

Section 12

Standards For Special Exceptions

12.1 Standards: The following additional standards shall apply to particular uses permitted in a District subject to approval of a Special Exception by the Commission. These uses have been determined compatible with other allowed uses in a zone, when they comply with the standards that follow. It is the responsibility of the Commission to assure these standards are met.

(Amended 1/1/2012)

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12.2 Two-Family Dwellings:

(Section added 1/1/2012)

12.2.1 Purpose: It is the purpose of these Regulations to permit two-family dwellings within specific residential zones in a way that is compatible with the overall character of existing residential areas and so as to not degrade the natural environment or negatively impact the public health, safety, and property values.

12.2.2 Qualifications: A Special Exception for a two-family dwelling may be granted provided that:

- (a) The lot must be served by public water.
- (b) Area:
 - (1) Any lot other than a rear lot must have an area one and one-half (1½) times the required area for the zone in which it is located.
 - (2) A rear lot must have an area two and a quarter (2¼) times the required area for the zone in which it is located.

12.2.3 Standards and Requirements: A Special Exception may be granted provided that the Commission determines the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The two-family dwelling shall be served by public water.
- (b) The required setbacks for a two-family dwelling shall be the required rear setback for the zone in which the structure is located.
- (c) There shall be only one residential structure per lot.
- (d) The building exterior shall be consistent with the single-family characteristics of the neighborhood. Design characteristics shall include, but are not limited to, placement of entrance doors, mailboxes, electric meters and garages.
- (e) The lot design shall be consistent with the single-family characteristics of the neighborhood. Lot design characteristics shall include, but are not limited to, parking arrangements and exterior lighting.

12.2.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations.

12.3 Multiple Dwelling Units in Commercial Structures

(Added 6/1/2015 & Amended 4/1/2016)

12.3.1 Purpose: The Town of Clinton adopted the following special exception regulation to allow multiple dwelling units in commercial structures. The goal and purpose of this regulation is to craft a procedure for more flexible uses of land, while still remaining consistent with (a) the adopted Plan of Conservation and Development; (b) the zoning laws and standards of the State of Connecticut; and (c) the administrative standards set forth in these Regulations as a whole.

A Multiple Dwelling Unit development in Commercial Structures shall consist of both residential and commercial uses, as hereinafter permitted, in a balance that recognizes that these developments are designed to be integrated neighbors, encouraging access to commercial and recreational services provided within the village setting while limiting the need to travel by vehicle. Unlike the accessory apartment regulations, the goal of this regulation is to allow a mixture of commercial and residential uses to reflect the needs of the specific location, with the possibility of the residential use having a greater percentage of the square footage of the structure than the commercial use.

12.3.2 Qualifications: A Special Exception may be granted for a Multiple Dwelling Unit in a Commercial Structure provided that:

- (a) The structure must be serviced by the exclusive public water supplier.
- (b) The first story of the structure facing the street and completely above grade must be designated exclusively for commercial use, consistent with allowing access to the residential uses on other floors. Residential uses may be accessed from both the front and rear of the structure and may be provided with a separate entrance. In the case of a structure with direct exterior access to a sub-grade level from the front, the sub-grade level may be either residential or commercial.
- (c) None of the commercial uses in the structure can be: adult entertainment (Section 12.27) or tattoo parlors (12.26). If a ventilation system is required to be installed for a retail or restaurant use, it shall be designed so that it does not affect any residential units above that space or elsewhere in the building.

12.3.3 Standards and Requirements: A Special Exception may be granted for a Multiple Dwelling Unit may be granted provided that the following standards are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) All residential units within each structure shall have a gross floor area of no less than six hundred fifty square feet (650 sq. ft.)
- (b) The average number of bedrooms located within the Multiple Dwelling Unit development shall not exceed 1.75 per unit.

- (c) Transient lodging shall not be permitted. The minimum length of stay shall be 180 days. The applicant shall provide a copy of the written lease agreement or other rental agreement, inclusive of the specified duration, that will be required of tenants, as part of the application documentation. Upon the sale of the property, the new property owner shall file an updated model lease within thirty (30) days of the change in ownership.
- (d) Provisions for removal of trash shall be provided. Trash collection areas shall be screened from the public right-of-way.
- (e) While dedicated parking spaces for each commercial and residential unit are not required, the applicant shall demonstrate that there is adequate convenient available parking.
- (f) Lighting shall be located in a manner which minimizes glare or direct lighting into residential units. All commercial lighting shall be extinguished within one hour of the close of business, except for security, street lighting or safety lighting.
- (g) All new buildings shall conform to the design standards for the underlying zoning district, if any or the overall Design Standards.
- (h) Open Space: A minimum of one hundred square feet (100 sq. ft.) per dwelling unit shall be dedicated as usable open space. This open space shall be located within the area dedicated for the Multiple Dwelling Units within Commercial Structures.

12.3.4 Amenity Bonus and Incentives:

- (a) Purpose: In the interest of promoting public amenities, innovative site design and a community-friendly neighborhood on land subject to this permit, the Commission, at the applicant's request, may approve any combination of incentives listed within this Section.
 - (1) The application must demonstrate conformance to the principle of this Regulation and the intent of this Section and each request must be submitted as a separate request for Commission determination.
 - (2) Approval will be based on whether or not the applicant demonstrates adherence to this Section, complies with the intent of the Plan of Conservation and Development, all other regulations required by the Town and State and must be in the interest of public health, safety and welfare.

- (3) If the Commission determines that the applicant has not satisfied this burden of proof or compliance with this Section, the Commission may deny the request.
- (b) Existing Amenities: The developer shall utilize any existing amenities in order to minimize the development footprint and maximize the amount and quality of the open space.
- (c) Recommended Amenities:
 - (1) Public Amenities shall include, but are not limited to: window boxes, awnings, balconies, outdoor seating, "green" roofs, usable outdoor spaces, public seating and other outdoor furniture or reduction in impervious surfaces.
 - (2) Best management practices promoted by the US Green Building Council.
 - (3) For properties with waterfront access, the following public amenities shall include, but are not limited to: boat slips, beach access for the residents of the development and viewing platforms.
 - (4) For properties with wetlands, the following improvements shall be considered amenities eligible for bonuses:
 - (i) Restoration, enhancement or creation of productive wetland or watercourse resources;
 - (ii) Preservation of existing native vegetation, including shrubs and trees;
 - (iii) Removal of invasive species and replacement with native species;
 - (iv) Elimination and/or minimization of mowing to encourage a variety of native species including shrubs and trees; and
 - (v) Planting of native vegetation.
- (d) Bonuses: Upon adequate demonstration of conformance to the purposes set forth in Section 12.3.4(a) above, the Commission shall grant the following incentives:
 - (1) A reduction in the front setback to allow for rear parking, or to otherwise create a sense of "street front" consistent with adjacent uses and setbacks.

(2) An increase in the maximum height consistent with allowing three (3) stories while creating a greater opportunity for: compliance with flood elevation requirements, sound buffering between commercial units and upper story residential units and more flexible architectural styles.

12.3.5 **Public Waterfront Access (PWA)**: The public will be allowed unimpeded access to the waterfront as deemed appropriate by the Commission either through a deeded restriction satisfactory to Commission Counsel or by donating a piece of property to either the Town of Clinton or a non-profit organization as approved by the Commission.

(a) Examples of access include but are not limited to:

- (1) Public walkways, aesthetically consistent with the overall development;
- (2) Common green space and waterfront areas (if available); and
- (3) Outdoor furniture and fixtures which encourages pedestrian and bicycle use, such as bicycle racks and benches.

(b) The PWA must provide the following:

- (1) Adequate public parking availability; and
- (2) Maintained road access to the public parking area(s).

12.3.6 **Water Dependent Uses**: All prior public water dependent uses shall be protected and access maintained consistent with the standards set forth in the Connecticut Coastal Management Act.

12.3.7 **Procedures**: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

(a) The following plans shall be submitted:

- (1) Lighting Plan
- (2) Sign Design Plan
- (3) For developments located in the Marine (M) Zone, a traffic study.

(b) The following additional materials shall be submitted:

- (1) A streetscape rendering of the proposed front of the structure

- (2) A model lease for the residential units
- (3) A Parking Analysis prepared by a Professional Engineer or Traffic Engineer which addresses the following:
 - (i) Demonstration that the parking provided is adequate for all combined uses
 - (ii) Calculation methods
 - (iii) Indication whether shared parking is being utilized
 - (iv) Provisions for reserve parking
- (4) Public Waterfront Access plan which shows the following:
 - (i) Proposed public access
 - (ii) Proposed public parking availability
 - (iii) Proposed road access to the public parking area(s)
- (5) An Amenities Plan which shows in detail all proposed public amenities which are eligible for bonuses.

December 15, 2023

TOWN OF CLINTON

12008

12.4 (Reserved for Future Use)

12.5 Common Interest Community Development (CICD)

12.5.1 Purpose: The purpose of these Regulations is to allow for the arrangement of multiple dwelling units (units) on larger properties in a way to focus development in one or more groupings or clusters of units, and protect open space and common areas so as to create a village atmosphere, while still remaining consistent with the Plan of Conservation and Development, and promoting the health, safety and welfare of the town of Clinton.

12.5.2 Qualifications: A Special Exceptions for a Common Interest Community Development (CICD) may be granted provided that:

- (a) The minimum area of the tract of land to be considered for a CICD shall be no less than ten (10) acres.
- (b) The tract must have a minimum frontage of twenty-five feet (25') on an accepted Town road, State road, a road in an approved subdivision or to a road which is part of a proposed subdivision.
- (c) The tract shall be served by public water or a community water system approved by the Department of Energy and Environmental Protection and the Department of Public Health.

12.5.3 Standards: A Special Exception for a Common Interest Community Development (CICD) may be granted provided that:

- (a) Area, Bulk and Height:
 - (1) Any area to be developed within a CICD shall have a minimum area of forty thousand square feet (40,000 sq. ft.).
 - (i) A limited common element, exclusive use area or other restriction on the use or portion of land created through the declaration of a common interest community and not as a division of land through the subdivision process or otherwise shall not be considered a "lot" for the purposes of this Section.
 - (2) Each area to be developed shall include a minimum square of one hundred ten feet by one hundred ten feet (110' x 110') within and upon which multiple units may be constructed.
 - (3) The maximum ground coverage shall not exceed eighty percent (80%).
 - (4) The maximum building height shall not exceed the maximum permitted in the underlying zoning district.

(5) Lots must remain under a unified ownership as part of a master common interest community, but may contain units that are separately and individually owned.

(6) Setbacks:

(i)	Minimum setback from front lot line	Ten feet (10')
(ii)	Minimum setback from any lot line other than a front or rear lot line	Fifteen feet (15')
(iii)	Minimum setback from rear lot line	Twenty feet (20')

(7) Perimeter setback: The setback for the underlying zoning district shall apply to each developed area within a tract.

(b) Building Standards:

(1) Each unit shall be served by a public water supply or a community water system approved by the Department of Energy and Environmental Protection and the Department of Public Health.

(2) Utilities serving the unit shall be buried underground as feasible.

(3) The minimum floor area for each unit shall be eight hundred fifty square feet (850 sq. ft.).

(c) Parking: The provisions of Section 33.11 do not apply. The applicant must demonstrate that parking is adequate for the proposed use.

(d) Stormwater Management: The CICD shall provide for the maintenance or reduction of pre-development level stormwater runoff from the site upon completion.

(e) Landscape:

(1) To the greatest extent possible, mature trees shall be retained on-site. The Commission may require street trees (minimum three inch [3"] caliper) be planted on thirty foot (30') centers.

(2) Utility terminal boxes and connections placed above ground shall be adequately landscaped to screen them from view and shall be shown on initial and final residential plans. 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.

(3) Trees shall be planted adjacent to parking areas, if feasible.

(f) Open Space

- (1) A minimum of thirty percent (30%) of the tract shall be preserved as open space, through deed or conservation easement.
- (2) Wherever possible, open space shall be located so as to preserve existing woodlands, farmland, unique natural features, stonewalls and sites of historic, archeological or scenic value. Due to the unique and fragile coastal environment, the primary public good of open space within the Coastal Area Management Review Zone is anticipated to be for conservation.
- (3) Open space shall be located to provide linkage with reserved open space on adjacent properties whenever possible.

(g) Common Green Space: Usable common green space is encouraged in addition to the required open space. Desirable features for green space include:

- (1) Walking paths, open fields, picnic areas and other park-like features.
- (2) Landscaped and outdoor furnished spaces including playground, exercise course, picnic, amphitheater, player table, court, field and reflective areas.
- (3) Bicycle, walking and information paths and where they may be appropriate, viewing platforms.
- (4) Garden plots, and public swimming pools.
- (5) Community notice boards and commemorative monuments within the common green spaces listed above.

(h) Street Standards:

- (1) All streets within the CICD shall be constructed in accordance with these Regulations, town ordinance and the Town of Clinton Construction and Development Standards.
- (2) All internal roadways and driveways shall be private roads and shall be maintained by the owner or Home Owners Association.

(3) Emergency Vehicle Access

- (i) All streets must provide adequate fire truck and emergency vehicle access.

- (ii) Developers are encouraged to design roads and accesses that minimize the expanse of pavement through the employment of "natural" roadside surfaces that accommodate the turning radii and clearances necessary for the maneuvering of emergency vehicles.
- (I) Examples of natural roadside surfaces include but are not limited to, grass over a road base, grass paver blocks, granite cobblestones and concrete brick pavers.
- (i) Sidewalks, Pedestrian and Bike Paths: These may be provided as deemed necessary by the Commission and consistent with the proposed aesthetic concepts.
 - (1) Concrete, brick pavers, and pervious cinder walkways area examples of acceptable sidewalk construction. Asphalt is not an acceptable material for sidewalks but asphalt may be used for pedestrian and bike paths.
 - (2) Where appropriate pedestrian paths shall be lighted at night consistent with the principles of the International Dark Sky Association.
- (j) All provisions of the Subdivision and Zoning Regulations which have not been modified or eliminated by this Section shall pertain to CICD areas, together with the requirements of Section 11, Special Exceptions.

12.5.4 Special Requirements for Marine Zone: If the development is located in a Marine Zone, a plan must be submitted showing that the following additional requirements have been met:

(Added 8/15/2016)

- (a) There shall be a minimum of four (4) additional dwelling units per building.
- (b) Public Waterfront Access (PWA): The public will be allowed unimpeded access to the waterfront as deemed appropriate by the Commission either through a deeded restriction satisfactory to Commission counsel or by donating a piece of property to either the Town of Clinton or a non-profit organization as approved by the Commission.
 - (1) Examples of access include, but are not limited to:
 - (i) Public walkways, aesthetically consistent with the overall development;
 - (ii) Common Green Space and waterfront areas (if available);
 - (iii) Existing beachfront areas. In areas where there is no beachfront access, a scenic waterfront viewing area will be provided for public use; and

(iv) Outdoor furniture and fixtures which encourages pedestrian and bicycle use, such as bicycle racks and benches.

(2) The PWA must provide the following:

- (i) Adequate public parking availability; and
- (ii) Maintained road access to the public parking area(s).
- (iii) In the event of traffic congestion and/or limited parking availability, a shuttle service shall be considered.

(c) Water Dependent Uses:

(1) All prior water dependent uses shall be protected and access maintained consistent with the standards set forth in the Connecticut Coastal Management Act (CCMA).

(2) The proposal shall not foreclose the possibility of future water dependent uses.

(d) Innovative Stormwater/Wastewater Design:

(1) Energy and environmentally responsible and energy efficient stormwater and/or wastewater facilities must be considered in the design of the proposal.

(2) If the stormwater and/or wastewater facilities are determined to be feasible, the Commission may require that they are implemented.

(e) Compliance with the Natural Hazard Mitigation Plan is required.

12.5.5 Requirements: A Special Exception for a CICD shall not be approved until the Commission **finds** that the following requirements have been met:

(a) The proposed units are clustered in a manner that is in harmony with the natural site so as to promote the preservation of natural resources, unique natural and manmade site features, and scenic views.

(b) The proposed unit layout contributes to the convenience of residential living and has a relationship to adjoining properties and neighborhoods that is harmonious with their character and serves to protect their values.

(c) The purposes, qualifications and standards for a CICD have been met.

(d) The provisions for traffic, water, stormwater and usable open space are adequate, do not overburden the existing streets, water and stormwater drainage facilities on- and off-site and do not create water problems off-site.

- (e) The site drainage and layout in terms of location of buildings and locations of residential uses provides for the safety of the residents.
- (f) The development and design of the CICD will not have a significant adverse effect on surrounding properties or property values in the area.
- (g) The proposed development will not have an adverse effect on the environment and, in particular, wetland and watercourse areas. In making this finding, the recommendations of the Inland Wetlands Commission regarding the development will be taken into account.
- (h) Where appropriate, the applicant has provided for continuing maintenance of parking areas, stormwater drainage facilities, open space and other infrastructure or amenities not to be accepted by the Town of Clinton.
- (i) The CICD is found to be consistent with the health, welfare and public safety needs of the community.
- (j) Performance standards and soil erosion control measures have been met.
- (k) The proposed development must demonstrate its proximity to state highways and/or locations of mass transit access and be serviced by a public water supply.
- (l) Additional Findings Required for Proposals located within the Marine Zone: A Special Exception for a CICD located within the Marine Zone shall not be approved until the Commission **finds** that the following requirements have been met:
 - (1) Appropriate Public Waterfront Access has been provided and the method of designating such access (e.g. deed restrictions) is satisfactory to the Commission and its counsel.
 - (2) All prior water dependent uses have been protected and the proposal does not foreclose the possibility of any future water dependent uses.
 - (3) Innovative stormwater/wastewater designs were considered and have been implemented to the satisfaction of the Commission if feasible.

12.5.6 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) If the tract is being subdivided into lots, the approval of a CICD is a two-part process. An applicant must obtain Special Exception approval under these Regulations and must receive approval of a subdivision under the

requirements of the Subdivision Regulations. A tract need not be subdivided into separate lots.

- (1) The applicant shall submit all the required applications concurrently.
- (2) The Commission may hold a single, combined public hearing on the application(s) for Special Exception and the application for subdivision approval.
- (3) In accordance with Connecticut General Statutes, the Commission must vote separately on the applications for Special Exception(s) and for subdivision.

(b) The following plans shall be submitted:

- (1) Lighting Plan
- (2) Landscaping Plan
- (3) For developments located in the Marine Zone, a traffic study which includes traffic management, circulation and minimization of traffic flow.
 - (i) If shuttle services are to be provided, the traffic study shall also provide details on the operation of said service.

(c) The following materials shall be submitted:

- (1) Parking analysis prepared by a Professional Engineer or Traffic Engineer which demonstrates that the parking provided is adequate for the use.
- (2) Sample common interest community documents, easements and/or shared driveway agreement documents.
- (3) Maintenance agreement documents.

(d) Public Waterfront Access plan which shows the following:

- (1) Proposed public access
- (2) Proposed public parking availability
- (3) Proposed road access to the public parking area(s)

12.7 Accessory Apartments – Business and Village Zones

12.7.1 Purpose: The intent of this section is to permit the mix of commercial and residential uses on the same property:

- Promote a village center concept of development where appropriate.
- Maximize the potential of a site when the property and surrounding uses are suitable and compatible.
- Provide pedestrian access to commercial activities.
- Provide housing units for varying income levels.

12.7.2 Qualifications: A Special Exception for an Accessory Apartment in Business and Village Zones may be granted provided that:

(Amended 7/1/2015)

- (a) Accessory apartments may not be created in structures in which adult entertainment businesses (Section 12.27), tattoo parlors (Section 12.26) or uses that require special ventilation systems to remove fumes or other harmful substances, are located.
- (b) Each building shall contain an active commercial operation. When a commercial operation is vacated from a building, leaving only the residential use as tenant(s), the Permit granted for that residential accessory use shall terminate twelve (12) months from the date of commercial activity being vacated, unless commercial use is resumed within that time period.

12.7.3 Standards and Requirements: A Special Exception may be granted provided the following standards and criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) Accessory apartments in accessory structures will only be allowed on lots of forty thousand square feet (40,000 sq. ft.) or greater.

(Amended 1/1/2012)

- (b) Accessory apartments may be within the footprint, or an addition to a building, provided they meet the following design criteria:

(1) The character of the building is enhanced so that it is appropriate for the zone in which it is located.

(2) The lot coverage of the building is not increased by more than six hundred square feet (600 sq. ft.) and still conforms to the standards for the zone in which it is located.

(3) A dormer does not extend in height beyond the roof ridge line and does not extend in depth beyond the first floor exterior wall.

(c) A minimum total floor space of one thousand square feet (1,000 sq. ft.) is required for a principal structure or seven hundred fifty square feet (750 sq. ft.) for an accessory structure, within which an accessory apartment is proposed. No portion of the living area of any accessory apartment shall be located in a basement area, vehicle bay area of a garage or third floor space of any structure.

(Amended 1/1/2012)

(1) An accessory apartment shall have a minimum gross floor area of four hundred fifty square feet (450 sq. ft.). The maximum floor area of an accessory apartment shall not exceed one thousand square feet (1,000 sq. ft.) or one-third (1/3) of the total combined area of a principal structure, or one-half (½) of an accessory structure, plus the accessory apartment, whichever is less.

(Amended 1/1/2012)

(d) No more than eight (8) bedrooms will be permitted in a building, except in the Village Zone, where no more than four (4) bedrooms may be located on a single lot.

(e) Transient lodging shall not be permitted. The minimum length of stay shall be 180 consecutive days. The applicant shall provide a copy of the written lease or other rental agreement, inclusive of the specified duration, that will be required of tenants, as part of the application documentation.

(f) No apartment shall have more than two (2) bedrooms.

(g) The total residential floor area in each structure shall not exceed forty-eight percent (48%) of the total floor area of that structure.

(Amended 1/1/2012)

(h) All required off-street parking shall conform to Section 33 of these Regulations.

(i) Provisions for the collection and removal of trash shall be provided. Trash collection areas shall be screened.

(j) Any other appropriate conditions deemed necessary by the Commission to protect public health, safety, welfare and the character of the neighborhood.

12.7.4 Application Procedures: Application for a Special Exception for an Accessory Apartment shall be made to the Commission in accordance with Section 11: Special Exceptions and Section 4: Application Procedures and Approval Process, of these Regulations and shall include the following additional materials:

(a) The required floor plan shall list the total floor area of the dwelling and the commercial operation and percentage of difference between them.

(Amended 1/1/2012)

(b) Suitable sketches, architectural plans, or photographs sufficient to show the character and extent of exterior building and façade construction include any alterations.

(c) Required Renewal:

(1) Every two years, starting with the year of approval, and biannually on March 1st thereafter, the owner of the premises shall file with the ZEO a new affidavit of ownership of the premises and certify that tenants are being required to occupy accessory apartments for more than 180 days as required by these Regulations. Copies of the lease, or mutually signed written rental agreements, for all units shall satisfy this requirement.

(Amended 7/1/2015)

(2) Failure to provide the affidavit within sixty (60) days from the date specified above shall constitute a violation, which shall be grounds for the institution of enforcement actions that may result in the revocation of enforcement actions that may result in the revocation of the approval such that it shall be null and void.

(Amended 7/1/2015)

(3) Upon initial approval the property owner shall file on the Land Records a copy of the Affidavit stating ownership of the premises and that tenants are required to occupy accessory apartments for more than 180 days. Failure to timely provide the Affidavit shall constitute a violation, which shall be grounds for the institution of enforcement action that may result in revocation of the accessory apartment approval for the property.

(4) Upon sale of a property containing an accessory apartment, the new owner of said property shall file with the ZEO no later than thirty (30) days of the transfer of such title to such property, the Affidavit of Occupancy with the eligibility requirements of these Regulations. Failure to timely provide the Affidavit shall constitute a violation, which shall be grounds for the institution of enforcement action that may result in revocation of the accessory apartment approval for the property.

12.8 Mini-Estate Subdivision:

12.8.1 Purpose: It is recognized that there exist in the town of Clinton tracts of land, which because of configuration, topography and other difficulties, do not lend themselves to conventional subdivision development. In order to allow development of such tracts, to preserve as far as possible natural features such as rock outcroppings, steep slopes and vernal pools, and to safeguard against pollution of ground water by over-development in areas of ledge, high water table, et cetera, the creation of mini-estates as hereinafter described is permitted by Special Exception in accordance with the following standards, together with the pertinent requirements of the Subdivision Regulations.

(Amended 1/1/2012)

12.8.2 Qualifications: A Special Exception for a mini-estate subdivision may be granted provided that:

(Amended 1/1/2012)

(a) The tract of land shall be no less than thirty (30) acres.

(Amended 1/1/2012)

(b) There shall be no intermingling of mini-estates lots with conventional lots.

(Amended 1/1/2012)

12.8.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria, and conditions stated in Section 11:

(Amended 1/1/2012)

(a) Frontage requirements may be modified from those set forth in Section 26.4 (Lot Standards) and rear lot requirements as set forth in Section 12.10 of the Zoning Regulations to the extent that the Commission and the applicant agree that they are appropriate for the site conditions.

(b) The area of each mini-estate lot shall not be less than seven and one-half (7½) acres and each mini-estate subdivision shall consist of at least three such lots.

(c) There shall be no subsequent subdivision of any mini-estate that would result in the creation of any lot less than seven and one-half (7½) acres or that violate the access provisions below.

(d) The requirement for open space dedication as set forth in the Subdivision Regulations shall be met.

(e) The provisions of Section 26.4 (Lot Standards) and 12.10 (Rear Lots) of the Zoning Regulations notwithstanding, access to mini-estate lots may be by private driveway serving up to but not more than four (4) such mini-estate lots and shall consist of a twenty-five foot (25') right-of-way to an accepted town road, state highway, subdivision road approved by the Commission and recorded in the Clinton Land Records or a road that part of the proposed subdivision.

(Amended 1/1/2012)

(1) Within such right-of-way there shall be maintained an all-weather roadway at least eighteen feet (18') wide, built and surfaced as specified in Subsection 80, Road Construction Standards, as amended.

(Amended 1/1/2012)

(f) All provisions of the Subdivision Regulations which have not been modified or eliminated by this Section shall pertain to mini-estate lots, together with the requirements of Section 11, "Special Exceptions".

(Amended 1/1/2012)

12.8.4 Procedures: The approval of a Mini-Estate Subdivision is a two-part process. An applicant must obtain a Special Exception under these Regulations and must receive approval of a subdivision application under the requirements of the Subdivision Regulations.

(Amended 1/1/2012)

The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

(a) The applicant shall submit a table of calculation used in determining the maximum number of building lots that may be approved as part of a Mini-Estates Subdivision.

(b) The area to contain a house, water supply system and septic facilities must be shown with two foot (2') contour intervals. The commission may, at its discretion, allow for the remainder of the tract to be shown with five foot (5') intervals.

(Amended 1/1/2012)

(c) Where this and other methods of subdivision are applies to the same parcel, a line of demarcation between that portion to be developed in accordance with the Subdivision Regulations and that portion to be developed in accordance with these Mini-Estate Regulations shall be clearly indicated on the subdivision maps.

(Amended 1/1/2012)

12.9 Conservation Subdivisions:

12.9.1 Purpose: These Regulations are intended to allow the arrangement of individual subdivision lots in such a way as to focus development in one or more groupings or clusters of lots, while retaining the remainder of the property as permanent open space. Recognizing that the Town of Clinton contains both a shoreline residential area, containing smaller lots, and an inland residential area, containing generally larger lots, this Section encourages creative designs, allowing a variety of lot sizes so that proposed layouts maintain the harmony of the immediately surrounding areas.

An acceptable Conservation Subdivision will utilize the additional flexibility allowed under this Section to maximize the preservation of natural resources and scenic quality of the land, and to facilitate adequate and economical provision of streets and utilities in a manner that reduces the overall costs of the subdivision development.

12.9.2 Qualifications: A Special Exception for a Conservation Subdivision may be granted provided that:

(Amended 1/1/2012)

(a) Minimum Land Area for Consideration: The tract must be at least ten (10) acres.

(Amended 1/1/2012)

12.9.3 Standards: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

(Amended 1/1/2012)

(a) Determination of Maximum Number of Building Lots: The maximum number of lots which shall be allowed in any Conservation Subdivision shall be determined as follows:

(1) From the total acreage of the subject parcel, the following shall be subtracted:

(i) Ten percent (10%) of the total acreage;

(ii) Ninety percent (90%) of all land that has been classified as inland wetlands, tidal wetlands, or floodway. Where land is classified in more than one category, the larger area shall prevail;

(iii) The area of significant steep slopes (greater than 20% over a horizontal distance of seventy-five feet (75') perpendicular to the contour).

(2) The total acreage remaining from 12.9.3(a)(1) above shall be divided by the minimum lot size for the zone in which the tract is located, in

accordance with Section 26 – Lot Requirements – Standards. The largest divisible whole number, plus ten percent (10%), is the maximum number of lots that may be approved. If the tract is located in more than one zoning district, the maximum number of lots that may be approved for the Conservation Subdivision as a whole shall be the sum of the total for each zone when calculated individually.

(b) Lot and Building Standards: The following standards shall be met for each new building lot:

Standard by Lot Size (Sq. ft.)	10,000 – 15,000	15,001 – 25,000	25,001 – 35,000	Over 35,000
Maximum aggregate ground coverage as percent of lot area as defined in Section 3:	30%	25%	15%	10%
Maximum floor area as a percent of lot area including all stories (See Section 3):	40%	30%	20%	20%

(1) For Conservation Subdivisions:

(i) Each lot shall include a minimum of ten thousand square feet (10,000 sq. ft.) of lot area, with the minimum average lot area of all the lots in the proposed subdivision of fifteen thousand square feet (15,000 sq. ft.). Larger minimum lot areas may be required by the Commission as a result of individual soil and topographic conditions.

(Amended 1/1/2012)

(ii) Each lot shall include a minimum square of seventy feet by seventy feet (70' x 70').

(iii) Setbacks for lots shall be as follows:

- (I) Front setback: Thirty feet (30')
- (II) Side setback: Fifteen feet (15')
- (III) Rear Setback: Thirty feet (30')
- (IV) Each lot shall have a minimum of one hundred twenty-five feet (125') frontage.

(Amended 1/1/2012)

(c) Open Space:

(1) At least fifty percent (50%) of the total acreage for the subject parcel shall be dedicated as permanent open space.

- (2) Due to the unique and fragile coastal environment, the primary public good of open space within CAM Review Zone is anticipated to be for conservation.
- (3) Open space shall be located to provide linkage with reserved open space on adjacent properties wherever possible.
- (4) Wherever possible, open space shall be located so as to preserve existing woodlands, farmland, unique natural features, stone walls and site of historic, archaeological or scenic value.
- (5) Open space in Conservation Subdivisions shall be subject to all provisions of the Subdivision Regulations, including disposition of open space.
- (6) At least 30% of the land being used to meet the minimum open space requirements must be uplands. (This supersedes the requirements of the Subdivision Regulations)

(Amended 1/1/2012)

- (d) Common Green Space is defined land used for passive and active recreation by residents of the Conservation Subdivision.

(Amended 1/1/2012)

- (1) Desirable features for green space include:
 - (i) Walking paths, open fields, picnic areas and other park-like features.
 - (ii) Landscaped and outdoor furnished spaces including reflective, playground, exercise course, picnic, amphitheater, playing table, court and field areas.
 - (iii) Bicycle, walking and informational paths and where they may be appropriate, platforms.
 - (iv) Garden plots, public swimming pools and skateboard parks.
 - (v) Open piazzas, plazas, courtyards and commons.
 - (vi) Community notice boards and commemorative monuments within the open spaces listed above.

- (2) The minimum Common Green Space per lot will be five thousand square feet (5,000 sq. ft.) and its area, use, maintenance, and permanent prohibition of construction shall be clearly defined and established.

- (3) The Commission may, at its discretion, accept Common Green Space as contributing up to 25% of the open space requirement (12.5% of the total parcel) as long as such space is consistent with the goals and objectives of open space as required in the Clinton Subdivision Regulations.
- (4) The Common Green Space areas shall be coordinated throughout the development as part of a unified system. This system shall serve to integrate the entire development visually and functionally, providing adequate recreation space and visual separation for all dwellings or clusters of dwellings.
- (5) The Common Green Space cannot be used for the construction of dwellings, supporting facilities, parking, vehicular circulation or private yards.

(e) Buffers and Perimeter Setbacks:

- (1) Open space shall be located so as to provide a buffer area that will screen new subdivision lots from adjacent properties and from existing public roads to the maximum extent possible. The Commission may also require the establishment of a conservation easement or conveyance of an open space buffer along existing road for purposes of retaining the character of the road.
- (2) Coastal Buffer: A one hundred foot (100') wide "greenway" buffer, where buildings or roads are not permitted, is required along all tidal wetlands contained within or bordering the property. The buffer may contain a walking path, dock, small gazebo or other similar structures and private septic systems.

(Amended 1/1/2012)

The width of this buffer can be reduced in certain areas at the discretion of the Commission. In no instance is the Coastal Buffer to be reduced to less than seventy-five (75') at any point.

(Amended 1/1/2012)

- (3) Inland Wetlands Buffer: A one hundred foot (100') buffer is required along all inland wetlands contained within or bordering the property, where clearing, building or any activities that disturb the ground are not permitted. The buffer may be open space or area contained within lots with permanent deed restrictions.

(Amended 1/1/2012)

- (4) Perimeter Setbacks: Where proposed Conservation Subdivision lots are adjacent to a different zone, the greater of the side and rear lots line setbacks of the two zones shall be applied to the proposed, abutting Conservation Subdivision lots.

(Amended 1/1/2012)

(f) Streets, Access and Parking:

(1) Interior streets, driveways and circulation systems are to be designed to achieve the following basic goals:

- (i) Minimize paved areas.
- (ii) Reduce traffic speeds.
- (iii) Discourage through traffic.
- (iv) Encourage road connections.

(Amended 1/1/2012)

- (v) Integrate paved areas into the existing landscape as much as possible.

- (vi) Optimize the scenic and aesthetic quality of the circulation experience.

(2) All streets and roads that are intended to be submitted for acceptance by the Town as public roads must comply with the standards as required in the Town of Clinton, Construction and Development Standards, as may be amended.

(Amended 1/1/2012)

(3) All streets and roads that are intended to be private roads shall be designed and constructed in accordance with Section 80: Road Construction Standards, Section 90: Drainage Design Criteria, Section 100: Drainage Construction Standards, Section 110: Soil and Erosion Control and Sediment Control Criteria, and Section 120: Final Grading, Stabilization and Landscaping Criteria of the Town of Clinton, Construction and Development Standards, as may be amended.

(Amended 1/1/2012)

- (i) The applicant's engineer shall provide a letter to the ZEO certifying that all roads were constructed in accordance with the standards listed above.

- (ii) Private streets and roads must be owned and maintained by a corporate entity or homeowner's association. Such non-profit organization will be a private, non-profit, non-stock organization that has as a purpose the maintenance of the roads within the subdivision.

- (iii) In no instance are privately maintained streets to have gates or any other physical barrier that restrict access to any portion of the road owned and maintained by a corporate entity, association or abutting land owners. Notwithstanding the preceding, general public

vehicular access to a private Conservation Subdivision road may be restricted under the following conditions:

- a. The Conservation Subdivision has more than one point of vehicular roadway access to an improved public road; and
- b. Only one of the access/egress points shall restrict general public vehicular traffic; and
- c. The method employed to restrict vehicular access still provides public safety personnel with vehicular access through the restricted roadway; and
- d. The method employed to restrict vehicular access is approved by all appropriate public safety, medical and other emergency personnel or agencies of the Town and proof of such approval is provided to the Town of Clinton Land Use Office.

(4) **Emergency Vehicle Access:** All streets must provide adequate fire truck and emergency vehicle access. Developers are encouraged to design roads and accesses that minimize the expanse of pavement through the employment of "natural" roadside surfaces that accommodate the extraordinary turning radii and clearances necessary for the maneuvering of emergency vehicles. Examples of natural roadside surfaces include but are not limited to, grass over a road base, grass paver blocks, granite cobblestones and concrete brick pavers.

(Amended 1/1/2012)

(5) **Street Width:** The following alternative design standards may be utilized under Section 5.1.6 of the Clinton Subdivision Regulations for the purpose of achieving the goals of item 12.9.3(f)(1) above. All streets shall be maintained in good condition.

(Amended 1/1/2012)

- (i) The minimum roadway widths of interior one-way streets with parking permitted on one side shall be twenty feet (20').
- (ii) The minimum roadway width of two-way streets with parking permitted on one side shall be twenty-eight feet (28').
- (iii) The minimum width of two-way streets without parking permitted shall be twenty feet (20').
- (iv) Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.
- (v) The minimum centerline radii of curved streets shall be as follows:

- (I) Local Road: One hundred fifty feet (150').
(Amended 1/1/2012)
- (II) Collector/Arterial Streets: Three hundred feet (300').
(Amended 1/1/2012)
- (III) Business/Industrial Streets: Five hundred feet (500').
(Amended 1/1/2012)
- (vi) All reverse curves on business/industrial and collector/arterial streets shall be separated by a tangent at least one hundred feet (100') long.
(Amended 1/1/2012)
- (vii) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty degrees (60°). The minimum number of ways at an intersection shall be kept to four (4) with the centerline of said street intersection at one common point.
- (viii) Property lines at street intersections shall be rounded with a street line radius of not less than one half of the wider right-of-way.
- (ix) The intersection of centerlines of streets shall occur not less than two hundred feet (200') apart.
- (x) Drainage: Street curbs can be omitted at slopes that are less than 5% and are part of a comprehensive drainage concept that minimizes curbing, pollution runoff, flow velocities and other concentrated storm water flows.
- (xi) Lighting: At the discretion of the Commission, roads and streets shall be lighted at night.
(Amended 1/1/2012)
- (xii) Parking: It shall be convenient to common areas and provided when necessary in accordance with Section 33 of these Regulations. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained, and lit for night use. Screening of parking and service area shall be required through use of trees, shrubs, hedges and screening walls.
(Amended 1/1/2012)
- (xiii) Sidewalks, Pedestrian and Bike Paths: These may be provided as deemed necessary by the Commission and consistent with the proposed aesthetic concepts. Concrete, brick pavers and pervious cinder walkways are examples of acceptable sidewalk construction. Where appropriate, pedestrian paths shall be lighted at night.
(Amended 1/1/2012)

(g) Utilities: The following standards are acceptable to water supply, sewage disposal and other utilities within the Conservation Subdivision:

(1) Water Supply: The Conservation Subdivision shall be served by a public water supply system or a water supply system as approved by the Town Engineer and the Town Director of Health.

(i) When a Conservation Subdivision is located within any area served by a public water supply or when any part of the land being subdivided is located within the distance prescribed in the Public Health Code of the nearest existing public water supply service line, such public water service supply service shall be extended to serve the Conservation Subdivision.

(Amended 1/1/2012)

(ii) If public water supply cannot be extended to all, or part of, the subdivision, each individual dwelling to which it cannot be extended shall have its own potable water supply well.

(Amended 1/1/2012)

(2) Fire Suppression: The water supply system shall be so designed and constructed as to provide adequate fire protection with hydrants where there is sufficient capacity and pressure.

(Amended 1/1/2012)

(i) Where public water supply does not exist or it is insufficient for fire suppression, a supply of water shall be achieved utilizing storage tanks, fire ponds or such methods, as approved by the Town Fire Marshal.

(Amended 1/1/2012)

(3) Sewage Disposal: The Conservation Subdivision shall be served by an on-site community sewage disposal system or on-site systems for each dwelling unit.

(Amended 1/1/2012)

(i) Each system shall meet Town and State Department of Health regulations, and as applicable, regulations of the State Department of Environmental Protection.

(Amended 1/1/2012)

(ii) Each system shall be approved by the Town Director of Health, State Department of Health or the State Department of Environmental Protection, as applicable.

(Amended 1/1/2012)

(iii) Community systems shall be approved by the Town Water Pollution Control Commission and state agencies, as the same have jurisdiction.

(Amended 1/1/2012)

(h) All provisions of the Subdivision and Zoning Regulations which have not been modified or eliminated by this Section shall pertain to Conservation

Subdivision lots, together with the requirements of Section 11, "Special Exceptions". (See Section 6.2, Clinton Subdivision Regulations.)

(Amended 1/1/2012)

12.9.4 **Requirements:** A Special Exception for a Conservation Subdivision shall not be approved until the Commission **finds** that the following requirements have been met:

- (a) The proposed lots are clustered in a manner which is in harmony with the natural site so as to promote the preservation of natural resources, unique natural and manmade site features, and scenic views.
- (b) The proposed lot layout contributes to the convenience of residential living and has a relationship to adjoining properties and neighborhoods that is harmonious with their character and serves to protect their values.

12.9.5 **Procedures:** Approval of a Conservation Subdivision is a two-part process. An applicant must obtain a Special Exception under these Regulations and must receive approval of a subdivision application under the requirements of the Subdivision Regulations. The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

(Amended 1/1/2012)

(a) The applicant shall submit all the required applications concurrently. In addition to the requirements for all subdivision applications, the applicant shall also submit the following information:

(Amended 1/1/2012)

- (1) A map showing the location and acreage of all inland wetland and tidal wetland areas and all areas which have been mapped as flood hazard areas.
- (2) A table of calculation used in determining the maximum number of building lots that may be approved as part of a Conservation Subdivision (See Section 12.9.3(a) above)

(b) The Commission may hold a single, combined public hearing on the application(s) for Special Exception and the application for subdivision approval.

(c) In accordance with the requirements of the Connecticut General Statutes, the Commission must vote separately on the applications for Special Exception and for Subdivision.

12.10 Rear Lots:

12.10.1 Purpose: The purpose of these Regulations is to allow development of land that has minimal frontage on a town road while still maintaining a rural character.

12.10.2 Qualifications: A Special Exception for a Rear Lot may be granted provided that:

- (a) Area and Shape: The area of each rear lot shall be at least one and one half (1½) times the minimum area for the district in which such lot is located and shall have a minimum width equal to at least the minimum frontage requirements of the applicable district. Access strips shall not be included in the area calculation of rear lot area.

(Amended 1/1/2012)

- (b) In accordance with Section 130, Design and Construction of Driveways, Town of Clinton Construction and Development Standards it must be demonstrated that a driveway meeting current standards is feasible for every proposed lot regardless of whether the eventual intent is to utilize a shared driveway.

(Amended 1/1/2012)

- (c) All approvals required prior to the Commission being able to act, such as Inland Wetlands, Zoning Board of Appeals, etc., as necessitated by the design and location of a driveway within an access strip shall have been obtained from other Town of Clinton boards and/or commissions prior to the submission of an application to the Commission for a rear lot.

(Amended 1/1/2012)

12.10.3 Standards: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

(Amended 1/1/2012)

- (a) In a subdivision layout, the maximum number of rear lots shall not exceed those required in Section 6.1 of the Subdivision Regulations of the Town of Clinton, Connecticut.

(Amended 1/1/2012)

- (b) On any rear lot, setback distances from all lot lines shall be equal to the rear line setback for the district in which such lot is located.

- (c) Access:

- (1) Each rear lot shall have a solely owned access strip as part of the lot for which it has been demonstrated that a driveway conforming to the applicable provision of the Construction and Development Standards of the Town of Clinton is feasible and for which permits required before the Commission may act from other Town boards and commissions, as necessitated by the proposed design and location, have been granted.

(Amended 1/1/2012)

(2) The access strip shall be a minimum width at all points of twenty-five feet (25'). Conformance with the Town of Clinton, Connecticut Construction and Development Standards may necessitate a wider access strip under certain sharing arrangements and slope conditions.
(Amended 1/1/2012)

(3) The number of adjoining access strips shall not exceed two (2).

(4) Each access strip shall extend to an accepted Town road, State road, to a road in an approved subdivision, or to a road which is part of the proposed subdivision, as shown on the current Connecticut Department of Transportation Map TR-27 or as recorded in the Clinton Land Records.
(Amended 1/1/2012)

(5) The minimum distance between any access strip and any intersection of Town, State, approved subdivision or private roads shall be equal to the minimum frontage requirements of one front lot as indicated in Section 26: Lot Requirements, for the zone in which such access strip is located.

i. Distances between access strips, except adjoining access strips, measured from their closest points, shall be equal to the frontage requirement of one front lot as indicated in Section 26 for each access strip.

ii. Adjoining access strips shall be counted as two strips whether or not a common driveway is used.

(6) The length of an access strip shall be defined as the length from its intersection with the street to the point at which the lot width equals or exceeds that of the minimum frontage requirement for the zone in which the rear lot was located.

Minimum and maximum lengths of access strips shall be:

<u>District</u>	<u>Minimum</u>	<u>Maximum</u>
R-80	160 feet	500 feet
R-60	160 feet	400 feet
R-40	125 feet	320 feet
R-30	100 feet	300 feet
R-20	80 feet	250 feet
VZ	100 feet	300 feet

(7) Each access strip shall be of sufficient width to accommodate a driveway that conform to the "Construction and Design Standards of the Town of Clinton, Connecticut", and the construction and development standards of Section 12.2 of these Regulations.

(Amended 1/1/2012)

(8) Access to each rear lot must be through the same district or a district in which the use planned for the rear lot is also permitted.

(9) When a proposed lot is located in more than one zone, the length of any access strip shall conform to the requirements of the zone in which the street frontage is located.

(d) Driveways:

(1) All driveways shall meet the applicable requirements of the "Construction and Development Standards of the Town of Clinton, Connecticut" as amended.

(Amended 1/1/2012)

(2) Driveways shall not exceed a grade of ten percent (10%). The grade of the driveway shall not exceed five percent (5%) within fifty feet (50') of its intersection with an improved road or street.

(3) A single driveway may provide access to adjacent rear lots provided ownership of a minimum twenty-five foot (25') access strip to each lot is maintained as set forth in Subsection 12.10.3(c).

(Amended 1/1/2012)

(e) The non-access strip portion of a rear lot shall not be separated from a Town, State or approved subdivision road by more than one (1) lot.

(Amended 1/1/2012)

(f) Rear lots of record at the time of adoption of these Regulations shall not be divided or otherwise altered in area or dimensions except in conformance with these Regulations. The use of a right-of-way as access to such rear lots of record shall establish such lots as non-conforming.

(g) All Zoning Regulations as set forth in Section 26: Lot Requirements – Standards, except for lot frontage, and the lot area and setback requirements as modified by Section 12.10.3, must be met.

12.10.4 Requirements: A Special Exception for a Rear Lot shall not be approved until the Commission has made a Finding that the following requirement has been met:

(a) The land characteristics and physical conditions make such rear lot development practical, appropriate and in harmony with the purpose and intent of the Clinton Zoning Regulations.

12.10.5 Procedures: the applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

(a) Approval of a subdivision with a rear lot(s) is a two-part process. An applicant must obtain a Special Exception under these Regulations and must receive approval of a subdivision application under the requirements of the Subdivision Regulations.

(Amended 1/1/2012)

(1) An application for a rear lot shall be submitted concurrently with a Subdivision application, along with the following information:

(Amended 1/1/2012)

i. All prior approvals shall be submitted to the Commission, in timeframes as required in Section 12.10.2(c) above.

(Amended 1/1/2012)

ii. A plan(s), demonstrating that a driveway for each proposed rear lot that complies with Section 130, Design and Construction of Driveways, Town of Clinton Construction and Development Standards is feasible, shall be submitted with the application.

(Amended 1/1/2012)

(b) The Commission may hold a single combined public hearing on the application(s) for Special Exception(s) and the application for subdivision approval.

(Amended 1/1/2012)

(c) In accordance with the requirements of CGS Chapters 124 and 126, respectively, the Commission must vote separately on the application(s) for Special Exception(s) and for Subdivision.

(Amended 1/1/2012)

12.11 Planned Residential Development (PRD)

12.11.1 Purpose: The purpose of the Planned Residential Development (PRD) regulations is to encourage the provision of affordable housing as per CGS 8-2 and 8-30g, by providing opportunities for a diversity of housing types and sizes, especially for elderly and young families, consistent with soil types, terrain, infrastructure capacity and available services.

(Amended 1/1/2012)

12.11.2 Qualifications: A Special Exception for a Planned Residential Development (PRD) may be granted provided that:

(Amended 1/1/2012)

- (a) The minimum size of the lot to be considered for a PRD shall be three (3) acres.
- (b) The lot must have a minimum frontage of twenty-five feet (25') on an accepted Town road, State road, a road in an approved subdivision, or to a road with is part of a proposed subdivision.

(Amended 1/1/2012)

- (c) The lot shall be served by a public water supply.

12.11.3 Standards: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

(Amended 1/1/2012)

- (b) Each dwelling unit in the PRD shall be served by a public water supply.
- (c) Each unit in the PRD shall be served by individual or community on-site sewage disposal systems meeting Town and State Department of Health Regulations, and as applicable, regulations of the State Department of Environmental Protection.

(Amended 1/1/2012)

- (d) A maximum of ten (10) acres on any one Lot may be utilized for dwelling units and all associated site improvements, septic systems, driveways, etc.

(Amended 1/1/2012)

- (e) There shall be a three hundred foot (300') separation distance between parcels containing PRD units. This separation distance is in addition to all other buffers, landscaping and yard requirements.

- (f) Each PRD dwelling unit shall be comprised of single-family detached dwellings or two-family dwellings.

- (g) Planning and Design Standards:

- (1) Height, Area and Bulk:

- (i) The maximum building height shall not exceed thirty-five feet (35') above the pre-development existing grade as further

defined under the definitions for Building Height in Section 3 of these Regulations.

- (ii) The maximum ground coverage for the site shall not exceed sixty percent (60%).
- (iii) The maximum floor area as a percent of the lot shall not exceed thirty percent (30%).

(2) Building Setbacks:

- (i) Residential dwelling units may not be located within two hundred feet (200') of a non-residential building or non-residential parking lot.
- (ii) No PRD improvements shall be located within five hundred feet (500') of a municipal boundary.
- (iii) The PRD must meet the minimum setbacks for the district in which it is located.
- (iv) The PRD must provide a minimum twenty-five foot (25') landscaped buffer at each property line, where the Commission determines it to be required. The buffer area may be located within the setbacks.

(Amended 1/1/2012)

- (v) Residential dwelling units must be a minimum of twenty-five feet (25') from any PRD roads or access driveways.

(3) Building Standards:

- (i) No more than forty (40) dwelling units may be built on one site.
- (ii) The minimum floor area for each dwelling unit shall be one thousand square feet (1,000 sq. ft.).
- (iii) A minimum of sixty-six percent (66%) of the dwelling units shall consist of efficiency and one-bedroom units. The balance may be two- or three-bedroom units.

(Amended 1/1/2012)

- (iv) Residential buildings shall be separated by at least thirty-five feet (35') from any other residential building on the site.
- (I) If, however, any facing walls contain a window or door, such distance shall be increased by one foot for each

two feet of height facing at an angle of thirty degrees (30°) or less shall be considered facing walls.

(II) Enclosed stairwells and similar architectural appurtenances shall be considered as part of the facing wall for the purposes of setbacks.

(v) Deed restricted affordable dwelling units shall be substantially similar to non-price-restricted units in terms of building design, materials and finish quality.

(vi) Utilities shall be buried underground (where feasible, as determined by the Commission).

(Amended 1/1/2012)

(4) **Parking:** The parking shall conform with Section 33: Off-Street Parking and Loading, in addition to the following requirements:

(Amended 1/1/2012)

(i) Any open parking area, excluding driveway pads, shall be at least fifteen feet (15') from all sides of the dwelling.

(ii) Parking which serves more than one unit may not have its only egress backing out into a public street.

(iii) Adequate, unobstructed space shall be provided for snow clearance of parking spaces. Provision shall be made for adequate storage of cleared snow.

(iv) All parking areas shall comply with the landscaping provisions of these Regulations. In addition, parking areas will be screened from the street and adjoining neighbors by a landscaped treatment of at least four feet (4') in height.

(v) Garages shall not constitute parking space in determining conformance to parking standards.

(5) The proposed housing design will not require upgrading of the existing on-site or off-site public water or drainage systems. The PRD provides for the maintenance or reduction of pre-development level drainage runoff from the site upon completion, unless the Commission finds that off-site drainage facilities or systems have been designed to handle the project drainage and the anticipated future drainage requirements of the area, and that any required easements or approvals have been obtained to use such systems or facilities.

(Amended 1/1/2012)

(6) **Landscaping and Open Space Requirements:**

- (i) A landscaping plan must be submitted.
- (ii) All PRD areas shall contain a buffer strip at least twenty-five feet (25') wide planted to substantially screen the perimeter buildings and parking in the planned residential area from neighboring areas.
- (iii) To the greatest extent possible, all mature trees should be retained on-site. The Commission may require street trees (minimum three inch (3") caliper) be planted on thirty foot (30') centers. The street trees shall be planted outside of the right-of-way.
- (iv) Utility terminal boxes and connections placed aboveground shall be adequately landscaped to screen them from view and shall be shown on the initial and final residential plans.
- (v) Existing mature vegetation on the site shall be retained in areas not disturbed by construction. In areas disturbed by construction, or in areas where existing vegetation is sparse, new plant material (trees, shrubs) shall be provided as follows:
 - (I) Shade trees, evergreen trees and flowering trees shall be planted in, or adjacent to, parking areas. At least one tree shall be planted for every three spaces, or fraction thereof, in locations approved by the Commission.
 - (II) Trees and shrubs shall be planted around foundations and between structures in a manner approved by the Commission.
 - (III) All landscaped areas shall be served by underground water sprinklers where the Commission determines is feasible.

(Amended 1/1/2012)

- (vi) Usable Open Space:
 - (I) A minimum of ten percent (10%) of the total lot area shall be established for outside recreational purposes to serve the residents of the PRD. The area devoted to this purpose shall be in one piece and shall not be less than sixty-five feet (65') in width. The recreation area shall be level with slopes not to exceed four percent (4%) and shall be landscaped primarily as lawn.

(II) Usable open space must include at least one contiguous area with the smallest dimension being at least sixty-five feet (65').

(h) Requirements for Maintenance of Common Land and Facilities: In order to ensure the long-term maintenance of common land and facilities and to prevent maintenance expenditures by the town, the following shall be required and submitted at the time of application:

(1) PRD projects shall be approved subject to the submission, at the time of application, of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, common parking areas and other communally owned facilities. No such instrument shall be accepted until approved by the Commission's attorney as to legal form and effect; and

(2) Any homeowner's association (HOA) created shall be organized as a not-for-profit corporation or unincorporated association under the Connecticut Common Interest Ownership Act with automatic membership in the HOA when property is purchased in the PRD.

(Amended 1/1/2012)

(i) This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessment shall also run with the land. Included in the maintenance covenants shall be procedure for changing them at stated intervals.

(ii) Deeds shall specify the rights and responsibilities of property owners to the HOA.

(iii) The HOA shall also be responsible for liability insurance, local taxes and the maintenance of all commonly held facilities through the use of a pro rata share formula for all property owners.

(i) Street Standards:

(1) All streets within the PRD shall be constructed in accordance with these Regulations, and town ordinances and the Town of Clinton Construction Development Standards.

(Amended 1/1/2012)

(2) All internal roadways and driveways shall be private roads.

12.11.4 Requirements: A Special Exception for a PRD shall not be approved until the Commission **finds** that the following requirements have been met:

(Amended 1/1/2012)

- (a) The purposes, qualifications and standards for a PRD have been met.
(Amended 1/1/2012)
- (b) The provisions for traffic, water, septic systems, storm water and usable open space are adequate, do not overburden existing streets, water and storm water drainage facilities on- or off-site and do not create water problems off-site.
- (c) The site design and layout in terms of location of buildings and locations of residential uses provides for the safety of the residents.
- (d) The development and design of the PRD will not have a significant adverse effect on surrounding properties or property values in the area;
- (e) The proposed development will not have a significant adverse effect on the environment and, in particular, wetland and watercourse areas. In making this finding, the recommendations of the Inland Wetlands Commission regarding the development will be taken into account.
- (f) Where appropriate, the applicant has provided for continuing maintenance of parking areas, stormwater drainage facilities, open space and other infrastructure or amenities not to be accepted by the Town of Clinton.
- (g) The PRD is found to be consistent with the health, welfare and public safety needs of the community.
- (h) Performance standards and soil and erosion control measures have been met.

12.12 Housing Projects for the Elderly

12.12.1 Purpose: Provision for Housing Projects for the Elderly as set forth in this Section is an effort to meet the special and unique needs of the elderly and to provide for their housing, safety, health and general welfare.

(Amended 1/1/2012)

12.12.2 Qualifications: A Special Exception for a Housing Project for the Elderly may be granted provided that:

(Amended 1/1/2012)

(a) Minimum lot area for housing projects for elderly persons shall not be less than three (3) acres.

(Amended 1/1/2012)

(b) A lot that is to be utilized for a Housing Project for the Elderly shall have a minimum frontage of sixty feet (60').

(Amended 1/1/2012)

(c) Each lot or lots being utilized for housing project(s) for elderly persons shall be served by a public water supply under the control of a public utility company.

(Amended 1/1/2012)

(d) The street or streets providing access to the proposed Elderly Housing site shall be classified as either arterial or collector roads as shown in the Clinton Town Plan of Development, "Future Land Use and Circulation Plan," effective July 3, 1978.

12.12.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

(Amended 1/1/2012)

(a) The housing units shall be deed restricted for residents fifty-five (55) and older in accordance with applicable state and federal law.

(Amended 1/1/2012)

(b) Maximum size shall be no more than forty-eight (48) bedrooms per project, or twelve (12) bedrooms per forty thousand square feet (40,000 sq. ft.) of lot area, whichever is less.

(Amended 1/1/2012)

(c) The maximum number of elderly dwelling units per structure shall not be more than eight (8).

(d) Each unit in an elderly housing project shall contain no more than two (2) bedrooms and every room other than a kitchen, living room or bathroom shall be deemed a bedroom.

(1) Open air or screened porches shall not be considered a room.

(e) The following lot and building standards shall govern the design of housing projects for elderly persons :

- (1) Minimum setback from street line: Forty Feet (40')
- (2) Minimum setback from side property line: Thirty Feet (30')
- (3) Minimum setback from rear property line: Thirty Feet (30')
- (4) Maximum number of stories: Two (2)
- (5) Maximum height: Thirty-five feet (35')
- (6) Maximum aggregate lot coverage as a percent of lot area: Twenty percent (20%)
- (7) Minimum floor area:
 - (i) One bedroom dwelling: Six hundred square feet (600')
 - (ii) Two bedroom dwelling: Seven hundred square feet (700')

(f) All electric, telephone and cable television utility wires shall be installed underground where feasible as determined by the Commission.

(Amended 1/1/2012)

(g) Open Space:

(Section added 1/1/2012)

- (1) Purposes: Land for parks, playgrounds, recreational areas or open spaces will be provided and reserved in each elderly housing development as deemed necessary and in locations deemed proper by the Commission. The land reserved will be of such size, location, shape, topography and general character appropriate for the anticipated occupants of a housing project for the elderly as determined by the Commission. The needs may include, but are not limited to:
 - (i) Provision of landscaped and outdoor furnished spaces, including reflective, playground, exercise course, picnic, amphitheater, playing table, court and field areas;
 - (ii) Provision of bicycle, walking and informational paths and platforms;
 - (iii) Provision of garden plots, public swimming pools and skateboard parks;

- (iv) Provision of open piazzas, plazas, courtyards and commons;
- (v) Provision of community notice boards and commemorative monuments within the open spaces listed above;
- (vi) Preservation of natural resources such as, but not limited to, unusual topography, wetlands, aquifers, agricultural land, wildlife habitat, visual corridors or vistas;
- (vii) Retention of natural drainage ways;
- (viii) Establishment of coherent urban form to break up undifferentiated sprawl patterns, provide edges, focal points or centers to enable people to relate to their surroundings or to integrate or separate various types of uses or activities.
- (ix) Provision for passive or active recreation.
- (x) Enhancement of historic or cultural activities or location;
- (xi) Maintenance of scenic quality, specifically including creation or retention of public views and vistas of natural resources, including Long Island Sound; and
- (xii) Provision of linkage with reserved open space on adjacent properties wherever possible.

(2) The reservation of land will conform to the greatest extent possible to the Plan of Conservation and Development of the Town of Clinton, as may be amended from time to time, or plans which have been formally adopted by other Town agencies having authority to plan for parks, playgrounds, recreational land, conservation or open space.

(3) Dedication Requirement: In determining the need for reservation of open space, the Commission will be guided, but not limited to, a standard of ten percent (10%) of the land area of the incentive housing development. The Commission may determine that a lesser area is sufficient to satisfy the need for such open space or that such reservation is not feasible because:

- (i) Adequate existing parks, playgrounds, recreation areas or open space are available in the neighborhood; or
- (ii) There is no land or insufficient land in the elderly housing development suitable for such reservation, and landscaped

areas are deemed sufficient to substitute for active open space areas.

- (4) Access and Location: Open spaces will be easily accessible to those anticipated to use it, and will be situated to preclude open spaces in the extremities of the tract. Proper pedestrian and vehicular access will be provided for each reservation. In Coastal Area Management areas, the Commission may require public accessibility to open space.
- (5) Condition of Land: Land received for open space will not be used for the storage of equipment or the deposit of debris. The land so reserved will not be excavated, filled or regarded and the trees will not be removed, except in accordance with a grading/landscaping plan approved by the Commission.
- (6) Conditions for property/rights reservation: All open space or supporting facilities and systems will comply with applicable law and provide for maintenance, liability, financing or rights of access and use by residents of the elderly housing development as is acceptable by the Commission.
- (7) Method of Dedication: Open space area will be permanently reserved in accordance with the sections below or such other means acceptable and approved by the Commission, such as, but not limited to:
 - (i) Deeded to the Town: Where open space areas are to be conveyed to the Town, the applicant shall convey them at the stage and in the condition agreed upon in connection with the processing and approval of the application for elderly housing development.
 - (ii) Deeded to a Non-Profit Organization Acceptable to the Commission: Such non-profit organization will be a private, non-profit, non-stock corporation that has as its purpose the preservation of open space land.
 - (I) The deed to such organization will contain language satisfactory to the Commission requiring that the land be held in perpetuity as open space land for the use of the public.
 - (II) If open space is to be conveyed to a non-profit organization, the Commission may require that a copy of the organization's Certificate of Incorporation be submitted for its review.

- (III) The deed to the organization will contain provision that in the event of the dissolution of the corporation, the property will be conveyed to the Town, or subject to the approval of the Commission, to another non-profit corporation.
- (IV) The Commission will have the right to reject any proposal for the transfer of open space land to a private non-profit organization if the Commission determines that such conveyance would not be in the best interest of the Town.

(iii) Held in Common Corporate Ownership by Owners of Units within the Development: Open space may be conveyed by warranty deed to a homeowner's association within the development upon such terms and conditions as specified by the Commission.

- (I) When tracts are conveyed in this manner, a copy of the Certificate of Incorporation or Articles of Association, as applicable, and the by-laws of the homeowner's association will be submitted as part of the application for the elderly housing development.
- (II) Membership in such corporation or association will be mandatory for all unit owners within the development.
- (III) Each deed conveyance to unit owners will include the membership provisions, the beneficial right in use of the open space and/or all other pertinent restrictions and will be recorded in the Clinton Land records.
- (IV) Wording on the documentation including each deed with state that such open space is reserved for use only as open space in perpetuity.

(iv) Perpetual Restriction: A deeded covenant and restriction if in form and content acceptable to the Commission permanently restricting the open space uses approved by the Commission, which restriction shall be enforceable by the residents of the elderly housing development and the Town acting through its Planning and Zoning Commission.

(8) Conditions of Open Space Land Conveyance: Title to the open space land will be unencumbered, except as approved by the Commission, and will be transferred at the time specified in the approval by the

Commission. No certificates of occupancy can be issued by the ZEO prior to all titles being transferred in accordance with the conditions of approval.

(9) **Deed Guarantees:** Regardless of the method employed, the instrument of the open space conveyance must include provisions suitable to the Commission and its legal counsel for guaranteeing the following:

- (i) Continuity of proper maintenance for those portions of the common open space requiring maintenance;
- (ii) When appropriate, the availability of funds required for such maintenance; and
- (iii) Recovering of loss sustained by casualty, condemnation or otherwise.

12.12.4 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

(Amended 1/1/2012)

- (a) The application shall include draft deed documents restricting residents to being age fifty-five (55) or older, in accordance with applicable state and federal laws.
(Amended 1/1/2012)
- (b) The application shall include draft language of the Home Owner's Association documents.

12.13 Hospitals, Clinics, Extended Care Facilities, Long-term Facilities, Nursing/Rest Homes, Sanatoriums, Intermediate Care Facilities, Homes for the Aged, Congregate Housing, Assisted Living Facilities and Boarding Homes for Sheltered Care:

(Amended 1/1/2012)

12.13.1 Purpose: The purpose of these Regulations is to permit the development of facilities for the care of persons who cannot care for themselves, in a way that is compatible with the overall character of existing residential areas and so as to not degrade the natural environmental or negatively impact the public health, safety and property values.

12.13.2 Qualifications: A Special Exception for may be granted provided that:

(Amended 1/1/2012)

(a) Minimum lot area shall not be less than the district requirement.

(Amended 1/1/2012)

(b) The lot shall be served by a public water supply.

(Amended 1/1/2012)

12.13.3 Standards & Requirements: A Special Exception may be granted provided the Commission finds that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

(Amended 1/1/2012)

(a) The maximum number of units shall be equivalent to not less than two thousand square feet (2,000) of land for each bed.

(Amended 1/1/2012)

(b) The facility shall be served by a public water supply.

(Amended 1/1/2012)

(c) There shall be access from the facility to Interstate 95 during a flood with a one percent chance of occurring in any given year (a/k/a the 100 year flood).

(Amended 1/1/2012)

(d) The facility shall have a backup power source for the event of extended loss of power.

(Amended 1/1/2012)

(1) The generator or other alternate power source shall be screened from view of any existing residentially zoned abutting properties and public streets.

(Amended 1/1/2012)

(e) An emergency action plan in accordance with the necessary components specified in 29 CFR 1910.38(a) shall be submitted with the application.

(Amended 1/1/2012)

12.13.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

(Amended 1/1/2012)

(a) An emergency evacuation plan shall be submitted with the application demonstrating compliance with the sections above.

(Amended 1/1/2012)

(b) The applicant shall submit a report from the Town Emergency Manager on the emergency operation implications of the proposed site location and layout.

(Amended 1/1/2012)

12.14 Child Care Center

(Section added 1/1/2012)

12.14.1 Purpose: Child Care Centers provide care, protection, supervision and guidance for children. The purpose of these Regulations is the protection of the health, safety and well-being of children who receive services in Child Care Centers, as defined and licensed by the Connecticut Office of Early Childhood.

12.14.2 Qualifications: A Special Exception for a Child Care Center may be granted provided that:

- (a) The minimum lot size shall be thirty thousand square feet (30,000 sq. ft.).
- (b) Lots located within the R-10, R-15, R-20, R-30, VZ, Business, Marine or Industrial Zones shall be served by public water.

12.14.3 Standards: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The facility shall be limited to daytime hours not to exceed 6:00 a.m. to 6:00 p.m.
- (b) There shall be an outdoor fenced play area that meets compliance criteria for licensing through the Connecticut Office of Early Childhood and:
 - (1) The play area shall be connected to and have direct access to the day care facility.
 - (2) The fence around the play area shall be at least four feet (4') high and constructed to prevent the passage of children through it.
 - (3) There shall be a buffer of at least ten feet (10') between the play area and the side and rear property lines to act as a visual and auditory barrier.
 - (i) The buffer area shall be planted with non deciduous trees, minimum height of six feet (6'), at a maximum of eight feet (8') off-center. Existing vegetation may remain to assist with the purpose of the buffer.
 - (4) There shall be a twenty-five foot (25') buffer between the play area and any abutting roadways.
- (c) Every facility shall provide a secure area where vehicles may park or stop for the purpose of dropping off children.

- (1) Such area shall permit direct access to the principal building without having to pass through across any parking area, driveway or other area occupied by vehicles.
- (2) Such area shall be designed as to preclude vehicles from backing into the flow of traffic on the site to have adequate capacity to minimize the need for double parking during peak drop off periods.

12.14.4 Requirements: A Special Exception for a Child Care Center shall not be approved until the Commission **finds** that the following requirement has been met:

- (a) That the surrounding properties and their uses shall not endanger the well-being of the children through the emission of noxious fumes, noise, traffic or other hazards.

12.14.5 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The application shall specifically state the maximum capacity of the Child Care Center and the age range of the children to be cared for.

12.15 Adult Day Care Facilities

12.15.1 **Purpose:** Adult Day Care Facilities constitute an important part of the continuum of care for our seniors, filling a growing niche between independent living and nursing home placement. By utilizing the cost-effective, high-quality professional care (not overnight care) provided by Adult Day Care Facilities, seniors can often be maintained at home for a longer period of time.

12.15.2 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The design of the facility shall take into account the special needs of frail and mobility impaired patrons and shall include the following in order to facilitate the patron's movements throughout the center and involvement in activities and services.

(Amended 1/1/2012)

- (b) The facility shall have at least two clearly identified exits with battery operated emergency exit lights at exit doors.

- (c) The maximum number of patrons permitted shall not exceed one patron for every sixty square feet (60 sq. ft.) of activity space, not including office, bathrooms, kitchens, quiet rooms, closets and vestibules.

(Amended 1/1/2012)

- (d) Locked storage space shall be provided for medications. All controlled substances shall be double locked.

- (e) Shielded outside lighting must be supplied to provide safe lighting levels at all entrances and exits.

- (f) The facility shall meet all applicable federal, state, and local requirements including licensing, sanitation, fire, building and safety requirements. The more stringent requirement of these regulations or the said other applicable requirements shall prevail.

(Amended 1/1/2012)

- (g) If the Adult Day Care Facility is located in a residential structure, the following standards must be applied in addition to those stated above:

- (1) The facility shall have its own separate identifiable space from the residential/office area and designated bathrooms located within the space utilized for the facility.

- (2) The facility shall provide office space for use by the facility.

12.15.3 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

(a) The applicant shall submit a copy of their certification from the Connecticut Association of Day Care Centers, to operate an adult day care facility.

(Amended 1/1/2012)

12.16 Bed and Breakfasts

12.16.1 Purpose: The intent of this Section is to allow the development of Bed and Breakfasts in the town of Clinton, so as to foster economic development and encourage tourist traffic, in a way that is compatible with the overall character of the existing neighborhoods and so as to not degrade the natural environment or negatively impact public health, safety and property values.

(Amended 1/1/2012)

12.16.2 Qualifications: A Special Exception for a Bed and Breakfast for transient lodging may be granted provided that the Commission determines:

(Amended 1/1/2012)

(a) The dwelling shall have a minimum floor area of two thousand square feet (2,000 sq. ft.) and shall be capable of accommodating such rooms for transient visitors based on interior arrangement, size, structural condition and mechanical equipment.

(b) The minimum lot area for a bed and breakfast shall not be less than the district requirement.

(Amended 1/1/2012)

(c) The lot must provide a minimum of eight thousand square feet (8,000 sq. ft.) of land for each guest unit; however, there shall be no more than eight guest rooms.

(Amended 1/1/2012)

(d) Such bed and breakfast transient lodging use is not permitted on a parcel where rooms are rented for any other lodging purpose.

(Amended 1/1/2012)

12.16.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

(Amended 1/1/2012)

(a) In the Village Zone, bed and breakfast accommodations may be in a structure containing a permitted business use.

(Amended 1/1/2012)

(b) There shall be no more than eight (8) guest rooms in the dwelling and any accessory building.

(Amended 1/1/2012)

(d) Not less than seven hundred fifty square feet (750 sq. ft.) of living space, including a separate bathroom, in a structure on the parcel shall be reserved and assigned as the dwelling unit for occupancy by the owner, manager, proprietor, with no accessory apartment application required.

(Amended 1/1/2012)

(e) In residential zones, no parking space shall be located in the area required for building setback from a street line.

(f) Meals for occupants of such rooms shall be limited to breakfast only.

12.16.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations in addition to the following:

(Amended 1/1/2012)

- (a) An affidavit shall be provided upon application affirming that the applicant will comply with the above stated limitation on the duration of room occupancies and the property owner grants permission to the agent of the Commission to make inspection of the site so that this regulation may be enforced.

(Amended 1/1/2012)

- (b) In the event of any change of ownership of the lot where an approved bed and breakfast use is located, the new owner must obtain a Zoning Permit by demonstrating that all conditions prerequisite to the relevant permit have been and continue to be met.

(Amended 1/1/2012)

12.17 Motels

12.17.1 Purpose: These Regulations are intended to ensure that new motels and the expansion of existing motels are compatible with the surrounding area and contribution to the unique community character and economic viability of the Town of Clinton.

12.17.2 Qualifications: A Special Exception for a Motel may be granted provided that:

(Amended 1/1/2012)

- (a) The minimum lot area for motels shall not be less than the district minimum.
- (b) The lot shall be served by a public water supply.

(Amended 1/1/2012)

12.17.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

(Amended 1/1/2012)

- (a) The motel shall be served by a public water supply.

(Amended 1/1/2012)

- (b) The maximum number of guest units may not exceed 15% as a function of net lot area (maximum number of guest units = net lot area/area of a single guest unit x 0.15). For the purpose of this calculation:

(1) Net lot shall be the total lot area of tidal wetlands, inland wetlands and floodplain on-site as well as the area of any easements; and

(2) The area of a guest unit in the calculation shall be no less than two hundred eighty-five square feet (285 sq. ft.)

- (c) Not more than five percent (5%) of the units shall contain kitchen or cooking facilities.

- (d) Occupancy of rooms for transient lodging by any person shall not exceed fourteen (14) consecutive days in a 90-day period with the first day of occupancy.

- (e) In addition to the aesthetic value of landscaped buffers, such buffers shall mitigate any adverse impacts of light and sound created by a motel facility on adjacent properties and their occupants. Such mitigation shall be accompanied by utilizing a mix of vegetation with varying widths, heights and foliage densities so as to buffer adjacent properties to the satisfaction of the Commission. As such the Commission may require:

(1) A 5' vegetative buffer at the side property lines and a 25' vegetative buffer at the rear property line.

- (2) A 25' landscaped front yard.
- (3) The landscaped buffering requirements of this Section shall be in addition to Section 26.7 and where they differ, whichever results in the greater buffering shall apply.
- (4) The Commission may require a 6' fence of a suitable character at the rear and sides of the property where required to provide a buffer between uses.
- (f) No motel shall be located within one thousand feet (1,000') of the property line of any other motel. This shall not apply to the expansion or modification of any existing motel as of January 1, 2012.
(Amended 1/1/2012)
- (g) The motel shall be designed so as to be similar and compatible characteristics to the developments existing in the surrounding area of such motel, or an upgrade or enhancement to such area. Such characteristics shall include, but are not limited to, consideration of building bulk and size, architectural features including windows/doors and façade lengths and heights as well as building finishes, lighting fixture design and signage; and overall site design including landscaping.
(Amended 1/1/2012)

12.17.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations in addition to the following:

(Amended 1/1/2012)

- (a) An affidavit shall be provided upon application for a Special Exception affirming that the application will comply with the above stated limitation on the duration of room occupancies and the property owner does grant permission to the agent of the Commission to make inspections of the site so that this regulation may be enforced. This affidavit shall be filed as a property deed restriction in the Town of Clinton Land Records in the Office of the Town Clerk should the Commission approve the Special Exception application.
- (b) The application shall include detailed architectural renderings which will demonstrate that the proposed design will have similar and compatible characteristics to the developments existing in the surrounding area of such facility.

12.18 Hotels

12.18.1 Purpose: These Regulations are intended to ensure that new hotels and the expansion of any hotels constructed in the future are compatible with the surrounding area and contribute to the unique community character and economic viability of the town of Clinton.

12.18.2 Qualifications: A Special Exception for a Hotel may be granted provided that:

- (a) The minimum lot area for a hotel shall not be less than the district minimum.
- (b) The lot shall be served by the exclusive public water supplier.

12.18.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) New or remodeled rooms shall be no smaller than three hundred square feet (300 sq. ft.).
- (b) All rooms may contain coffee makers, microwave ovens and mini-fridge units.
 - (1) Rooms may contain kitchen or cooking facilities including but not limited to ranges, full sized refrigerators, or dishwashers.
- (c) Occupancy of rooms for transient lodging by any person shall not exceed thirty (30) consecutive days in a ninety (90) day period.
 - (1) Notwithstanding the provisions of Section 12.18.3(c) above, any individual who is registered at a hotel as part of a negotiated business rate package with an existing business entity may be in residence without any specific time limit so long as that negotiated business rate package (as it may change from time to time) is in full force and effect. As an example if a business has negotiated for a block of rooms (one or more) to house staff for business related opportunities (i.e. from start up to training) this exception shall supersede 12.18.3(c).
- (d) No mechanical equipment, other than public utility facilities, or refuse receptacles shall be visible from grade level on the public rights-of-way.
- (e) The following shall be considered valid accessory uses for hotels:
 - (1) Fitness center
 - (2) Meeting/Conference rooms

- (3) Business center (in the nature of internet-connected computers, a printer and a workspace, but not meant to be used as a regular office)
- (4) "Breakfast bar" style food service area
- (5) Gift/amenities shop
- (6) Pool, indoor or outdoor
- (7) Guest Laundry facilities

(f) A restaurant is a separately permitted use which may be located within the same structure as the hotel, and shall not be considered an accessory use.

- (1) A restaurant must meet the standards found in Section 12.28: Restaurants and Other Food Service Establishments, and any other applicable sections of these Regulations.

(g) Structured parking may be integrated into the hotel design. If such structured parking is located at grade, it shall count as the first floor of the structure.

(h) A bicycle parking area shall be provided.

(i) The owner or operator of the hotel is encouraged to coordinate with regional transit services such as, but not limited to, 9 Town Transit, to allow for the picking up and dropping off of individuals at or near the hotel location.

(j) The premises shall be equipped with a surveillance system, such as a video recording system, deployed to the satisfaction of the Clinton Police Department, or other appropriate law enforcement agency.

(k) The owner or operator of a hotel shall have a management plan to ensure that occupants of the hotel do not create a public nuisance, or that such occupants are removed should the owner or operator determine that the occupant is creating a public nuisance. Nuisance includes but is not limited to excessive noise odors detectable outside the occupants room, the presence of unregistered occupants, the presence of animals not approved by the hotel owner or operator, damage to the hotel room in excess of ordinary wear and tear, illegal activity, or any threat to the health or safety of other hotel occupants, personnel or public.

(l) Sign Standards

- (1) There shall be no more than one (1) wall sign per each exterior wall of the hotel structure. Each sign shall not exceed forty-eight square feet (48 sq. ft.).

12.18.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations in addition to the following:

- (a) An affidavit shall be provided upon the application for a Special Exception affirming that the application will comply with the above stated limitation on the duration of room occupancies and the property owner grants permission to the agent of the Commission to make inspections of the site so that this regulation may be enforced.
 - (1) This affidavit shall be filed as a property deed restriction in the Town of Clinton Land Records in the Office of the Town Clerk should the Commission approve the Special Exception application.
 - (2) This affidavit shall also be filed simultaneously with the Certificate of Special Exception.
- (b) The applicant shall submit the following plans and documents:
 - (1) Landscaping plan
 - (2) Lighting plan
 - (3) Litter Control Plan
 - (4) Traffic Study
 - (5) A Parking Analysis prepared by a Professional Engineer or Traffic Engineer which addresses the following:
 - (i) Calculation methods
 - (ii) Indication whether shared parking is being utilized
 - (iii) Provisions for reserve parking
- (c) The applicant shall submit a letter from the exclusive public water supplier certifying that there is adequate water supply to the site.

12.19 Business and Professional Offices

(Section added 1/1/2012)

12.19.1 Purpose: The purpose of these Regulations is to allow the development of larger office buildings while keeping with the character of the Town of Clinton.

12.19.2 Qualifications: A Special Exception for a Business or Professional Office with a ground floor area over 15,000 square feet, or with a ground floor area of 5,000 square feet in the Village Zone, may be granted in Districts permitting Business and Professional Office provided that:

- (a) The lot shall be served by public water.
- (b) The minimum lot area shall not be less than the district requirement.

12.19.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The office shall be served by public water.
- (b) Buffers:
 - (1) There shall be a 6' fence of a suitable character at the rear and sides of the property.
 - (2) There shall be a 5' vegetative buffer at the side property line and a 25' vegetative buffer at the rear of the property.
 - (3) There shall be a 25' landscaped front yard.
- (c) Parking:
 - (1) All parking shall be located in the side or rear yard of the property.
 - (2) The parking area shall be accessed directly from a Town or State Road.

12.19.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations.

12.20 Financial Institutions

(Section added 1/1/2012)

12.20.1 Purpose: The purpose of these Regulations is to allow the development of Financial Institutions in a way that is compatible with the overall character of the Town of Clinton and so as to not degrade the natural environment or negatively impact public health, safety and property values.

12.20.2 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) There shall be no additional structures for the financial institution for the purpose of housing an ATM or similar equipment
- (b) Additionally, any drive-up window must comply with Section 12.22 of these Regulations.

12.20.3 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations in addition to the following:

- (a) The applicant shall submit a traffic study.
- (b) The applicant shall submit a report from a traffic engineer certifying to the safety of the parking area.

12.21 Retail Establishments and Personal Service Facilities

(Section added 1/1/2012)

12.21.1 Purpose: The purpose of these Regulations is to allow the development of Larger Retail Establishments and Personal Service Facilities in Districts permitting such uses in a way that is compatible with the overall character of the Town of Clinton and so as to not degrade the natural environment or negatively impact the public health, safety and property values.

12.21.2 Qualifications: A Special Exception for a Retail Establishment or Personal Service Facility that occupies more than 15,000 square feet or has a ground floor area of more than 5,000 square feet in the Village Zone, may be granted provided that:

- (a) The lot shall be served by public water.
- (b) The minimum lot area shall not be less than the district requirement.

12.21.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions in Section 11:

- (a) The facility shall be served by public water.
- (b) All loading spaces and delivery areas shall be located so that they are suitably screened from any public way.
- (c) There shall be a six foot (6') suitable etc. as above fence at the rear and sides of the property.
- (d) There shall be a five foot (5') vegetative buffer at the side property line and a twenty-five foot (25') vegetative buffer at the rear of the property line.
- (e) There shall be a twenty-five foot (25') landscaped front yard.
- (f) All trash removal must be done after 7:00 a.m. and before 6:00 p.m. Monday through Saturday.
- (g) For sites abutting residential zones, no busses or delivery trucks shall idle in the parking areas.
- (h) Storage of retail merchandise and supplies necessary for the operation of a retail establishment located on the same premises provided the storage area is less than 15,000 sq. ft.
 - (1) A storage facility over 15,000 sq. ft. shall be considered a warehouse.

12.21.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The application shall be accompanied by a security lighting plan, which includes the hours of reduced lighting.
- (b) The applicant shall submit a traffic study.
- (c) The applicant shall submit a report from a traffic engineer certifying to the safety of the parking area.
- (d) The applicant shall submit a landscaping plan.

12.22 Drive-up Windows

(Section added 1/1/2012)

12.22.1 Purpose: The purpose of these Regulations is to allow the development of Drive-up Windows in a way that is compatible with the overall character of the Town of Clinton and so as to not degrade the natural environment or negatively impact the public health, safety, and property values.

12.22.2 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) There shall be no more than one drive-up window per building.
- (b) The drive up window system shall be located on one side of the building only.
- (c) Any drive-up window will have no more than two lanes per building and for use by only one business per building.
- (d) A drive-up window at a pharmacy shall only be permitted for the presentation and pickup of prescription medication.
- (e) The drive-up window vehicle lanes will be located so as to be physically separated from parking lot aisles and driveway entrances.
- (f) Evergreen, or other tree species with similar visual canopy, of not less than three inch (3") caliper, at least six feet (6') in height, shall be planted every twenty-five feet (25') along the perimeter landscaping area whenever a drive-up window abuts a residential zone.
- (g) There will be no more than two additional "drive-up window" signs for directional flow, provided that the directional signs are not more than two square feet (2 sq. ft.) each, with the words "Enter" or "Exit" only.
- (h) No more than two "Open" or "Closed" signs will be allowed and must be located directly above the drive-up window lane and shall be no greater than two square feet (2 sq. ft.) each.
- (i) The drive-up window shall comply with Section 33: Off-Street Parking and Loading.

12.22.3 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall demonstrate that provision has been made for the stacking of vehicles in a lane which is separate from the traffic circulation pattern associated with the use and its parking area.

- (b) The applicant shall demonstrate that adequate provision has been made for customers to park and safely enter/exit the building without crossing through adjacent lanes of moving traffic or stacking lanes for the drive-up window service.

12.23 Shopping Centers

12.23.1 Purpose: These regulations are intended to ensure that new shopping centers and expansions to existing shopping centers, which are both permitted by Special Exception, are compatible with the surrounding area and contribute to the unique community character and economic viability.

12.23.2 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

(Amended 1/1/2012)

(a) Shopping Center:

(Amended 1/1/2012)

- (1) A shopping center shall contain one retail store (which term includes a supermarket) to act as an anchor store, with a total floor area not to exceed seventy thousand square feet (70,000 sq. ft.) of which no more than sixty thousand square feet (60,000 sq. ft.) shall be used as a retail sales area.
- (2) No story of any anchor store shall exceed twenty-five feet (25') in height from floor to finished ceiling.
- (3) Additional retail stores, financial institutions, restaurants or personal service establishments shall not exceed thirty thousand square feet (30,000 sq. ft.) of total floor area per establishment and shall not exceed a total floor area of sixty thousand square feet (60,000 sq. ft.)
 - (i) There shall be four or more such establishments.
 - (ii) Each establishment shall provide separate customer entrances.
- (4) The total floor area of a shopping center shall not exceed one hundred ten thousand square feet (110,000 sq. ft.).

(b) Neighborhood Shopping Center:

- (1) The total floor area of a neighborhood shopping center shall not be less than ten thousand square feet (10,000 sq. ft.) and no individual establishment shall be greater than ten thousand square feet (10,000 sq. ft.) in total floor area.
- (2) The total floor area of a neighborhood shopping center shall not exceed sixty thousand square feet (60,000 sq. ft.).

(c) Parking:

- (1) Off-street parking and loading requirements and landscaping requirements shall comply with Section 33: Off-Street Parking, of these Regulations.
- (2) The Parking Space Standards of Section 33.3 may be reduced to allow for shared parking facilities available within a Shopping Center.
 - (i) The minimum parking requirement shall be one (1) space for each two hundred and fifty square feet (250 sq. ft.) of gross floor area on all uses within the Shopping Center or Neighborhood Shopping Center.
 - (ii) Parking lots utilizing the reduced parking requirements shall include minimum landscaped areas (as required by Section 33 of these Regulations) amounting to at least twenty percent (20%) of the total lot area, exclusive of building coverage.
- (d) All loading spaces and delivery areas shall be located so that they are suitably screened from any public way.
(Amended 1/1/2012)
- (e) There shall be a six foot (6') suitable etc. as above fence at the rear and sides of the property.
(Amended 1/1/2012)
- (f) There shall be a five foot (5') vegetative buffer at the side property line and a twenty-five foot (25') vegetative buffer at the rear of the property line.
(Amended 1/1/2012)
- (g) There shall be a twenty-five foot (25') landscaped front yard.
(Amended 1/1/2012)
- (h) All trash removal must be done after 7:00 a.m. and before 6:00 p.m. Monday through Saturday.
(Amended 1/1/2012)
- (i) For sites abutting residential zones, no busses or delivery trucks shall idle in the parking areas.
(Amended 1/1/2012)
- (j) Storage of retail merchandise and supplies necessary for the operation of a retail establishment located on the same premises provided the storage area is less than 15,000 sq. ft.
(Amended 1/1/2012)
 - (1) A storage facility over 15,000 sq. ft. shall be considered a warehouse.
(Amended 1/1/2012)

12.23.3 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations in addition to the following:
(Amended 1/1/2012)

- (a) The applicant shall submit a traffic study.
(Amended 1/1/2012)
- (b) The applicant shall submit a lighting plan.
(Amended 1/1/2012)
- (c) The applicant shall submit a landscaping plan.
(Amended 1/1/2012)

12.24 Liquor Stores

(Added 1/1/2015)

12.24.1 Purpose: The purpose of this Section is to regulate uses, which because of their nature, are recognized as having potentially serious objectionable operational characteristics. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These Regulations protect health, general welfare and property values in the town of Clinton.

12.24.2 Qualifications: A Special Exception for a liquor store may be granted provided that:

- (a) No liquor store shall be located within five hundred feet (500') of the property line of any public, private or parochial school, day care center, library, park, playground or other recreational facility in any zone. Nor shall any such business be located within five hundred feet (500') of the property line of any church, convent, monastery, synagogue or other similar place of worship or five hundred feet (500') of a cemetery.
 - (1) For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures or objects from the nearest portion of the building containing or proposing to contain a liquor store to the nearest boundary of the uses specified.

12.24.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) Signage:
 - (1) Liquor stores shall be obligated to adhere to the signage requirements for the underlying zoning district in which they are located.
 - (2) Notwithstanding any other requirements, any windows allowing visibility into the store shall retain at least 50% open visibility to the store interior.
 - (i) This means, specifically, that there shall not be signs, advertisements, products, logos, or promotions either on the window or within three feet (3') interior to the window.
 - (3) Any advertisement or signage located outside the store which is not permanent affixed to either the ground or the building shall be removed and placed out of sight during all hours the business is not in operation.

- (4) The violation of this subsection of the Regulations shall be cause to terminate the Special Exception, following a hearing.
- (b) Parking requirements shall comply with Section 33: Parking, of these Regulations.

12.24.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations in addition to the following:

- (a) The applicant shall submit a map showing all the properties and uses located within five hundred feet (500') of the property proposed to contain a liquor store.

12.25 Massage Establishments

(Added 1/1/2015)

12.25.1 **Purpose:** The purpose of this Section is to regulate uses which, because of the nature, are recognized as having potentially serious objectionable operational characteristics. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These Regulations protect health, general welfare and property values in the town of Clinton.

12.25.2 **Definitions:** The terms "massage", "massage establishment", "massage therapist" and "massage therapy" shall be defined in Section A. Definitions of the Connecticut River Area Health District "Body Care Code", as may be amended from time to time.

12.25.3 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The provisions of the Connecticut River Area Health District "Body Care Code", as may be amended from time to time, must be adhered to.
- (b) The provisions of the Town of Clinton Code, Chapter 369: Massage Establishments and Practitioners, as may be amended from time to time, must be adhered to.
- (c) The actual act of massage therapy and/or massage shall not be visible from any window or door.
- (d) Parking and loading requirements shall comply with Section 33: Parking, of these Regulations.

12.25.4 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations in addition to the following:

- (a) The applicant shall submit a map showing all the properties and uses located within one thousand feet (1,000 ft.) of the property proposed to contain a massage establishment.
- (b) Every two years, starting with the year of approval, the owner of the establishment shall file with the ZEO an Affidavit stating that the requirements of the Connecticut River Area Health District "Body Care Code" and the Town of Clinton Code, Chapter 369: Massage Establishments and Practitioners, have been met.

(c) Failure to provide the affidavit within sixty (60) days from every two (2) year anniversary year shall constitute a violation, which shall be grounds for institution of enforcement actions that may result in the revocation of the approval such that it may be null and void.

12.26 Tattoo Parlors and Body Piercing Salons

(Entire Section Amended 1/1/2012)

12.26.1 **Purpose:** The purpose of this Section is to regulate uses which, because of their nature, are recognized as having potentially serious objectionable operational characteristics. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These Regulations protect health, general welfare and property values in the town of Clinton.

(Amended 4/30/2012)

12.26.2 **Qualifications:** A Special Exception for a Tattoo Parlor and/or Body Piercing Salons may be granted provided that:

(a) No tattoo parlor shall be located within one thousand feet (1,000 ft.) of the property line of any public, private or parochial school, day care center, library, park, playground or other recreational facility in any zone. Nor shall any such business be located within one thousand feet (1,000 ft.) of the property line of any church, convent, monastery, synagogue or other similar place of worship or cemetery.

(Amended 4/30/2012)

(1) For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures or objects from the nearest portion of the building containing or proposing to contain a tattoo parlor to the nearest boundary of the uses specified above.

(b) Tattoo parlors are not permitted in structures which contain accessory apartments or other dwelling units.

12.26.3 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

(a) The actual act of applying tattoos to a person's body shall not be visible from any doors or windows.

(b) Off-street parking and loading requirements shall comply with Section 33: Off-Street Parking, of these Regulations.

(Amended 4/30/2012)

12.26.4 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations in addition to the following:

(a) The applicant shall submit a map showing all the properties and uses located within one thousand feet (1,000 ft.) of the property proposed to contain a tattoo parlor.

(Amended 4/30/2012)

12.27 Adult Entertainment Businesses

12.27.1 Purpose: The purpose of this Section is to regulate uses which, because of their nature, are recognized as having potentially serious objectionable operational characteristics. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These Regulations prevent clustering of these uses in any one location and thereby protect health, general welfare and property values in the town of Clinton.

(Amended 1/1/2012)

12.27.2 Definitions:

- (a) Adult Bookstore: An establishment which has as principal activity the sale of books, magazines, newspapers, videotapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and public areas or acts of human masturbation, sexual intercourse or sodomy, and which establishment excludes minors by virtue of age.
- (b) Adult Cabaret: A cabaret which features nude and/or partially nude dancers, go-go dancers, exotic dances, strippers, male or female impersonators, or similar entertainers and which excludes minors by virtue of age.
- (c) Adult Entertainment Business: Any establishment which is customarily not open to the public generally but only to one or more classes of the public, thereby excluding any minor by reason of age. These include, but are not limited to, one or a combination of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult cabaret, adult novelty business, and adult personal service business.
- (d) Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons having as a principal activity the displaying of motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse or sodomy for observation by patrons therein and from which minors are excluded by virtue of age.
- (e) Adult Mini-Motion Picture Theater: An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths and from which minors are excluded by virtue of age.
- (f) Adult Novelty Business: A business which has as a principal activity the sale of devices of simulated human genitals or devices by design for sexual stimulation and which excludes minors by virtue of age.

- (g) **Adult Personal Service Business**: A business having as a principal activity a person, while nude or partially nude, providing personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age. It includes, but is not limited to, the following activities: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, and individual theatrical performances. It does not include activities performed by such persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut.
- (h) **Partially Nude**: Having any or all of the following body parts exposed: buttocks, genitals, pubic area or female breasts.
- (i) **Principal Activity**: A use accounting for more than twenty percent (20%) of a business' stock in trade, display space, or floor space, or movie display time per month.

12.27.3 **Qualifications**: A Special Exception for an adult entertainment business may be approved provided that:

(Amended 1/1/2012)

- (a) No such adult entertainment business shall be located within one thousand feet (1,000 ft.) of the following:
 - (1) A district which, pursuant to these Regulations and the Zoning Map of the Town of Clinton is classified Residential, Village Zone or Business B-2.
(Amended 1/1/2012)
 - (2) Another such adult entertainment business.
 - (3) The property line of any public, private or parochial school, day care center, library, park, playground or other recreational facility, whether commercial or non-profit, in any zone.
(Amended 1/1/2012)
 - (4) The property line of any church, convent, monastery, synagogue or similar place of worship, places of public assembly, medical and dental offices.
(Amended 1/1/2012)
 - (5) For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building containing or proposing to contain an adult entertainment use to the nearest boundary of the uses specified above.
- (b) Adult Entertainment Businesses are not permitted in structures which contain accessory apartments or other dwelling units.
(Amended 1/1/2012)

12.27.4 Procedures: The applicant shall follow the procedures set forth in Section 4, in addition to the following:

(Amended 1/1/2012)

(a) Required Renewal:

- (1) Purchasers of buildings that have had Special Exceptions for adult entertainment businesses who want to continue the Special Exception must obtain a Zoning Permit by demonstrating that all conditions prerequisite to obtaining the relevant permit have been met.
- (2) Any such renewal must be referred to the Commission for consideration. The Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Special Exception.

12.28 Restaurants and other Food Service Establishments

(Section added 1/1/2012)

12.28.1 **Purpose:** It is the purpose of these Regulations to allow Restaurants and other Food Service Establishments in specific business and industrial zones and within the Village Zone District and Marine Zone in a way that is compatible with the existing character of the neighborhood and so not to degrade the natural environment or negatively impact the public health, safety and property values, while providing economic growth for the Community.

12.28.2 **Qualifications:** A Special Exception for a restaurant or other food service establishment may be granted provided that:

- (a) The lot shall be served by public water.

12.28.3 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) There shall be adequate parking spaces provide as required in Section 33: Off-Street Parking and Loading.
- (b) The projected traffic to and from the establishment shall not result in any lowering of the traffic flow rating for the surrounding roadways.

12.28.4 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall provide a detailed traffic study completed by a certified traffic engineer.
- (b) The applicant shall submit a letter from the Connecticut Water Company certifying that there is adequate water supply to the site.
- (c) The Commission shall consider the impact on neighboring properties that have uses that are permitted as of right.

12.29 Outdoor Seating for Restaurants and Other Food Service Establishments

(Section added 1/1/2012)

12.29.1 Purpose: These Regulations seek to permit by Special Exception outdoor seating at restaurants and food service establishments in a manner that promotes businesses while keeping the harmony and scale of the surrounding areas.

12.29.2 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) There are to be no more than forty (40) outdoor seats provided.
- (b) To allow for pedestrian circulation, a minimum of five feet (5') of sidewalk along the curb and leading to the entrance of the establishment shall be maintained free of tables and other encumbrances.
- (c) Planters, posts with ropes or other fixed or removable enclosures shall be used to define the outdoor eating area.
- (d) Extended awnings, canopies, or large umbrellas shall be permitted and located to provide shade for patrons.
- (e) Outdoor eating areas shall have additional outdoor trash receptacles.
- (f) Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the outdoor eating area is located.
- (g) Outdoor eating areas are not entitled to additional signage, beyond that permitted for the use.

12.30 Take-out Restaurant

(Section added 1/1/2012)

12.30.1 **Purpose:** It is the purpose of these Regulations to permit by Special Exception Take-out Restaurants in a way that is compatible with the overall character of the surrounding properties and so as to not degrade the natural environment or negatively impact the public health, safety and property values.

12.30.2 **Qualifications:** A Special Exception for a Take-out Restaurant may be granted provided that:

- (a) The lot is served by public water.

12.30.3 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The restaurant shall be served by public water.
- (b) There shall be adequate parking spaces provided as required in Section 33: Off-Street Parking and Loading.
- (c) The projected traffic to and from the establishment shall not result in any lowering of the traffic flow rating for the surrounding roadways.
- (d) Glass shall occupy no more than thirty percent (30%) of the exterior wall surface of the building and all glass shall be tinted.
- (e) The control of litter shall be the sole and exclusive responsibility of the owner/operator of the restaurant that 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.

12.30.4 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall provide a detailed traffic study completed by a certified traffic engineer.
- (b) The applicant shall submit a letter from the Connecticut Water Company certifying that there is adequate water supply to the site.
- (c) As a part of the decision process, the Commission shall **find** that the Take-out Restaurant does not negatively impact the traffic flow of the area and is in harmony with the surrounding uses. In addition, the Commission shall consider the impact on neighboring properties that have uses that are permitted as of right.

12.31 Indoor Theaters and Assembly Halls over 15,000 sq. ft.

(Section added 1/1/2012)

12.31.1 Purpose: It is the purpose of these Regulations to permit indoor theaters and assembly halls that exceed 15,000 square feet of floor area in the Business Zones in a way that is compatible with the overall character of existing residential areas and so as to not degrade the natural environment or negatively impact the public health, safety, and property values.

12.31.2 Qualifications: A Special Exception for an indoor theater or assembly hall may be granted provided that:

- (a) The lot shall be served by public water.

12.31.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The facility shall be served by public water.
- (b) There shall be adequate parking spaces as required in Section 33: Off-Street Parking and Loading.
- (c) The projected traffic to and from the facility shall not result in any lowering of the traffic flow rating for the surrounding roadways.
- (d) The post-construction traffic flow rate shall be a level B or higher.

12.31.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall provide a detailed traffic study completed by a certified traffic engineer.
- (b) The applicant shall submit a letter from the Connecticut Water Company certifying that there is adequate water supply to the site.
- (c) As a part of the decision process, the Commission:
 - (1) Shall **find** that the facility does not negatively impact the traffic flow of the area and is in harmony with the surrounding uses and the purpose and intent of the Regulations; and
 - (2) Shall consider the impact on neighboring properties that have uses that are permitted as of right.

12.32 Limited Recreational Facility:

(Section added 1/1/2012)

12.32.1 Purpose: These Regulations are intended to promote the development of limited recreational facilities which are compatible with the surrounding area and contribute to the unique community character and economic viability of the town of Clinton.

- (a) These Regulations apply to athletic fields, tennis courts, golf courses, public swimming pools and skateboard parks only.

12.32.2 Qualifications: A Special Exception for a limited recreational facility may be granted provided that:

- (a) The lot shall be a minimum of two (2) acres.

12.32.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) Sale or rental of equipment, accessories, clothing and similar items in a "pro shop" shall be considered accessory uses to a limited recreational facility provided that:

- (1) 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

- (2) Such facilities that are located in residential zones, such sale or rental shall not occur on any day when the subject recreational facility is not open to its patrons.

- (b) Lighting:

- (1) All lighting fixtures used for event lighting shall be fully shielded, or be designed to minimize up-light, spill-light and glare.

- (2) The maximum height is thirty-five feet (35')

- (3) The applicant must meet the guidelines established by the current Electrical Institute of Engineers for recreational lighting, and all the requirements of these Regulations.

- (4) Poles are to be located at least one hundred feet (100') from residential zones or property lines.

12.32.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) For applications for golf courses and athletic fields:
 - (1) The applicant shall provide detailed information concerning the sources of irrigation waters and volumes required and the method of distribution and application.
 - (2) The applicant shall also provide detailed information concerning the following:
 - (i) The fertilizers, herbicides, pesticides and other chemicals to be employed in/at the facility.
 - (ii) The quantities to be stored on-site and the precautions to be taken in their storage and handling;
 - (iii) A monitoring plan to ensure early detection of groundwater contamination.
 - (3) In making a decision on an application for golf courses and athletic fields, the Commission shall consider following:
 - (i) The potential impacts on the volume of surface and subsurface waters available to surrounding or down-gradient properties and shall require the efficient use of irrigation waters;
 - (ii) The use of best management practices (BMP's) for the storage, handling and application of lawn care chemicals, to minimize adverse impacts to ground and surface waters; and
 - (iii) The adequacy of the applicant's long-term groundwater monitoring program.
- (b) For applications for tennis courts and skateboard parks:
 - (1) The applicant shall provide a detailed schedule of trash and litter removal.
 - (2) The applicant shall provide a detailed description of the security measures for the facility.
- (c) In making a decision on an application for a limited recreational facility in the R-60 and R-80 zones, the Commission shall treat the use as a non-residential activity in a residential zone, and shall take into consider the following:
 - (1) The size and location of the proposed use;

- (2) The nature and intensity of the operations involved;
- (3) The size of the site with respect to the existing or future street(s) giving access to it; and
- (4) Other factors so as to ensure that the proposed recreational facility shall be such that it will be in harmony with the orderly development of the area.
- (5) 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.

12.33 Bowling Alleys and Billiard or Pool Halls

(Section Added 1/1/2012)

12.33.1 Purpose: It is the purpose of these Regulations to permit bowling alleys and billiard or pool halls in a way that is compatible with the overall character of the surrounding area and so as to not degrade the natural environment or negatively impact the public health, safety and property values.

12.33.2 Qualifications: A Special Exception for a bowling alley, billiard or may be granted provided that:

- (a) No such use shall be located within one thousand feet (1000') of any property contain the same or similar use, church, school, day care facility or any property that sells or serves alcoholic beverages.

12.33.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) No more than twenty-five percent (25%) of the structure shall be utilized for retail and/or food service upon approval a Special Exception for that use.
- (b) There shall be no outside storage.
- (c) All dumpsters shall be screened on three sides and located so as not to be in the public view.

12.33.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall submit a landscaping plan.
- (b) The applicant shall submit a photometric plan showing both normal and security lighting.
- (c) The applicant shall submit a litter control plan.

12.34 Commercial Recreational Facilities

(Section added 1/1/2012 & Amended 1/1/2015)

12.34.1 Purpose: The purpose of these Regulations is to permit Commercial Recreational Facilities in a way that ensures that this use is compatible with the surrounding areas, contributes to the economic viability of the town of Clinton and protects the public health, safety and welfare.

(Amended 1/1/2015)

12.34.2 Qualifications: A Special Exception for an Commercial Recreational Facility may be granted provided that:

(Amended 1/1/2015)

- (a) The lot must be served by public water.
- (b) The minimum lot area for an Outdoor Commercial Recreational Facility shall be a minimum of eighty thousand square feet (80,000 sq. ft.).

(Amended 1/1/2015)

12.34.3 Standards and Qualifications: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) **Indoor Commercial Recreational Facility Type A:**

(Added 1/1/2015)

- (1) The facility shall be located entirely within a structure.
- (2) If the facility is to be located within an existing structure, there shall be no limit on the footprint of the structure.

(Amended 6/1/2015)

- (3) The footprint of each new structure shall not exceed seventy thousand square feet (70,000 sq. ft.).

(Amended 6/1/2015)

- (4) Recreational activities shall not include adult-orientated entertainment establishments, as defined in Section 12.27.

- (5) The facility shall only operate between the hours of 5:00 a.m. and 12:00 a.m.

- (6) No more than 25% of any structure may be utilized for retail and/or food service as an accessory use.

- (i) The retail or food service accessory use shall not operate when the recreational facility is not open for recreational activities.

- (b) **Indoor Commercial Recreational Facility Type B:**

(Amended 1/1/2015)

- (1) Facilities shall be located within a structure that may be easily converted to other uses permitted in the zone.

(2) The footprint of each structure shall not exceed forty thousand square feet (40,000 sq. ft.)

(Amended 1/1/2015)

(3) Recreational activities shall not include adult-orientated entertainment establishments, as defined in Section 12.27.

(4) No more than fifty percent (50%) of the open floor area shall be devoted to games and/or entertainment devices and equipment that are electrically or electronically controlled.

(5) Facilities shall only operate between the hours of 5:00 a.m. and 12:00 a.m.

(6) All separate rooms, alcoves and portions of the facility shall be arranged so that there is an attendant within the room or such that the attendant can easily supervise all rooms.

(c) Outdoor Commercial Recreational Facility:

(Amended 1/1/2015)

(1) There shall be a fifty foot (50') buffer on the sides and rear of the property, and a 30' landscaped front yard.

(2) There shall be appropriate safety fencing either around the facility or property.

(3) Facilities shall only operate between the hours of 8:00 a.m. and 9:00 p.m.

(4) Lighting shall conform to the following standards:

(i) All fixtures used shall be fully shielded, or be designed to minimize up-light, spill-light and glare.

(ii) The applicant must meet the guidelines established by the current Electrical Institute of Engineers for recreational lighting and all the requirements of these Regulations.

(iii) Poles higher than thirty feet (30') are permitted provided that the Commission considers the impact on the following:

(I) Effects on the existing uses in the area; and

(II) Conservation of surrounding property values and the character of the neighborhood.

12.34.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall submit a photometric plan.
- (b) The applicant shall submit a landscaping plan.
- (c) The applicant shall submit a litter control plan.
- (d) The applicant shall submit a traffic study.

(Added 1/1/2015)

(Added 1/1/2015)

12.35 Riding Academies and Boarding Stables

(Section added 1/1/2012)

12.35.1 Purpose: The purpose of these Regulations is to encourage the development of riding academies and boarding stables in a way that is compatible with the surrounding area and protects the public health, safety and welfare.

12.35.2 Qualifications: A Special Exception for a riding academy and boarding stable may be granted provided that:

(a) Boarding stables and riding academies shall not be permitted on a parcel that is less than five (5) acres.

12.35.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

(a) All areas where horses are to be pastured, exercised or otherwise maintained shall be fenced so as to contain the horses within the property.

(b) No stable, paddock or other structure or enclosure designed or intended for overnight occupancy or exercise by horses shall be less than seventy-five feet (75') from any property line.

(c) Pasture areas, or other large, open areas for the grazing of horses, shall be no less than five feet (5') from the property line.

(d) All manure and stable sweepings from horses in buildings shall be enclosed in a watertight enclosure designed to prevent the escape of odor or access by insects or other pests.

(1) Such containers shall be emptied regularly or otherwise disposed of so as to control odors or risks to public health.

(2) No such container shall be located less than one hundred feet (100') from any property line.

(e) The maximum number of resident horses shall not exceed three (3) horses for every forty thousand square feet (40,000 sq. ft.) of land.

(f) The use of temporary buildings, trailers or tents for the stabling of horses is prohibited. All materials, supplies and feed shall be enclosed within a permanent building.

(g) 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.

(h) There shall be no floodlighting which transmits light outside the property upon which it originates.

12.35.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations in addition to the following:

(a) A lighting plan shall be submitted with the application

12.36 Commercial Kennels

(Section added 1/1/2012)

12.36.1 Purpose: The purpose of these Regulations is to encourage the development of commercial kennels in a way that is compatible with the surrounding area and to protect the public health, safety and property values.

12.36.2 Qualifications: A Special Exception for a commercial kennel may be granted provided that:

- (a) Commercial dog kennels shall not be permitted on a parcel less than five (5) acres in area.

12.36.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) No building, run, pen or other structure or enclosure designed or intended for occupancy by animals shall be less than two hundred feet (200') from any property line.
- (b) All runs, pens or other enclosures designed or intended for occupancy by animals shall be surrounded by walls or earthen berms no less than six feet (6') in height.
- (c) All buildings or structures for occupancy by animals shall be fully enclosed, with walls, roof and windows, and shall be ventilated by louvered or baffled opening or by mechanical ventilation equipment.
- (d) All waste from animals shall be enclosed in a watertight enclosure designed to prevent the escape of odor or access by insects or other pests.
 - (1) Such container shall be emptied regularly or otherwise disposed of so as to control odor or risks to the public health.

12.36.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations.

12.37 Veterinary Hospitals

(Section added 1/1/2012)

12.37.1 **Purpose:** The purpose of these Regulations is to promote the development of veterinary hospitals in a way that is compatible with the surrounding area and protects the public health, safety, welfare and property values.

12.37.2 **Standards and Requirements:** A Special Exception for a Veterinary Hospital with a floor area over 15,000 square feet or with a ground floor area up to 5,000 square feet in the Village Zone, may be granted in districts permitting Veterinary Hospitals provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) No building, run, pen or other structure designed or intended for the occupancy by animals shall be less than one hundred feet (100') from any property line.
- (b) All runs, pens or other enclosures designed or intended for occupancy by animals shall be surrounded by walls or earthen berms no less than six feet (6') in height.
- (c) All buildings or structures for occupancy by animals 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) All waste from animals shall be enclosed in a watertight enclosure designed to prevent the escape of odor or access by insects or other pests.
 - (1) Such container shall be emptied regularly or otherwise disposed of so as to control odor or risks to public health.

12.37.3 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations.

12.38 Farms:

(Added 6/1/2014 & Amended 10/1/2014)

12.38.1 Purpose:

- (a) It is the purpose of this section to govern without limitation, the following: the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of agricultural and horticultural commodities, crops, livestock and livestock products as a commercial enterprise, including field crops, maple sap, nurseries, Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.

12.38.2 Qualifications: A Special Exception for a farming operation may be granted provided that:

- (a) Farms shall not be permitted on a lot containing less than three (3) acres of land.

12.38.3 Standards and Requirements: A Special Exception may be granted provided that the Commission determines that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) Except as otherwise provided herein, the keeping of livestock shall adhere to the provisions of Section 28.1(h).
- (b) The number of livestock to be permitted per lot shall be determined by the required report of the Connecticut Department of Agriculture.
- (c) Any production, processing, preparation or storage of horticultural commodities including compost, mulch, manure or other biomass products shall be required to meet the following additional standards:
 - (1) Thirty-five feet (35') setback from any residential property.
 - (2) One hundred feet (100') setback from any well or water body from which water is taken for human consumption.
 - (3) Preparation or processing of compost, mulch or manure shall take place Monday through Friday, 9:00 a.m. to 5:00 p.m.
 - (4) The deliveries of materials for preparation or processing of compost, mulch or manure shall take place Monday through Saturday between 9:00 a.m. to 5:00 p.m.

- (5) There shall be a twenty-five feet (25') vegetative buffer along all property lines that abut residential uses and/or districts to reduce noise emanating from the preparation or processing operation.
- (6) The production, processing, preparation and storage of horticultural commodities as specified above shall not exceed fifteen thousand square feet (15,000 sq. ft.).

12.38.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations in addition to the following:

- (a) When the application involves the production, processing, preparation or storage of horticulture commodities, the applicant shall submit an operational plan which shall demonstrate standard operating procedures and best management practices.
- (b) Within thirty (30) days of the commencement of the use, the applicant shall provide to the ZEO, and each year thereafter the following information:
 - (1) Report of inspection by the Fire Marshal.
 - (2) To the extent required, report of inspection by the Department of Energy and Environmental Protection.
 - (3) Report of inspection from the Connecticut Department of Agriculture, as to whether the Farm is in compliance with generally accepted agricultural practices as defined by the Department of Agriculture as methods of managing a farm operation that do not violate federal, state, or local laws; damage public health or safety and welfare; and that are customary in the agricultural industry.
 - (4) Report of inspection from the State or Local Health Department.

12.39 Farmer's Markets

12.39.1 Purpose: The purpose of these Regulations is to allow for and regulate farmer's markets, which are not otherwise regulated under the Farm Tourism Regulations (Section 12.40)

12.39.2 Qualifications: A Special Exception for a farmer's market may be granted provided that:

- (a) A farmer's market under these Regulations must meet the definition of "Certified Farmer's Markets" as stated in CGS Section 22-6r, as may be amended from time to time.
- (b) "Fresh produce", "farmer's kiosk", "farm" and "farm products" shall have the same meanings as defined in CGS Section 22-6r, as may be amended from time to time.

12.39.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) Operation of the farmer's market may not exceed two days in any seven days.
- (b) The hours of operation shall begin no earlier than 7:30 a.m. nor end any later than 10:00 p.m.
- (c) The number of parking spaces shall be provided as determined by the Commission in order to maintain the purpose and intent of the parking regulations, in accordance with Section 33.11: Parking Space Standards.
- (d) When new buildings and/or structures are to be constructed or modifications to the exterior of any existing building and/or structure are proposed, the proposed design shall have similar and compatible characteristics to the development existing in the surrounding area of such building/structure.
 - (1) Such similar and compatible characteristics shall include, but not be limited to, consideration of building bulk size, architectural features including windows/doors and façade lengths and heights as well as building finishes, lighting fixtures design and signage; and overall site design including landscaping.

12.39.4 Procedures: Applications shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The required Statement of Use shall include the following information:

- (1) A list of the proposed products to be offered together with a copy of the certificate from the Connecticut Commission of the Department of Agriculture authorizing the farmer's market to operate.
- (2) The proposed hours of operation.
- (3) Whether the proposed use is periodic or seasonal so that the Commission can determine if areas are capable of having multiple uses throughout the year.

(b) The location of any periodic versus seasonal uses shall be shown on the site plan.

(c) When new buildings and/or structure are to be constructed or modifications to the exterior of any existing building or structure, architect prepared floor plans and building elevations shall be required.

The application shall include drawings which will demonstrate that the proposed design will have similar and compatible characteristics to the development existing in the surrounding area of such building/structure.

- (d) A lighting plan shall be required with each application. (Amended 1/1/2012)
- (e) A traffic study shall be required for each application. (Amended 1/1/2012)

12.40 Farm Tourism Uses

12.40.1 Purpose: These Regulations are intended to ensure that farm tourism and the expansion of existing farm tourism uses are compatible with the permitted uses in the surrounding area and contribute to the unique community character and economic viability.

These Regulations permit farm tourism as compatible accessory uses. It is recognized that the magnitude of these accessory uses are often greater than the uses that surround farms. While the use or the accumulation of, farm tourism uses should be incidental and subordinate to the use of the property for farming, they require the greater level of regulatory scrutiny that is afforded under the Special Exception permit.

12.40.2 Qualifications: A Special Exception for a farm tourism use may be granted provided that:

- (a) The minimum lot area for farm tourism shall not be less than five (5) acres.
- (b) As of the date of application for a Special Exception, no zoning violation shall exist on the property. The applicant shall submit a current Certificate of Zoning Compliance.
- (c) Regulation of farm stands is distinct from farm tourism and is permitted under the separate definition in Section 3.7.3, tables of allowed uses in Sections 27.1.44 and 27.2.44, both title "Nurseries; fruit, vegetable or farm stands; farms and commercial greenhouses", and requirements in Section 28.1.4(g), which is part of "Accessory Uses, Home Occupations and Alternative Energy Systems".

12.40.3 Standards: Not all of the standards listed below shall apply to every property which is the subject of an application. To the extent that the Commission finds that each does apply, a Special Exception for the farm tourism shall not be granted unless the Commission also finds that the applicable standards have been met:

- (a) Farm tourism use(s) shall have a direct supportive relationship to the farming taking place on the farm; as a minimum, the farm tourism use must provide an opportunity for sales of produce from the on-site farming.
- (b) The farm tourism use must utilize at least one produce produced on, or process from the product produced on the farm.
- (c) Food preparation for events shall be limited to that which is essential to the event (such as: pumpkin pie with a pumpkin festival, vendor food with a fair) for which the application is being made.

(d) The following table gives the maximum allowed aggregate area for farm tourism use(s) on various size farm properties:

Farm Related Economic Development (FRED) Area Table											
Lot Acreage	5	15	25	35	45	55	65	75	85	95	100 & >
Tourism Acreage	2.50	3.82	5.12	6.45	7.76	9.08	10.35	11.71	13.03	14.34	15.00

Lot area shall be rounded to the nearest half ($\frac{1}{2}$) acre following standard rules. For each half ($\frac{1}{2}$) acre more of lot area between denominations of 10 add 0.0657894 acres to the allowed farm tourism area.

(e) The farm tourism use(s) shall comply with the General Condition of Section 11.2.3, with particular regard to the level of the street (progressing from low to high; local, collector, arterial) to which traffic from the accessory farm tourism use would access and egress. The traffic access egress deficiencies may be offset if formal agreements are established for off-site parking and a safe off-road pedestrian access way between the sites is provided. Such offsets must be evidenced by documents provided to the Commission assuring such offsets for the duration of the activity under the Special Exception.

(f) On the farm, a vegetative buffer shall separate farm tourism uses (e.g. pick-your-own fields, hiking trails and hay wagon ride routes) from non-farming uses. A minimum width of fifteen feet (15') on and/or off the farm property shall be required. Permanent open space easements/dedications on or obtained from abutting properties may be substituted for the on-site buffer. The documentation for which shall be subject to approval by the Commission.

(g) On the farm, a vegetative and/or structural sound buffer (e.g. sound deadening barriers or buildings) shall be capable of eliminating noise outside farm tourism uses so that it is not plainly audible at a distance of thirty feet (30') in any direction from the property boundary.

(1) The Commission may accept in lieu of a vegetative and/or structural sound buffer, a report from a qualified Sound Engineer certifying that the activity(s) being applied for are able to be conducted in such a manner that the activity(s) is not plainly audible at a distance of thirty feet (30') in any direction outside the property boundary. The report shall describe the requirements necessary for conducting the activity in order for conducting the activity in order for it to comply.

(h) The minimum distance of any uses that generate smoke, heat or ash shall be seventy-five feet (75') from any property line;

- (i) The hours of operation shall not be extended before 9:00 a.m. and after 6:00 p.m. Sunday through Thursday and before 9:00 a.m. and after 12:00 p.m. Friday and Saturday, except for specific events as allowed in Section 12.40.4.
- (j) The number of events which require permitting under Section 12.40.4(b), Category B, within a given calendar year shall be limited to eight (8), unless the applicant can demonstrate to the ZEO that there will be no greater impact on neighboring properties than the activities permitted under Section 12.40.4(a), Category A.
- (k) Public health requirements for potable water and waste disposal shall be met with permanent facilities.
 - (1) If not regulated by the Public Health Code, temporary sanitary facilities, such as chemical toilets, shall be required for any event or use where patrons will be on site on average of more than two (2) hours, for which there are no facilities available to the public within five hundred feet (500').
 - (2) If the use is temporary, the facilities shall only be required on site for the periods in which the use is taking place.
 - (3) The Public Health Code shall prevail in cases where such facilities are regulated under the Code.
- (l) Proposed structures shall reflect or accent existing farm structures with historical and/or architectural character which the Commission determines should be maintained.
- (m) The Commission may excuse or allow the substitution of alternative features, for such things as buffers, fencing or distance from property lines, with respect to site specific physical features of a particular farm, if the Commission finds that the excusing or substitution of alternative features serves the intent of the standard(s) being excused or for which an alternative feature is allowed.

12.40.4 Requirements: The following uses shall be considered accessory to the existing farming uses as long as they take place as required below. In aggregate, areas outdoors for these uses shall not exceed those provided for in the "Farm Related Economic Development (FRED) Table" above. When indoors, the portion of the structure(s) utilized for farm tourism use(s) shall be deducted from the FRED:

- (a) Category A: Continuous Activity:
 - (1) Retail and wholesale of agricultural products: New or temporary structure(s), or the floor area within an existing or temporary structure,

housing this use shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of floor area;

(Amended 1/1/2012)

(2) The retail of handcrafts and artisan items: New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of floor area;

(Amended 1/1/2012)

(3) Agricultural education instruction: New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.) of floor area.

(Amended 1/1/2012)

(4) Demonstration of production of furniture, black smith items, quilts, fabrics or similar products made utilizing traditional processes: New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of floor area.

(Amended 1/1/2012)

(5) Restaurant (Level 1): New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.) of floor area where customers are served at counters with no more than a total of thirty-five seats (whether indoor or outdoor).

(Amended 1/1/2012 & 7/1/2013)

(6) Restaurant (Level 2): New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.) of floor area where customers are served indoors, at tables, with no more than thirty-five seats.

(Amended 7/1/2013)

(i) Under no circumstances shall the hours be extended earlier than 9:00 a.m. or later than 10:00 p.m.

(Amended 7/1/2013)

(b) Category B: Events, which require a permit from the ZEO:

(1) Agricultural fairs, festivals, markets, carnivals and similar functions:

(i) New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.) of floor area.

(Amended 1/1/2012)

(2) Outdoor and indoor musical concerts, plays, operas and other performance arts events, art exhibits and shows:

- (i) New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.) of floor area;

(Amended 1/1/2012)

- (ii) The hours of operation may be extended based on the nature and timing of each event if the applicant can demonstrate utilizing the same standards as in Section 12.40.3 above, that there will be no adverse impact on the neighborhood. Under no circumstances shall the hours be extended earlier than 7:00 a.m. or later than 11:00 p.m.

- (3) Gathering events such as parties, receptions, weddings, reunions and services, whether catered or not:

- (i) New or temporary structure(s) or the floor area within an existing or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.).

(Amended 1/1/2012)

- (I) When used in this category, tents (otherwise a temporary structure) may exceed the area limitations, above.

(Amended – Effective 7/1/2010)

- (II) However, they must be put up no more than two (2) days in advance of the event and removed from the property, unless it is to be stored in a permanent structure located on the site, no more than two (2) days after the event for which they are first set up.

(Amended – Effective 7/1/2010)

- (ii) Areas outdoors for this use shall not exceed one quarter ($\frac{1}{4}$) of the minimum lot size for the zone in which it is located. If the property is in multiple zones, the lesser of lot size requirements shall be applied.

- (iii) The hours of operation may be extended based on the nature and timing of each event if the applicant can demonstrate using the same steps in Section 12.40.3 above, that there will be no adverse impact on the neighborhood. Under no circumstance shall the hours be extended earlier than 7:00 a.m. or later than 11:00 p.m.

- (c) Regulation of Use:

- (1) As part of an approval for a farm tourism site plan, the Commission shall approve the location on the property that will be devoted to farm tourism;

- (i) The location and size shall be dependent upon the potential impact to the surrounding land uses and public infrastructure. The standards set forth in Section 12.40.3 above, shall be the criteria by which potential impacts shall be determined acceptable or unacceptable.
- (ii) The maximum area for farm tourism cannot exceed that given in the table at 12.40.3(d), above.

(2) The distance of farm tourism uses that contain or have site lighting to abutting properties shall be sufficient to buffer those properties from the effect of site lighting. The minimum distance shall be fifteen feet (15') from any property line. Permanent open space easements/dedications on, or obtained from, abutting properties may be part of the protection of abutting properties from the effect of site lighting.

(3) For site where there will be less than ten thousand square feet (10,000 sq. ft.) of disturbance that would not have to provide a soil and erosion control plan in accordance with Section 30, the utilization of appropriate mitigation methods as outlined in the "2002 Connecticut Guidelines for Soil Erosion and Sediment Control," as the same may be amended from time to time, shall be employed to reduce potential impacts of soil erosion and sediment.

(4) The utilization of appropriate mitigation methods as outlined in the "2004 Connecticut Stormwater Quality Manual", as the same may be amended from time to time shall be employed to reduce potential impacts of stormwater.

12.40.5 Procedure:

- (a) At the first regular meeting of the Commission after submission of the Application, the Commission shall make a **finding** as to which of the lettered Standards in Section 12.40.3, above, are not applicable to the subject Application and shall so advise the Applicant.
- (b) In granting a Special Exception for farm tourism, the Commission shall specify the type of accessory uses and the conditions upon them that will be allowed within the farm tourism area which they have approved on the site plan.
- (c) The ZEO shall be authorized to issue as-of-right permits as specified below:
 - (1) With the FRED approved as part of a Special Exception granted under this Section, the ZEO may administratively permit events in Category B,

above. Unless specifically included in an approval, any activity not listed in 12.40.4(b) above, shall require a modification of the Special Exception approval from the Commission. In approving an application, the Commission may specify a category for the unlisted use so that the ZEO can be allowed to approve substitutions for it.

(2) Subsequent to the original approval, unless specifically prohibited in the Special Exception, the ZEO shall be authorized to administratively permit modifications of uses contained in Section 12.40.4(b), above, with others in the same category, if they can meet the Standards contained in Section 12.04.3 and the Requirements contained in Section 12.40.4 without necessitating an increase in the percentage of the property permitted by the Commission for farm tourism.

(d) If a violation of the Special Exception is found, a warning shall be issued. Two (2) violations within a year shall be grounds for review by the Commission of the Special Exception for farm tourism. If the Commission **finds** the violations create an impact that relate to the criteria in Section 12.40.3 that did not exist at the time of approval, then it may initiate legal procedures to revoke the Special Exception approval.

(e) Application Requirements:

(1) The required Statement of Use shall include the following information:

- (i) The proposed uses for the property;
- (ii) The proposed hours of operation for each use proposed; and
- (iii) The anticipated periods or seasons (approximate dates) the uses will occur for each proposed use.

(2) The required site plan shall show the following information:

- (i) The areas devoted to farming versus farm tourism;
- (ii) The areas to be used for specific farm tourism uses within the farm tourism area shall be noted;
- (iii) Uses that are periodic or seasonal should be noted so that the Commission can determine if areas are capable of having multiples uses throughout the year;
- (iv) Lighting meeting the requirements in Section 12.40.4(c)(2), above.

- (3) When new buildings and/or structures are to be constructed or modification to the exterior of any existing building or structure, architect prepared floor plans and building elevations shall be required.
 - (i) The application shall include drawings which will demonstrate that the proposed design will have similar and compatible characteristics to the development existing in the surrounding area of such building/structure.
 - (ii) Such similar and compatible characteristics shall include, but not be limited to, consideration of building bulk size, architectural features including windows/doors and façade lengths and heights as well as building finishes, lighting fixtures design and signage; and overall site design including landscaping.
- (4) A lighting plan shall be required with each application.
(Amended 1/1/2012)
- (5) A traffic study shall be required for each application.
(Amended 1/1/2012)

12.41 Philanthropic, Educational or Religious Uses

(Section added 1/1/2012)

12.41.1 Purpose: These Regulations are intended to promote the development of philanthropic, education or religious uses in a way that is harmonious with the surrounding areas and does not degrade the public health, safety and property values.

12.41.2 Qualifications: A Special Exception for a philanthropic, education or religious use may be granted provided that:

- (a) The owner/applicant is either a duly incorporated non-profit body or governmental unit.
- (b) The facility is considered to be one of the following or similar:
 - (1) Private school
 - (2) College or university
 - (3) Museum
 - (4) Library
 - (5) Charitable institution
 - (6) Cemetery
 - (7) Place of worship
 - (8) Parish hall
 - (9) Fraternal society
 - (10) Senior center
- (c) The subject parcel is served by public water.

12.41.3 Standards and Requirements: A Special Exception may be granted provided that the following criterion is met in addition to the standards, criteria and conditions in Section 11:

- (a) The facility shall be served by public water.

12.41.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall submit a lighting plan that shows that there is no glare onto abutting properties.
- (b) The applicant shall submit a landscaping plan.
- (c) The applicant shall submit a traffic generation study.
- (d) The applicant shall provide proof of the organizations non-profit status.

12.42 Buildings, Uses and Facilities of the Town of Clinton, State of Connecticut, Federal Government and Other Governmental Agencies over 15,000 sq. ft.

12.42.1 Purpose: These Regulations are intended to promote the development of buildings, uses and facilities of the Town of Clinton, State of Connecticut, Federal Government and other governmental agencies that exceed 15,000 square feet of floor area in a way that is compatible with the surrounding areas and does not degrade the public health, safety and property values.

12.42.2 Qualifications: A Special Exception for a building, use or facility of the Town of Clinton, State of Connecticut, Federal Government or other governmental agency may be granted provided that:

- (a) In Residential Districts, the minimum lot area of the subject lot shall not be less than the district requirement.

12.42.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The footprint of any municipal, state or federal building shall be governed by the requirements of the use proposed and shall not be subject to the requirements of Section 26.11.21 (Maximum footprint of any single building). The footprint may exceed 10,000 or 40,000 square feet as the zone may specify.

12.42.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The following shall be submitted:
 - (1) Lighting Plan
 - (2) Landscaping Plan

12.43 Wireless Telecommunications Facilities

12.43.1 **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 the Town of Clinton regulate these wireless telecommunication system facilities in a different manner than conventional television and radio transmission towers which are able to transmit their signals at much greater distances and from a lower height.

A number of providers of wireless communications services has recently been licensed by the Federal Communications Commission (FCC) and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the town of Clinton and these efforts are expected to include requests to construct new communication towers.

The intent of these Regulations is to provide for the establishment and/or expansion of wireless telecommunication services within the town of Clinton 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 to:

- (a) Update Clinton's Zoning Regulations to comply with the Telecommunications Act of 1996 and provide for the establishment and expansion of wireless telecommunications services;
- (b) Minimize the number and height of towers and encourage the use and the joint use of new towers and existing structures for the placement of telecommunications antennas;
- (c) Provide for the needs of the town of Clinton for:
 - (1) Public health and safety;
 - (2) Telecommunications facilities for Clinton's citizens and Clinton's business and industrial sector;
 - (3) Protection of sensitive areas from adverse aesthetic and environmental impacts from telecommunications facilities.
- (d) 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;

- (e) Encourage providers to co-locate their facilities on a single tower or structure;
- (f) Site facilities below visually prominent ridge lines;
- (g) Minimize the location of towers and antennas in visually sensitive areas;
- (h) Minimize the location and antennas in visually sensitive areas;
- (i) Encourage creative design measures to camouflage facilities;
- (j) Protect historic and residential areas from potential adverse impacts of such towers; and
- (k) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structure.

12.43.2 Definitions: For the purposes of this Section, the following terms shall have the stated definitions:

- (a) Antenna: A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennas, panel antennas and dish antennas.
- (b) Applicant: The licensed carrier, provider and landowner, acting jointly.
- (c) Base: The location where a tower is attached to its foundation.
- (d) Base Equipment: A structure or building at the base of the mount or a box located inside such structure or building within which is housed service, electrical and back-up power equipment.
- (e) Base Height: The maximum building height in the subject zone plus ten feet (10').
- (f) Bond: An amount of money secured by the commission for the removal of the wireless telecommunications facility, if said facility is abandoned and not removed by the applicant. The bond should be posted as required in Section 8: Performance Bond Procedures and Bond Agreements, of these Regulations.
- (g) Co-location (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 ten feet (10') above the mount or, for electric transmission tower mounts, the facility does not extend beyond fifteen feet (15') above the mount.

- (h) **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.
- (i) **Height of Tower**: The vertical distance measure 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 adoption of this Section (June 1, 2001), or the elevation approved by the Commission in connection with any application file hereunder.
- (j) **Licensed Carrier (Provider)**: A company authorized by the Federal Communication Commission (FCC) to build and operate the proposed wireless telecommunication facility.
- (k) **Mount**: The structure or surface upon which antennas are mounted. There are three types of mounts:
 - (1) **Roof-mounted**: Mounted on the roof of a building;
 - (2) **Side-mounted**: Mounted on the side or façade of a building; or
 - (3) **Ground-mounted**: Mounted on the ground, including mounting on a tower.
- (l) **Not Sensitive**: All areas not categorized as sensitive.
- (m) **Not Visible**: 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 twenty feet (20') and which in the winter screens at least 80% of the base, base equipment and lower part of the tower), as viewed by an observer from any sensitive area.
- (n) **Sensitive**: Historic areas, residential areas and other areas.
 - (1) Historic areas include any existing or future Historic District, whether designated by the local, state or Federal government, in the town of Clinton, and properties listed on the National Register of Historic Places or areas within two hundred fifty feet (250') of such district or properties.
 - (2) Residential areas include residential zones or areas within two hundred fifty feet (250') of such zones.
 - (3) Other areas including the Village Zone.

- (o) **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.
- (p) **Tower**: A mount structure that is intended solely to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include, but are not limited to, self-supporting lattice, guyed and monopole.
- (q) **Visible**: The base, base equipment and lower 50% of a tower is visible to a higher degree than a tower that is not visible, as viewed by an observer from any sensitive area.

12.43.3 General Requirements:

- (a) **Co-location Encouraged**: Co-location is encouraged and preferred to the construction of a new mount or tower.
 - (1) The applicant shall commit to allow co-location in accordance with this Section.
 - (2) Applicant shall provide a description of existing telecommunication tower or other suitable mounts in the service area and documentation indicating why their telecommunication antennas cannot be mounted on these towers.
 - (i) 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 the shared use is not economically feasible or that the owner of such facility/facilities has refused permission for the share use.
 - (3) 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.
 - (i) Such availability shall be made under commercially reasonable terms and conditions.
 - (ii) Failure of an owner to share use of 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.

- (4) In the event co-location is found not to be feasible by the applicant, the Commission may retain a technical expert to verify if co-location at the site is feasible or is not feasible.
 - (i) 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.
 - (ii) Failure to reimburse the Commission for such costs shall be grounds for denial of the application without prejudice.
- (b) Alternate Sites: The Commission may require the investigation of alternate sites by the applicant and demonstration of a good faith effort to co-locate with other carriers.
 - (1) Such good faith effort includes contact with all other licensed carriers licensed to operate a wireless telecommunications facility in Clinton.
 - (2) In the event the applicant finds alternate sites not to be feasible, the Commission may retain a technical expert to verify if the alternate site is feasible or not.
 - (i) 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.
 - (ii) Failure to reimburse the Commission for such costs shall be grounds for denial of the application without prejudice.
- (c) Principal or Accessory Uses: Antennas and towers may be considered either principal or accessory uses. An existing telecommunication 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.
- (d) Compliance with Other Laws: The applicant shall present that the proposal meets the minimum standards and requirements of the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) or any other applicable Town, State or Federal codes, standards or requirements.
- (e) 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.
 - (1) Such significant negative impacts will 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 (FCC).

(f) 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 US postal service at least thirty (30) days prior to the cease of operations. Such notice shall be given no fewer than thirty (30) days prior to abandonment or discontinuation of operations.

(1) 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.

(2) Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless telecommunications facility within ninety (90) days from the date of abandonment or discontinuation of use.

(i) "Physically remove" shall include, but not be limited to, removal of antennas, mount, base wireless telecommunications facility and restore to its natural condition, except that any landscaping and grading shall remain in the after-condition.

(ii) 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 Section 12.36.6(a)(xx) of these Regulations.

(3) If a carrier fails to remove a wireless telecommunications facility in accordance with this Section, the Town of Clinton shall have the authority to enter the subject property and physically remove the facility.

(i) Costs for the removal of the wireless telecommunications facility shall be charged to the landowner in the event the Town must remove the facility, and the cost thereof may be deducted from any bond posted by the carrier.

(g) 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 of the use, such proposed extension or substantial change or alteration will be treated as a new application under this Section.

(h) Term of Permit: Approvals for wireless telecommunications facilities are limited to a ten-year time period.

(1) Upon expiration of the time period, the applicant may seek renewal.

(i) If renewal is sought, the Commission may deny the renewal only if it finds that the maintenance requirements of this Section have not been met or that the facility has a significant impact on the quality of line 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.

(ii) 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.

(i) Maintenance Required: The applicant shall maintain the wireless telecommunications facility.

(1) Such maintenance shall include, but shall not be limited to, painting, structural integrity and landscaping.

(2) In the event the applicant fails to maintain the facility, the Town of Clinton may undertake the maintenance at the expense of the applicant.

(j) Submission of Radio Frequency Emissions: After a wireless telecommunications facility is operational, the applicant shall submit, within ninety (90) days of beginning operations, actual existing and maximum future projected measurements of radio frequency (RF) radiation from the facility.

(1) 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.

(2) Should a new tower require co-locators, to the degree possible, the maximum future projected measurements of RF radiation shall be submitted to the Commission.

(3) 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.

- (k) **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.
- (l) **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.
- (m) **Licensed Carrier and Owner as Applicant:** Application for any wireless telecommunication facility shall be made only by a licensed carrier, acting jointly with all record owners of the subject property, and referred to in the Section as the applicant.
 - (1) The applicant shall provide written notice to the Commission, within ninety (90) days, of any change in the composition of the parties constituting the applicant of a wireless telecommunication facility.

12.43.4 Specific Standards:

- (a) **Location Standards:**
 - (1) 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 areas site, structure or building provided that all facilities meet the requirements of this Section.
 - (2) Locations in order of preference for facilities (i) being the most preferred, (v) being the least.
 - (i) On existing or approved towers
 - (ii) Within existing structures (e.g. steeple, spires, etc.)
 - (iii) On existing structures (e.g. buildings, water towers and utility poles)
 - (iv) In non-sensitive areas
 - (v) In sensitive areas with mitigation
 - (3) The applicant shall show the Commission the applicant's plan or model for the coverage of all areas in the town of Clinton and the locations of all existing and proposed towers that would provide the coverage.

(4) The applicant shall show all facilities within Clinton and within two (2) miles of the town's boundary with adjacent communities, along with each facility's coverage area.

(b) Site Standards:

(1) All utilities shall be underground.

(2) Unless base equipment is located in underground vaults or in an existing structure and no security fence is required, the base area shall be large enough to accommodate:

(i) The required base equipment, access drive and parking for all carrier vehicles anticipated.

(ii) Screening and landscaping area at least twenty feet (20') 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.

(I) This area shall be planted to screen the base equipment or security fencing from view year-round.

(II) 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.

(3) 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.

(4) Base equipment structures, cabinets and fencing of ground-mounted facilities shall not be located within any required setback.

(5) In order to facilitate the evaluation of the site in relation to the proposed use, the Commission may require cross-sections of the site and environs, balloon tests, photographic superimpositions and other studies in connection with any application.

(c) Structural Standards:

(1) Unless otherwise specifically approved by the Commission, all towers proposed under this Section shall be monopoles.

- (2) Unless required by the FAA, the colors of towers and other visible facility equipment shall be a non-contrasting blue or gray.
- (3) Unless required by the FAA, no lights shall be permitted on any facility higher than fourteen feet (14') above the surrounding grade.
 - (i) No strobe lights shall be permitted on any visible facility and shall be strenuously avoided for any "not visible" facility.
- (4) No signs other than for safety or security directly involving the operation of the facility shall be permitted.
- (5) To minimize tower proliferation, towers shall be designed structurally to adequately carry the weight, load/stress and height to permit at least three (3) 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.
- (6) The maximum size of dish antennas shall be three feet (3') in diameter. The maximum size of a panel antenna shall be two feet by six feet (2' x 6').
- (7) Except as provided below, roof-mounted facilities shall not be extended more than ten feet (10') above the maximum height of the building and shall be located away from the roof perimeter to minimize visibility from the ground.
- (8) Roof mounts on existing buildings may extend higher than ten feet (10') above the surface of any roof on building in industrial or commercial areas, provided that:
 - (i) No base equipment, cabinets, fences or screens are visible from the streets or surrounding properties.
 - (ii) The Commission finds that the proposal does not significantly and negatively impact the area.
 - (iii) The Commission finds that there does not exist a significant number of locations from which the top of the roof is visible.
 - (iv) The proposed structure is not to be within any sensitive area.
- (9) Antennas mounted on the façade of the 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.

- (10) The height of the tower shall not exceed the building 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.
 - (i) Further, any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least three (3) additional users if the tower is over one hundred feet (120') or for at least one additional user if the tower is 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.
- (11) Any facility to be located within Special Flood Hazard Areas shall comply with all application provisions of these Regulations. See Section 17 of these Zoning Regulations.

12.43.5 Application Procedure:

- (a) Application for Special Exception for a communications facility shall be made to the Commission in accordance with Section 4.
 - (1) In addition to Section 4, in evaluating a telecommunications facility, 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 facility for Town emergency communication services, except that consideration of renewals shall be evaluated by Subsection 12.43.3(h), Term of Permit, only.
- (b) 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 these Regulations, may be approved as follows:
 - (1) By a Zoning Permit issued by the ZEO allowed for an initial period of up to three (3) months if they find that the COW has not created nuisances, hazards or excessively compromised the character of the area.

- (2) The Commission, may, by Site Plan Review, grant approval for up to an additional three (3) months beyond any approval period granted by the ZEO, if it confirms the finding in (1) above.
- (3) The Commission may, by Special Exception, grant approval to an additional three (3) months beyond any approval period originally granted by the Commission through Site Plan Review approved in (2) above, for a total of nine (9) months, 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) are in active preparation or have been submitted for consideration.
 - (i) 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 be for no more than the period of pendency of such legal proceedings, plus the time required to construct the facility upon the conclusion of such proceeding.

12.43.6 Application Requirements: Any application for a telecommunications facility, whether by Zoning Permit, Site Plan Review or Special Exception, shall contain all that information required in accordance with the applicable provisions of these Regulations, and in addition, the following:

- (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.

(1) 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.

- (2) 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 indicated that the proposed wireless telecommunications site will comply with the emission standards found in Subsection 12.43.3(j) of this Section, modeled at the full, ultimate capacity of the facility, and measured at the perimeter of any fenced enclosure surrounding the tower.
 - (1) Such report shall 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 FCC to provide the telecommunication service that the propose tower is designed to support.
- (i) A report or letter from the FAA that the proposed tower complied with all airport safety requirements.
- (j) Map depicting the extent of the provider's planned coverage within the town of Clinton and the service area of the proposed wireless telecommunication site, and a master plan depicting how coverage within the town is to be provided, including future tower sites. See Section 12.43.4(a)(4) and (3) of these Regulations.
- (k) Upon request of the Commission, the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.
- (l) For towers located in or within one thousand feet (1,000') of a sensitive area, the applicant shall provide a view shed analysis showing all areas from which the tower would be visible.
- (m) 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.
 - (1) Such estimate shall include the cost of any engineering or other supervisory services. [See Section 12.36.3(f)]

- (n) Alternate sites where the proposed wireless telecommunications facility could be located if the proposed site is found to be unacceptable.
 - (1) Allegations by the applicant that there are no alternate sites will require detailed, written reports by qualified engineers to support such allegations, there being a presumption that cases where there is only one feasible site are very rare.
- (o) The location of any designated Scenic Roads, Historic Districts, or buildings on the State or Federal Registers of Historic Structures within a three (3) mile radius of the proposed facility.

12.44 Manufacturing, Processing or Assembling of Goods

(Section Added 1/1/2012)

12.44.1 Purpose: The purpose of these Regulations is to permit the manufacturing, processing or assembling of goods in a way that ensures that the use is compatible with the surrounding area and protects the public health, safety and welfare of the community.

12.44.2 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, requirements and conditions stated in Section 11:

- (a) Buildings shall be oriented in such a manner that the truck bay doors and/or delivery entrances are located on the opposite side of the building from adjacent residential uses and/or districts.
- (b) There shall be adequate access to all portions of the facility for emergency equipment and personnel.
- (c) There shall be a fifty foot (50') vegetative buffer along all property lines that abut residential uses and/or districts that is adequate to reduce noise emanating from the facility.
- (d) There shall be no outside storage of equipment or materials except for motor vehicles for the transportation of materials over public roads.
- (e) No single structure shall exceed one hundred thousand square feet (100,000 sq. ft.) in size.
- (f) No such facility shall be located so that its public entrance is within a twelve hundred foot (1,200') radius of the main entrance to any other facility.
- (g) There shall be no use of such facility that is noxious or offensive due to odors, dust, noise, fumes or vibrations.
- (h) There shall be no service, sales, repairs or fabrication of motor vehicles, trailers or other similar equipment, appliances or machinery.
- (i) There shall be no retail activities to be conducted on the site.

12.44.3 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The required statement of use shall include the following:
 - (1) Times when equipment and motors will be running.

- (2) Standard operating procedures and Best Management Practices.
- (3) Storm water quality measures and maintenance requirements.
- (4) Spill incident procedures and reports.
- (5) A list of all chemicals or hazardous materials and quantities that will be stored in the facility.

(b) A lighting plan shall be submitted.

12.45 Warehousing and Wholesale Businesses

(Section added 1/1/2012)

12.45.1 Purpose: The purpose of these Regulations is to permit warehouses for the storage of materials and wholesale businesses in a way that ensures that the use is compatible with the surrounding area and protects the public health, safety and welfare of the community.

12.45.2 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) Buildings shall be oriented in a manner that the truck bay doors and/or delivery entrances are located on the opposite side of the building from adjacent residential uses or districts.
- (b) There shall be adequate access to all portions of the facility for emergency equipment and personnel.
- (c) There shall be a fifty foot (50') vegetative buffer along all property lines that abut residential uses and/or districts that is adequate to reduce noise emanating from the operation.
- (d) There shall be no outside storage of equipment or materials except for motor vehicles for the transportation of materials over public roads.
- (e) No single structure shall exceed one hundred thousand square feet (100,000 sq. ft.) in size.
- (f) No such facility shall be located so that its public entrance is within twelve hundred feet (1,200') radius of the public entrance to any other such facility.
- (g) There shall be no use of such facility that is noxious or offensive due to odors, dust, noise, fumes or vibrations.
- (h) There shall be no service, sales, repairs or fabrication of motor vehicles, trailers or other similar equipment, appliances or machinery.
- (i) There shall be no retail activities to be conducted on the site.

12.45.3 Procedures: The applicant shall follow the procedures set forth in Section of these Regulations, in addition to the following:

- (a) The application shall be accompanied by a lighting plan.
 - (1) The lighting plan shall provide for both the normal hours of operation and security night lighting.

(b) The required statement of use shall include the following:

- (1) Times when equipment and motors will be running.
- (2) Standard operating procedures and Best Management Practices.
- (3) Storm water quality measures and maintenance requirements.
- (4) Spill incident procedures and reporting.

12.46 Self-Storage Warehouses

(Section added 1/1/2012)

12.46.1 Purpose: The purpose of these Regulations is to allow the development of self-storage warehouses in a way that is compatible with the overall character of the neighborhood in which it shall be located and the town of Clinton, and so as to not degrade the natural environment or negatively impact the public health, safety and property values.

12.46.2 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The use shall be limited to individual storage compartments, not to exceed two hundred square feet (200 sq. ft.) and shall specifically exclude any commercial use or activity otherwise permitted in the zone.
- (b) All self-storage warehouses shall be screened by a twenty-five foot (25') wide landscaped strip consisting of a dense evergreen barrier of a height sufficient to obscure store units from adjoining uses, properties and walls.
- (c) A barrier must be provided around the perimeter of the subject property.
 - (1) If the barrier to be provided is a fence, said fence shall a minimum of six feet (6') in height and shall be constructed of opaque materials that will prevent the passage of light and debris.
- (d) No warehouse shall exceed one story and eighteen feet (18') in height.
- (e) No outside storage is allowed.
- (f) Facility access shall be restricted to between the hours of 6:00 a.m. and 9:00 p.m. daily.
- (g) No individual utility service shall be provided to any individual storage units.
- (h) All exterior lighting and illuminated signs shall be design, located, arranged, installed and directed in such a manner as to avoid objectionable light at, and glare across, the property lines and shall be compatible with the surrounding area.
 - (i) No flammable, toxic, hazardous or noxious items or materials shall be stored in any unit at any time.
 - (1) The Commission reserves the right to preclude the storage and/or require the removal of any material or products it deems inappropriate for safe storage in such units.

(2) The ZEO or Fire Marshal or their authorized agents shall be authorized to periodically inspect the premises to determine continued compliance with these Regulations.

(j) Buildings shall be so situated and/or screened that overhead access doors are not visible from the public way.

12.46.3 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations.

12.47 Marinas, Docks, Wharves, Slip Basins and Landings

(Section added 1/1/2012)

12.47.1 Purpose: It is the purpose of these Regulations to permit marinas, docks, wharves, slip basins and landings, including the storage, repair and serving of pleasure boats, within the Marine Zone in a way that is compatible with the goals and recommendations of the Municipal Coastal Plan and so as to not degrade the natural environment or negatively impact the public health, safety and property values.

12.47.2 Qualifications: A Special Exception may be granted provided that:

- (a) The lot is served by public water.

12.47.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) Any boat storage area shall be in addition to the area required for off-street parking purposes and shall be limited to twenty-five percent (25%) of the total land area to be used.
- (b) All boats being stored on the subject site shall observe the setbacks for structures.
- (c) The facility shall be served by public water.
- (d) Best Management Practices shall be observed for typical mechanical activities, painting and fiberglass repair, the hauling and storage of boats, fueling and facility management, as set forth in the Connecticut Clean Marina Guidebook.
- (e) Compliance with Section 18: Coastal Area Management, of these Regulations.
- (f) Within six months of the commencement of operation of a facility under these Regulations, the applicant must submit proof of certification as a Connecticut Clean Marina.
- (g) Sale or rental of equipment, accessories, clothing and similar items in a "Ship's Store" shall be considered accessory uses to a marina, dock, wharf, slip basin, and/or landing for pleasure boats, 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.

12.47.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The site plan shall also show the following:

- (1) The limits of any area to be filled or dredged, either existing and proposed ground elevations or existing and proposed contours at an interval not exceeding two feet (2').
- (2) The layout of any proposed piers or float systems and other off-shore facilities.
- (3) The limits of the boat storage area.

- (b) The applicant shall submit detailed drawings for any proposed groin, seawall, jetty, navigation channel, boat basin, pier, dock, wharf, bulkhead, retaining wall, piling and/or other facilities.
- (c) A landscaping plan shall accompany the application.
- (d) A lighting plan shall accompany the application.

12.48 Sale of Pleasure Boats, Marine Equipment, Engines, Supplies and Provisions

(Section added 1/1/2012)

12.48.1 Purpose: The purpose of these Regulations is to ensure that the development of facilities for the sale of pleasure boats, marine equipment, engines, supplies and provisions in a way that is compatible with the surrounding area and contribute to the unique community character and economic viability of the town of Clinton.

12.48.2 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) There shall be no storage or display of boats and equipment in the front yard of the property.
- (b) The primary sale of boats, equipment, engines, supplies, provisions and any other marine related items shall be conducted inside of a fully enclosed structure.
- (c) At no time shall parking spaces designated for motor vehicles be used for the storage of boats and/or marine equipment.
- (d) There shall be an adequate off street loading area(s) for all deliveries and shipments.

12.48.3 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) A lighting plan shall be submitted with the application.
- (b) A landscaping plan shall be submitted with the application.

12.49 Manufacturing and Rebuilding of Boats

(Section added 1/1/2012)

12.49.1 Purpose: The purpose of these Regulations is to encourage the development of facilities for the manufacturing and rebuilding of boats in a way that is compatible with the surrounding area and protects the public health, safety and property values.

12.49.2 Qualifications: A Special Exception for a facility for the manufacturing and rebuilding of boats may be granted provided that:

- (a) The lot is served by public water.

12.49.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) All manufacturing/rebuilding activities must be conducted indoors.
- (b) All outside storage of boats and materials shall be located within a designated area enclosed by a fourteen foot (14') high fence.
- (c) The subject site shall be kept in an orderly and safe condition at all times so that emergency vehicles and equipment can access all areas within the site.
- (d) No hazardous materials shall be stored outside.
- (e) The facility shall be served by public water.

12.49.4 Procedures: The applicant shall follow procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The required statement of use shall include a statement of standard operating procedures and best management practices.
- (b) A lighting plan shall be submitted with the application.
- (c) A landscaping plan shall be submitted with the application.

12.50 Processing, Storage and Sale of Fish, Shellfish and Lobsters

(Section added 1/1/2012)

12.50.1 **Purpose:** The purpose of these Regulations is to promote the development of facilities for the processing, storage and sale of locally caught fish, shellfish and lobsters in a way that is compatible with the surrounding areas and protects the public health, safety and property values.

12.50.2 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) All processing, storage and sales shall be conducted inside of a permanent structure.
- (b) All wastes generated on site shall be removed on a regular basis to prevent odor or other nuisances that may occur.
- (c) Waste water must be removed or disposed of in a manner that is approved by the Director of Health.
- (d) The owner/operator of the facility shall possess a current CT DEEP Residential Commercial Fishing, Lobster Pot or Finfish License.
- (e) The catch landing as defined by CT DEEP shall be Clinton, port code 027.
- (f) All catching shall only be from areas 1 through 6, and 151 through 155 as shown on CT DEEP LIS and Vicinity Fishing Area Chart, as may be amended from time to time.
- (g) The wholesale of catches shall only be conducted in the Marine District.
- (h) Storage of all equipment associated with the operation must be in an enclosed structure.
- (i) There shall be no discharge of any liquids or water onto the ground surface.

12.50.3 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall submit a letter from the Connecticut DEEP approving the site/facility for the proposed use.
- (b) The applicant shall submit a copy of their current DEEP Commercial Fishing License.

- (c) The applicant shall submit a copy of the current plate number, vessel name and registration or documentable number.
- (d) The required statement of use shall include a statement of the maximum quantity of gear to be used, as defined by the Connecticut DEEP.
- (e) A lighting plan shall be submitted with the application.
 - (1) The plan shall show both normal operating and security lighting for the facility.

12.51 Marine Contractor's Businesses, Associated Buildings and Storage Yards

(Section added 1/1/2012)

12.51.1 **Purpose:** The purpose of these Regulations is to permit marine contractor's businesses, associated buildings and storage yards for equipment and materials associated with this type of business in a way that ensures that this use is compatible with the surrounding area and protect the public health, safety and welfare of the community.

12.51.2 **Statements and Requirements:** A Special Exception may be granted provided that the following criteria is met in addition to the standards, criteria and conditions stated in Section 11:

- (a) There shall be a fifty foot (50') buffer from all residential districts and abutting residential properties and structures.
- (b) There shall be adequate access provided to all portions of the facility for fire suppression equipment and personnel.
- (c) The outside storage of materials and equipment shall conform to the following:
 - (1) Materials and equipment shall be located within a designated area shown on the site plan.
 - (2) The outside storage area shall be enclosed by a fourteen foot (14') high fence that is opaque or solid.
 - (3) The outside storage area shall have a setback of fifty feet (50') from all property lines.
 - (4) There shall be no storage of any liquids or hazardous materials, except as approved under Section 12.58 of these Regulations.
 - (5) All fuel storage tanks shall have self-containment capabilities in case of a spill or leak.
- (d) All maintenance work on equipment shall be performed within a structure or on an impervious surface that is designed to retain any spillage of fluids and cleaned immediately upon completion of work on that particular piece of equipment.
- (e) The operation of the site shall be in accordance with the DEEP Connecticut Clean Marina Guidebook.
- (f) The transportation of equipment in and out of the site shall be conducted between 7:00 a.m. and 8:00 p.m., Monday through Saturday.

- (g) The subject site shall be kept in an orderly and safe condition as all times to provide for access of emergency equipment to all areas of the site.
- (h) No stockpiling of dredged materials except as authorized by CT DEEP and with an approved Special Exception as obtained by Section 12.53 of these Regulations.
- (i) The facility shall have security lighting which will be in effect one hour after closing.

12.51.3 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall submit the following information as a narrative attached to the application at the time of submission:
 - (1) List of the quantity and type of materials being stored
 - (2) Spill incident procedures and reporting
 - (3) List of on-site emergency equipment
 - (4) How materials are stored, handled, transports and disposed
 - (5) Name and contact information for the on-site responsible party
 - (6) Time when equipment and/or motors will be running.
- (b) The required site plan shall include a layout of the storage area showing all separation distances.
- (c) A lighting plan shall be submitted with the application, showing the security lighting.

12.52 Contractor's Businesses and Storage Yards

(Section added 1/1/2012 – Restored post-appeal of 2016 Regulations, Amended 1/11/2021)

12.52.1 Purpose: The purpose of these Regulations is to permit contractor's businesses, office and storage yards for equipment and materials associated with this type of businesses in a way that ensures that this use is compatible with the surrounding area and protects the public health, safety and welfare of the community.

12.52.2 Standards and Requirements: Standards and Requirements: A Special Exception may be granted provided that the following criteria is met in addition to the standards, criteria and conditions stated in Section 11:

- (a) There shall be a fifty foot (50') setback from all residential districts and abutting residential properties.
- (b) There shall be adequate access provided to all portions of the facility for fire suppression equipment and personnel.
- (c) The outside storage of materials shall conform to the following:
 - (1) Materials and equipment shall be located within a designated area shown on the site plan.
 - (2) The outside storage area shall be enclosed by both a six foot (6') high fence that is opaque or solid and a natural landscape barrier composed of native species of at least five feet (5') in height.
 - i. A landscape plan shall be submitted demonstrating that the proposed planted buffer shall be appropriate to the site soil conditions and suitable for visual screening purposes.
 - ii. The landscape plan shall include a narrative of operations and maintenance to ensure that the vegetation remains healthy and suitable for screening purposes.
 - (3) The maximum height for stockpiled material and stored vehicles and equipment shall be equal to the maximum allowed structural height in the subject Zoning District, unless the applicant can demonstrate to the satisfaction of the Commission that the proposed screening or other physical conditions of the property can mitigate the visibility of storage from neighboring properties.
 - (4) The outside storage area shall have the following setbacks:
 - i.

Zone	Front Setback	All Other Setbacks
B-4	25'	15'
I-1	10'	10'
I-2	10'	10'
 - ii. There shall be a fifty foot (50') setback from all residential districts.
 - (5) There shall be no storage of any liquids or hazardous materials, except as approved under Section 12.58 of these Regulations.
 - (6) All fuel storage tanks shall have self-containment capabilities in case of a spill or leak.
- (d) All maintenance work on equipment shall be performed within a structure or on an impervious surface that is designed to retain any spillage of fluids and

cleaned immediately upon completion of work on that particular piece of equipment.

- (e) The processing and/or stockpiling of earth products, including but not limited to topsoil, gravel, sand, stone, rock and demolition debris shall not be allowed unless a Special Exception is obtained as per Section 12.53 of these Regulations.
- (f) The transport of equipment in and out of the site shall be conducted between 6:00 a.m. and 8:00 p.m., Monday through Saturday, unless alternative time arrangements are approved by the Commission as a condition of approval.
- (g) The subject site shall be kept in an orderly and safe condition at all times to provide for access of emergency equipment to all areas of the site.
- (h) The facility shall have security lighting which will be in effect one hour after closing.

12.52.3 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall submit the following information as a narrative attached to the application at the time of submission:
 - (1) Description of how the proposed use will conform to the Performance Standards of Section 31.1 of these Regulations
 - (2) Name and contact information for the on-site responsible party.
 - (3) Time when equipment and/or motors will be running.
- (b) The required site plan shall designate the area to be used as outside storage.
- (c) A photometric lighting plan, including security lighting, shall be submitted with the application.

12.53 Excavation, Grading and Deposit of Materials

12.53.1 General: No earth, loam, topsoil, gravel, clay or stone shall be excavated and removed from any lot, or graded or dumped on any lot, except as authorized by these Regulations or as authorized under a permit granted by the Commission under the provision of this Section.

12.53.2 Exclusions: The provisions of this Section and the requirements to obtain a permit shall not apply to the following cases:

- (a) Necessary excavation and removal, or grading or dumping of soil or stone in direct connection with the lawful construction on the lot, of buildings, foundations, roads, driveways, parking areas, storm drainage, utility services, fences, walls, swimming pools or other bona fide construction projects, and for which any required Application for a Zoning Permit has been approved, or a subdivision plan has been approved by the Commission and recorded in the Town Clerk's Office.
- (b) Necessary excavation and removal, or grading or dumping of soil or stone in connection with the improvements on the lot solely for farming or landscaping purposes, burying of stones, regrading of difficult contours and the excavation of soil or stone for use on the lot and not for sale, and when written notice in advance of commencement of the operation has been given to the ZEO.
- (c) Excavation and removal or grading of less than one hundred cubic yards (100 cu. yd.) of material on any lot in any calendar year.
- (d) Provided that the excavation and removal, grading or dumping is:
 - (1) Authorized under Subsections 12.53.2(b) and 12.53.2(c) shall not occur in a Flood Hazard Area; and
 - (2) Authorized under Subsection 12.53.2(a) and 12.53.2(b) shall be deemed to permit the excavation and removal, or grading or dumping of only the quantity of material which is necessary to make the lot more suitable for the proposed use and provided further that excavation, grading, or removal authorized under Subsections 12.53.2(a) and 12.53.2(b) in connection with a project within two (2) years after commencement, and in the event of failure to obtain a Certificate of Zoning Compliance for such project, then such excavation and removal, or grading or dumping shall be deemed a violation of these Regulations, unless a Permit therefore has been secured from the Commission in accordance with this Section.

- (e) In all instances within the purview of the Exclusions contained in this Section, activity shall be conducted so as not to cause change to the surface, contour and drainage to or from adjacent property.

12.53.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) No excavation, soil removal or grading will be permitted within a five hundred foot (500') natural buffer along Clinton's Town Boundary, except that excavation, soil removal or grading activities may be permitted within such a distance when the applicant's property straddles both sides of the Town Line, and when a variance is granted by the ZBA.
- (b) The excavation, grading or removal shall be carried out in accordance with the maps and plans as approved by the Commission.
- (c) The excavation, grading or removal shall not result in sharp declivities, pits or depressions or soil erosion, drainage or sewerage problems or conditions which would impair the reasonable reuse and development of the lot for purposes permitted under these Regulations in the District where the lot is located.
- (d) At all stages of the work, proper drainage shall be provided to avoid soil erosion problems, excessive run-off, silting of streams and damage to public property, streets, or drainage facilities.
- (e) Truck access to the lot and the work area shall be so arranged as to minimize truck hazards on streets and to avoid nuisance to residents of the neighborhood.
- (f) No excavation and removal or grading, which is below the elevation of any abutting street or property line shall occur within fifty feet (50') of such line, except that the excavation and removal of grading within such distance and below the elevation of any abutting property line may be permitted if written approval from the adjoining owner is received by the Commission.
- (g) No excavation, grading, or removal shall occur at a depth greater than that which result in creating a slope steeper than one (1) vertical on three (3) horizontal projected from the bottom of the slope to a line at no time less than fifty feet (50') from the property boundary.
(Amended 1/1/2012)
- (h) No dumping or stock piles shall exceed a height created by a slope steeper than two (2) vertical on one (1) horizontal.
(Amended 1/1/2012)

- (i) Buildings or structures normal to the excavation, grading, dumping or removal operations may be erected on the lot and shall observe the same setback requirements pertaining to the zone.
- (j) The work shall be limited to the hours of 7:00 a.m. to 6:00 p.m. and Monday through Friday, excluding State and Federal holidays.
(Amended 1/1/2012)
- (k) Proper measures shall be taken to minimize nuisance from noise, dust, vibration and flying debris, and suitable fences or other barricades shall be provided around the excavation to protect pedestrians and vehicles.
- (l) The toe of slope for all stockpile materials shall be setback twenty-five feet (25') from the side and rear property lines and fifty feet (50') from the front property line.
(Amended 1/1/2012)
- (m) No material shall be imported for processing, which includes, but is not limited to, crushing, screening, mixing or breaking of rock, except for the material that is to be used for on-site preparation.
(Amended 1/1/2012)
- (n) Upon completion of the work authorized, the area of excavated or otherwise disturbed ground shall be prepared and restored as follows:
 - (1) Such area shall be graded to slopes not exceeding one foot (1') of rise on three feet (3') of horizontal distance or to such lesser slope necessary for soil suitability, adequate drainage and safety; and
 - (2) The top layer of any arable soil, to a depth of not less than six inches (6"), shall be retained in the lot and spread over the entire disturbed area and the area shall then be seeded with a perennial grass and maintained until the ground shall be completely stabilized with a dense cover of vegetation and there exists no danger of erosion.
 - (i) This provision shall not apply to the areas of ponds or to exposed areas of ledge existing prior to the work.
- (o) Performance bonds, to ensure faithful performance of the excavating and grading work in accordance with the provisions of this Section.
- (p) The ZEO, or authorized agent, shall at all times have reasonable access to the lot for the purpose of inspection and determination of compliance with this Section.

12.53.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) Alteration of Conditions: The Commission may modify any standards or conditions provided in Section 12.53.3, if in its judgment such modification is necessary to maintain the purpose and intent of this Section.
- (b) Time Limit: Any permit issued by the Commission under this Section of the Regulations shall be valid for not less than two years and not more than five years.
 - (1) The Commission may grant one (1) extension of up to five years for the completion of the excavation or grading activity for good cause.
 - (Amended 1/1/2012)
- (c) Revocation and Suspension: Any permit approved pursuant to the provisions of this Section may be revoked by the Commission after notice in writing and a hearing for:
 - (1) Violation of any condition of the permit:
 - (i) Violation of any provision of this Section or any other law or other Regulations of this permit; or
 - (ii) The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of another.
 - (2) Notice: The notice shall describe the violation charged and may be either delivered personally or mailed postage prepaid to the address appearing on the application.
 - (3) Suspension: Any permit may be suspended for cause by the ZEO for a period not exceeding ten (10) business days without a hearing. All work under any permit shall be suspended following notice of a hearing to revoke as provided for in Section 12.53.4.
 - (4) Penalties: Any person, firm or corporation who, having been served with a cease and desist order with respect to a violation of any of the provisions of this Section, fails to comply with such order immediately or continues to violate any provision of this Section specified in such order, shall be subject to a civil penalty of five hundred dollars (\$500.00), payable to the Treasurer of the Town of Clinton and may be subject to further action as set forth in CGS Section 8-12.

(Amended 1/1/2012)

(Amended 1/1/2012)

12.54 Funeral Homes

(Section added 1/1/2012)

12.54.1 **Purpose:** It is the purpose of these Regulations to permit funeral homes within specific non-residential zones in a way that is compatible with the overall character of those zones so as to not degrade the natural environment or negatively impact the public health, safety and property values.

12.54.2 **Qualifications:** A Special Exception for a funeral home may be granted provided that:

- (a) The lot must be served by public water.
- (b) A funeral home may not be permitted on any lot that is located fully or partially within the Aquifer Protection Area overlay zone on the Level A mapping.
- (c) Any such facility shall be located on a lot having an area of one and one-half (1½) times the required area, unless the applicant can demonstrate that sufficient space exists for the facilities including sufficient parking both for clients as well as for employees and funeral home vehicles and for sufficient landscaping.

12.54.3 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The facility shall be served by public water.
- (b) The architectural design shall be compatible with the architectural designs in the area of the proposed facility.

12.54.4 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall submit architectural renderings with specific information regarding the materials to be used on the façade, windows and roof of the structure.
- (b) A landscaping plan shall be submitted with the application.
- (c) The applicant shall submit all written, technical and graphic materials pertaining to the services and products to be provided within the facility.
- (d) The applicant shall submit a list of all chemicals to be stored and/or used on the site.
- (e) A traffic study shall be submitted with the application.

- (f) In addition to the general considerations of Section 11, the Commission shall seek input from the State Department of Environmental Protection and State Department of Health Services, where applicable.

12.55 Research Laboratories, Associated Offices and Buildings

(Section added 1/1/2012)

12.55.1 **Purpose:** It is the purpose of these Regulations to permit research laboratories, associated offices and buildings within industrial zones in a way that is compatible within the overall character of the surrounding properties as so as to not degrade the natural environment or negatively impact the public health, safety and property values.

12.55.2 **Qualifications:** A Special Exception for research laboratories, associated offices and buildings may be granted provided that:

- (a) The lot must be served by public water.

12.55.3 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The facility shall be served by public water.
- (b) Buildings shall be orientated in such a manner that the truck bay doors and/or delivery entrances are located on the opposite side of the building from adjacent residential uses and/or districts.
- (c) There shall be adequate access to all portions of the facility for emergency equipment and personnel.
- (d) There shall be a fifty foot (50') vegetative buffer along all property lines that abut residential uses and/or districts that is adequate to reduce noise emanating from the facility.
- (e) There shall be no outside storage of equipment or materials except for motor vehicles for the transportation of materials over public roads.
- (f) No single structure shall exceed one hundred thousand square feet (100,000 sq. ft.) in size.
- (g) No such facility shall be located so that its public entrance is within a one thousand two hundred foot (1,200') radius of the main entrance to any other such facility.
- (h) There shall be no use of such facility that is noxious or offensive due to odors, dust, noise, fumes or vibrations.
- (i) There shall be no service, sales, repairs or fabrication of motor vehicles, trailers or other similar equipment, appliances or machinery.

(j) There shall be no retail activities to be conducted on site.

12.55.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall submit a letter at the time of application, from the Connecticut Water Company certifying that there is adequate water supply to the site for the proposed use.
- (b) The applicant shall submit reports from all appropriate State and Federal agencies regulating the activities proposed for the site stating compliance.
- (c) The applicant shall submit a list of all chemicals with estimated storage quantities that are to be kept on the premises.
- (d) The applicant shall submit a waste management plan or documentation of a licensed outside contractor for chemical and biological wastes, as appropriate.
- (e) As part of the decision process, the Commission shall **find** that the facility:
 - (1) Does not negatively impact the traffic flow of the area;
 - (2) Includes the appropriate safety measures; and
 - (3) Is consistent with light industrial activity in surrounding properties.

12.56 Self-Service Cleaning Establishments (Laundromats)

(Section added 1/1/2012)

12.56.1 **Purpose:** The purpose of these Regulations is to encourage the development of self-service cleaning establishments in a way that is compatible with the overall character of those zones so as to not degrade the natural environment or negatively impact the public health, safety and property values.

12.56.2 **Qualifications:** A Special Exception for a self-service cleaning establishment may be granted provided that:

- (a) The lot must be served by public water.
- (b) A self-service cleaning establishment may not be permitted on any lot that is located fully or partially within the Aquifer Protection Area overlay zone.

12.56.3 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The facility shall be served by public water.
- (b) The facility shall not be more than ten thousand square feet (10,000 sq. ft.)
- (c) All washing machines shall be equipped with an automatic shut-off valve in case of supply hose failure.
- (d) The facility shall be equipped with a leak sensing alarm.

12.56.4 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) A landscaping plan shall be submitted with the application.
- (b) A lighting plan shall be submitted showing both the normal operations and security lighting.
- (c) The applicant shall submit a list of all chemicals with estimated storage quantities that are to be kept on the premises.
- (d) The applicant shall submit a letter from the Connecticut Water Company certifying that there is adequate water supply to the site.

12.57 Printing Establishments

(Section added 1/1/2012)

12.57.1 Purpose: The purpose of these Regulations is to permit printing establishments in a way that ensures this use is compatible with the surrounding area and protects the public health, safety and welfare of the community.

12.57.2 Qualifications: A Special Exception for a printing establishment may be granted provided that:

- (a) The lot is served with public water.
- (b) A printing establishment may not be permitted on any lot that is located fully or partially within the Aquifer Protection Area overlay zone.

12.57.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) The facility shall be served with public water.
- (b) A zero discharge/closed loop system shall be employed.
- (c) There shall be no production discharge to the subsurface sewage disposal system or ground/surface water.
- (d) There shall be no outside storage of materials.
- (e) There shall be no retail sales of products.

12.57.4 Procedures: The applicant shall follow the procedures set forth in Section 4, in addition to the following:

- (a) The applicant shall submit a list of all chemicals with estimated storage quantities that are to be kept on the premises.
- (b) A lighting plan shall be submitted with the application, showing the site lighting for operating hours and after-hours security.

12.58 Storage of Hazardous Materials

(Section added 1/1/2012)

12.58.1 **Purpose:** The purpose of these Regulations is to permit the storage of materials which are hazardous, flammable, explosive and/or dangerous within the appropriate districts in a way that ensures that the storing of such materials is compatible with the surrounding area and protects the public health, safety and welfare of the community.

12.58.2 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) A one hundred foot (100') setback for all structures containing hazardous materials is required from all residential zoning districts and abutting residential structures and properties.
 - (1) Said distance shall be measured in a straight line between the two nearest points of each of the lots.
- (b) There shall be adequate access to all areas of the facility for fire suppression equipment and personnel.
- (c) There shall be no outside storage of hazardous materials.
- (d) All hazardous material storage tanks shall have a double wall construction.
- (e) All containers holding hazardous materials shall be properly labeled.
- (f) The applicant shall comply with all Federal, State and local codes for the storage of hazardous materials.
- (g) There shall be appropriate security fencing around the perimeter of the facility.

12.58.3 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall submit a list of the quantity and type of materials being stored.
- (b) The applicant shall submit the type and details for the following:
 - (1) Fire suppression equipment
 - (2) Ventilation equipment

- (3) Inventory monitoring system
- (4) Leak detection, fire, smoke and security equipment and monitoring.
- (c) The applicant shall provide a layout of the storage area showing separating distances.
- (d) The applicant shall submit a narrative detailing spill incident procedures and reporting.
- (e) The applicant shall submit a narrative detailing standard operating or management procedures.
- (f) The applicant shall submit a narrative detailing the employee training.
- (g) The applicant shall submit a list of all on-site emergency equipment.
- (h) The applicant shall submit a narrative stating how the materials are to be stored, handled, transported and disposed.
- (i) The applicant shall provide the name and contact information of the on-site responsible party.
- (j) The applicant shall provide a schedule of when and by whom site inspections are to be done.
- (k) The applicant shall provide an evacuation plan for the facility.
- (l) The Fire Marshal shall inspect the plans and facility prior to opening.
- (m) The plans and facility shall comply with NFPA standards.

12.59 Commercial Oil, Propane, or Gasoline Storage Tanks

(Section added 1/1/2012)

12.59.1 **Purpose:** The purpose of these Regulations is to permit commercial oil, propane and gasoline storage tanks in a way that ensures that this use is compatible with the surrounding area and protects the public health, safety and welfare of the community.

12.59.2 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

(a) The maximum amount of commercial oil, propane or gasoline, cumulatively of all these types of fuels, which can be stored on any one lot is thirty thousand (30,000) gallons.

(Added 1/1/2015)

(b) There shall be a one hundred foot (100') setback from all residential districts and abutting residential properties and structures.

(1) Said distance shall be measured in a straight line between the residential structure and the structure and/or tank that is being used for the commercial oil, propane or gasoline storage tanks.

(c) There shall be adequate access to all portions of the facility for fire suppression equipment and personnel.

(d) The outside storage of materials and equipment shall conform to the following:

(1) Materials and equipment shall be located within a designated area shown on the site plan.

(2) The outside storage area shall be enclosed by a six foot (6') high fence that is opaque or solid.

(Amended 1/1/2018)

(3) The outside storage area shall have a setback of fifty feet (50') from all property lines.

(4) There shall be no storage of any liquids or hazardous materials, except as approved under Section 12.58 of these Regulations.

(5) All fuel storage tanks shall have self-containment capabilities in case of a spill or leak.

(e) All maintenance work on equipment shall be performed within a structure or on an impervious surface that is designed to retain any spillage of fluids and

cleaned immediately upon completion of work on that particular piece of equipment.

- (f) The transport of material in and out of the site shall be conducted between 7:00 a.m. and 8:00 p.m., Monday through Friday, except in the case of emergency.
- (g) The subject site shall be kept in an orderly and safe condition at all times to provide for access of emergency equipment to all areas of the site.
- (h) Security lighting shall be in effect upon sunset.

12.59.3 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall submit the following information as a narrative attached to the application at the time of submission:
 - (1) List of the quantity and type of materials being stored.
 - (2) The type of leak detection, fire, smoke and security monitoring.
 - (3) Spill incident procedures and reporting.
 - (4) Standard operating or management procedures.
 - (5) List of on-site emergency equipment.
 - (6) How materials are stored, handled, transported and disposed.
 - (7) Name and contact information of the on-site responsible party.
- (b) The applicant shall submit literature about the inventory monitoring system.
- (c) The required site plan shall include a layout of the storage area showing all separating distances.
- (d) A lighting plan shall be submitted with the application, showing the security lighting.
- (e) The Fire Marshal shall inspect the plans and facility prior to opening.
- (f) The plans and facility shall comply with NFPA standards.

12.60 Gasoline Filling Stations

(Section added 1/1/2012)

12.60.1 **Purpose:** The purpose of these Regulations is to permit gasoline filling stations in a way that ensures that this use is compatible with the surrounding area and protects the public health, safety and welfare of the community.

12.60.2 **Qualifications:** A Special Exception for a gasoline filling station may be granted provided that:

- (a) The location shall be approved by the Zoning Board of Appeals in accordance with the provisions of CGS Section 14-321 through 14-322.
 - (1) Such approval shall not be in lieu of the Special Exception required by these Regulations and shall be obtained prior to the submission of the application to the Commission.
- (b) No gasoline filling station shall be permitted within two hundred feet (200') of any school, house of worship, hospital or place of public assembly.
 - (1) Said distance shall be measured in a straight line between the two nearest points of each of the lot.

12.60.3 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) Provision is made for entering and leaving the lot in such a manner that traffic hazards are minimized.
- (b) The outside storage of vehicles shall conform to the setback requirements for a structure.
- (c) No motor vehicle parts, wrecked or dismantled vehicles, or equipment shall be stored outside.
- (d) All fuel filling devices are located at least fifty feet (50') away from any street line or property line.
- (e) 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.
- (f) No lighting shall be located on any vertical surface of a building or structure, nor directed upward or outward, horizontally, from any vertical surface.

- (g) A retail establishment (convenience store) may be combined with this use provided that:
 - (1) Adequate vehicular and pedestrian traffic flow patterns are established which prevent conflict with gasoline and service patrons.
 - (2) There shall be no seats, stools, tables or other facilities for the on-site consumption of food.
 - (3) There shall be no overnight parking associated with the retail trade use, other than for employees.

12.60.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The following shall be submitted with the application:
 - (1) A lighting plan.
 - (2) A traffic study.
 - (3) A landscaping plan.
- (b) The Fire Marshal shall inspect the plans and facility prior to opening.
- (c) The plans and facility shall comply with NFPA standards.

12.61 Motor Vehicle and Limited Repairer Service

(Section added 1/1/2012)

12.61.1 **Purpose:** The purpose of these Regulations is to permit motor vehicle and limited repairer services in a way that ensures that this use is compatible with the surrounding area and protects the public health, safety and welfare of the community.

12.61.2 **Qualifications:** A Special Exception for a motor vehicle and limited repairer service may be granted provided that:

- (a) The location shall be approved by the Zoning Board of Appeals in accordance with the provisions of CGS Sections 14-321 through 14-322.
 - (1) Such approval shall not be in lieu of the Special Exception required by these Regulations and shall be obtained prior to the submission of the application to the Commission.
- (b) No motor vehicle and limited repairer service shall be permitted within two hundred feet (200') of any school, house of worship, hospital or place of public assembly.
 - (1) Said distance shall be measured in a straight line between the two nearest points of each of the lots.

12.61.3 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) That provision is made for entering and leaving the site in such a manner that traffic hazards are minimized.
- (b) That no unregistered motor vehicle and no motor vehicle parts or equipment, shall be stored or parked within the setbacks.
- (c) That no repair work, except of an emergency nature, will be performed out of doors.
- (d) There shall be a seventy-five foot (75') vegetative buffer from all residential districts and abutting residential properties and structures.
 - (1) This requirement does not apply to any renovation, remodeling or expansion of any facility existing as of the effective date of these Regulations (Insert date).
- (e) The number of vehicles may be stored or displayed on the property shall be determined as follows:

- (1) On lots up to fifteen thousand square feet (15,000 sq. ft.):
 - (i) Twenty percent (20%) of the lot area, excluding tidal wetlands, shall be divided by two hundred forty (240).
 - (ii) The largest divisible whole number is the number of vehicles permitted to be stored or displayed.
- (2) On lots greater than fifteen thousand square feet (15,000 sq. ft.):
 - (i) Fifteen percent (15%) of the lot area, excluding tidal wetlands, shall be divided by two hundred forty (240).
 - (ii) The largest divisible whole number is the number of vehicles permitted to be stored or displayed.

(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 to screen working and/or storage areas.

12.61.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) A landscaping plan shall be submitted with the application.
- (b) A traffic study shall be submitted with the application.
- (c) In making a decision, the Commission shall **find** that:
 - (1) In the B-4 zone, the location of the use or its proximity to like or other establishments will not be detrimental to the orderly economic growth of a retail shopping area in the District.

12.62 Establishments for the Sale of New or Used Vehicles

(Section 1/1/2012)

12.62.1 **Purpose:** The purpose of these Regulations is to permit establishments for the sale of new or used vehicles in a way that ensures that this use is compatible with the surrounding area and protects the public health, safety and welfare of the community.

12.62.2 **Qualifications:** A Special Exception for an establishment for the sale of new or used vehicles may be granted provided that:

- (a) The location shall be approved by the Zoning Board of Appeals in accordance with the provisions of CGS Sections 14-321 through 14-322.
 - (1) Such approval shall not be in lieu of the Special Exception required by these Regulations and shall be obtained prior to the submission of the application to the Commission.

12.62.3 **Standards and Requirements:** A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 11:

- (a) That provision is made for entering and leaving the site in such a manner that traffic hazards are minimized.
- (b) That no unregistered motor vehicle, motor vehicle registered to a dealer, or motor vehicles parts or equipment shall be stored or parked nearer to the street line than the building line.
- (c) 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 to screen working and/or storage areas.

12.62.4 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) A landscaping plan shall be submitted with the application.
- (b) A traffic study shall be submitted with the application.
- (c) In making a decision, the Commission shall **find** that:
 - (1) In the B-4 zone, the location of the use or its proximity to like or other establishments will not be detrimental to the orderly economic growth of a retail shopping area in the District.

12.63 Motor Vehicle Detailing and Car Washing Facilities

(Section added 1/1/2012)

12.63.1 Purpose: It is the purpose of these Regulations to permit motor vehicle detailing and car washing facilities in specific business zones in a way that ensures that the operation of these facilities are compatible with the surrounding area and protects the environment, health, safety and welfare of the community.

12.63.2 Qualifications: A Special Exception for a motor vehicle detailing and car washing facilities may be granted provided that:

- (a) The lot is served by public water.

12.63.3 Standards and Requirements: A Special Exception may be granted provided that the following criteria is met in addition to the standards, criteria and conditions stated in Section 11:

- (a) A one hundred foot (100') setback for all structures containing a facility is required from all residential zoning districts and abutting residential structures and properties.
- (b) There shall be adequate access to all portions of the facility for fire suppression equipment and personnel.
- (c) There shall be no outside storage of new or used materials.
- (d) No facility shall be allowed to discharge directly into any stormwater drainage collection system.
- (e) Each facility shall discharge its wastewater effluent into its own water reclamation system; include a holding tank with an audio/visual alarm system to warn operating personnel of high level conditions requiring removal by proper means.
- (f) All facilities shall provide a safe and suitable means of ingress and egress and maneuvering on the site, including sufficient area on the site for queuing of vehicles for peak periods of operation and sufficient area for patrons to utilize self-service vacuum machines.
 - (1) Unless the facility provides for an automatic drying machine, the vehicle washing facility shall provide an area for customers to dry and wipe down their vehicles prior to leaving the site.
- (g) There shall be appropriate security fencing around the perimeter of the facility.

12.63.4 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The applicant shall submit a list of the quantity and type of chemicals being stored on-site.
- (b) The applicant shall submit the type and details of the following:
 - (1) Fire suppression equipment.
 - (2) Ventilation equipment.
 - (3) Inventory monitoring systems.
 - (4) Leak detection, fire, smoke and security equipment and monitoring.
- (c) The applicant shall submit a narrative at the time of application, detailing the following:
 - (1) Spill incident procedures.
 - (2) Standard operating or management procedures.
 - (3) Employee training.
 - (4) The storage, handling, transportation and disposal of materials.
- (d) The required site plan shall show the layout of the storage area, showing the separating distances.
- (e) The applicant shall provide the name and contact information of the on-site responsible party.
- (f) The applicant shall provide a schedule of when and by whom site inspections are to be done.