

SECTION 410. RESIDENTIAL DISTRICTS

RURAL DEVELOPMENT DISTRICT

Section 410.1 **Rural Development district (RD).** Areas designated as rural development districts present physical obstacles to development such as slopes, wetlands, and soils with only limited capability for accepting on-site sewage disposal, and are distant from existing or planned public sewers and water lines. These physical restrictions make it necessary to limit permitted uses to low density residential development, agriculture, and other specified non-intensive uses.

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

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

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

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

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

- b. **Agriculture**, with customary accessory buildings, as provided for in Section 585 – Agriculture.
- c. **Churches and other places of worship.**
- d. **Cemeteries**, provided there is a 10-foot buffer with planted screening on all sides. (See Article III, Definitions, "planted screening").

- e. **Home occupations**, provided all requirements of Section 595 are satisfied. (Amend. of 2-10-86, § 7)
- f. **Those municipal and fire district land uses** existing upon the date of adoption of this amendment may be expanded by alteration of in existing building or structure or construction of a new building or structure on the same lot, provided:
 - Such expansion does not substantially alter the nature of the present land use so that increased traffic, noise, odors, or other detrimental impact will affect the value of surrounding properties;
 - Such expansion is in conformity with the dimensional requirements of Table A. Article IV of the Zoning Regulations for the zone in which it is located, or has been granted a Variance by the Zoning Board of Appeals.
- g. **Outdoor events** as defined by Council Ordinance Regulating Outdoor Events, Town of Killingly, provided that all conditions as set by such Ordinance are met. (Amend. of 7-14-80; Amend. of 9-9-80; Amend. of 2-11-85)
- h. **Secondary Dwelling Unit in accordance with Section 566:** Interior and Attached requiring the securing of a zoning permit; Detached requiring Site Plan Review. (Approved 07/16/2018; Effective 08/13/2018)
- i. **Stand Alone Garage for Personal Storage**, provided:
 - 1. Requires a Site Plan Review application.
 - 2. The structure is to be used by the property owner only for their personal use.
 - 3. The total square footage of the structure shall not exceed 1,200 square feet.
 - 4. The structure must meet all the set-back requirements of the underlying zone.
 - 5. Storage and display of any materials shall not be permitted on the premises outside of the structure.
 - 6. Such structure shall not change the residential character of the neighborhood.
 - 7. The use of such structure shall not create objectionable noise, smoke, odor, toxic fumes, waste products, vibration or unsightly conditions that would set the structure apart in its surroundings or degrade residential property in the neighborhood.
 - 8. The use of said structure shall not cause traffic to or from said structure in greater volumes than would normally be expected in a residential neighborhood.

(Approved 05/16/2022; Effective 06/13/2022)

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

When the development of one of the following uses will result in a disturbed area that is cumulatively more than one-half acre in size, the Commission shall require the applicant to

submit an erosion and sediment control plan under the provisions of Section 590 of these regulations.

- a. **Agriculture Special Permitted uses**, with customary accessory buildings, as provided for in Section 585 – Agriculture.
- b. **Dog kennels and veterinary hospital**, provided:
 - no animals shall be permanently housed in outside runs or pens.
 - buildings in which animals are housed shall be of solid construction of masonry or framed with insulation and shall have finished interior walls.
 - in veterinary hospitals, exercise runs shall have finished masonry floors with covered drains and shall be separated by solid partitions at least four feet in height.
 - no such facility shall be located within 150 feet of any property line.
 - all animals shall be housed so as to avoid the creation of a nuisance due to noise, odor, or other objectionable effect.
- c. **Public or private golf courses and country clubs, tennis clubs, or swimming clubs**, provided:
 - golf courses shall be located on a lot of not less than 50 acres or, if in combination with tennis, swimming, or similar facilities, not less than 55 acres.
 - tennis, swimming or similar facilities alone shall be located on a lot of not less than 5 acres.
 - all facilities, including club house, pro shop, restaurant, bar, locker rooms, or recreation hall shall be located not less than 100 feet from any property line.
 - the furnishing of meals, refreshments, beverages and entertainment shall be clearly incidental to the conduct of the facility. There shall be no living accommodations except for employees of the club.
 - golf courses shall be so designed as to avoid hazards to persons or property off the premises.
- d. **Nursery schools and day care centers** located in a dwelling unit or building accessory thereto or on a lot by itself, provided:
 - the facility shall comply with all applicable requirements of the health code of the State of Connecticut.
 - if located in a dwelling unit, not more than 30 children shall be accommodated at any one time.
- e. **Retail shops for the sale of antiques or handicrafts**, provided:
 - such shops shall be secondary to the use of the property for residential purposes.
 - no outdoor storage is allowed.

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

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

- guest rooms shall be inspected by the Zoning Enforcement Officer, Fire Marshal, or other Department of Planning and Development personnel on an annual basis to ensure continued compliance with these regulations. (Amend. Effective 11/06/98,12:01 AM)

o. Cluster Developments – Section 583

p. Planned Residential Development (PRD)

q. Adaptative Re-Use of an Agricultural Building (Approved: 09/16/2019; Effective: 10/21/2019)

Intent

The adaptive re-use of existing agricultural/farm buildings allows for low impact development of and preservation of these culturally significant buildings. The re-use, and rehabilitation, of these buildings should be done in such a manner to preserve the exterior characteristics of the buildings relating to their former agricultural/farm uses. The re-use of these buildings allows property owners to offset the cost to maintain these buildings, so these buildings are not lost to time.

Requirements

- The agricultural/farm buildings, for adaptive re-use, are limited to barns, coops and stables;
- The agricultural/farm building must be in existence on or before the effective date of this regulation;
- There shall be no change in the foot print of the building, the footprint must remain the same;
- The property owner must provide documentation to the commission that the building was in existence prior to these regulations, and the use was at one time agricultural/farm related;
- If the building must be renovated, it must be renovated to preserve the exterior characteristics of the buildings prior agricultural/farming use;
- Prior to any new business occupying the building, the new business shall be required to apply for a special permit with the landowner as a co-applicant;
- The number of businesses occupying any one building shall be solely determined by the Planning & Zoning Commission;

Limited Uses

- Home Occupation, outside the confines of the dwelling (must meet all other requirement of Home Occupation (Section 595)).
- Business and Professional Office.
- Shop and/or Storage Space for Electricians, Plumbers, Carpenters and Craftsperson's.
- General Storage; expressly excluding hazardous, flammable, and combustible materials.

Landscaping, Screening, & Aesthetics

- Where an adaptive re-use adjoins a residential zone, a buffer strip of at least 20 feet in width containing a planted screening shall be provided (See Article III. Definitions, “planted screening”).
- The site plan of the real estate shall show the means by which the applicant will minimize the impact of vehicular traffic on the surrounding neighborhood.
- The Commission may establish limits on the hours of operation, number and type of vehicles, and such other conditions as may be necessary to minimize the impact of the proposed activity on the surrounding residential areas.
- Dark sky compliant lighting shall be provided for any new lighting fixtures.
- Outdoor Storage is expressly prohibited.
- Exterior Signs are limited to 6 square feet per building.
- In the interest of low impact development and maintaining existing characteristics, gravel parking may be permitted with the approval of the Town Engineer.
- The structure shall meet all current fire codes and building safety codes.

q. Event / Wedding Venue Facilities, subject to Article VII (Special Permits) provided (Approved: 06/19/2023; Effective: 07/17/2023):

- Statement of use:** A statement of use shall be submitted describing in detail the nature and scope of the Event / Wedding facility and the maximum number of attendees proposed for the site.
- Lot size:** The minimum lot size shall be a compliant lot in the zone that it is located in.
- Access:** The facility shall have access from a state, municipal or private road.
- Attendance:** Maximum number of attendees per event facility shall be based upon available parking and applicable fire code requirements. Each facility shall be approved by the Fire Marshal and subject to inspection.
- Use Separation:** Outdoor event / wedding areas and reception building shall be located a minimum of 200’ feet from any residential building on adjacent properties. Parking areas shall be located a minimum of 100’ from the street line and a minimum of 150’ from any residential building on adjacent properties.
- Event hours:** shall be limited to between 10:00 a.m. to 10:00 p.m. Sunday thru Thursday and 10:00 AM to 11:00 PM Fridays and Saturdays.
- Health Department:** The event / wedding facility shall require approval from the State and / or Local Health department as required.
- Noise:** Music for any event or reception shall take place indoors, if a temporary tent is used for the indoor space, it shall be classified as a “soundproof” tent. Only low-level background music may be allowed outdoors during the ceremony. Noise at the property boundary shall not exceed 45 decibels at the property boundary after 10:00 PM per Section 22a-69-1.1 of the Connecticut General Statutes.

- i. **Lighting:** Lighting shall be certified dark sky compliant and shall not “bleed” onto adjacent properties.
- j. **Traffic Safety:** All driveway entrances to the site shall be designed to ensure safety and ease of access to the public street or highway, taking into account, grades and line of sight for vehicles entering and / or existing the site. All access and egress driveways from state roads shall be approved by the Connecticut Department of Transportation. For Town roads a driveway permit from the Town of Killingly is required.
- k. **On-site parking:** Shall be provided at one space per 3 attendees plus 1 space per each staff member or employee, permanent parking surface shall not be required; Off-site parking may be permitted but parking is not permitted in the public right-of-way of the road. A permanent parking surface shall not be required unless it is a handicapped accessible space, in which case shall meet the requirements of the Accessibility Act.
- l. To minimize impact on adjacent property owners, the commission may limit the maximum number attendees, limit the event hours, and limit the number of events per week or event days, and may require increased setbacks, screening and buffers.
- m. **Signage:** Facility signs shall meet the requirements of Section 540.