

## Medium Density Zone

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

### **410.3.1 Permitted uses.**

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

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

- a. Single-family and two-family dwellings** and accessory uses on lots of 10,000 square feet or more per dwelling unit, provided:
  - Accessory structures in the medium density district may include one private, amateur radio antenna not exceeding 40 feet in height above ground level, no portion of which shall be located in any required setback. (Effective date 1/8/88)
- b. Churches and other places of worship.**
- c. Agriculture**, with customary accessory buildings, as provided for in Section 585 – Agriculture.
- d. Those municipal and fire district land** uses existing upon the date of adoption of this amendment may be expanded by alteration of an existing building or structure or construction of a new building or structure on the same lot, provided:
  - Such expansion does not substantially alter the nature of the present land use so that increased traffic noise, odors, or other detrimental impact will affect the value of surrounding properties.
  - Such expansion is in conformity with the dimensional requirements of Table A, Article IV of the Zoning Regulations for the zone in which it is located, or has been granted a variance by the Zoning Board of Appeals.
- e. Outdoor events** as defined by Council Ordinance Regulating Outdoor Events, Town of Killingly, provided that all conditions as set by such ordinance are met. (Amend. of 2-11-85)
- f. House conversions with Site Plan Review approval.**

**g. Home Office Business:**

1. Purpose: The purpose of this regulation is to recognize that the resident of a dwelling in a residential zone has a right to conduct an office (or a similar business use) where such use has no external evidence or creates an impact that alters the residential character of the dwelling, lot or neighborhood.
2. Permits: A Home Office Business use shall be granted a zoning permit only if all conditions below are met.
3. Conditions: To be considered a Home Office Business, the use must meet all of the following conditions:
  - a. There shall be no outside display, conduct of any business-related activity, or storage of materials, goods, supplies or equipment outside of the dwelling unit; nor is there any exterior change or external visible evidence of Home Office Business use allowed.
  - b. Only household members residing in the dwelling shall be employed or engaged in the Home Office Business use.
  - c. No business shall be conducted from the Home Office Business except by mail, computer, telephone, fax or other future electronic communication technology. No in-person sales, conduct of business or customer pick-ups or drop-offs are allowed.
  - d. There shall be no traffic, noise, or electrical interference associated with the Home Office Business use that exceeds that normally associated with a residence.
  - e. There shall be no hazardous, flammable or combustible liquids, materials and/or wastes located, stored, used, or displayed in association with uses as a Home Office Business other than in quantities and types that are normally associated with a residence.
  - f. No business signs may be erected.
  - g. Only one Home Office Business is allowed per dwelling unit.
  - h. The area devoted to the Home Office Business shall not exceed 25% of the total living area of the dwelling unit or 500 square feet, whichever is less. The Home Business Office shall not be located in garage space; attic and basement area may be used.
  - i. Vehicles and carriers used for delivery and pickup are limited to those normally servicing residential neighborhoods.
  - j. The initial zoning permit for a Home Office Business shall be valid for two years and shall be renewed provided that the Home Office Business was conducted in the manner represented and no substantiated complaints were received by the Planning and Development office.

- 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)

**410.3.2 Special permit uses.**

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

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

- a. Educational institutions, including associated dormitories,** provided:
- Public sewage is used.
- b. Parks and playgrounds, historic landmarks,** provided:
- The purpose of such facility shall clearly be solely educational or recreational, and not for private gain.
- c.** The following uses when conducted by a non-profit organization and not as a business or for profit.
- Parish halls, educational, religious, philanthropic, scientific, literary, historical, fraternal, and charitable institutions, provided:
    - Minimum site size shall be 20,000 square feet.
- d. Nursery schools and Day Care centers,** provided:
- Where outdoor recreation is included in the facility's program, the lot shall contain at least 100 square feet of outdoor recreation space for each child participating in such recreation. If two or more groups use such space at different times, the required area shall be based on the size of the largest group.
- e. The letting of rooms** shall not include the board in a dwelling unit to a total of not more than six persons not related to the person letting the rooms, provided:
- The person letting the rooms shall reside in the dwelling unit.
  - The letting of rooms shall not include the provision of cooking facilities for such rooms, but may include sharing the cooking facilities of the dwelling unit.
  - No accessory building shall be used for the letting of rooms or furnishing of board.
- f. Public Service Corporation or municipal land use,** provided:
- The location of such use in this zone shall be necessary for the health, safety, or general welfare of residents of the Town of Killingly.

- Any such use which in the opinion of the Commission is hazardous in nature shall be fenced and/or screened so as to avoid creation of a nuisance attractive to children. When required by the Commission, outdoor storage areas shall also be fenced and/or screened. (See Article III, definitions, "Planted screening").
- g. Collection centers for recycling operations, provided:**
- Such center is accessory to a church or community building and is operated by a non-profit group or organization such as a church, youth group, or other civic association.
  - Such center is screened from neighboring land uses and public streets or roads and does not create objectionable odors, noise, or a health hazard. (See Article III, Definitions: "Planted screening"). Amend. of 2/11/85.
- h. Auction sales on any lot with access to a public sewer system containing three or more acres of land provided:**
- That the area shall provide off street parking for not less than 50 vehicles and further provided that said site shall contain a building suitable for such purpose containing not less than 1,000 square feet.
  - Upon permit from the Zoning Enforcement Officer, the owner may conduct not more than six auctions between the period of April 1 through November 30, provided that such auction shall be limited to antiques, used furniture, tools, and other personal property, and provided that the said auction shall not sell or display or offer for sale any livestock whatsoever. Owner shall not sublet the property for auctions to be conducted by third parties and shall be personally responsible for the care and maintenance of said auction site and shall be responsible to see that no excessive noise or accumulation of litter shall be permitted on or around said site during the conduct or as a result of any such auction.
  - A resident or owner of such property shall be present at all times at such facility during any auction and for a period of not less than eight hours prior to said auction. No items may be displayed outside the enclosed area at anytime excepting during the actual sale period. (Effective 10/6/87)
- i. One amateur radio antenna greater than 40 feet in height above ground level may be permitted by special exception as an accessory to a residential use upon the granting of a special permit by the commission, and the applicant demonstrating that the proposed tower is the minimum height necessary to accommodate amateur radio transmission and reception, provided:**
- The tower/antenna structural design shall be certified by a Connecticut licensed professional engineer.
  - The tower/antenna design and siting incorporate mitigative measures for ice and other hazards, including additional setbacks and de-icing equipment where necessary to minimize off-site impacts.
  - There are no above ground electric, cable TV or telephone lines within a fall zone radius equal to the total length of the structure where it is proposed to stand

- Evidence of communication with the FCC relative to the proposed tower/antenna is submitted with the special permit application.
- No portion of any tower/antenna structure or support system shall be located within any required setback. (Amend. of 10/17/88, Effective date: 11/8/88)

**j. Multi-family Development.**

**k. Planned Residential Development (PRD).**

**l. Cluster Developments.**

**m. Adaptive 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.