

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

**RPC
Representatives**

Bethany:
Alex Hutchinson

Branford:
Charles Andres
(Chair)

East Haven:
Vacant

Guilford:
Vacant

Hamden:
Jay Cruikshank

Madison:
Vacant

Meriden:
Kevin Curry
(Vice-Chair)

Milford:
Robert Satti
(Executive Committee)

New Haven:
Vacant

North Branford:
Tricia Mase
(Executive Committee)

North Haven:
Theresa Ranciatto-
Viele
(Executive Committee)

Orange:
Tom Torrenti

Wallingford:
Jeffrey Kohan
(Executive Committee)

West Haven:
Kathleen Hendricks

Woodbridge:
Andrew Skolnick
(Secretary)

To: Regional Planning Commission
From: Andy Cirioli, Director of Regional Planning and Municipal Services
Subject: RPC Meeting – Thursday, August 11, 2022 at 5:15pm

NOTICE: This is a hybrid meeting with in-person attendance at the SCRCOG Office and remote access via Zoom.

Office Location: 127 Washington Avenue, 4th Floor West, North Haven, CT 06473
Zoom: <https://us02web.zoom.us/j/86113308884>

1. Administration

- | | | |
|------|--|----------|
| 1.1. | Minutes of the May 12, 2022 RPC Meeting | 2 |
| 1.2. | Summary of the July 14, 2022 RPC Meeting (<i>no approval required</i>) | 4 |

2. Action Items

- | | | |
|------|--|-----------|
| 2.1. | Town of Hamden: Proposed Zoning Regulation Amendment to Section 638.1 – Outdoor Café. Received: July 18, 2022. Public Hearing: TBD. | 6 |
| 2.2. | Town of Orange: Proposed Zoning Regulation Amendments to Cannabis Establishments as a Special Use in C-1 District. Received: July 26, 2022. Public Hearing: September 6, 2022 (tentative). | 11 |

3. Other Business

- 3.1 Regional Program Updates

The agenda and attachments for this meeting are available on our website at www.scrkog.org. Please contact SCRCOG at (203) 234-7555 for a copy of agenda in a language other than English. Auxiliary aids/services and limited English proficiency translators will be provided with two week's notice.

La Agenda y Adjuntos para esta reunión están disponibles en nuestro sitio web en www.scrkog.org. Favor en contactar con SCRCOG al (203) 234-7555 para obtener una copia de la Agenda en un idioma distinto al Inglés. Ayudas/servicios auxiliares e intérpretes para personas de Dominio Limitado del Inglés serán proporcionados con dos semanas de aviso.

South Central Regional Council of Governments

127 Washington Avenue, 4th Floor West, North Haven, CT 06473

www.scrkog.org **T** (203) 234-7555 **F** (203) 234-9850 acirioli@scrkog.org

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Andy Cirioli, Director of Regional Planning and Municipal Services
Subject: Minutes for Thursday, May 12, 2022 Meeting

Present: Charles Andres, Jay Cruikshank, Kevin Curry, Robert Satti, Andrew Skolnick, Tom Torrenti, William Long, Nancy Held-Sheehe, Andy Cirioli, Eugene Livshits

May 12, 2022 RPC meeting was held in-person at the SCRCOG Offices. A remote option was made available via Zoom.

1 Administration

1.1 Minutes of the April 14, 2022 RPC meeting.

Motion to accept the minutes as presented: Kevin Curry. Second: Tom Torrenti. Abstain: Andrew Skolnick, Nancy Held-Sheehe. Vote: Unanimous.

2 Statutory Referrals

2.1 Town of Branford: Proposed Zoning Regulation Amendments pertaining to Cannabis – Hybrid Retailer

By resolution, the RPC has determined that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Andrew Skolnick. Second: Jay Cruikshank. Vote: Unanimous. Abstain: Charles Andres

The Town of Orange and City of New Haven submitted referrals, which were received after the RPC Agenda Packet was completed and distributed. The two referrals have met the notification requirements of CGS 8-3b. The public hearings are scheduled prior to the June RPC meeting.

Motion to add Town of Orange and City of New Haven Referral to RPC Agenda: Tom Torrenti. Second: Robert Satti. Vote: Unanimous

2.2 Town of Orange: Proposed Zoning Regulation Amendments pertaining to Outdoor Dining

By resolution, the RPC has determined that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Andy Skolnick. Second: Kevin Curry. Vote: Unanimous. Abstain: Tom Torrenti

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

2.3 City of New Haven: Proposed Zoning Regulation Amendments pertaining to Regulation of Adult Use Cannabis

By resolution, the RPC has determined that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Kevin Curry. Second: Robert Satti. Vote: Unanimous. Abstain: William Long

3 Other Business

3.1 Regional Program Updates were provided on initiatives related to Housing and Hazard Mitigation. SCRCOG is in the process of developing a Regional Affordable Housing Plan with its consultant team. The final draft Municipal Affordable Housing Plans were provided to each participating municipality for local adoption. The South Central Region: Multi-Jurisdiction Plan update is currently in progress with kickoff meeting being completed on May 12, 2022.

3.2 RPC Annual Event: There was discussion of SCRCOG hosting a social event in the summer in appreciation of the RPC members.

Motion to Adjourn: Kevin Curry. Second: Robert Satti. Vote: Unanimous.

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

To: Regional Planning Commission
From: Andy Cirioli, Director of Regional Planning and Municipal Services
Subject: Summary of July 2022 RPC Meeting

MEETING SUMMARY

The meeting of the Regional Planning Commission (RPC) was held on Thursday, July 14, 2022 at 5:15 p.m. at the SCRCOG Office and on Zoom.

Presiding: Charles Andres, Chair

Voting Members Present: Charles Andres, Jay Cruikshank, Bill Galdenzi, Jeffery Kohan, Robert Satti, Tom Torrenti

Staff Present: Andy Cirioli

The Regional Planning Commission meeting on did not have a quorum. The referrals were reviewed by consensus of the members present.

1. Administration

1.1. *Minutes of the May 12, 2022 RPC Meeting*

The approval of minutes meeting will be presented during the next scheduled RPC Meeting.

2. Action Items

2.1. *Town of Hamden: Proposed Zoning Regulation Amendments pertaining to Outdoor Lighting and Outdoor Recreation/Sports Facility Lighting. Received: July 1, 2022. Public Hearing: July 21, 2022.*

Although there was not an official quorum at the meeting, by consensus of the members present, the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

3. Other Business

3.1 *Regional Program Updates*

Updates were provided on initiatives related to Housing and Hazard Mitigation.

Housing: Most municipalities in the region have adopted municipal Affordable Housing Plans. SCRCOG is in the process of reviewing a Regional Affordable Housing Plan. SCRCOG is also in the process of posting an RFQ for a consultant to provide community engagement facilitation services. The RFQ was sent to RPC members for their information.

Hazard Mitigation Plan Update: SCRCOG met with all fifteen municipalities individually in the month of June. The consulting team is now reviewing the feedback received from the municipal meetings for incorporation into the plan. A public survey was made available on the SCRCOG website, and the Hazard Mitigation Advisory Committee is sharing it through their outreach channels. The survey will be available through the fall. The next Advisory Committee meeting is scheduled for August 11 to review the regional priorities outlined in the plan.

Referral 2.1: Town of Hamden**Subject:**

Proposed Zoning Regulation Amendment to Section 638.1 – Outdoor Café

Staff Recommendation:

The proposed zoning regulation amendment does not appear to cause any negative inter-municipal impact to the towns in the South Central Region nor does there appear to be any impact to the habitat or ecosystem of the Long Island Sound.

Background:

The Town of Hamden has proposed a zoning regulation amendment to Section 638.1 – Outdoor Café. The existing regulation expired on December 31, 2021, and this amendment extends the special provision for expanded outdoor dining until April 30, 2023. The proposed regulation also indicates that the Commission may extend the expiration date again. This proposed regulation is consistent with Public Act 21-1 (HB5271), which authorized the continuation of outdoor dining and retail activities through April 30, 2023.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.



SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS

Planning for Our Region's Future

South Central Regional Planning Commission (RPC): Referral Submission Form

SCRCOG is required to be given notice by certified mail, return receipt requested **thirty days before the public hearing** for Zoning Amendments (Regulations, Map) and Subdivision Applications (see below for applicability). **Notice can be sent by email, instead of certified mail**, per the requirement of the Connecticut General Statutes(CGS) 8-3b, 8-26b. Amendments/Update to the Municipal Plan of Conservation and Development are required to be submitted to SCRCOG at least 65 days before the public hearing, per CGS 8-23.

Municipality:	Date Sent:	Public Hearing Date:
Subject:		
Referral is From (Select one):	<input type="checkbox"/> Private Applicant – Applicant Name:	
	<input type="checkbox"/> Town/City Planning Department or the Planning and Zoning Commission	
Preferred Municipal Contact for this Referral:		
Name:	Phone Number:	Email:

Statutory Responsibility (Select Below):	
<input type="checkbox"/>	Application involves a proposed Zoning Regulation Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region
<input type="checkbox"/>	Application involves a proposed Zoning Map Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region
<input type="checkbox"/>	Application involves a Subdivision of Land, which will abut or include land in two or more Municipalities
<input type="checkbox"/>	Application involves an Amendment and/or Update to a Municipal Plan of Conservation and Development (POCD)
<input type="checkbox"/>	Applicant requests a voluntary RPC review for informational purposes only; an RPC resolution is not necessary

Process (Select Below): The communication should be addressed to SCRCOG, Re: RPC Referral	
<input type="checkbox"/>	Material sent via “Certified Mail - Return Receipt Requested” to SCRCOG, 127 Washington Avenue, 4th Floor West, North Haven, CT 06473
<input type="checkbox"/>	Material sent via Email to: acirioli@scrcog.org
<input type="checkbox"/>	This application has been previously submitted for RPC Review. If checked, on what date:

For any questions, please email Andy Cirioli at acirioli@scrcog.org.

127 Washington Avenue, 4th Floor West, North Haven, CT 06473

www.scrcog.org T (203) 234-7555 F (203) 234-9850 acirioli@scrcog.org



Town of Hamden

Planning and Zoning Department

Hamden Government Center
2750 Dixwell Avenue
Hamden, CT 06518
Tel: (203) 287-7070
Fax: (203) 287-7075

Reason for Amendment - Section 638.1 - Outdoor Cafe

Overview

The existing Section 638.1 – Outdoor Café regulations expired on December 31, 2021. The Special Provisions established by the Section are based on the need to aid restaurants in their recovery from the impact of COVID-19 consistent with Governors Executive Order 7MM (Protection of Public Health and Safety during COVID-19 Pandemic and Response – Expedited Approval and Permitting for Expanded Outdoor Dining).

Public Act 21-1 (HB 5271) has authorized the continuation of outdoor dining and retail activities through April 30, 2023. The special provisions established by the initial executive orders, and continued through the current legislation have provided restaurants with a safe method through the allowable outdoor activities to serve their customers.

The need to aid restaurants in their recovery, while protecting the public health, safety and welfare of the public still exists, and the amendment would extend Section 638.1 – Outdoor Café until April 30, 2023.



Town of Hamden

Planning and Zoning Department

Hamden Government Center
2750 Dixwell Avenue
Hamden, CT 06518
Tel: (203) 287-7070
Fax: (203) 287-7075

Memorandum

To: Hamden Planning and Zoning Commission
From: Eugene Livshits, Town Planner
Re: Section 638.1 - Outdoor Cafe
Date: July 12, 2022

Overview

The Hamden Planning and Zoning Commission adopted Section 638.1 during its June 9, 2020 meeting with Special Provisions based on the need to aid restaurants in their recovery from the impact of COVID-19 consistent with Governors Executive Order 7MM (Protection of Public Health and Safety during COVID-19 Pandemic and Response – Expedited Approval and Permitting for Expanded Outdoor Dining). The adopted Section was set to expire on November 30, 2020, but was extended by the Commission to December 31, 2021 during its January 12, 2021 meeting.

Public Act 21-1 (HB 5271) has authorized the continuation of outdoor dining and retail activities through April 30, 2023. The special provisions established by the initial executive orders, and continued through the current legislation have provided restaurants with a safe method through the allowable outdoor activities to serve their customers.

The Planning and Zoning Department recommends extension of Section 638.1 – Outdoor Café until April 30, 2023. The need to aid restaurants in their recovery, while protecting the public health, safety and welfare of the public still exists.

OUTDOOR CAFE SECTION 638.1

Section 638 Food Service

Section 638.1 Outdoor Café

Outdoor cafes and eating areas, when accessory to a restaurant, are permitted subject to a Zoning Permit and the following conditions:

- a. COVID-19 Recovery Special Provisions: Based on the need to aid restaurants in their recovery from the impact of the COVID-19 as well as the need to protect public health through proper distancing between patrons, outdoor cafes may be expanded temporarily onto lawn and parking areas, provided that any dining area in parking lots is adequately protected from vehicles and that the site still has sufficient parking. This special provision for expanded outdoor dining will expire on ~~December 31, 2021~~. **April 30, 2023, unless otherwise extended by the Commission.**
- b. The limitation on the size of the outdoor dining is eliminated.
- c. The outdoor eating area shall be largely open to the elements and shall not be permanently enclosed with a roof or walls;
- d. All food and beverages shall be served at the table;
- e. Outdoor eating areas shall be exempt from providing parking spaces other than those required for the restaurant;
- f. The outdoor eating area shall be landscaped with planters, window boxes, planted pots and/or planted beds containing appropriate trees, shrubs and/or flowers to provide privacy and ambiance for diners;
- g. There shall be no live or recorded music played or projected outside the restaurant building without the prior issuance of a Zoning Permit.

Referral 2.2: Town of Orange

Subject:

Proposed Zoning Regulation Amendments to Cannabis Establishments as a Special Use in C-1 District

Staff Recommendation:

The proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:

Southern CT Wellness and Healing, LLC is a private applicant and a licensed dispensary facility by the CT Department of Consumer Protection under the Medical Marijuana Program. The applicant has proposed zoning regulation amendments to Chapter 383, Section 14 (Definitions), Section 19 (Permitted Uses), Section 42 (Special Uses), and Section 143 (Special Standards for Convenience Marts, Gasoline Pumps, and/or the Sale of Gasoline).

In section 383-14, a definition for Cannabis Establishment is proposed. The term is defined as “a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product manufacturer [sic], product packager, delivery service or transporter.”

In section 383-19.5, the proposed amendment deletes entirely the current section stating the Town of Orange “shall not accept or consider any application to permit the establishment of a cannabis establishment”. The applicant proposes that this section state, “Subject to the regulations contained herein, Cannabis Establishments are permitted in the Commercial C-1 District only and are prohibited in all other districts.

In section 383-42, the proposed amendment adds Cannabis Establishments as a special uses in the Commercial C-1 District.

In Section 383-143, the proposed amendment adds a new section on special standards for cannabis establishments (labeled 383-143.7). This section applies the definitions contained in SB 1201 (An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis) to cannabis establishments in the C-1 zone. The proposed standards prohibit outside storage on a site where the establishment is located, products cannot be visible from the exterior of the building, and it must be in a fixed location within a fully enclosed building. There is a 1,000 feet distance requirement from a place of worship or school, or in a building that contains a residence or a mixed-use building (commercial and residential uses). There are additional requirements proposed pertaining to hours of operation, access, signage, ventilation/odor, security, application requirements, special use criteria, limitations, nuisances, compliance with laws, validity, severability, and the date the regulations would become effective. Specific standards can be reviewed within the Agenda Packet.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.



SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS

Planning for Our Region's Future

South Central Regional Planning Commission (RPC): Referral Submission Form

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Municipality:	Date Sent:	Public Hearing Date:
Subject:		
Referral is From (Select one):	<input type="checkbox"/> Private Applicant – Applicant Name:	
	<input type="checkbox"/> Town/City Planning Department or the Planning and Zoning Commission	
Preferred Municipal Contact for this Referral:		
Name:	Phone Number:	Email:

Statutory Responsibility (Select Below):	
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<input type="checkbox"/>	Material sent via “Certified Mail - Return Receipt Requested” to SCRCOG, 127 Washington Avenue, 4th Floor West, North Haven, CT 06473
<input type="checkbox"/>	Material sent via Email to: acirioli@scrcog.org
<input type="checkbox"/>	This application has been previously submitted for RPC Review. If checked, on what date:

For any questions, please email Andy Cirioli at acirioli@scrcog.org.

127 Washington Avenue, 4th Floor West, North Haven, CT 06473

www.scrcog.org T (203) 234-7555 F (203) 234-9850 acirioli@scrcog.org



Application Standards

In accordance with Town of Orange Zoning Regulations Article XIV Special Uses, the Town Plan & Zoning Commission should grant the application for a special use permit to permit a cannabis establishment for the following reasons:

The operation of a hybrid medical and adult use retail dispensary at the Property is substantially consistent in its scale and character with those uses permitted and the existing built uses in the C-1 District and neighborhood. The surrounding properties consists of uses permitted in the C-1 District such as retail businesses along the Boston Post Road corridor. The size and intensity of the proposed use is accommodated by the Property lot size and existing building footprint. The operation of a cannabis establishment at the subject Property aligns with the purpose, intent and applicable design and development standards of the C-1 District. Commercial uses are activities carried out on property developed for industry, commerce, trade, etc. This proposed use fits squarely within the purpose of a commercial use district.

The operation of a cannabis establishment at the Property aligns with the vision, goals and recommendations of the 2015 Plan of Conservation and Development set forth by the Town of Orange. The Plan provides a stated goal to promote re-development on Route 1. This application would achieve this goal with the utilization and reuse of an existing bank building on a currently vacant property. The operation of a cannabis establishment at the Property will make use of existing infrastructure and thus further the land use planning goals of the Town. No impact to property values will occur and the appearance of the neighborhood shall remain intact. The physical conditions and characteristics of the Property are suitable for the proposed use considering site size, configuration, location, access, topography, vegetation, soils and hydrology for effective storm water management.

The operation of a cannabis establishment at the Property will not be a nuisance in law or in fact. Southern CT Wellness and Healing is presently licensed as a dispensary facility by the Connecticut State Department of Consumer Protection under the Medical Marijuana Program. No nuisances, such as noise, dust, smoke, refuse, odors, fumes, unsightliness, or similar conditions will be created by operating a cannabis retail dispensary at the proposed location. Fire and police protection needs will not be burdened. Nor will the use create material adverse impacts to existing natural resources or the environment, agriculture, or community services.

The operation of a cannabis establishment will not create material dangers or hazards to the public or people in the vicinity from fire, explosion, electricity, crowds, traffic congestion, parking of vehicles or other causes. While operating a hybrid dispensary, no dangerous substances or chemicals will be used. The on-site parking and vehicular traffic patterns are adequate to serve the proposed use and supported by the existing capacity on adjacent and feeder streets to accommodate peak traffic loads.

Should you have any questions or comments, please do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne Marie Zsamba".

Anne Marie Zsamba
Director, Municipal Compliance
Green Thumb Industries
325 W Huron Street, #700
Chicago, IL 60654
518-350-3639

Enclosures

PAID

Revised 3/22

ORANGE TOWN PLAN & ZONING COMMISSION

PETITION TO AMEND ZONING REGULATIONS AND/OR ZONING MAP
(Public Hearing required)

Applicant Southern CT Wellness and Healing LLC

Mailing Address C/O Green Thumb Industries, 325 W Huron Street, Suite 700

Chicago, IL **Zip** 60654

Telephone 518-350-3639 **Email** annemarie.zsamba@gtigrows.com

Property Owner Khiman Pursnani

Mailing Address 338 Woodland Lane

Orange, CT **Zip** 06477

Telephone 518-350-3639 **Email** annemarie.zsamba@gtigrows.com

PETITION TO AMEND REGULATIONS? X **ZONING MAP?**


Signature of Property Owner


Signature of Applicant

Date 7-8-22

July 8, 2022
Date

FEE: base fee \$750, made out to the Town of Orange

FOR OFFICE USE ONLY:

Date Received

Application Fee Paid

Meeting Scheduled

Action Taken

Applicant Notified

Date of Publication

CHECK LIST

PETITIONS TO AMEND THE TEXT OF THE ZONING REGULATIONS

The following information is required:

1. Fifteen (15) copies of this completed application form _____
2. Fifteen (15) copies of the precise wording of the existing text _____
3. Fifteen (15) copies of the proposed text _____

PETITONS TO AMEND THE ZONING MAP

The following information is required:

Not applicable.
Not proposed within
this application.

1. Fifteen (15) copies of this completed application form _____
2. Fifteen (15) copies of a map drawn to a scale of not less than 200 feet to the inch, covering that area of the proposed zone change and all area in the Town of Orange within 500 feet of the proposed change, displaying the existing and proposed zoning district boundary lines, the existing property lines and the names of the current property owners as indicated by the Town of Orange Assessor's records _____
3. Existing Zone _____ Proposed Zone _____
4. List of adjoining property owners (see page 3) _____
5. Narrative description of the subject property and its boundaries _____

For Petitions to Amend the Zoning Map, please provide the names and mailing addresses of adjoining property owners, including those across the street. The applicant must obtain this current information from the Orange Assessor's Office. Please use an additional sheet if necessary.

NAME_____

ADDRESS_____ZIP_____

NAME_____

ADDRESS_____ZIP_____

NAME_____

ADDRESS_____ZIP_____

NAME_____

ADDRESS_____ZIP_____

NAME_____

ADDRESS_____ZIP_____

NAME_____

ADDRESS_____ZIP_____

NAME_____

ADDRESS_____ZIP_____

PETITION TO AMEND ZONING REGULATIONS

PROPOSED TEXT AMENDMENTS TO:

CHAPTER 383

ZONING REGULATION SECTIONS:

§383-14, §383-19, §383-42, and §383-143

FROM THE CODE OF THE TOWN OF ORANGE

As adopted August 25, 1971

Amended through June 21, 2000

APPLICANT:

Southern CT Wellness and Healing LLC

325 W. Huron Street, Suite 700

Chicago, Illinois 60654

**DRAFT ZONING REGULATIONS TEXT AMENDMENTS
TO ADD CANNABIS ESTABLISHMENTS AS A SPECIAL USE IN THE C-2 DISTRICT**

KEY TO PROPOSED AMENDMENT TEXT:

Proposed text to be inserted is shown as **bold underlined text**
Proposed text to be eliminated (deleted) is shown as ~~strikethrough text~~

AMEND existing §383-14 as follows:

§383-14 Definitions.

ADD

Cannabis Establishment

A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product manufacturer, product packager, delivery service or transporter.

AMEND existing §383-19.5 as follows:

§383-19 Permitted Uses.

OMIT

~~Cannabis establishments and medical marijuana dispensaries and producers: The Orange Plan and Zoning Commission shall not accept or consider any application to permit the establishment of a cannabis establishment as defined below or for medical marijuana producers, dispensary facilities, and/or retail distribution as defined in § 21a-408 and §§ 21a-408-1 to 21a-408-70 of the Connecticut General Statutes for a period of 12 months commencing from the effective date of November 5, 2021. All such uses shall be prohibited in all zoning districts within the Town of Orange. The moratorium is to allow the Plan and Zoning Commission sufficient time to review the State of Connecticut Regulation of the Department of Consumer Protection Concerning Palliative Use of Marijuana and the June 2021 Connecticut Public Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (Public Act 21-1, Senate Bill No. 1201) in order to consider the adoption of potential changes to the Zoning Regulations pursuant to § 8-2 of the Connecticut General Statutes and § ~~383-210~~ of the Orange Zoning Regulations. The expiration date of said moratorium will be November 5, 2022, or the effective date of associated newly adopted zoning regulations, whichever is sooner. "Cannabis" shall mean marijuana, as defined in § 21a-240 of the Connecticut General Statutes. "Cannabis establishment" shall mean a producer, dispensary facility, cultivator, micro-cultivator,~~

~~retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter as defined in the June 2021 Connecticut Public Act Concerning Responsible and Equitable Regulation of Adult Use Cannabis (Public Act 21-1, Senate Bill No. 1201)~~

ADD

§383-19.5

Subject to the regulations contained herein, Cannabis Establishments are permitted in the Commercial C-1 District only and are prohibited in all other districts.

AMEND existing §383-42 as follows:

§383-42 Special uses.

ADD

H. Cannabis Establishments, as defined by SB 1201, Section 1, as may be amended from time to time.

AMEND existing §383-143 as follows:

§ 383-143 Special standards.

ADD

§ 383-143.7. Special standards for cannabis establishments.

In order to balance the various interests and manage the effects cannabis establishments have on adjacent land uses and to promote the public health, safety, and general welfare of the town, the Commission adopts the following special standards, recognizing that it has a great interest in the present and future character of the town's commercial zones.

As provided for in §383-42H, cannabis establishments in the C-1 zone shall conform to the following standards:

A. **Definitions. The definitions contained in SB 1201, Section 1, as the same may be amended from time to time, are incorporated herein by reference as if fully restated herein.**

B. Operating Regulations.

- i. A cannabis establishment shall be located only in a fixed permanent location within a fully enclosed building and not within any mobile vehicle or facility.
- ii. No products sold by a cannabis establishment shall be visible from the exterior of the building.
- iii. No outside storage shall be permitted on a site where a cannabis establishment is located.
- iv. Cannabis establishments unlicensed by the Connecticut Department of Consumer Protection are prohibited from being located or operating in any zoning district.
- v. All activities related to a cannabis establishment shall be conducted within the building, except as otherwise authorized by SB 1201.

C. Location.

- i. No cannabis establishment may be located or operate within 1,000 feet of a place of worship or school, whether public or parochial existing before the date of the cannabis establishment application, or in a building which contains a residence or a mixed-use building with commercial and residential uses.
- ii. A cannabis establishment lawfully operating in conformity with the zoning regulations does not violate this section if a place of worship or school, whether public or parochial, subsequently locates within 1,000 feet of the cannabis establishment.
- iii. For purposes of this section, measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a cannabis establishment to the nearest point on the property containing a use listed in §383-143.7 (B).

D. Hours of Operation. The days and hours of operation of a cannabis establishment shall be the same as those established for the sale of alcoholic liquor established by Conn. Gen. Stat. §30-91, as the same may be amended from time to time.

E. Access. A cannabis establishment is permitted to use and/or provide drive through dispensing services so long as this method of dispensing is authorized by SB 1201.

F. Signage. All signage shall conform to the requirements of Article XIX of the zoning regulations. The Commission may impose additional restrictions on

signage as appropriate to mitigate any aesthetic impacts.

- G. Ventilation/Odor. A cannabis establishment shall install odor control technology, as necessary, in order to control ventilation at the establishment in such a manner that no odor from marijuana cultivation, its processing or the manufacturing of products, or any on-site use can be detected by a person with an unimpaired and otherwise normal sense of smell, to be determined by the Building Inspector or his designee, at any adjoining property. The Operator shall properly maintain all odor mitigation equipment to ensure maximum efficiency.
- H. Security. The applicant shall submit a security plan to the Orange Police Chief to demonstrate that there is limited burden on the Town public safety officials as a result of the proposed cannabis establishment. The security plan shall include all security measures for the site and for transportation of cannabis and cannabis products to and from off-site premises to ensure the safety of employees and the public and to protect the premises from theft or other criminal activity. A letter from the Police Chief acknowledging receipt and approval of such a security plan shall be submitted as part of the application and/or site plan review. A cannabis establishment shall provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and location of cultivation of cannabis product is adequately secured in enclosed, locked facilities. Safety plans should mitigate any potential harm to the employees and the public including ensuring all customers and employees are at least 21 years of age.
- I. Application Requirements. In addition to all other requirements for special use applications, an application for a cannabis establishment shall contain the following information:
- i. Description of Activities. A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of cannabis products, on-site sales, off-site deliveries, distribution of education materials, and other programs or activities.
 - ii. Context Map. A map identifying the location of the proposed cannabis establishment and the locations of all public and parochial schools and places of worship with measured distances provided to demonstrate compliance with the standards of §383-143.5C.
 - iii. Site Plan. A plan or plans depicting all existing and proposed development on the property, including dimensions of buildings, the detailed layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the

- location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design.
- iv. Building Elevations and Signage. Architectural drawings of all exterior facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties.
 - v. Traffic Report. An analysis prepared by a qualified licensed professional modeling the expected origin and frequency of customer and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.
 - vi. Logistics Plan. A plan identifying the on-site or off-site locations whether deliveries will take place and a narrative describing how deliveries to the site, loading and other service functions will be conducted.
 - vii. License or Registration Materials. Copies of any certification or license issued by such state agency shall be prominently displayed within the cannabis establishment.
- J. Special Use Criteria. In granting an application for a cannabis establishment as a special use, in addition to the general considerations and standards for special uses, the Commission shall find that the following criteria are met:
- i. The site is designed such that it provides convenient, safe and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.
 - ii. On-site loading, refuse and service are designed to be secure and shielded from abutting users.
 - iii. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.
 - iv. Traffic generated by customer and employee trips, and deliveries to and from the cannabis establishment shall not create a substantial adverse impact on other businesses and property owners in the vicinity.
- K. Limitations on cannabis establishments. Cannabis establishments must maintain a separation distance of 5,000 feet from other cannabis

establishments.

- L. Nuisance. A cannabis establishment shall be managed in a manner to protect against nuisance conditions in parking areas, sidewalks, streets and areas surrounding the premises and at adjacent properties. "Nuisance" includes, but is not limited to disturbances of the peace, open public consumption of cannabis, pedestrian or vehicular queuing that results in obstruction of sidewalks or public ways, littering, loitering, illegal parking, loud or sustained noises, disturbing lighting or citations for violations of State or local traffic laws and regulations.
- M. Compliance with Laws. All cannabis establishments shall:
- i. be in compliance with SB 1201, as the same may be amended from time to time. If the state adopts stricter regulation governing cannabis establishments than that set forth herein, the stricter regulation shall control the establishment or operation of any cannabis establishment within the Town of Orange.
 - ii. remain in compliance with applicable state and local laws and building codes (including but not limited to, the prevailing building, plumbing, electrical, mechanical, fuel gas, and fire code).
 - iii. maintain all required state licenses and/or registrations and comply with all applicable state and local health regulations and all other applicable laws, rules and regulations at all times.
- MI. Validity. A special permit issued pursuant to the zoning regulations shall be valid only for the licensed or registered entity to which the special permit was issued, and only for the site on which the cannabis establishment has been authorized by special permit.
- MII. Severability. The provisions of this regulation are severable. If any provision of this regulation or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application.
- MIII. Effective Date. This regulation shall become effective fifteen (15) days following its publication in a newspaper having general circulation in the Town of Orange.

§ 383-14. Definitions.

- A. General: The paragraphs which follow define and explain certain words used in these Regulations. Other words used in these Regulations shall have the meaning commonly attributed to them. Doubts as to the precise meaning of words in these Regulations shall be determined by giving due consideration to the expressed purpose and intent of these Regulations.

- B. As used in this chapter, the following terms shall have the meanings indicated:

BUILDING — Any structure having a roof.

COMMISSION — The Town Plan and Zoning Commission of the Town of Orange, Connecticut.

COVERAGE BY BUILDINGS AND STRUCTURES — The aggregate ground coverage by buildings and other structures is measured from the outermost edge of the building or structure, projected to nadir but excluding any architectural projections that may be permitted to extend into the area required for setback from a street line, property line, or Residence District boundary line and also excluding buildings and structures that are completely below the finished grade of the lot.

DETACHED GARAGE — A structure detached and separated from, and having no common wall with, the primary dwelling. A garage is permitted only to service the primary dwelling. It must not exceed 675 square feet. A larger ground coverage is permitted subject to approval of a special use in accordance with the provisions of § 383-26I(3)(a) and Article XIV. The garage must not exceed 15 feet in height. The garage must not be located within any easements on the property. The garage must be used by a resident of the property for the storage of vehicles, property maintenance equipment, and/or recreational equipment. The garage must contain functioning rolling door(s), or folding door(s), or swinging door(s) which can accommodate an automobile. The door(s) shall have a minimum dimension of seven feet in width. The exterior finish, roof, roof lines, and roof pitch of all structures exceeding 300 square feet shall match as closely as possible the exterior finish of the primary dwelling. With the exception of a bathroom, the garage must not contain any finished livable floor area.**[Added 10-4-2011]**

DWELLING — A building containing one or more dwelling units.

DWELLING, MULTIPLE UNIT — A building used for occupancy by two or more families living independently of each other and containing two or more dwelling units. A detached residential building containing two or more dwelling units, including what is commonly known as an apartment building, but not including group, row, or townhouses.

DWELLING, SINGLE-FAMILY ATTACHED — One of two or more residential buildings having a common or party wall separating dwelling units. A building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

DWELLING UNIT — A building or part of a building designed for occupancy, or

so occupied, by one family. Accommodations occupied for transient lodging in a hotel or motel shall not be considered to be a dwelling unit.

DWELLING UNIT, AFFORDABLE — See Article XII.

DWELLING UNIT, SENIOR INDEPENDENT LIVING — A dwelling unit, including single-family attached and multiple family dwelling units which are permanently deed restricted in accordance with § 383-96.27, for use by occupants aged 62 and older.**[Added 3-20-2018]**

ELDERLY ASSISTED LIVING RESIDENTIAL FACILITY — A residential facility for assisted living as contemplated by Section 19-13-D105 of the Regulations of Connecticut State Agencies and the facility shall be managed by an Assisted Living Service Agency as defined in Section 19a-490(I) of the Connecticut General Statutes under a license issued by the Connecticut Department of Public Health under Section 19a-491 of the Connecticut General Statutes, as such statutes and regulations may be amended from time to time. Such facility shall be limited to those persons 62 years of age or older; or persons younger than 62 years of age with a physical or mental impairment which substantially limits one or more major life activities.**[Amended 3-20-2018]**

ELDERLY ASSISTED LIVING RESIDENTIAL FACILITY — A residential facility for assisted living as contemplated by Section 19-13-D105 of the Regulations of Connecticut State Agencies and the facility shall be managed by an Assisted Living Service Agency as defined in Section 19a-490(I) of the Connecticut General Statutes under a license issued by the Connecticut Department of Public Health under Section 19a-491 of the Connecticut General Statutes, as such statutes and regulations may be amended from time to time. Such facility will be limited to those persons 62 years of age or older.

FAMILY — A person or a group of related persons, plus guests and domestic servants thereof, or a group of not more than six persons who need not be so related, who are living as a single housekeeping unit maintaining a common household. A roomer or boarder to whom rooms are let and/or board is furnished as permitted by these Regulations shall not be considered a member of a family for the purpose of this definition.

FARM WINERY — Any place or premises, comprising a minimum of 10 acres on which fruit is grown and wine/wine products (limited to wine and brandies distilled from grape products and other fruit products, including grappa and eau-de-vie) are manufactured, stored and sold, meeting the permit requirements of Connecticut General Statutes § 30-16 (as amended) and applicable definitions and guidance of Title 22 (as amended) of the Connecticut General Statutes.**[Added 2-5-2019]**

FLOOR AREA, DWELLING OR DWELLING UNIT —

- (1) In determining compliance with minimum floor area requirements for dwellings and dwelling units, only finished livable floor area having a ceiling height of at least seven feet four inches shall be counted, except that in a half-story not more than 400 square feet of floor area may be counted, provided it has a ceiling height of at least five feet. The following shall not be included in

the computation of finished livable floor area:

- (a) Garages;
 - (b) Outside vestibules; bay windows;
 - (c) Any basement rooms, the full walls of which are not above ground level;
 - (d) Utility rooms for heating apparatus;
 - (e) Attics;
 - (f) Terraces; open porches; enclosed porches not heated by a central heating system for the dwelling; and
 - (g) Hallways and other space designed for common use by occupants of two or more dwelling units.
- (2) Measurements of floor area for any dwelling or dwelling unit shall be taken from the inside surfaces of exterior walls or partitions enclosing the floor area. Any floor, other than a ground floor, must have access thereto by a permanent inside stairway to be included in computing floor area.

FLOOR AREA, MAXIMUM — In computing the total floor area of all buildings and other structures on any lot to determine compliance with maximum floor area provisions, measurements of floor area shall be taken to the outside surfaces of exterior walls enclosing the floor area.

FUN HOUSES, HAUNTED HOUSES AND OTHER SIMILAR ATTRACTIONS — Any indoor or outdoor structure, facility, attraction and/or use, for the gathering of persons for the purpose of entertainment or amusement with the following design: The structure and/or use would include a maze, series of rooms, passageways, or labyrinth; where participants would “walk past” various devices, scenes, and theatrical productions, that would frighten, bewilder and/or amuse. This use is permitted only in the Residential RES District. Said uses shall not occur more than two calendar days per year at any location. Such uses require the approval of the Orange Fire Marshal, Zoning Enforcement Officer, and any other applicable municipal departments as determined by the Z.E.O. **[Added 4-2-2013]**

HALF-STORY — That portion of a building between the surface of a sloping roof and the floor next below, in which the points of intersections of the bottom of the rafters with the interior surfaces of the walls are not less than four feet above the floor level, and which contains a floor area no greater than 50% of the area of the floor next below; not less than 50% of the half-story floor area shall have a ceiling height of at least seven feet four inches. For buildings with flat roofs, a half-story is the upper most story which contains a floor area no greater than 50% of the area of the floor next below.

HEIGHT — In measuring the height of a building or other structure to determine compliance with the maximum height provisions, measurement shall be taken from the ground elevation datum consisting of the average elevation of the finished grade of the lot within 10 feet of, and around, the perimeter of the building or structure

to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs. A separate ground elevation datum is applicable to each building or structure on a lot. When any two buildings having different ground elevation datum are interconnected, such as by common areas, other floor area or other architectural features or structures, the ground elevation datum applicable to the interconnection is the same as the building having the lower ground elevation datum.

IMPERVIOUS SURFACE — Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

JUNK YARD — Includes any junkyard, motor vehicle junk business and motor vehicle junkyard as defined in the General Statutes of the State of Connecticut. The term shall also include any place of storage or deposit, whether in connection with a business or not, for one or more used motor vehicles which are either no longer intended, or in condition, for legal use on the public highways and shall also include any place of storage or deposit of used parts of motor vehicles and old metals, iron, glass, paper, cordage and other waste materials which on any lot have an aggregate bulk equal to one automobile.

KENNEL — Shall have the same meaning as defined in the General Statutes of the State of Connecticut and shall include commercial kennel as defined in such Statutes.

LOT — A parcel of land which is either:

- (1) Owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the land records of the Town of Orange; or
- (2) Is a building lot shown on a subdivision map, approved by the Commission and filed in the office of the Orange Town Clerk.

LOT AREA AND SHAPE — In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to conservation easements, sight easements and easements for drainage facilities, sanitary sewer facilities, public utility distribution lines and underground public utilities may be included, but no right-of-way for a street or highway, easement of vehicular access, private right-of-way for vehicles or easement for above ground public utility transmission lines may be included for compliance with minimum lot area and shape. The following are also applicable in determining compliance:**[Amended 2-17-2004]**

- (1) Area consisting of wetlands and watercourses, including ponds and lakes:
 - (a) Shall not be used for compliance with more than 10% of the minimum lot area requirement specified in the district.

- (b) Shall not be used for compliance with more than 10% of the required minimum shape consisting of a square with the minimum dimension specified in the district.
 - (c) In a residence district shall be excluded from lot area in determining eligible square footage of all building and other structures on the lot and eligible ground coverage by buildings and other structures on the lot.
- (2) Area consisting of slopes in excess of 25% grade, greater than 1,000 square feet, at predevelopment conditions:
- (a) Shall not be used for compliance with the minimum Lot area requirement specified in the district.
 - (b) Shall not be used for compliance with the required minimum shape consisting of a square with the minimum dimension specified in the district; and
 - (c) In a residence district shall be excluded from lot area in determining eligible square footage of all building and other structures on the lot and eligible ground coverage by buildings and other structures on the lot.
- (3) Land in two or more zoning districts may be used to satisfy a minimum lot area requirement provided that the requirement of the district requiring the largest lot area is met, but no land in a Residence District shall be used to satisfy a minimum lot area requirement or minimum lot shape requirement in any other district.

LOT, CORNER — A lot having lot lines formed by the intersection of two streets, whether public or private, and where the interior angle of such intersection is less than 135°. A lot fronting on a curved street shall also be considered a corner lot if the central angle of the curve is less than 135°.

MIXED USE RESIDENTIAL DEVELOPMENT — A development on one site consisting of residential dwelling units in combination with either retail use or office use, or in combination with both retail and office use.

NONCONFORMING USE, BUILDING, STRUCTURE OR LOT — See § 383-13B.

OPEN SPACE, USABLE — Space on a lot or parcel that is:

- (1) Unoccupied by principal or accessory buildings above the finished grade;
- (2) Unobstructed to the sky;
- (3) Not devoted to service driveways, service areas, off-street parking at finished grade or loading areas;
- (4) Devoted to landscaping, active or passive recreation and other like uses;
- (5) Made available in the same proportion to all occupants of the building or buildings on the lot or parcel;

- (6) Not classified as wetland; and
- (7) Does not exceed a 35% slope.

OUTSIDE STORAGE — The outside storage or display of merchandise, supplies, machinery and materials and/or the outside manufacturing, processing or assembling of goods, but excluding areas for parking of registered motor vehicles in daily use.

PROFESSIONAL SCHOOL — An accredited school that awards advanced academic degrees (i.e., master's degree, MBA, Ph.D.) with the general requirement that students must have earned a previous undergraduate (bachelor's) degree.**[Added 6-21-2011]**

PROPERTY LINE, REAR — Any property line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot, only one lot line shall be considered a rear property line.

PROPRIETARY COMMERCIAL OR TECHNICAL SCHOOL — A for-profit school providing post-secondary training in business, technical or commercial skills, including, but not limited to, information technology, computer repair, office administration, medical billing and coding.**[Added 6-21-2011]**

RESIDENTIAL DEVELOPMENT, MIXED USE — A development on one site consisting of residential development as ordered by Article XII, Planned Residential Development (PRD) Regulations, and either retail or office use as limited by Article XII, PRD Regulations.

RESTAURANT, INDOOR — Restaurants and other food and beverage service establishments where customers are served only when seated at tables or counters and all of the customer seats are located within an enclosed building. Such uses may include a food take-out service, by a special permit, incidental to the primary intended use, but shall not include the following:

- (1) Establishments where customers are served primarily at food take-out counters;
- (2) Establishments where customers are served at drive-through windows or by restaurant "car hop" employees outside of the enclosed structure; and
- (3) Establishments where customers are served in a manner intended for consumption of food at outside picnic or dining areas.

SIGN — See § 383-185.

SOIL EROSION AND SEDIMENT CONTROL PLAN — See § 383-204, including related definitions.

STORY — That portion of a building between the surface of any floor and the surface of the floor, ceiling, or roof next above. When not used for human occupancy, penthouses enclosing mechanical equipment on the roof of a building and attics are not considered a story. When the ceiling of a basement is less than

five feet above the ground elevation datum for the building, the basement is not considered a story; provided, however, that in a BOP District a basement used primarily for parking of motor vehicles may have a ceiling that exceeds such five feet of height over as much as 25% of the basement floor area and is not considered a story.

STREET — Any public way duly accepted by the Town of Orange, any state highway, except limited access state highway, or any street shown on a subdivision map approved by the Commission and filed in the office of the Orange Town Clerk.

STREET LINE — The right-of-way easement or taking of any street or of any easement of vehicular access or private right-of-way 25 feet or more in width.

STREET WIDTH — The distance between the street lines.

STRUCTURE — Anything constructed or erected which has a permanent location on the ground, or anything attached to something having a permanent location on the ground. The term "structure" shall include outdoor swimming pools, tool sheds, storage sheds, bath houses, wood piles in excess of 125 cubic feet, barns, garages and carports which are not permanently affixed to the ground. The term shall not include fences or walls six feet or less in height, necessary retaining walls, flagpoles or utility poles.

TRAILERS — Includes any vehicle or contrivance which is used, or designed for use, for human habitation and which is or may be mounted on wheels and which is or may be propelled, either by its own power or by another power-driven vehicle, and whether resting on wheels, jacks or a foundation, the term "trailer" shall include mobile home, camper and camp trailers used, or designed for use, for human habitation. The following additional provision shall apply to trailers:[**Amended 5-7-2019**]

- (1) On any lot, one trailer may either be parked or stored in a garage or other building accessory to a permitted use on the lot or parked or stored so as not to extend within less than 25 feet of any property line or within the area required for setback of accessory buildings from any street line. The owner of the trailer shall also be the owner or occupant of a dwelling or other permitted use on the lot.
- (2) A trailer may be used as an office in connection with and for the duration of a construction project on the lot where the trailer is located, provided that such trailer is located so as to meet all of the setback requirements for buildings and other structures and is removed within 30 days after completing the project. In no event shall a trailer used in accordance with this subsection be located on a lot for more than 90 days except upon the granting of a special use permit or unless such temporary use is part of an approved site plan.

VETERINARY CLINIC — An establishment providing outpatient care for animals under the direct supervision of a licensed veterinarian. The care provided cannot include overnight stays or any radiographic use. The establishment cannot have outdoor enclosures for animals or store any medical gas in pressurized containers.

VETERINARY HOSPITAL — An establishment providing outpatient and inpatient care for animals under the direct supervision of a licensed veterinarian. Care provided can include overnight stays, the use of gas inhalation anesthesia and radiographic use. Veterinary hospitals cannot operate as a routine boarding facility.

WATER COURSES — Consists of water courses as defined in Chapter 381, Inland Wetlands and Water Courses Regulations, of the Town of Orange, as may be amended from time to time.

WETLANDS — Consists of wetlands as defined in Chapter 381, Inland Wetlands and Water Courses Regulations, of the Town of Orange, as may be amended from time to time.

§ 383-19. Permitted uses.

- A. Uses: Land, buildings and other structures in any district may be used for one or more of the uses listed as permitted in the district under Articles III through XI. Uses listed as special uses are permitted in the district subject to the approval of the Commission in accordance with the provisions of Article XIV. To further assist in the interpretation of permitted uses, certain uses are listed as prohibited in a district, even though the listing of prohibited uses is not intended to be exhaustive; any use not specified as permitted in the district is prohibited. The following uses are specifically prohibited in all districts:
- (1) The use or occupancy of a trailer or tent as a dwelling; the parking or storage of a trailer except in accordance with the provisions of § 383-14.
 - (2) Commercial kennels, commercial piggeries and mink farms.
 - (3) The outdoor storage in any Residence District of any inoperable motor vehicle whether registered or not.
 - (4) The outdoor accumulation or storage of trash, rubbish, debris, building materials, inoperable motor vehicles, parts of motor vehicles or construction equipment in such a manner as to be offensive to the sight of the general public or to adjoining owners, or depreciate the value of property other than the lot where the accumulation or storage is located.¹
 - (5) Cannabis establishments and medical marijuana dispensaries and producers: The Orange Plan and Zoning Commission shall not accept or consider any application to permit the establishment of a cannabis establishment as defined below or for medical marijuana producers, dispensary facilities, and/or retail distribution as defined in § 21a-408 and §§ 21a-408-1 to 21a-408-70 of the Connecticut General Statutes for a period of 12 months commencing from the effective date of November 5, 2021. All such uses shall be prohibited in all zoning districts within the Town of Orange. The moratorium is to allow the Plan and Zoning Commission sufficient time to review the State of Connecticut Regulation of the Department of Consumer Protection Concerning Palliative Use of Marijuana and the June 2021 Connecticut Public Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (Public Act 21-1, Senate Bill No. 1201) in order to consider the adoption of potential changes to the Zoning Regulations pursuant to § 8-2 of the Connecticut General Statutes and § 383-210 of the Orange Zoning Regulations. The expiration date of said moratorium will be November 5, 2022, or the effective date of associated newly adopted zoning regulations, whichever is sooner. "Cannabis" shall mean marijuana, as defined in § 21a-240 of the Connecticut General Statutes. "Cannabis establishment" shall mean a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer,

1. Editor's Note: Former Subsection A(5), regarding planned residential developments, which immediately followed this subsection, was repealed 10-4-2000.

Existing Text

§ 383-42. Special uses.

- A. Drive-through service windows for indoor banks and restaurants and other food and beverage establishments, provided the service windows are incidental to the primary permitted use, and freestanding drive-through bank automated teller machines. As used herein "freestanding drive-through automated teller machines" means automated teller machines which are not accessory to a banking facility on premises. **[Amended 4-21-2009]**
- B. Planned residential development uses in accordance with Article XII. **[Amended 10-4-2000]**
- C. Convenience marts, gasoline pumps and/or the sale of gasoline.
- D. Indoor restaurants and other food and beverage service establishments where customers order and receive their order at a service counter and where the food and/or beverage is intended to be consumed primarily while seated at tables or counters within the establishment. **[Added 3-7-2006]**
- E. A food take-out service incidental to the primary intended use, but shall not include the following: **[Added 3-7-2006]**
 - (1) Establishments where customers are served primarily at food take-out counters.
 - (2) Establishments where customers are served in a manner intended for consumption of food at outside picnic or dining areas.
- F. Outdoor restaurant seating in accordance with § 383-143.4. **[Added 6-15-2010; amended 9-6-2011]**
- G. Carhop restaurant service where food is brought and served in motor vehicles parked in a specially designed and designated area. **[Added 11-16-2010]**

1. Editor's Note: Former Subsection E(2), regarding restaurant establishments with carhop service, was repealed 11-16-2010. This ordinance also redesignated former Subsection E(3) as Subsection E(2). See now Subsection G.

product packager, delivery service or transporter as defined in the June 2021 Connecticut Public Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (Public Act 21-1, Senate Bill No. 1201). **[Added 11-3-2021]**

- B. Performance standards: The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards specified in Article XVII.
- C. Parking and loading: As specified in Article XVIII, parking and loading spaces shall be provided off the street in connection with certain uses of land, buildings and other structures. In addition, all off-street parking and loading spaces shall conform to the requirements of Article XVIII.

Existing Text

§ 383-143. Special standards for convenience marts, gasoline pumps, and/or the sale of gasoline.

Convenience marts, gasoline pumps and/or the sale of gasoline in the Commercial C-1 District as provided for in § 383-42C shall conform to the following additional standards:

- A. Gasoline pumps and/or the sale of gasoline shall be permitted, provided that the pump for the retail selling of gasoline on any lot is located a minimum of 2,500 feet from any other lot where the retail sales of gasoline occurs, regardless of the district or Town in which such other lot may be located. The 2,500 feet shall be the straight horizontal distance from the property line of the lot where gasoline sales is proposed to the property line of any lot where gasoline sales exists.
- B. Gasoline pumps and/or the sales of gasoline shall be permitted only in conjunction with the use of the premises as a motor vehicle service station and/or motor vehicle repair garage and/or a retail convenient mart with less than 5,000 square feet of gross floor area. No site containing more than 5,000 square feet of gross floor area for retail sales shall be permitted to have gasoline pumps and/or to sell gasoline. **[Amended 3-19-2019]**
- C. Convenience marts are defined as retail establishments which do not exceed 2,800 square feet in gross floor area, and are located on a site where the sales of gasoline occurs. Sales items may include dry goods, dairy products, food items, and prepared foods, limited to Class 1 and Class 2 Food Service, as defined by the Public Health Code; and miscellaneous sundries.
 - (1) The outdoor storage or display of any goods or items is prohibited.
 - (2) In addition to the parking standards of Article XVIII, one additional parking space for each employee during the largest work shift period must be provided.
- D. All gasoline pumps must be serviced by an overhead canopy. The canopy must comply with all building setbacks of the Orange Zoning Regulations.
- E. All gasoline pumps and pumping areas shall meet the design and safety standards of the Orange Building Department and Fire Marshal's office.
- F. The location of gasoline pumps shall be designed so as to isolate vehicles being fueled, from vehicles entering and exiting the site, and from on-site pedestrian traffic.
- G. The Commission shall consider the size, intensity, and appropriateness of the proposed uses and the size of the lot on which it is to be located.

§ 383-143.1. Special standards for gasoline pumps and/or sale of gasoline as accessory use. [Added 7-6-2004]

Gasoline pumps and/or the sale of gasoline as an accessory use in the Commercial C-2 District as provided for in § 383-50 shall conform to the following additional standards:

- A. The gasoline pumps must be located on the same lot and be operated by the same ownership as the retail use. The gasoline pumps and/or the sale of gasoline shall be permitted, provided that the pump for the retail sales of gasoline on any lot is located a minimum of 2,500 feet from any other lot where the retail sales of gasoline occurs, within the Town of Orange. The 2,500 feet shall be the straight horizontal distance from the property line of the lot where gasoline sales is proposed to the property line of any lot where gasoline sales exists.
- B. The access to the pumps must not be located on a public street and must be accessed by means of the curb cuts which serve the retail use.
- C. All gasoline pumps must be serviced by an overhead canopy. The canopy must comply with all building setbacks of the Orange Zoning Regulations.
- D. All gasoline pumps and pumping areas shall meet the design and safety standards of the Orange Building Department and Fire Marshal's office.
- E. The location of gasoline pumps shall be designed so as to isolate vehicles being fueled, from vehicles entering and exiting the site, and from on-site pedestrian traffic.
- F. The Commission shall consider the size, intensity, and appropriateness of the proposed uses and the size of the lot on which it is to be located.

§ 383-143.2. Special standards for indoor recreational facilities in Light Industrial District #2.¹ [Added 11-6-2006]

As provided for in § 383-66E, indoor recreational facilities in Light Industrial District #2 shall conform to the following additional standards:

- A. Outside activities: There shall be no outside recreational activities of any kind.
- B. Size: No area utilized as an indoor recreational facility shall occupy less than 10,000 square feet or more than 30,000 square feet of building space.
- C. Accessory uses: In addition to customary and accessory uses, the principal use may include the retail sale of sporting equipment limited to items directly related to the athletic activities conducted in the indoor recreational facility, provided that the area of retail uses not exceed 1% of the total floor area.
- D. Each indoor recreational facility within a Light Industrial District #2 shall be located a minimum of one-half mile from other indoor recreational facilities, unless the Commission determines that such separation is not necessary to avoid an undue concentration of indoor recreational facilities.

§ 383-143.3. Special standards for Active Adult Community (AAC) age-restricted housing and associated uses and features in the Residential RES District. [Added

1. Editor's Note: Former § 383-143.2 special standards for retail stores in Light Industrial District No. 2, added 5-12-2005 as § 383-143.1, was repealed 3-16-2010. This enactment also renumbered former §§ 383-143.3 and 383-143.4 as §§ 383-143.2 and 383-143.3, respectively.

9-18-2007; amended 7-19-2011]

The development of age restricted, private residential dwellings as provided for in § 383-27, Special uses, shall conform to the following additional standards:

- A. Occupancy: An AAC is developed to provide a variety of housing opportunities for individuals and family units where at least one member of the family is aged 55 or older in accordance with Federal Fair Housing Statutes and Guidelines. Occupancy is subject to the following conditions and exceptions:
 - (1) A single household member may also be under age 55 if he/she is the surviving spouse of a previously qualifying occupant.
 - (2) A single household member may also be under age 55 if he/she is a divorcee of a previously qualifying occupant.
 - (3) A household member may also be under age 55 if he/she is the nonspousal primary caregiver to a qualifying occupant.
 - (4) No children under the age of 21 years shall be permitted to reside in any dwelling, except by hardship exception granted by the Board of Directors or other governing body of the community. Such hardship exception shall be granted only for children of an existing occupant, provided that visitor occupants of any ages shall be permitted to visit for up to four weeks of any calendar year. The restrictive language in the governing documents and in the restrictive covenant shall be approved by the town counsel and shall not be subject to revocation. In the event the Board of Directors or other governing body of the "housing facility community" shall grant a hardship exception, a copy of the application for the exception and of the Board's decision thereon shall be forwarded to the Orange Planning and Zoning Commission within 30 days after such decision is made.
 - (5) The Community Board/Association of the AAC shall be vested with the powers set forth in the declaration documents and further have the power and authority to enforce the rules and regulations contained herein as well as grant temporary exceptions as circumstances may warrant.
- B. Site size: The parcel size and project development area for an AAC shall contain a gross measurement of no less than 35 acres, and no larger than 50 acres.
- C. Street location: The AAC site must have a minimum of unbroken frontage, except for driveways, of 1,475 feet on City Route 121 (Grassy Hill Road) and a minimum of unbroken frontage, except for driveways, of 1,775 feet on City Route 34 (Derby Turnpike).
- D. Sanitary sewers and public water: The AAC site will only be considered if the proposed dwellings will be connected to public sanitary sewers and if the proposed dwellings will be connected to public drinking water system.
- E. Allowed uses:

- (1) Single-family detached and single-family attached residential dwellings at a density of no more than 3.75 dwelling units per net acre (gross acreage, less existing, naturally formed wetlands).
 - (2) Community facilities such as community buildings and recreational amenities.
- F. Development limitations: In order to allow for the orderly provision of municipal services and so as to not overburden the infrastructure capacity of the town, the maximum number of dwelling units to be approved on any site is limited by;
- (1) Floor area ratio standards.
 - (2) Net acre density provision [Subsection E(1) noted above].
 - (3) A maximum of 150 units may be permitted in any one qualifying development.
 - (4) Any AAC development containing 30 or more dwellings shall include a community building or room adequately sized to accommodate general use of the residents.
- G. Height, area and bulk standards:
- (1) No building shall exceed an average height of 35 feet, or 2 1/2 stories.
 - (2) Impervious site coverage shall not exceed 60% of the project area (gross area, less existing, naturally formed wetlands).
 - (3) Maximum building coverage shall not exceed 15% of the project area (gross area, less existing, naturally formed wetlands).
 - (4) Maximum building floor area ratio (F.A.R.) shall not exceed 0.30 (or 30%) of the project area (gross area, less existing, naturally formed wetlands).
- H. Buffers and setbacks:
- (1) Except as provided for herein, all residential buildings, garages, community service facilities and accessory uses shall meet a minimum building setback of 50 feet from all property lines.
 - (2) All residential buildings, garages, community service facilities and accessory uses, when abutting a residential adjoiner with existing homes, shall meet a setback of 75 feet, with a thirty-five-foot landscaped buffer. This landscape buffer may be a naturalized mix of evergreen and deciduous trees and shrubs.
 - (3) Gates, guardhouses and similar type structures may be constructed within 30 feet of any street line and 15 feet from any other property line.
- I. Parking and site circulation standards: Except as otherwise delineate in this section, parking space design and arrangement shall meet the criteria of §§ 383-177 through 383-183, inclusive.
- (1) Parking shall be provided at a rate of 2.0 spaces per dwelling unit. Garage

spaces, dedicated driveway spaces measuring a minimum 8.5 feet by 18 feet and surface parking spaces measuring a minimum of nine feet by 18 feet may be utilized for the purpose of meeting this requirement.

- (2) Vehicle circulation shall be provided in any number or combination of the following private roads and/or drives:
 - (a) Internal roads: Internal roads are primary vehicular corridors, which collect driveways/alleyways/mews and outlet onto public roads. These must be paved to a minimum width of 20 feet for two-way traffic, or 18 feet for one-way traffic.
 - (b) Private drives or mews: Private drives or mews are semi-private service driveways or alley-like drives which serve three or more homes/garages and/or community facilities and must be paved to a minimum width of 15 feet with two outlets, or 16 feet when having only one outlet, or 18 feet when serving a community facility.
 - (c) Driveways: Driveways serving two or less homes must be paved a minimum of 12 feet in width.
- (3) On-street visitor parking may be accommodated when limited to one side of any internal road with two-way traffic, having a width of 26 feet or more, or on any one-way road having a width of 20 feet or more.
- (4) Community facility parking shall be suitably located to minimize traffic interior to the development. It shall be provided at a minimum rate of 3.1 spaces per 1,000 square feet of gross building area exclusive of basements. In addition parking for any supporting community recreation facilities shall be as determined by the Town Plan and Zoning Commission, based upon accepted industry standards and the judgment of the Town Plan and Zoning Commission.
- (5) The AAC shall be designed as a walkable community with a strong interior pedestrian plan. A system of concrete sidewalks shall be incorporated in the plan.

J. Building standards:

- (1) An AAC shall contain a mix of housing types and sizes with an emphasis placed on exterior variations in facade design, materials and colors. A mix of one-, two- and three-bedroom dwellings may be incorporated. A minimum of 67% of the dwellings shall consist of one- and/or two-bedroom units. Living areas shall contain a minimum of 800 square feet and a maximum of 4,000 square feet of conditioned space. Nonconditioned space such as garages, basements, attics, patios and terraces shall not be included in these calculations.
- (2) There shall be a minimum distance of 20 feet between adjacent buildings containing residential dwellings for a minimum distance of 25 feet from the

nearest internal road curb line exclusive of overhangs, eaves, cornices or similar architectural projections, stoops, landings, steps, decks, porches, chimneys. The minimum separating distances between living spaces at any other point between adjacent living areas shall be eight feet exclusive of overhangs, eaves, cornices or similar architectural projections, stoops, landings, steps, decks, porches, chimneys.

- (3) Garages with no living space above may be attached to dwellings or separated from dwellings a minimum of six feet. Garages with living space above shall be considered part of the dwelling unit itself for setback purposes.
- (4) Detached and attached residential buildings must be set back from the edge of the curb line of the internal roads a minimum of 12 feet, exclusive of overhangs, eaves, cornices or similar architectural projections, stoops, landings, steps, porches, chimneys and must be set back from the edge of the curb line of the private drive/mews serving more than one home a minimum of five feet exclusive of stoops, landings, steps, chimneys, overhangs, eaves, cornices or similar architectural projections.
- (5) Garages must be set back from the edge of the curb line of the internal roads a minimum of 18 feet exclusive of overhangs, eaves, cornices or similar architectural projections except where there is a sidewalk or other pedestrian path as designated in the approved site plan, in which case the garage shall be a minimum setback from the edge of the sidewalk or pedestrian path 18 feet from the edge of the sidewalk or path furthest from internal roads. Garages must be set back from the edge of the curb line of the private drives/mews serving more than one home a minimum of five feet exclusive of overhangs, eaves, cornices or similar architectural projections.
- (6) No more than three dwellings shall be contained in any single building.
- (7) All utilities shall be underground.
- (8) The longest side of a residential building shall not exceed 60 feet without a change in fenestration and the maximum length of any building shall be 145 feet.
- (9) All buildings shall conform to a consistent architectural theme that creates a village like environment, as approved by the Commission.

K. Landscaping, open space and lighting.

L. In order to assure the high-quality visual aesthetic, and long-term compatibility with neighbors, a master landscape plan, along with a detailed landscape plan, shall be provided, prepared by a Connecticut-licensed landscape architect. All lighting shall meet the requirement of § 383-123.1 of these regulations, except as delineated in this section.

- (1) Existing mature vegetation on the site shall be retained in areas not disturbed by construction. In areas disturbed by construction or in areas sparsely

vegetated, new plantings shall be provided in accordance with the master landscape plan.

- (2) Internal roads shall be planted with street trees, minimum 2 1/2 inches to three inches caliper, approximately 50 feet on center.
 - (3) Surface parking areas shall contain interior island and/or perimeter tree plantings at the rate of one tree (2 1/2 inches to three inches caliper for deciduous and six feet to eight feet in height for evergreen) for every six parking spaces proposed.
 - (4) Typical foundation plantings shall be shown on the provided detail landscape plan.
 - (5) Excluding required buffers; space in the form of undeveloped natural areas, created wetlands and landscaped areas shall be provided at the rate of 400 square feet per dwelling.
 - (6) Additionally, recreational and community amenities, including community buildings with associated infrastructure such as parking areas and driveways shall be provided at the rate of an additional 400 square feet per dwelling.
 - (7) While required open space may be multisegmented, it must include at least one contiguous segment, containing at least 50% of the required area with a dimension no less than 65 feet.
 - (8) General roadway and parking lighting shall employ decorative light poles and fixtures with a maximum height of 20 feet for all areas with pedestrian orientation.
 - (9) Larger parking areas may use generic nondecorative poles and fixtures.
- M. Trash removal: With the exception of community amenities, and attached dwellings lacking garages, trash collection points shall be designated at the driveway of each individual dwelling. Standardized trash containers shall be provided to each unit owner, and be stored in garages or, if applicable, a designated, suitably enclosed area.
- (1) Trash enclosures, when utilized, shall be adequately screened by fencing and/or architectural elements and landscaping which harmonizes with the development in general.
 - (2) Trash enclosures shall meet setback requirements, as described above.
- N. Fire suppression:
- (1) All units shall be equipped with domestic fire suppression systems, such as sprinklers that, in the opinion of the fire marshal, shall be adequate to protect the structures, and the safety and welfare of all inhabitants.
 - (2) The water system within the development shall deliver adequate water

pressure to provide safe and efficient fire protection, in the opinion of the fire marshal.

O. Construction of improvements:

- (1) The Commission may require a performance bond to guarantee the completion of all physical improvements required by the approved plans and regulations, in accordance with § 383-11.1, including but not limited to:
 - (a) The installation and completion of measures and facilities required under drainage and soil and erosion control plan;
 - (b) The cost of all community improvements and restorations, including but not limited to roadway, curbing, driveway aprons, sidewalks, street lighting, catch basins, water and sanitary sewer lines and facilities, storm drainage facilities, easements and channels, public road restoration upon completion of subdivision, landscaping, and recreational facilities;
 - (c) The cost to achieve restoration of the site in the event of expiration of approval of the plan prior to the completion of community improvements.
 - (d) All other items required by the Zoning regulations, whether listed in the bond estimate or not.
- (2) The Commission may permit development to occur in phases, in which it may permit a performance bond for the completion of all items indicated in Subsection N(1) for each individual phase. The Commission may restrict the issuance of building permits for a phase until improvements are installed or a bond for the improvements for each phase is in place.
- (3) The Commission may, in conjunction with or instead of a performance bond for a specific improvement, require that such improvement be installed in accordance with a time table governed by the issuance of building permits for dwellings.

§ 383-143.4. Special standards for outdoor restaurant seating. [Added 6-15-2010; amended 9-6-2011; 5-18-2021²]

- A. Outdoor dining/seating shall only be allowed by special permit as an incidental use to an established restaurant, coffee house, or other food service business, or a cigar store, cigar lounge and/or cigar bar, provided that such use is not within 1,500 feet from a public or private school and/or public park or within 300 feet of a restaurant, coffee house, or other food service business with an existing outdoor seating area.
- B. No outdoor dining/seating shall be established on any property until an application has been made and reviewed by the Plan and Zoning Commission. The application shall include a detailed site plan, lighting plan, and permission from the property owner and/or management company. The site plan must be reviewed by public

2. Editor's Note: This resolution provided an effective date of 6-8-2021.

safety officials, including the Fire Department, Police Department, Town Sanitarian, and WPCA Administrator. Written approval and comments from these departments must be obtained prior to submitting the application. The site plan must also show the number and location of all tables and seats that will be provided. If outdoor dining/seating is proposed on a common area of a shopping center, adjoining businesses must be notified of the application. An annual renewal of the permit will be required, and unless changes from the original site plan have been made, this review will be done by the Zoning Enforcement Officer for the Town of Orange.

- C. Approved outdoor dining/seating will be allowed from April 1 through November 30.
- D. Outdoor dining/seating shall not obstruct any entries, exits, permitted signs, utilities. A minimum five-foot clear walkway must be maintained between the dining/seating area and any exits or entries.
- E. The outdoor dining/seating area must be kept clear of litter and maintained in a safe and sanitary condition.
- F. Outdoor patron seating area must be protected from vehicular traffic.
- G. Outdoor tables, umbrellas and other fixtures must be secured or weighted to protect from movement during high wind conditions.
- H. At establishments where alcohol is served, the outdoor patron seating area must be surrounded by a fence or wall with a minimum height of four feet.
- I. Outdoor patron seating area must be separated from the nearest residence by a minimum of 150 feet. Additional buffer devices may be required. These designs shall consist of plantings and/or walls to further shield adjacent properties from extraneous light and noise.
- J. Food and/or drink preparation and/or storage are prohibited from outdoor seating areas.
- K. Parking requirements for the outdoor patron seating area is eight parking spaces per 1,000 square feet. An applicant may request a waiver of this provision if sufficient evidence can be provided that additional parking is not needed for patron parking, and parking required for other establishments on the same parcel.
- L. Outdoor area is intended for seated patrons. The total number of patrons in the outdoor seating area shall not exceed 10% for any restaurant, coffee house, or other food service business or 15% for any cigar store, cigar lounge and or cigar bar above the number of seats approved by the Plan and Zoning Commission.
- M. Violations of any of the conditions of the special use may result in revocation of the special permit use.

§ 383-143.5. Special standards for carhop restaurant service. [Added 11-16-2010]

As provided for in § 383-42G and § 383-50H, carhop restaurant service in the Commercial C-1 and Commercial C-2 Districts shall conform to the following additional standards:

- A. Parking areas designated for carhop restaurant service shall not have direct access to any public road.
- B. Designated carhop service areas must be separated from other parking areas by curbing or an island. The design of the carhop service area must maximize pedestrian and vehicular safety.
- C. Lighting must be provided in the carhop service area at a level sufficient to provide adequate vehicular and pedestrian safety. Provided lighting must be in compliance with § 383-123.1, Lighting.
- D. In order to protect public safety and traffic circulation the applicant must demonstrate that sufficient area is provided for the queueing and/or stacking of vehicles in addition to the required parking.
- E. The carhop service area must be separated from the nearest residence by a minimum of 150 feet. Additional buffer devices may be required. These designs shall consist of plantings and/or walls to further shield adjacent properties from extraneous light and noise.

§ 383-143.6. Special standards for farm wineries. [Added 2-5-2019]

Farm wineries shall conform to the following standards:

- A. Minimum lot area: Ten acres of which not less than 50% of the lot area shall be dedicated to cultivation of grapes.
- B. Minimum setback: Any building, sales area, and manufacturing/processing area shall be 50 feet from street line and any property line and adequately buffered from the view of any adjoining residential use.
- C. The range of wine/wine products for public sale and/or processing shall be derived primarily from fruit grown on the farm winery premises by the operator of a farm winery use. The operator of a farm winery may also import fruit in a quantity not to exceed 50% of the quantity of fruit grown on the farm winery premises to use in the processing of wine and wine products.
- D. In addition to facilities for manufacturing, storage, and sales, farm wineries may include (1) tasting room, including serving and bar areas, of not more than a total of 1,500 square feet, to be used for the retail and wholesale sale of wine by the glass and bottle together with the appurtenant sale of farm winery related products; and (2) offices to be used only in conjunction with the operation and business of the farm winery. No kitchen area shall be permitted in support of food service for wine tasting activities.

- E. No building dedicated to a farm winery's storage, sale or processing activities may be inhabited.
- F. Hours of operation of the farm winery tasting room and for any special event permitted under Subsection G below, shall be limited to 11:00 a.m. to 6 p.m. Sunday through Thursday and 11:00 a.m. to 7:00 p.m. Friday and Saturday.
- G. One special event shall be permitted each calendar month provided no more than four of such events shall be held in any calendar year, and such events shall be located entirely within the tasting room as shown on the approved site plan. Food service trucks shall not be allowed on the farm winery property for special events or for any wine tasting activity. Additional events shall require temporary special permit approval from the Plan and Zoning Commission.
- H. Farm wineries shall have one parking space for each of the maximum number of employees required at any one time for planting, maintaining and harvesting the vineyard and the production, manufacture, bottling and business operation of the vineyard. Any tasting room shall have parking as required for restaurants or other food service establishments and retail sales area as required for retail area in § 383-174. Driveway width for farm wineries may be nine feet for one-way traffic and 18 feet for two-way traffic at all parking angles.