a violation of these regulations and subject the violator to such penalties as may be provided by law.

J. Hazardous signs. Any sign which has been found to be hazardous to the public by the Zoning Agent or the Building Official shall be repaired, replaced, or removed within 10 days of notification of such finding. Failure to comply with such notification shall be deemed a violation of these regulations and subject the violator to such penalties as may be provided by law.

§ 315-19.07. Special requirements for residential, commercial and industrial signs. [Amended 9-16-2025, eff. 10-1-2025]

In addition to the preceding requirements, the following signs shall be permitted, subject to the specified requirements:

A. Residential signs.

(1) Home businesses. One identification sign per lot not exceeding two square feet, indicating only the names of persons or their professions. Home business signs shall not be illuminated.

(2) Apartment/condominium developments. One identification sign per development not exceeding four square feet.

(3) Charitable, religious, educational, governmental. Signs for permitted charitable, religious, educational, or governmental uses shall not exceed 20 square feet in area, shall be limited to no more than one such sign at the major entrance to such use, and shall not exceed a height of 10

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feet.

(4) Agricultural, farm stands, other nonresidential uses in residence zones. Farms and other permitted nonresidential uses in residential zones, including legal nonconforming uses, may have no more than two signs, aggregating not more than 16 square feet in area and no more than 10 feet in height. Farms stands or similar retail uses in residential zones shall not display any sign during periods of nonsale.

B. Commercial and industrial signs.

(1) Total area of all sign faces. Except as provided herein for a unified shopping center, the combined area of all sign faces shall not exceed a total area of one square foot for each linear foot of any single building face, or 100 square feet, whichever is less. For buildings having multiple occupancy, linear footage shall be divided based on each occupant's share of the building. No sign shall face the side of any adjoining lot if such lot is in a residential zone. Furthermore, the following restrictions shall apply to individual types of signs:

(a) Freestanding ground signs. Sign face shall not exceed 32 square feet in area and shall be set back not less than 10 feet from the property line nor less than 20 feet from the edge of the pavement of the street, whichever is greater, and not less than 15 feet from the lot side line or 100 feet from an adjacent residential zone. There shall be no more than one ground sign per lot. Such sign shall be supported by one or more columns or uprights which are firmly embedded in the ground.

(b) Overhanging sign. The sign face shall not exceed six square feet in area.

(c) Wall sign. The sign face shall not exceed six square feet in area.

(2) Maximum types of signs. No more than three signs shall be located on any building or lot, and no building or lot shall have more than two types of signs (ground, overhanging, or wall signs).

(3) Directional signs. Directional signs may be located at the access driveways for sites, outside of any public road right-of-way, and may contain only words such as "entrance," "exit," "do not enter," arrows, and other similar words or symbols of guidance for motorists. Such signs shall not exceed two square feet in area, and there shall be no more than one such sign per driveway.

(4) Unified commercial, industrial, or office complexes. In the case of shopping centers, industrial parks, office parks, and other nonresidential developments of 10 acres or more, served by a common street or set of driveways, and approved by the Commission as a single special permit and/or nonresidential subdivision, the Commission may approve the following:

(a) Identification sign. One additional sign identifying the name of the complex and containing no other information. Such sign may be freestanding or exterior, but shall not exceed 20 square feet in area.

(b) Directory sign. One or more wall signs listing the occupants of a building or building complex, and the suite number or other location, but no other information. There shall be no more than one directory sign on any building, and no sign face shall exceed 20 square feet. Such directory sign shall be located where pedestrians can readily see it, but shall not be oriented to passing vehicular traffic.

(c) Greater sign area. An increase in the total combined square footage of all signs on any lot in a unified development exceeding the total permitted under § 315-19.07 hereinabove,

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provided each individual sign complies with the size and other limitations of these regulations and all signs on the lot are designed with a single, unified theme, including uniform method of illumination, lettering size, letter and background colors, mounting location (e.g., in a sign strip or soffit), materials, and similar characteristics. Lettering may be of different styles (e.g., block, italic, script, etc.). The enforcement of the unified sign theme shall be the duty of the property owner and shall be a provision in the leases for all tenants. The owner shall also be responsible for the allocation of sign area authorized by the Commission among the tenants of the site and shall present such allocation plan to the Commission for its review and approval, and no individual sign application shall be approved which does not comply with said allocation plan.

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ARTICLE 20
Administration and Enforcement

§ 315-20.01. Intent.

It is the intent of this article to provide for effective administrative procedures to assist in the application and enforcement of these regulations in order to promote the public health, safety, and general welfare of the community of Willington.

§ 315-20.02. Zoning Agent.

The Zoning Agent or Agents shall enforce these regulations. The Agents(s) shall be that employee(s) of the Town of Willington designated by the Planning and Zoning Commission and, in the event that there is a vacancy in such employee position(s), may include members and alternate members of the Commission itself who may be designated by vote of the Commission. Whenever the term "Zoning Agent" is used throughout this article, it shall be presumed to include all those individuals so designated by the Commission.

§ 315-20.03. Enforcement; penalties for offenses.

The Zoning Agent(s) shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remediation of any conditions found to exist in violation of any provision of these regulations or any permit or approval which has been issued. The owner or agent of a building, structure, or property where such violation has been committed or exists; or the lessee or tenant of an entire building or an entire lot where such violation has been committed or exists; or the agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation or who maintains any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in C.G.S. Chapter 124. Furthermore, the Commission or the Zoning Agent may, at its sole discretion, direct the Town Counsel to commence criminal or civil action in state or federal court for the purpose of enforcing the provisions of these regulations and securing such remedies or penalties as are provided by law.

§ 315-20.04. Certificate of zoning compliance. [Amended 5-29-2001, eff. 6-12-2001; 9-16-2025, eff. 10-1-2025]

A. Issuance and requirement.

(1) The Zoning Agent(s) is hereby authorized to issue a certificate of zoning compliance for any site, building, or structure which has been reviewed by the Commission or the Zoning Board of Appeals, as the case may be, pursuant to any provision of these regulations. Such certificate shall be evidence that such site, use, building, site plan, or structure conforms to the plans, documents, representations, and other requirements and conditions attached to any variance, special permit, or special exception.

(2) In addition, the Zoning Agent(s) is hereby authorized to issue a certificate of zoning compliance for any site, building, or structure which has not been reviewed by the Commission or the Board in cases where no such review is required by these regulations. Such certificate shall be evidence that such site, use, building or structure is permitted as of right by these regulations, or is a valid nonconforming use, building or structure, as defined in these regulations. The Commission may provide for such certificates to be issued by any person or persons designated by it, including any member(s) of the Commission.

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(3) Except for agricultural uses, no use of land or structures shall be established, expanded, extended, or altered, nor the construction of any building commenced, other than the continuation of a preexisting use or substitution of an identical use, without the issuance of a certificate of zoning compliance.

B. Site plans. Prior to the issuance of any certificate of zoning compliance, the property owner shall provide two complete sets of plans prepared by a Connecticut licensed land surveyor, which shall be drawn to a scale of not smaller than one inch equals 40 feet and accurate to the standards of map and survey accuracy, respectively, for Class A-2 as defined in the "Recommended Standards for Surveys and Maps in the State of Connecticut," as adopted by the Connecticut Association of Land Surveyors, Inc., on September 13, 1984, or as the same may be amended from time to time. Said plan shall show all required setbacks and boundary lines and the location of all new construction and other important features, including, but not limited to, zone classification, new principal and accessory buildings and structures, driveways and parking areas, sanitary disposal systems, wells, wetlands, watercourses, floodplains, contours at two-foot intervals to a minimum accuracy of T-2, erosion and sedimentation control measures, and other information required to determine compliance with these regulations; Chapter 310, Subdivision Regulations; or Chapter 304, Inland Wetlands and Watercourses Regulations; or any permit issued thereunder. The Zoning Agent may permit a partial survey of A-2 standard classification for buildings, structures, or uses occupying, in the aggregate, no more than 500 square feet, or where there is no reasonable difficulty in determining that adequate separations and compliance with this chapter and Chapter 304, Inland Wetlands and Watercourses Regulations, can be achieved. This partial survey shall tie the location(s) of said buildings, structures, or uses to all boundary lines within 50 feet. Maps to be filed in the office of the Town Clerk shall conform to the filing requirements as set forth in regulations of the State of Connecticut adopted pursuant to C.G.S. § 11-8 et seq., as amended.

(1) Specifications for survey requirements for an R-80 Zone as follows:

(a) New construction: property survey as required in § 315-20.04B.

(b) Additions involving an increase in building coverage: zoning location survey.

(c) Accessory buildings equal to or greater than 200 square feet and accessory structures: zoning location survey.

(d) Accessory buildings less than 200 square feet: site plan/plot plan to scale.

(e) Addition with no increase in building coverage: site plan/plot plan to scale.

(f) Remodeling with no change in bulk: no site plan required.

(2) Waivers. In an R-80 Zone, the Zoning Agent is authorized to waive the following:

(a) Contours. Outside the combined buildable area and construction limit lines.

(b) Zoning location survey. If it can be demonstrated that the improvement will be greater than twice the required side and rear yards and greater than 100 feet from the center line of the road.

C. Building plans. In addition, the property owner shall provide two sets of dimensioned floor plans and building elevations for all proposed buildings, and illustrative plans for any other structure. The Zoning Agent may modify or waive this requirement when the proposed work consists of simple construction or repairs and the nature and scope of such construction can be adequately described in

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narrative form.

D. Application fees. Any application for a certificate of zoning compliance shall be accompanied by an application fee which shall be in accordance with Chapter 231, Land Use Applications, of the Town Code (such fees to be payable at the time of application for building permit only, and not at the time of application for certificate of occupancy or certificate of completion).

E. Compliance with regulations. No certificate of zoning compliance shall be issued if it is determined that a violation of these regulations; Chapter 310, Subdivision Regulations; or Chapter 304, Inland Wetlands and Watercourses Regulations; or any permit issued thereunder is proposed or exists.

F. Expiration of certificate.

(1) For any use for which the issuance of a certificate of zoning compliance, or its predecessor "zoning permit" or "certificate of use and compliance" under the language of former Section 8 of these regulations, is the only requirement under these regulations (hereafter referred to simply as, "such certificate"), any such certificate shall be null and void if the subject land use is not established, or the subject construction is not completed, within one year of the date of issuance of such certificate. Such certificate may be renewed for additional periods of one year, provided it is obtained prior to the expiration of the original or the preceding period. Each such renewal shall require the payment of the application fee prescribed by Chapter 231, Land Use Applications, of the Town Code.

(2) Notwithstanding the provisions herein for renewal of any certificate in accordance with C.G.S. § 8-3(i), any such certificate issued under this § 315-20.04 after October 1, 1984, shall become null and void unless all physical improvements required have been completed five years from the date of the issuance of such certificate; provided, however, that, in accordance with C.G.S. § 8-3(j), any such certificate issued after June 19, 1987, for a project consisting of 400 or more dwelling units shall become null and void unless all physical improvements required have been completed 10 years from the date of the issuance of such certificate.

G. Compliance with application; revocation.

(1) All work performed pursuant to a certificate of zoning compliance issued by the Zoning Agent shall comply with any and all application forms, plans, or other documents submitted, or verbal representations made, in connection with the issuance of such certificate. No foundation walls for any building, building addition, or structure shall be constructed until the recipient of the certificate has filed with the Zoning Agent a survey, certified to the same standard of accuracy as the original, verifying that the subject foundation footings were installed in accordance with the original plan. The Zoning Agent may approve minor modifications of an approved foundation location, provided that all provisions of these regulations; Chapter 310, Subdivision Regulations; or Chapter 304, Inland Wetlands and Watercourses Regulations; and any conditions or requirements of any permit issued hereunder continue to be met.

(2) In the event that the Zoning Agent shall discover that any work is being performed in violation of such certificate or the said documents or representations provided in connection with its issuance, or in the event that the Zoning Agent discovers that, for any reason, the certificate should not have been issued in the first instance, the Zoning Agent may revoke any certificate issued by him/her, in which event the Building Official shall likewise revoke any building permit or certificate of occupancy issued by him/her, and all work on the subject site shall immediately cease and desist. Such revocation of the certificate of zoning compliance issued by the Zoning Agent may be appealed to the Zoning Board of Appeals in accordance with the

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Connecticut General Statutes.

§ 315-20.05. Building permit.

A. Issuance. In accordance with C.G.S. § 8-3(f), no building permit of any kind (including, but not limited to, so-called "foundation permits," or permits for repairs or renovations), shall be issued by the Building Official for any building, use or structure without the prior issuance of a certificate of zoning compliance indicating that the plans submitted to the Building Official conform to these regulations and any special exception, special permit, or variance. During the course of construction, the Building Official and Zoning Agent shall ensure continued compliance with these regulations and any such special exception, special permit, or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. Any measures depicted on such erosion control plan shall be installed prior to the issuance of any building permit. The Building Official or Zoning Agent shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan. Any construction activity which is found to be in violation of the certificate of zoning compliance, or any documents or representations submitted in support thereof, or of these regulations or any special exception, special permit, or variance issued hereunder may be ordered to cease and desist by the Zoning Agent or Building Official; and/or any building permit issued hereunder may be revoked by the Building Official. In order to carry out the provisions of this section, the property owner shall allow any officials of the Town of Willington free access to the site.

B. Amendments. Nothing in this section shall be construed to require any change in the plans, construction, size, or designated use of a building for which a building permit has been issued prior to the effective date of these regulations or any amendment thereto, provided construction shall have been completed in accordance with § 315-20.04F. See § 315-20.09 for special provisions regarding special permits, special exceptions, and variances.

§ 315-20.06. Certificate of occupancy. [Amended 5-29-2001, eff. 6-12-2001]

No building or structure shall be occupied or used; nor any use of land established; nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until a certificate of occupancy is issued by the Building Official. In accordance with C.G.S. § 8-3(f), no certificate of occupancy shall be issued by the Building Official for any building, use or structure without the prior issuance of a certificate of zoning compliance indicating that the use, building, or structure, as actually established or constructed, conforms to these regulations and any special exception, special permit, or variance, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these regulations. Similarly, no certificate of occupancy shall be issued until an as-built plan, to the A-2 standard of accuracy, of any septic system design reviewed by the Commission, pursuant to § 315-13.03C of these regulations, has been submitted to the Zoning Agent. Said plan shall certify that the designer of the septic system personally inspected the installation of the septic system on the site, and that the septic system as installed conformed to the original design, and said plan shall be prepared and certified by a Connecticut licensed professional engineer as to the design of the system, and by a Connecticut licensed land surveyor as to the location of the system. A survey of C-1 standard classification may be substituted where there is no reasonable difficulty in determining that adequate separations, and compliance with Willington Zoning Regulations and Chapter 304, Inland Wetland and Watercourses Regulations, can be achieved. The Building Official may issue a temporary certificate of occupancy where a portion of a building, site, or structure is completed and ready for occupancy, upon approval by the Zoning Agent and in accordance with the bonding procedure set forth in

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§ 315-20.11.

§ 315-20.07. Appeals of decisions.

Any party or person aggrieved by a decision of the Zoning Agent shall have a period of 30 days from the date of any action or decision of the Zoning Agent to appeal the action or decision to the Zoning Board of Appeals. The Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said thirty-day period.

§ 315-20.08. Special exceptions, special permits and variances; deviations, amendments and misrepresentations.

In accordance with C.G.S. § 8-3d, no variance, special exception, or special permit shall be effective until a copy thereof, certified by the Commission or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance, special exception, or special permit, including the regulation which is varied in its application or to which a variance, special exception, or special permit is granted, copies of all plans, specifications and conditions approved by the Commission/Board, and stating the name of the owner of record, is recorded in the Land Records of the Town of Willington.

A. No person who has obtained a special exception, special permit, or variance shall attempt to erect any building or structure, or establish any use of land which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Commission or the Zoning Board of Appeals, as the case may be, without an amendment as provided in these regulations. Likewise, no person who has obtained a special exception, special permit, or variance shall violate any condition imposed thereon. Violation of this provision shall be grounds for the Commission or Zoning Board of Appeals, as the case may be, to void said special exception, special permit, or variance, following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said special exception, special permit, or variance and the conditions attached thereto.

B. The Commission may by resolution permit the Zoning Agent to authorize minor, nonsubstantial deviations from approved special permits. Likewise, the Zoning Board of Appeals may by resolution permit the Zoning Agent to authorize minor, nonsubstantial deviations from approved variances and special exceptions.

C. Substantial changes to special exceptions, special permits, and variances shall be treated as new applications for approval and shall be submitted and acted upon in accordance with these regulations.

D. In the event that the Commission or the Board, as the case may be, determines or discovers that information submitted to it in support of any application for Special Exception, Special Permit, or variance was incorrect or invalid, the Commission or Board may, following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record.

§ 315-20.09. Completion of construction.

For any special exception, special permit, or variance involving nonresidential property, the applicant shall commence construction of any building or structure, or the establishment of any use, within 12 months of the effective date of such approval; said construction or establishment shall be completed by the applicant,

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and a certificate of zoning compliance and certificate of occupancy, where required, shall be issued, within 24 months of the effective date of such approval. Any such approval not completed within the time limits contained in this section shall be void.

§ 315-20.10. Lapse of special permit, special exception or variance by abandonment.

Any special permit, special exception, or variance use which has been abandoned, with an intent to do so, for a continuous period of 24 months may, in the discretion of the Commission or Board, as the case may be, be deemed lapsed, and following a public hearing with notice to the subject property owner and permit holder, and upon the filing of notice of such lapse in the office of the Town Clerk, such special permit, special exception, or variance shall be void.

§ 315-20.11. Performance bonds.

A. As a condition of the approval of any special exception, special permit, or variance, or any approval for filling and/or removal of earth products pursuant to Article 15 of these regulations, or any approval of a Designed Development Zone in accordance with Article 12 of these regulations, the Commission or the Zoning Board of Appeals, as the case may be, shall require that the record owners of the subject property post a performance bond, in the form of cash or an irrevocable letter of credit from a Connecticut banking institution, with the Town in an amount necessary to cover 100% of the construction cost, as estimated at the time of projected completion, of all public improvements, including, but not limited to, street or drainage improvements, erosion control measures, water supply, site restoration, and any other public improvements required by the Commission/Board in connection with any such special exception, special permit, variance, Designed Development Zone, or earth product excavation or filling operation. In addition, as a condition of the approval of any special exception, special permit, or variance, Designed Development Zone, or any approval for filling and/or removal of earth products pursuant to Article 15 of these regulations, the Commission or the Zoning Board of Appeals, as the case may be, may require that the record owners of the subject property post a bond, in such form and with such sureties as the Commission/Board may prescribe, in an amount sufficient to cover the cost of construction of any private site improvements, including, but not limited to, drainage, septic facilities, landscaping, walkways, lighting, street furniture, amenities, and any other improvements required by the Commission/Board in connection with any such special exception, special permit, variance, Designed Development Zone, or earth product excavation or filling operation, including any improvements depicted on the preliminary site development and land use concept plan of a Designed Development Zone. Such requirement for bonding shall be determined on the basis of the importance of the completion of such improvements to compliance with the criteria of these regulations, the extent and expense of such improvements, and the potential for occupancy of the site or building in the absence of such improvements. Any bond required under this section shall be posted prior to the commencement of the subject construction or other activity or use. All such improvements shall be completed prior to the issuance of a certificate of zoning compliance issued at the time of the certificate of occupancy, except as provided herein below.

B. In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Agent may issue a temporary certificate of zoning compliance at the time of the application for a certificate of occupancy, provided that he/she shall require a performance bond, in the form of cash or an irrevocable letter of credit from a Connecticut banking institution, in an amount necessary to cover 100% of the construction cost, as estimated at the time of projected completion, to insure the completion of such improvements not more than six months following such occupancy. All public

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health and safety components of a project must be completed prior to occupancy or use of any parcel of land, building, or structure and may not be bonded.

C. In the event that the improvements described hereinabove shall not be completed within the time limits contained herein, the Commission, Zoning Board of Appeals, or the Zoning Agent, as the case may be, shall be authorized to utilize the performance bond to complete such improvements and to compensate the Town for any administrative expenses incurred in connection with the completion of such improvements.

D. Maintenance bonds may be required by the Commission/Board to insure that landscaping material which has been improperly planted or cared for will be replaced, that public improvements have been properly installed, and that other defects which do not appear immediately after completion of construction will be repaired or replaced. Such maintenance bonds shall be released or utilized, as the case may be, not more than one year following completion of all improvements, as evidenced by the issuance of a certificate of zoning compliance, or the release of those bonds described in § 315-20.11B above, whichever is later.

E. All bonds posted in accordance with these regulations shall be effective at least until the completion of the activity or development which they serve to guarantee. No such bond shall require the Town of Willington or any agency thereof to incur any expense or enter into any contract prior to payment of the obligation which such bonds secure. All bonds shall be in such form as the Town Attorney shall require.

§ 315-20.12. Curb cuts.

No person shall create any access or highway intersecting with any Town road, nor alter any such road in a manner so as to interfere with the storm drainage from or onto any Town road, without the approval of the Board of Selectmen or its agent, which approval shall be evidenced by a permit from the Board or its agent. The Board or its agent may require additional improvements to ensure emergency access to any lot or parcel; to prevent hazards to the users of Town highways; and to prevent drainage, sight line, or other hazards on adjoining properties. All plot plans submitted in accordance with this Article 20 shall show the exact location of the driveway and all associated or related work to be performed, including all measurements, topography within the public right-of-way, and materials to be used. The information submitted shall be sufficient to demonstrate compliance with this section and with § 315-4.21, Driveway standards, of these regulations.[28]

28. Editor's Note: Original Sec. 20.13, Certificates for a Use Subject to Performance Standards, which immediately followed, was repealed 9-16-2025, eff. 10-1-2025

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ARTICLE 21
Zoning Board of Appeals

§ 315-21.01. Powers and duties.

There shall be a Zoning Board of Appeals established in accordance with the statutes authorizing such Board. The Board shall have the following powers and duties:

A. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of these regulations.

B. To hear and decide all matters, including special exceptions, upon which it is required to pass by specific provisions of these regulations.

C. To determine and vary the application of these regulations in harmony with their general purpose and intent, 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 parcel but not generally affecting the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and public safety and welfare secured. In accordance with Public Act 77-509 (C.G.S. § 8-6), the Board is hereby prohibited from approving a variance which has the effect of permitting a use in any zone which is not permitted by these regulations. In addition, in accordance with Connecticut case law, the Board is prohibited from varying any condition or requirement set forth in these regulations for a special permit or special exception use, such uses being permitted in the subject zone only when all conditions or requirements contained here are satisfied. Variances shall only be granted where such an action would be in harmony with the purposes of these regulations, as set forth in Article 1 of these regulations, and where the literal enforcement of these regulations would result in unusual hardship, as the same has been defined by the courts of the State of Connecticut, which may be summarized as follows:

   (1) The hardship recognized by the law is that of the property, due to its unique shape, topography, or other inherent condition; the personal hardship of the owner, such as age or family condition, is not a legal hardship which would support the granting of a variance. The hardship must not be merely financial, such as that the owner would make more money or lose less money if the variance were granted, as financial hardship is personal, and not inherent in the property itself.

   (2) The hardship must be unique to the property, in the sense that it is a characteristic which is not exhibited by other properties in the area or in the zone, and which makes it appropriate for special treatment. Merely being too small or too narrow is not a legal hardship unless it restricts the property from being put to a reasonable use permitted in the subject zone.

   (3) The hardship must not be created by the owner or his/her predecessor in title, such as by dividing a parcel to create lots which cannot support the desired use; or creating a topographic condition by excavation, fill, or other measures which render the property unusable for its highest use without a variance; or by building a structure which, for whatever reason, violates a current zoning regulation.

   (4) The burden is on the applicant to demonstrate that the requirements for a variance have been met. Variances are to be granted sparingly, and only to the minimum extent necessary to allow property to be used for the least intense use which is permitted in the subject zone. Among other objectives, the Commission's purpose and intent in the adoption of these regulations is that variances from the requirements of Article 19, Signs, are rarely, if ever, to be granted since that

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article provides adequate means for legitimately identifying uses of land in the Town of Willington.

D. To act on requests concerning the location or construction of, or the relocation, conversion, reconstruction, alteration, or enlargement of, any of the following:

(1) Gasoline stations or bulk oil storage facilities, pursuant to C.G.S. § 14-321.

(2) Motor vehicle service or repair shops, pursuant to C.G.S. § 14-54.

(3) New and used car dealerships, including motorcycles and any other self-propelled vehicles used for transportation on public roads, pursuant to C.G.S. § 14-54.

E. To act on any other applications as cited in these regulations or in any other capacity as determined by the Connecticut General Statutes, as amended.

§ 315-21.02. Procedures.

A. The Board shall hold a public hearing on all applications and appeals, and shall publish a notice of said hearing as prescribed by these regulations and the Connecticut General Statutes, as amended.

B. In accordance with C.G.S. § 8-6a, whenever an application for a variance is joined with an appeal of any order, requirement or decision of the Zoning Agent, the Board shall decide the issues presented in the appeal before considering the variance application.

C. The Board shall hold a public hearing, close such hearing, and render its decision on any application within the time limits imposed by C.G.S. § 8-7d. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from, and make such order, requirement or decision as in its opinion should be made. When acting on an appeal from a decision of the Zoning Agent, the Board shall have all the powers of such officer, but only in accordance with C.G.S. § 8-7, and only to the extent that the Board's actions deal directly with the subject of such appeal. Such order, requirement or decision, and any grant of any variance, may be subject to such conditions and restrictions as appear necessary to the Board in order to ensure that the granting of the application or petition shall be in harmony with the purposes of these regulations, as set forth in the preamble to these regulations, and as set forth in C.G.S. § 8-2. In granting any variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based, and why the granting of the variance is in harmony with the purposes of these regulations.

D. Any conditions or restrictions imposed upon the granting of any application or petition, as set forth in the preceding subsection, shall be completed within such time limits as the Board may specify, but if not specified, not to exceed 90 days of the granting thereof, unless the Board, upon the request of the applicant, grants extensions of 90 additional days, with the total extension not to exceed 270 days.

E. Any variance or exception in the use of buildings or land which is granted by the Board shall be placed upon the Land Records of the Town of Willington by recording a copy of the variance or exception with the Town Clerk or as otherwise provided by the Connecticut General Statutes, as amended.

F. The Board shall adopt such procedure as may be necessary to carry out the provisions of this section.

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ARTICLE 22
Effective Date, Severability and Amendments

§ 315-22.01. Effective date.

These regulations shall take effect on August 1, 1996. Whenever in these regulations phrases such as "the effective date of these regulations" are used, they shall be deemed to refer to the aforesaid effective date. The adoption hereof shall revoke any inconsistent provision of any prior zoning regulation, but shall not alter the continuity of any prior consistent provision, nor commence a new date for the determination of a legal nonconforming use, building or structure which was nonconforming to prior regulations and remains nonconforming to these regulations.

§ 315-22.02. Severability.

Should any section or provision of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole or any other part thereof; nor shall such decision affect Regulations adopted or adopted, as amended, subsequent to the onset of such legal action.

§ 315-22.03. Amendments.

The Commission may from time to time, after public notice and hearing, amend, change or repeal these regulations or boundaries or districts as provided by the Connecticut General Statutes.

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