

## Section 28

### Accessory Uses, Home Occupations and Alternate Energy Systems

#### 28.1 Accessory Uses:

- 28.1.1 An accessory use is an additional use for which a Zoning Permit is required.
- 28.1.2 It shall be accessory only to a permitted use.
- 28.1.3 The accessory use shall be located on the same lot with the permitted use to which it is accessory.
- 28.1.4 Accessory uses may include the following and shall be subject to all applicable Regulations and the additional specific standards set forth below:
- (a) Off-street parking.
  - (b) In non-residential zones, storage of contractors' equipment, building supplies or similar material.
    - (1) Such outside storage shall not to be located within twenty feet (20') of any property line.
  - (c) In non-residential zones, storage of a commercial vehicle exceeding one and one-half (1½) tons gross vehicle weight.
  - (d) In residential zones, off-street parking spaces.
    - (1) No more than one commercial vehicle, not to exceed one and one-half (1½) ton gross vehicle weight is permitted.
      - (i) Any such vehicle shall not be parked within any setback area on any lot.
  - (e) Facilities for the storage of a reasonable quantity of retail merchandise and supplies.
  - (f) A kennel for three (3) or more dogs owned by the occupant of the dwelling unit and not used for boarding or other commercial services, provided that any run, building, or enclosures connected therewith shall not be less than fifty feet (50') from any property or street line.
  - (g) Fruit, vegetable or farm stands with a footprint of less than one hundred square feet (100 sq. ft.) for the seasonal sale of merchandise produced on the premises.

(h) Livestock:

- (1) All livestock shall be kept in a building, stable or enclosure, not less than the legal setback for the appropriate zone for any abutting residential or Village Zone property and one hundred feet (100') from any well or water body from which water is taken for human consumption.
- (2) Manure shall be kept in a covered, watertight pit or chamber and shall be removed at least once a week during the period from May 1 to October 1 and during such other months at intervals sufficiently frequent to maintain sanitary conditions satisfactory to the Director of Health.
- (3) There shall be no more than one horse, pony, sheep, cow, goat, pig, burro, donkey, mule, llama or other similar animal for personal or family purposes as a pet per forty thousand square feet (40,000 sq. ft.) of land.
- (4) There shall be no chickens, or other small animals kept on any lot that does not meet the minimum lot size requirement for the zone it's located in.
- (5) All chickens and other small animals shall be confined to an enclosure or building, not less than the legal setback for the appropriate zone for any abutting residential or Village Zone property.

(i) Swimming pools, in-ground and above ground.

(j) The storage of travel trailers/campers provided that the vehicle shall not be stored in any front or side yard on any lot within the town of Clinton.

- (1) In addition, no travel trailer/camper vehicle may be occupied as an accessory use for more than fourteen (14) days in any one (1) calendar year.

(k) Storage trailers, subject to the following conditions:

- (1) The storage trailer must be structurally sound and pose no detriment to public health, safety or property value.
- (2) The storage trailer must meet the same standards as a conventional structure.

- (3) The storage trailer shall be located so that it does not take up parking spaces required for other uses on the site and does not obstruct emergency access or other essential circulation patterns.
- (4) Any landscaping or natural vegetation disturbed by the placement of a storage trailer shall be restored immediately upon removal of the trailer.
- (5) The ZEO may require that storage trailers be screened from the public right-of-way and adjacent properties and that appropriate landscaping, fencing or other screening be provided.
- (6) The aggregate area covered by storage trailers shall not exceed ten percent (10%) of the total floor area of all buildings on the site.
- (l) Incidental retail use in approved warehouses, provided that no more than 10% or 2,500 sq. ft., whichever is less, of the total floor area is used for the retail use.
- (m) Outside storage areas, including the outside storage or display of merchandise, supplies, machinery and solid wastes, but not including areas used for parking of registered motor vehicles in daily use, shall not extend into the areas required for setbacks from a property line or Residential District boundary line. (Amended September 11, 2020 to original post-appeal version)
  - (1) Any outside storage area shall be enclosed except for necessary access drive, by building and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot or from any street. Outside storage areas shall be limited in extent on any lot as follows:

| District              | Percentage of Lot Area |
|-----------------------|------------------------|
| B-1, B-2, B-3, IP, VZ | 10%                    |
| B-4, M                | 75%                    |
| I-1, I-2              | 25%                    |

- (2) In areas that have been approved for outside storage, there shall be no servicing of vehicles, machinery or other items stored outside, except in Marine Zones.
- (n) Outdoor Entertainment: Outdoor entertainment, limited to musical concerts, performing arts recitals, exhibitions, fairs/festivals and arts and crafts shows, are permitted subject to the following:
  - (1) Outdoor entertainment events shall be held only in the Business, Marine and Village Zone Districts.

- (2) Outdoor entertainment events shall end prior to 10:00 p.m. There shall be no more than two events, which may last up to three days, per property, per calendar year.
  - (i) Any property owned by a philanthropic, governmental, educational or religious entity is exempted from the number of events provision.
- (3) The facilitators of outdoor entertainment events shall obtain a Zoning Permit from the ZEO at least two weeks prior to the event.

(o) Temporary Health Care Structures:

(Added 1/1/2018)

- (1) Definitions: As used in this subsection, the following terms are defined as follows:
  - (i) "Caregiver" means a relative, legal guardian or health care agent who is responsible for the unpaid care of a mentally or physically impaired person.
  - (ii) "Mentally or physically impaired person" means a person who requires assistance, as certified in writing by a physician licensed in this state, with two or more activities of daily living, including, but not limited to, bathing, dressing, grooming, eating, meal preparation, shopping, housekeeping, transfers, bowel and bladder care, laundry, communication, self-administration of medication and ambulation.
  - (iii) "Temporary health care structure" means a transportable residential structure that provides an environment in which a caregiver may provide care for a mentally or physically impaired person and that (1) is primarily assembled at a location other than the site of installation; (2) has one occupant who is the mentally or physically impaired person; (3) is not larger than five hundred (500 sq. ft.) gross square feet; (4) is not placed on or attached to a permanent foundation; and (5) compliances with the applicable provisions of the State Building Code, Fire Safety Code and Public Health Code.
- (2) A temporary health care structure shall be allowed as an accessory use in the following Zoning Districts:
- (3) The temporary health care structure must be placed in conformance with all setback requirements, coverage limits and maximum floor area ratio limitations that apply to accessory structures as of October 1, 2017.

- (4) No person shall install a temporary health care structure without first obtaining a zoning permit from the ZEO.
  - (i) A permit may only be obtained for property which is owned by the caregiver or the mentally or physically impaired person and used as his or her primary residence.
  - (ii) The applicant shall be required to send notice of the permit application, by certified or registered mail, to each person appearing of record as an owner of a property which abuts the property upon which the temporary health care structure is proposed to be installed. The notice shall be sent not later than three (3) business days after the permit application is submitted to the ZEO by the applicant.
- (5) Each temporary health care structure must be accessible to emergency vehicles and be connected to private water or septic systems, or to water, sewer and electric utilities that serve the primary residence.
  - (i) Approval for these systems must be obtained from the regional health district.
- (6) Not more than one (1) temporary health care structure shall be installed on a lot.
- (7) No signage, advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the structure or elsewhere on the lot.
- (8) On each April 1<sup>st</sup> following the installation of the temporary health care structure and each year thereafter, the applicant shall provide written evidence of compliance with this Section, as long as the temporary health care structure remains on the property.
  - (i) The ZEO reserves the right to inspect the temporary health care structure at reasonable time convenient to the caregiver.
- (9) Any temporary health care structure installed pursuant to this Subsection shall be removed not later than one hundred and twenty (120) days after the mentally or physically impaired person no longer occupies the structure or no longer qualifies as a mentally or physically impaired person.

- (10) The ZEO may revoke any zoning permit issued pursuant to this Subsection upon a finding that the provisions of this Subsection are being violated by the permit holder.

28.1.5 In addition to the requirements of Section 4 of these Regulations for a Zoning Permit, the following information shall be submitted:

- (a) A Statement of Use describing the accessory use and stated the permitted use to which it is accessory.

28.2 Home Occupations: A home occupation or professional office in a dwelling unit is an additional use for which a Zoning Permit is required.

28.2.1 Occupations shall be subordinate and incidental to residential use of the lot.

28.2.2 There shall be only one (1) home occupation per residential unit.

28.2.3 The person conducting the home occupation shall reside in the principal residential structure on the lot.

28.2.4 There shall be no more than one (1) non-resident persons employed in connection with such occupation.

28.2.5 The area of the home occupation may be located in the principal or an accessory structure, provided that the floor area used for the home occupation shall not exceed the equivalent of twenty-five percent (25%) of the floor area of the principal residential structure.

28.2.6 There shall be no indication on the lot, except for permitted signs and required off-street parking, that a home occupation is being conducted on the premises.

28.2.7 Articles sold on the premises, as part of a customary home occupation, must be only those created thereon.

28.2.8 There shall be no display of merchandise, either exterior or interior, visible from any public way or adjacent property, on the premises in connection with the occupation.

28.2.9 All licensed professionals, including, but not limited to, doctors, dentists, lawyers, real estate brokers, architects, engineers, land surveyors, and the like, shall conduct business on an appointment-only basis. No clients/patients shall be housed overnight.

28.2.10 The home occupation and there conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.

- 28.2.11 Such occupation shall not create any objectionable noise, smoke, odor, toxic fumes, vibration, radio interference, or other unsuitable conditions that would set the dwelling apart from its surroundings or degrade residential property in the neighborhood.
- 28.2.12 The home occupation shall be operated in its entirety within an enclosed structure.
- 28.2.13 Deliveries of materials or products that are related to the home occupation shall not be made prior to 8:00 a.m. or after 6:00 p.m. and the trucks shall not block the roadway.
- 28.2.14 There shall be no outside storage of materials or product.
- 28.2.15 The area used for the home occupation shall meet all applicable ADA (Americans with Disabilities Act) requirements.
- 28.2.16 In addition to the requirements of Section 4 of these Regulations for a Zoning Permit, the following information shall be submitted:
- (a) A Statement of Use describing the accessory use and stated the permitted use to which it is accessory.
  - (b) All appropriate State and Federal licenses and permits shall be obtained by the owner/operator prior to any application under this Regulation.
- 28.2.17 By November 1<sup>st</sup> of each calendar year, the owner/occupant of the premises shall file with the ZEO an affidavit of residency and continuation of the Home Occupation in accordance with the original Zoning Permit that was approved.
- 28.2.18 Each Zoning Permit shall automatically terminate when the applicant no longer resides in the dwelling unit.
- 28.2.19 Nothing in Section 28.2 is intended to assume that the existence of a computer or other communication devices constitutes a home occupation. Qualifying factors for a home occupation include signage, off-street parking, display of merchandise, delivery of materials or products, client traffic, filing of trade name certificate or personal property taxes, advertising or factors that would negatively impact the residential properties.
- (Amended 6/1/2014)
- 28.3 Alternate Energy Systems: Solar collectors and wind generators are an additional accessory use for which a Zoning Permit is required.
- 28.3.1 The applicant shall demonstrate to the ZEO that this alternate energy system complies with the lot standards specified in the Schedules.

- 28.3.2 For wind generators, the applicant shall demonstrate that the tower and rotor are engineered and commercially available.
- (a) For those that are designed by a professional registered in the State of Connecticut, the applicant shall demonstrate that the system is designed to prevent over-speeding and excessive pressure on the tower structure.
- 28.4 Accessory Dwelling Units: In order to foster affordable housing alternatives in the Town of Clinton, to increase residential densities in established neighborhoods, an accessory dwelling unit shall be permitted, via a Zoning Permit procedure per Section 4 of these Regulations, in all Residential Zoning Districts, provided that:
- (a) Only one accessory dwelling unit shall be permitted for each lot and no accessory dwelling unit shall be approved as part of a two-family dwelling or any multi-family use;
- (b) The accessory dwelling unit may be contained within the principal dwelling unit or may be contained within an existing or new accessory structure;
- (c) The lot shall conform to the minimum lot area requirement for the zone in which the property is located or be legally nonconforming;
- (d) The accessory dwelling unit shall:
- (i) Be a minimum size of 400 square feet but shall not exceed 1,000 square feet or 30% of the combined floor areas of the single-family dwelling and the accessory dwelling unit, whichever is less;
- (ii) Have a maximum of two (2) bedrooms;
- (iii) Be self-contained, with separate cooking, sanitary, and sleeping facilities for the exclusive use of the occupant(s);
- (e) Both the accessory dwelling unit and the principal building/unit shall meet the requirements of the Building and Public Health Codes;
- (f) Upon establishment of the accessory dwelling unit, the building shall:
- (i) Maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of the principal use, if placed within or added on to the principal structure;
- (ii) Have any secondary entrance incorporated into the principal structure to reflect the architectural style of the existing structure;
- (g) Parking and access from the public right-of-way shall serve both the principal and accessory units, and shall not be distinguishable as separate facilities;
- (i) No additional curb cut shall be created to serve an accessory dwelling unit;



- (ii) Adequate off-street parking as required by these Regulations shall be provided for both uses and such parking shall not be located in the front yard;
- (h) No accessory dwelling unit shall be located in a basement unless one wall opens to grade;
- (i) If the proposed accessory dwelling unit is in the East Main Street Village District or other Village or Overlay District, and has any exterior changes made to it, an application and review by the Design Review Board is required prior to issuance of a Zoning Permit.
- (j) All other requirements of Zoning Regulations, Building Code, Public Health Code, and applicable law are met.