

## Section 21

### Floating Zones

- 21.1 Pursuant to the requirements set forth in this Section 21, the Town of Clinton may allow Floating Zone Districts within the boundaries of the town. Such Floating Zone Districts may overlay one or more existing zoning districts.
- 21.2 Procedures to Amend the Zoning Regulations and the Zoning Map to Permit Floating Zoning Districts: The procedures to amend the Zoning Regulations and the Zoning Map to permit a Floating Zone District are as follows:
- 21.2.1 If a Floating Zoning District is proposed to be comprised of more than one (1) parcel, the owners of all parcels within the proposed district must sign the application.
- 21.2.2 Application Requirements: Petitions to amend the Zoning Regulations and the Zoning Map to allow a Floating Zone shall include the following information:
- (a) A map shall be submitted, meeting the requirements for accuracy to Class A-2 standards, drawn to a scale of not less than one inch equals fifty feet (1"=50'), covering the area of the proposed change. Said map shall also show all areas within five hundred feet (500') of the proposed change and, for the area of the proposed change, shall include the following information:
- (1) Existing topography with 2' contours shall meet the requirements for accuracy to Class A-2 standards
  - (2) Existing and proposed grades at two foot (2') intervals, referenced to an existing or established published benchmark. Topographical information shall meet the requirements for accuracy of Class T2 standards as contained in the Standard for Surveys and Maps in the State of Connecticut. The plan must include the following:
    - (i) Existing structures;
    - (ii) Existing roads and rights-of-way;
    - (iii) Major topographic features; and
    - (iv) Limits of inland wetlands, watercourses and floodplains as mapped in the field by a qualified Soil Scientist and plotted by a Connecticut Licenses Land Surveyor.
  - (3) Existing land uses and zoning within five hundred feet (500') of the area to be rezoned;
-

- 
- (4) Names of all property owners located within five hundred feet (500') of the boundary of the property to be rezoned, as listed on the Town's Assessor's records.
  - (5) Proposed site plan within the area to be rezoned, showing approximate location and size of proposed buildings, structures and parking.
- (b) A draft of a proposed amendment to the text of the Zoning Regulations to create the proposed Floating Zone. Such proposed amendment shall include, without limitation:
- (1) Name of the proposed Floating Zone;
  - (2) A statement describing or otherwise identifying eligible locations in which to "land" the proposed Floating Zone;
  - (3) A statement specifying how the regulations governing the proposed Floating Zone will relate to the Zoning Regulations in the underlying zone;
  - (4) A statement describing the purposes of the proposed Floating Zone;
  - (5) A statement of the General Requirements (bulk, area, setback, etc.) to apply within the proposed Floating Zone; and
  - (6) A statement of the uses permitted within the proposed Floating Zone.
- (c) Public Hearing: The Commission shall conduct a public hearing on any application for a Floating Zone in accordance with the provisions of Section 4.14.3.
- (1) In addition, the applicants or their agent shall post a sign in accordance with Section 4.14.3(a) and provide evidence of the notice's posting in the form of photographs, to the Land Use Office.
  - (2) The applicant(s) shall provide notice by mail to all property owners within five hundred feet (500') of the parcel for which a Zone Change is requested.
    - (i) Such mailing shall be sent to at least one owner of each such property not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Commission or its agent.
-

- (ii) The applicant(s) shall provide a copy of the list of property owners within five hundred feet (500') including names of all the property owners, street address per the Assessor's map and Assessor's map(s) and parcel number(s) for each property. Such list shall be provided at the time of application submission.
  - (iii) Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Land Use Office not less than five (5) calendar days prior to the hearing date.
  - (iv) Failure to provide notice as required herein may result in denial of the application.
- (d) Decision Process: The final approval to proceed with a development project in a Floating Zone District is a multi-step process. An applicant must first obtain approval of the proposed amendment of the Zoning Regulations and the Zoning Map which creates the Floating Zone. Next, the applicant must obtain approval to "land" the Floating Zone on a specific site. Finally, the applicant must seek separate approval of any Site Plan and/or Special Exception application under the requirements of Sections 9 and 10 of these Regulations before any site work can be performed on the site.
- (1) The applicant(s) shall submit the application to amend the Zoning Regulations and the Zoning Map, together with all the required supporting materials, to the Land Use Office. If the Applicant seeks to "land" a Floating Zone on a specific site, the Applicant may, with the permission of the Zoning Enforcement Officer, concurrently file an application for that purpose.
  - (2) If an application to "land" a Floating Zone is filed concurrently, the Commission shall hold separate public hearings for (1) the application to amend the Zoning Regulations and the Zoning Map and (2) the application to "land" the Floating Zone.
  - (3) For the convenience of the Commission, and, in the Commission's sole discretion, both public hearings may be opened and held simultaneously provided, each application shall be voted upon separately as part of that application's specific public hearing.
  - (4) In accordance with Connecticut General Statutes, the Commission must hold a separate public hearing on any Site Plan and/or Special Exception application. No application for any such Site Plan and/or Special Exception application may be filed before the application to amend the Zoning Regulations and Zoning Map has been approved
-

and the amended Zoning Regulations and Map have become effective.

- (5) An applicant may, with the permission of the Zoning Enforcement Officer, file its Site Plan and/or Special Exception application concurrently with an application to “land” the Floating Zone.
- (6) If an application for a Site Plan and/or Special Exception application is filed concurrently with an application to “land” a Floating Zone, the Commission shall hold separate public hearings for (1) the application to “land” the Floating Zone and (2) the Site Plan and/or Special Exception application.
- (7) For the convenience of the Commission, and, in the Commission’s sole discretion, both public hearings may be opened and held simultaneously provided, each application shall be voted upon separately as part of that application’s specific public hearing.

(e) Approval Considerations:

- (1) As an exercise of its legislative authority, the Commission may approve, approve with modifications, or deny any application to amend the Zoning Regulations and the Zoning Map to permit a Floating Zone or to “land” such Floating Zone.
- (2) As an exercise of its administrative authority, the Commission may approve, approve with modifications, or deny any Site Plan and/or Special Exception application filed in connection with such Floating Zone consistent with the requirements of Sections 9 and 10 of these Regulations as amended, if at all, by the regulations establishing the proposed Floating Zone.
- (3) The Commission may also require that certain amenities, such as improved or natural open space areas or community facilities, be allocated to particular phases of the development so as to ensure that such amenities proceed apace with the other components of the development.
- (4) In considering any petition to amend the Zoning Regulations and the Zoning Map to permit a Floating Zone, the Commission shall make a written finding, whether the proposed zone change is consistent with the standards and purposes of a Floating Zone as set forth in this section and is consistent with the Plan of Conservation and Development.

(f) Modification of Approved Zoning Map Amendments:

---

- (1) Approved Floating Zones shall be reflected as zoning map amendments following the procedure to approve a zoning map amendment as set forth in Section 4.14.3 of these Regulations.
  - (2) The Commission may waive any of the application requirements contained in this section in the event of minor modifications for which such requirements are not necessary in the opinion of the Planning and Zoning Commission to adequately review and decide the application for modification. Such waiver shall only be granted upon a written finding that the requirements proposed to be waived are not necessary and an affirmative majority vote of the members present and voting.
- (g) Expiration of Floating Zone Districts:
- (1) Special Exception approval for all phases of development within an approved Floating Zone must be obtained no later than five (5) years following the approval of the Floating Zone, or, in the event of an appeal of such approval, within five (5) years following the final adjudication of the appeal that the Floating Zone is valid (“final approval”).
  - (2) All components of the Floating Zone shall be completed in accordance with Section 4.17 of these Regulations after final approval of the Floating Zone, provided that the Commission may grant extensions of time where the developer demonstrates that it is making a good faith effort to complete the development and there are no outstanding violations of these regulations or the Inland Wetlands and Watercourses Regulations with respect to the Floating Zone.
  - (3) Any failure to meet these deadlines shall result in the expiration of the Floating Zone approval. In such event the prior zoning district or districts shall be automatically re-established for all subject properties.

21.3 List of Floating Zoning Districts: The Town of Clinton contains the following Floating Zone(s):

21.3.1 Main Street District-1

- (a) The Main Street District-1 (MSD-1) is a zoning district that functions as a Floating Zone.
    - (1) The provisions of the MSD-1 will apply only to specific properties that are rezoned to an MSD-1 designation by the Planning and Zoning Commission.
-

- (i) Upon rezoning to MSD-1 designation, a unique, numbered zoning district classification (MSD-1) will be created on the Zoning Map of the Town of Clinton, and shall become an integral part of the zoning for the land included within that MSD-1 and shall establish the zoning standards for that MSD-1.
  - (2) The zoning district only exists within the text of these Regulations and is not placed on the Clinton Zoning Map until approval of an application to create a particular MSD-1 and to affix that zoning district to a specific property(s).
  - (3) The creation of an MSD-1 can only be fully accomplished by approval of a Zoning Map amendment, the approval of an application to “land” the proposed Floating Zone on a specific site, and the approval of the associated Special Exception application and accompanying Site Plan (See Section 21.2.2.(c)(2) above). All such approvals must be secured before site development can begin.
    - (i) Such detailed Site Plan must comply in all respects with applicable Special Exception/Site Plan requirements, and any other applicable provisions of these Regulations.
  - (4) Eligibility:
    - (i) Only a lot or a group of lots which are to be combined with a minimum lot size of sixty thousand square feet (60,000 sq. ft.) is eligible to be designated as a MSD-1.
    - (ii) Only a lot or group of lots which are designated as I-1, B-2 or B-3 are eligible to be designated as a MSD-1
  - (b) Approved Location(s) of MSD-1:
    - (1) INTENTIONALLY OMITTED AT THIS TIME. THIS SECTION WILL BE ADDRESSED AS PART OF THE APPLICATION TO “LAND” THE FLOATING ZONE AND WILL REQUIRE A WRITTEN FINDING THAT THE “LANDING” OF THE FLOATING ZONE IS CONSISTENT WITH THE TOWN OF CLINTON’S PLAN OF CONSERVATION AND DEVELOPMENT.
  - (c) Relationship to Zoning Regulations: Unless provided otherwise in this Section, uses within the MSD-1 shall be subject to all provisions and definitions of these Regulations. However, because the intent of the MSD-1 is to provide flexibility in design standards in order to achieve important design objectives as described herein, in cases of conflict with other provisions of these Regulations including the zoning definitions, the provisions of this Section 21 shall prevail.
-

Unless expressly prescribed by this Section 21, all uses, dimensional, architectural, bulk, location, landscaping, parking, and lighting requirements for an MSD-1 and all Standards for Special Exceptions (Section 10) shall be established by the Commission in its sole legislative discretion as part of an approved zone change adopted pursuant to this Regulation.

- (1) In exercising its legislative discretion to approve a Floating District pursuant to this Regulation, the Commission is hereby empowered to establish ranges of acceptable values for dimensional, bulk and parking requirements.
  - (2) This provision shall specifically include, but not be limited to the following:
    - (i) Approval of the uses set forth herein shall be in lieu of compliance with the use provisions of Section 24;
    - (ii) Approval of Standards for Special Exceptions in accordance with this Regulation shall be in lieu of compliance with Section 10 (Standards for Special Exceptions) of these Regulations;
    - (iii) Approval of bulk and setback requirements in accordance with this Regulation shall be in lieu of compliance with Section 25 of these Regulations;
    - (iv) Approval of signage requirements in accordance with this Regulation shall be in lieu of compliance with Section 28 of these Regulations;
    - (v) Approval of parking in accordance with this Regulation shall be in lieu of compliance with Section 29 (Off-Street Parking and Loading) of these Regulations;
    - (vi) The intent of this Section is that any compliance issues which can be addressed at the level of detail afforded by the zone change application shall not be revisited in the individual Special Exception applications.
    - (vii) All provisions of the Subdivision and Zoning Regulations which have not been modified or eliminated by this Section shall pertain to floating zones, together with the requirements of Section 9, Special Exceptions.
- (d) Purposes of MSD-1: In conformance with the Town of Clinton's Plan of Conservation and Development, the purposes of the MSD-1 are as follows:
-

- (1) To extend greater and more convenient opportunities for traditional main street working, shopping and access to important services to all residents of the Town;
  - (2) To encourage a more efficient use of land and public services by promoting compact development of commercial uses appropriate to traditional village community living in appropriate locations;
  - (3) To provide convenient uses, including commercial, civic and open space uses, in a traditional main street configuration typical of towns and villages in New England;
  - (4) To ensure that new development in the district will be compatible with historic commercial development patterns in the Town and the New England region and that will create a strong sense of community identity;
  - (5) To promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible design and architectural design elements. Such elements shall relate the design characteristics of each individual structure or development in a harmonious manner, resulting in a coherent overall development pattern, architectural design, and streetscape;
  - (6) To design, to the extent reasonable under the specific circumstances, existing buildings with historical and/or architectural features which enhance the visual character of the community, and preserve historic streetscapes;
  - (7) To enhance the function of main street building locations as a focal point where needs of the community's residents can be efficiently and centrally served;
- (e) General Requirements:
- (1) Area, Bulk and Height:
    - (i) Each area to be developed shall include a minimum square of sixty feet by sixty feet (60' x 60') within and upon which a building may be constructed.
    - (ii) The maximum ground coverage (impervious surfaces) shall not exceed eighty percent (80%).
-



- (iii) The maximum building height shall not exceed the maximum building height permitted in the underlying zoning district. If the MSD is to be "landed" on a site comprised of more than one zone, the requirements of the more restrictive zone shall control.

(2) Setbacks:

- (i) Minimum setback from front line: eight feet (8')
- (ii) Minimum setback from any lot line other than a front ten feet (10')

(3) Building Standards:

- (i) Each building shall be served by a public water supply or water system approved by the local Health District - Connecticut River Area Health District.
- (ii) Utilities serving the building or accessory building or structure shall be buried underground as feasible.
- (iii) The building shall be served by a sewage disposal system approved by the local Health District - Connecticut River Area Health District, or Department of Energy and Environmental Protection (DEEP).

(4) Off-Street Parking:

- (i) The provisions of Section 29 of these Regulations do not apply PROVIDED HOWEVER, that the applicant demonstrates that parking to be provided is adequate for the proposed use.
- (ii) The view of large parking areas from public streets shall be minimized through the use of perimeter landscaping and berms.
- (iii) Front yard, side yard and rear yard setbacks may be used for parking or circulation.

(5) Storm Water Management:

- (i) The MSD-1 shall provide for the maintenance or reduction of pre-development level storm water runoff from the site upon completion.
-

- (6) Landscaping:
- (i) To the greatest extent possible, mature trees shall be retained on-site. The Commission may require trees based on the number of parking spaces.
  - (ii) Utility terminal boxes and connections placed aboveground shall be adequately landscaped to screen them from view and shall be shown on initial and final plans.
  - (iii) The Commission recognizes that the utility companies have the final decisions as to locations and therefore the locations shown on the plans are the suggested locations, though efforts should be made to encourage the utility companies to site terminal boxes per design plans
  - (iv) At the discretion of the Commission, trees shall be planted adjacent to parking areas for screening, if feasible.
- (7) Emergency Vehicle Access:
- (i) All access driveways must provide adequate fire truck and emergency vehicle access.
- (8) Sidewalks:
- (i) The site shall include on-site sidewalks which shall comply with Town standards.
- (9) Shopping Cart Management Plan:
- (i) Any retail establishment with shopping carts shall provide a written plan to manage retrieval of shopping carts.
- (f) Uses Permitted in the MSD-1: The following uses are allowed within the MSD-1, whether in separate buildings or in mixed use buildings:
- (1) Community Facility
    - (i) Senior Center
    - (ii) Place of Worship, Parish Halls
    - (iii) Fraternal Societies
    - (iv) Libraries
    - (v) Charitable Institutions
    - (vi) Museums
-

- (2) Commercial
    - (i) Financial Institution (including drive-through windows)
    - (ii) Personal Services Establishment
    - (iii) Professional Office
    - (iv) Restaurant
    - (v) Retail Establishments
    - (vi) Pharmacy (including drive-through windows for Pharmacy purposes only)
    - (vii) Medical Clinics
    - (viii) Theater
    - (ix) Research Facility
    - (x) Accessory Structures and Uses
  
  - (3) Buildings, uses and facilities of the Town of Clinton.
  
  - (4) Residential
-