

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

**RPC
Representatives**

Bethany:
Mary Shurtleff

Branford:
Charles Andres

East Haven:
Vacant

Guilford:
Peter Goletz

Hamden:
Richard Szczepke

Madison:
Christopher Traugh
(Chair)

Meriden:
David White

Milford:
Mark Bender

New Haven:
Kevin DiAdamo
(Vice Chair)

North Branford:
Frances Lescovich

North Haven:
James Giulietti

Orange:
Paul Kaplan

Wallingford:
Vacant

West Haven:
Christopher Suggs

Woodbridge:
Peggy Rubens-Duhl

AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, September 13, 2012 RPC Meeting, 5:15pm @ SCRCOG
Offices: 127 Washington Avenue, North Haven, CT 06473

1. Administration

1.1. Minutes of the August 9, 2012 RPC Meeting **1**

2. Statutory Referrals – September Action Items

- 2.1. Town of Southington: Proposed Zoning Regulation Amendments to Sections 2, 4-01.2F, 4-01.2E, 5-01.2J, 5-01.2I and 11-23 regarding Medical Marijuana Dispensaries and Producers. Submitted by: Town of Southington. Received: August 10, 2012. Public Hearing: September 18, 2012 **2**
- 2.2. Town of Hamden: Proposed Zoning Regulation Amendments. Submitted by: Town of Hamden. Received: August 20, 2012. Public Hearing: October 23, 2012 **23**
- 2.3. Town of Prospect: Proposed Zoning Regulation Amendment to Section 3.1 – Uses by District. Submitted by: Town of Prospect. Received: August 21, 2012. Public Hearing: October 3, 2012 **53**
- 2.4. Town of Clinton: Proposed Zoning Regulation Amendments to Home Occupations (Sections 26.2.4, 26.2.15), Lot Requirements – Standards (Section 25), Signs (Section 28), and Application Requirements, Procedures, and Decision Process (Section 4). Submitted by: Town of Clinton. Received: August 27, 2012. Public Hearing: September 24, 2012 **56**
- 2.5. Town of North Branford: Proposed Zoning Regulation Amendment to Section 42.5.12 (Farm/Winery). Submitted by: Private Applicant. Received: August 29, 2012. Public Hearing: October 4, 2012 **93**
- 2.6. Town of Clinton: Proposed Zoning Regulations to Section 1 (Title and Jurisdiction). Submitted by: Town of Clinton. Received: August 30, 2012. Public Hearing: October 1, 2012. **99**

3. Other Business

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, August 9, 2012 Meeting

Present: Kevin DiAdamo, Mary Shurtleff, Charles Andres, Peggy Rubens-Duhl, Peter Goletz (During Other Business) David White, Eugene Livshits

1 Administration

- 1.1 Minutes of the July 12, 2012 RPC meeting. Motion to accept the minutes as presented: Charles Andres. Second: David White. Vote: Unanimous. Abstain: Christopher Suggs

2 Statutory Referrals

- 2.1 Town of Orange: Proposed Zoning Regulation Amendments to Special Uses in the Light Industrail LI-2 District

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Peggy Rubens-Duhl. Second: Christopher Suggs. Vote: Unanimous.

- 2.2 Town of Southington: Proposed Zoning Regulation Amendment to Sections 9-01, 12-10.1, 12-10.2, 12-10.3 and 14-02

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Mary Shurtleff. Second: Christopher Suggs. Vote: Unanimous.

3 Other Business

- 3.1 An updated and overview was given pertaining to the NY-CT Sustainable Communities Gap Analysis and the Preferred Sustainability Status
- 3.2 Update on the Regional Hazard Mitigation Plan: Schedule, Timeline and Scope
- 3.3 Information on the Draft State Conservation and Development Policies Plan: Comment Period, Public Hearing

Motion to Adjourn: Chuck Andres. Second: Peter Goletz. Vote: Unanimous.

Referral 2.1: Town of Southington

Subject: Proposed Zoning Regulation Amendments to Sections 2, 4-01.2F, 4-03.2E, 5-01.2J, 5-02.2I and 11-23 pertaining to Medical Marijuana

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:

The Town of Southington has proposed several Zoning Regulation Amendments pertaining to Medical Marijuana. The amendments to Section 2 add the following terms: Dispensary, Licensed Dispensary, Licensed Producer, and Producer. The terms are defined in Section 11-23 – Medical Marijuana. The following was added to Section 4-01.2 and Section 4-03.2 (Special Permit Uses): Dispensary/Licensed Dispensary in accordance with Sections 8, 9, and 11-23. In Section 5.01.2 and 5-02.2 the provision for Medical Marijuana production facilities in accordance with provisions of Sections 8, 9, and 11-23 was added.

Section 11-23 is intended to regulate the location of Medical Marijuana Dispensaries and Producers. “Dispensary or licensed dispensary” is defined as a person licensed as dispensary pursuant to Section 9 of Public Act 12-55. Additional terms which are defined include “Producer or licensed producer” (pursuant to Section 10 of Public Act 12-55), Public Building, Private Recreation Area, Public Park and Recreation Area and School. The specific definitions and the language from the Public Act can reviewed in the agenda packet.

The Town has permitted the Medical Marijuana dispensaries in the Central Business Zone and the Business Zone (B), subject to special permit use in accordance with Section 8. Additionally the use is subject to site plan approval in accordance with Section 9. Medical Marijuana production facilities are only permitted in the industrial zone, subject to special permit and site plan approval in accordance with Sections 8 and 9. The Town has included separation requirements which are 1,000 feet from another site containing a Medical Marijuana Producer. The distance would be 750 feet from a site containing a church, school, public building, public park, or recreation area or private recreation area, residentially zoned land and site in Zone B

with 5 or more residential units. A Medical Marijuana producer cannot be within the same building, structure or portion thereof that is used for residential or contains a Medical Marijuana Dispensary or Producer. There are also regulations pertaining to sign and exterior display requirements.

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

PLANNING AND ZONING DEPARTMENT

MUNICIPAL CENTER - 196 NORTH MAIN STREET

SOUTHINGTON, CONNECTICUT 06489

Phone: (860) 276-6248 - Fax: (860) 628-3511



August 10, 2012

RPC Referral
South Central Regional COG
127 Washington St., 4th Fl
North Haven, CT 06473

RE: Proposed Zoning Regulation Amendment – Medical Marijuana
Sections 2, 4-01.2F, 4-03.2E, 5-01.2J, 5-02.2I and 11-23

Dear Sir or Madam:

In accordance with the provisions of the Connecticut General Statutes, attached is a copy of a proposed zoning text revision intended to regulate Medical Marijuana dispensaries and producers.

The Planning and Zoning Commission anticipates opening the public hearing on this item on September 18, 2012. The complete file is available for review in the Planning Department, the Town Clerk's office and on the Planning Department's web page. If you have any questions regarding this proposal, please feel free to contact me at (860) 276-6248.

Respectfully,


Mary F. Savage-Dunham, AICP
Town Planner

enclosures

I:\Planning and Zoning\REFERRALS\ZA #565\referral letter.doc

Please mail to:

RPC Referral Submission Form

South Central CT Regional Planning Commission

Re: RPC Referral
South Central Regional COG
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

1.) General Information:

Date Sent: 8/10/12

Subject: Zone Text Change- Medical Marijuana

Applicant Name: Town of Southington

Property Address (if applicable): _____

Town/City: Southington, CT

☐ Referral is from a private individual

☒ Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: 9-18-12

2.) Statutory Responsibility:

☐ Application involves a subdivision of land within 500 feet of a town/city border

☒ Application involves a proposed change to a town/city zoning regulation

☐ If neither, applicant requests a voluntary RPC review for informational purposes

☐ Material is for informational purposes only; an RPC resolution is not necessary

☐ Other: _____

3.) Process:

☒ Material sent "~~Return Receipt Requested~~" (as required by law) via .pdf/email

☒ Information on proposed change included

☒ Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: Mary F. Savage Dunham

Telephone Number: 860-276-6248

E-mail Address: savage m @ Southington .org

Comments: _____

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.sccog.org>

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2-04 D

DEVELOPMENT - Any construction or grading activities to improved or unimproved real estate.

DINNER THEATER - A structure used for dramatic, operatic, motion pictures, or similar legitimate performances for paid admission which may contain an additional accessory facility within the confines of the structure for a public establishment for preparation and service of food, non-alcoholic, and alcoholic beverages primarily for consumption by its patrons.

DISPENSARY – *See Section 11-23 for definition*

DISTURBED AREA - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DWELLING OR RESIDENCE - A structure intended for human habitation and constructed in accordance with the State of Connecticut Health and Building Codes.

DWELLING, CONDOMINIUM - Privately owned multiple and detached single family dwellings within a condominium project.

DWELLING, MULTI-FAMILY - A building designed or intended to be occupied as a residence for three or more families living independently of each other.

DWELLING, SINGLE-FAMILY - A building designed or intended to be occupied as a residence for one family.

DWELLING, TWO-FAMILY – A building on a single lot containing two dwelling units, each of which is totally separated from each other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

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2-12 L

LATTICE TOWER - A trestle framework consisting of horizontal and vertical structures used to support antennas and designed to resist all loads, including wind loads, without requiring or having guyed wires at any point.

LICENSED DISPENSARY – See Section 11-23 for definition

LICENSED PRODUCER – See Section 11-23 for definition

LOT - A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these Regulations.

LOT, CORNER - A lot of which two adjacent sides face a street or streets so that the interior angle of the intersection is not more than 120 degrees, provided that the corner of any such intersection is not rounded by a curve having a centerline radius of greater than 150 feet. The “primary front yard” (as depicted in the illustration) of a corner lot is defined as that side of the lot which the front door is positioned. See the following for corner lot illustration.

LOT COVERAGE - The ground area enclosed by the walls of a building together with the areas of all covered porches and other roofed buildings.

LOT, WIDTH OF - The distance between the side lines of a lot measured along the street line except where the street line is an arc or the side lines converge toward the street line, in which case the distance may be measured along the minimum front yard setback line.

LOT LINE - Any property line bounding a lot.

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2-16 P

PARENT/GRANDPARENT APARTMENT - An apartment located within a single family home and owned by individuals who are the children (i.e., natural born or adopted) of the apartment occupants. Those occupants shall be either the owner's parents or grandparents or their parents- in-law or grandparents-in-law. Conversely, the relationships and home/apartment occupants may be reversed with the parent/grandparent occupying such an apartment.

PARKING AREA - An area other than a street used for the temporary parking of more than three motor vehicles.

PARKING SPACE - An off-street space available for the parking of one motor vehicle conforming to the typical parking lot standards, Section Twelve.

PREMISES - All land comprising a lot, and including all buildings and uses located on the lot.

PRINCIPAL USE OR BUILDING - The main use of the land or building(s) as distinguished from an incidental and subordinate accessory use of land or building(s) (see also Section 1-09).

PRODUCER – See Section 11-23 for definition

PROFESSIONAL OFFICE - An office of recognized professions such as doctors or physicians, dentists, lawyers, architects, engineers, planners, landscape architects, artists, musicians, designers, teachers, authors, and others who are qualified to perform, with or without staff, personal services of a professional nature, provided no human patient is hospitalized or housed overnight.

PLAN OF DEVELOPMENT - The adopted Comprehensive Plan of Development, as amended, and all the land use studies and fact sheets leading to it and all detailed portions of the Plan of Development following the generalized outlines of the Master Plan.

PUT INTO EFFECT - To substantially commence and implement the completion of plans approved under the provisions of these Regulations by showing actual accomplishment of concrete measures.

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4-01.2

Special Permit Uses

- A. Any building or use allowed by a special permit in Residential-Office Zones (RO), Section 3-04.2 hereof.
- B. Business colleges and secretarial schools.
- C. High-rise structures, including apartments, and a mixed use of both commercial and residential may be allowed as a Special Permit Use by the Commission in Central Business Zones (CB) only, subject to the provisions of Section 8 and the following conditions and safeguards:
 - 1. Each lot shall have a minimum area of 30,000 sq. ft., exclusive of site access
 - 2. The minimum land area per dwelling unit shall be 3,000 sq. ft., or, in the case of housing designed exclusively for the elderly, 1,500 sq. ft.
 - 3. The lot shall be served by public sewer and water
 - 4. The minimum distance between dwellings shall be 35 feet.
 - 5. Each application for multi-family dwellings, in addition to the application requirement of Section 8-03, shall be accompanied by the appropriate fee payable to the Town of Southington.
- D. The purpose of this regulation is to encourage the appropriate development of land previously designated and/or used primarily for industrial use and which area currently contains industrial buildings in existence prior to 1957 which are or may be functionally obsolete. It is felt that it is in the Town's best interest to permit the flexibility necessary to provide for the mixed uses in said buildings and land associated therewith as described below. The requirements in this section provide for the conversion of existing buildings being used or formerly used as industrial buildings to a mixed use of manufacturing, retail, services, offices and multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:
 - 1. All buildings to be converted shall have been in existence prior to May 20, 1957.
 - 2. All proposed uses shall be of lesser objectionable character than those presently allowed in that zone or as formerly used in said structure.
 - 3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.

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4. That the Commission may, in its discretion, and if necessary due to site limitations, waive up to twenty-five (25%) percent of the parking requirements required by Section 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.
 5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.
 6. That in all other aspects the requirements of Section 8 and 9 shall be met.
- E. Any development of a site 4 acres in size or larger, or with 60 or more parking spaces.
- F. ***Dispensary/Licensed Dispensary in accordance with Sections 8, 9 and 11-23.***

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4-03.2

Special Permit Uses

The Planning and Zoning Commission may, by special permit, allow the following uses or additions thereto subject to the provisions of Section 8 hereof:

- A. Any building or use allowed by special permit, Section 3-04.2 A and C hereof.
- B. Bus, Truck and Car Washes. The Commission shall require a traffic study as required in Section 9-03.17 of these Regulations as well as a statement of water use. Private water supplies for washing shall be encouraged
- C. The purpose of this regulation is to encourage the appropriate development of land previously designated and/or used primarily for industrial use and which area currently contains industrial buildings in existence prior to 1957 which are or may be functionally obsolete. It is felt that it is in the Town's best interest to permit the flexibility necessary to provide for the mixed uses in said buildings and land associated therewith as described below. The requirements in this section provide for the conversion of existing buildings being used or formerly used as industrial buildings to a mixed use of manufacturing, retail, services, offices and multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:
 - 1. All buildings to be converted shall have been in existence prior to May 20, 1957.
 - 2. All proposed uses shall be of lesser objectionable character than those presently allowed in that zone or as formerly used in said structure.
 - 3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.
 - 4. That the Commission may, in its discretion, and if necessary due to site limitations, waive up to twenty-five (25%) percent of the parking requirements required by Section 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.
 - 5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.
 - 6. That in all other aspects the requirements of Section 8 and 9 shall be met.
- D. Offices for the practice of veterinary medicine and/or animal hospitals and kennels.
- E. ***Dispensary/Licensed Dispensary in accordance with Sections 8, 9 and 11-23.***

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5.01.2

- F. The purpose of this regulation is to encourage the appropriate development of land previously designated and/or used primarily for industrial use and which area currently contains industrial buildings in existence prior to 1957 which are or may be functionally obsolete. It is felt that it is in the Town's best interest to permit the flexibility necessary to provide for the mixed uses in said buildings and land associated therewith as described below. The requirements in this section provide for the conversion of existing buildings being used or formerly used as industrial buildings to a mixed use of manufacturing, retail, services, offices and multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:
1. All buildings to be converted shall have been in existence prior to May 20, 1957.
 2. All proposed uses shall be of lesser objectionable character than those presently allowed in that zone or as formerly used in said structure.
 3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.
 4. That the Commission may, in its discretion, and if necessary due to site limitations, waive up to twenty-five (25%) percent of the parking requirements required by Section 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.
 5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.
 6. That in all other aspects the requirements of Section 8 and 9 shall be met.
- G. All development involving an area 4 acres or larger in size, and/or requiring in excess of sixty (60) parking spaces.
- H. Outdoor storage. Plans must clearly show the extent of the outdoor storage proposed, as well as screening with a lightproof fence. Said storage may not encroach into the landscaped buffer. Applicant must demonstrate that the proposed storage will not have a negative impact on abutting uses.
- I. Offices for the practice of veterinary medicine and/or animal hospitals and kennels, providing said kennel use is more than 500 feet away from a residential zone or use.
- J. ***Medical marijuana production facilities in accordance with the provisions of Sections 8, 9 and 11-23***

5-02.2 Special Permit Use

Uses or additions thereto set forth in 5-01.2 shall require approval from the Planning and Zoning Commission after a public hearing subject to the provisions of Section 8 hereof:

- H. All development involving an area 4 acres or larger in size, and/or requiring in excess of sixty (60) parking spaces.
- I. *Medical marijuana production facilities in accordance with the provisions of Sections 8, 9 and 11-23.*

11-23 Medical Marijuana

A. Purpose. The intent of this section is to regulate the location of Medical Marijuana Dispensaries and Producers. The primary purposes of these regulations are to prevent a concentration of these uses in any one area, to minimize any adverse impacts, and to protect and preserve the quality of Southington's neighborhoods, commercial districts, property values and the quality of urban life through effective land use planning.

B. Definitions – for use in this section of the Regulations:

1. Dispensary or licensed dispensary means a person licensed as a dispensary pursuant to Section 9 of Public Act #12-55:

A. No person shall act as a dispensary or represent that such person is a licensed dispensary unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

B. The Commission of Consumer Protection shall determine the number of dispensaries appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with Chapter 54 of the General Statutes, to provide for the licensure and standards for dispensaries in this state and specify the maximum number of dispensaries that may be licensed in this state. On and after the effective date of such regulations, the Commissioner may license any person who applies for a license in accordance with such regulations, provided (1) The

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Commissioner deems such applicant qualified to acquire, possess, distribute and dispense marijuana pursuant to Section 1 to 15, inclusive, of this act, (2) the applicant is a pharmacist licensed under Chapter 400j of the General Statutes, and (3) the number of dispensary licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the Commissioner pursuant to this subsection.

At a minimum, such regulations shall:

- 1. Indicate the maximum number of dispensaries that may be licensed this this state;*
- 2. Provide that only a pharmacist licensed under Chapter 400j of the General Statutes may apply for and receive a dispensary license;*
- 3. Provide that no marijuana may be dispensed from, obtained from or transferred to a location outside of the state;*
- 4. Establish a licensing fee and renewal fee for each licensed dispensary, provided such fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating dispensaries pursuant to Sections 1 to 15, inclusive, of Public Act #12-55;*
- 5. Provide for renewal of such dispensary licenses at least every two years;*

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6. *Describe areas in this state where licensed dispensaries may not be located, after considering the criteria for the location of retail liquor permit premises set forth in subsection (a) of Section 30-46 of the General Statutes;*
7. *Establish health, safety and security requirements for licensed dispensaries, which may include, but need not be limited to: (i) the ability to maintain adequate control against the diversion, theft and loss of marijuana acquired or possessed by the licensed dispensary, and (ii) the ability to maintain the knowledge, understanding, judgment, procedures, security controls and ethics to ensure optimal safety and accuracy in the distributing, dispensing and use of palliative marijuana;*
8. *Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of dispensary licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of Section 4-182 of the General Statutes; and*
9. *Establish other licensing, renewal and operational standards deemed necessary by the Commissioner.*

C. Any fees collected by the Department of Consumer Protection under this Section shall be paid to the State Treasurer and

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*credited to the account established pursuant to Section 19 of
Public Act 12-55.*

2. **Producer or licensed producer** means a person licensed as a producer pursuant to Section 10 of Public Act #12-55;

- A. *No person may act as a producer or represent that such person is a licensed producer unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.*
- B. *The Commissioner of Consumer Protection shall determine the number of producers appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with Chapter 54 of the General Statutes, to provide for the licensure, standards and locations for producers in this state and specify the maximum number of producers that may be licensed in this state at any time. On and after the effective date of such regulations, the Commissioner may license any person who applies for a license in accordance with such regulations, provided (1) such person is organized for the purpose of cultivating marijuana for palliative use in this state, (2) the Commissioner finds that such applicant has appropriate expertise in agriculture and that such applicant is qualified to cultivate marijuana and sell, deliver, transport or distribute marijuana solely within this state pursuant to Sections 1 to 15, inclusive, of Public Act 12-55, and (3) the number of producer licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the*

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Commissioner pursuant to this subsection. At a minimum, such regulations shall:

- 1. Indicate the maximum number of producers that may be licensed in this state at any time, which number shall not be less than three nor more than ten producers;***
- 2. Provide that no marijuana may be sold, delivered, transported or distributed by a producer from or to a location outside of this state;***
- 3. Establish a nonrefundable application fee of not less than twenty-five thousand dollars for each application submitted for a producer license;***
- 4. Establish a license fee and renewal fee for each licensed producer, provided the aggregate amount of such license and renewal fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating producers pursuant to Sections 1 – 15, inclusive, of Public Act #12-55;***
- 5. Provide for renewal of such producer licenses at least every five years;***
- 6. Provide that no producer may cultivate marijuana for palliative use outside of this state and designate permissible locations for licensed producers in this state;***

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7. ***Establish financial requirements for producers, under which (i) each applicant demonstrates the financial capacity to build and operate a marijuana production facility, and (ii) each licensed producer may be required to maintain an escrow account in a financial institution in this state in an amount of two million dollars;***
8. ***Establish health, safety and security requirements for licensed producers, which shall include, but need not be limited to, a requirement that the applicant or licensed producer demonstrate: (i) The ability to maintain adequate control against the diversion, theft and loss of marijuana cultivated by the producer, and (ii) the ability to cultivate pharmaceutical grade marijuana for palliative use in an secure indoor facility;***
9. ***Define “pharmaceutical grade marijuana for palliative use” for the purposes of this section;***
10. ***Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of producer licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of Section 4-182 of the General Statutes; and***

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11. Establish other licensing, renewal and operational standards deemed necessary by the Commissioner.

C. Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the account established pursuant to Section 19 of Public Act #12-55.

- 3. Public Building means any building owned, leased or otherwise held by the United States, the state, the town, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the state, which building is used for governmental purposes.***
- 4. Private Recreation Area means any private business, whether for-profit or not-for-profit, intended to serve or attract clients, customers, or users under 18 years of age, for the purpose of engaging in indoor or outdoor youth-oriented programs or activities, including but not limited to sports or fitness centers, martial arts, dance, gymnastics, music or art studios, indoor open or guided play areas, camps, and the like.***
- 5. Public Park and Recreation Area means public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness***

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areas, or similar public land within the town that is under the control, operation, or management of the town, any other town, or the state.

6. ***School*** means any public, private or parochial educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.
- C. ***Applicability.*** Medical Marijuana dispensaries shall be permitted only in the Central Business Zone (CB) and Business Zone (B), subject to special permit use approval in accordance with Section 8 of these Regulations and site plan approval in accordance with Section 9 of these Regulations and the requirements of this section. Medical Marijuana production facilities shall be permitted only in an Industrial Zone, subject to special permit use approval in accordance with Section 8 of these Regulations and site plan approval in accordance with Section 9 of these Regulations and the requirements of this section.
- D. ***Separation Requirements.*** Regulated uses identified in this section shall be subject to the following separation restrictions:

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1. ***No Medical Marijuana Producer shall be permitted on a site that is less than 1,000 feet from any other site containing an Medical Marijuana Producer;***
 2. ***No Medical Marijuana Producer shall be permitted on a site that is less than 750 feet from any site containing a church, school, public building, public park or recreation area, or private recreation area;***
 3. ***No Medical Marijuana Producer shall be permitted on a site that is less than 750 feet from any residentially zoned land as defined in the town's zoning regulations, or from a site zoned B with 5 or more residential units;***
 4. ***No Medical Marijuana Dispensary or Producer shall be permitted within the same building, structure or portion thereof that is used for residential purposes or that contains another Medical Marijuana Dispensary or Producer;***
 5. ***All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site;***
- E. Sign and exterior display requirements. No Medical Marijuana Dispensary or Producer shall be conducted in any manner that permits the observation of any material depicting, describing or relating to Medical Marijuana from any public way or from any property not licensed as an Medical Marijuana Dispensary or Producer. This provision shall apply to any display, decoration, sign, show window or other opening.***

Referral 2.2: Town of Hamden

Subject: Proposed Zoning Regulation Amendments to the Town of Hamden Zoning Code

Staff Recommendation:

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

Background:

The Town of Hamden has submitted proposed Zoning Regulation Amendments with a variety of editorial and format changes. A general discussion of the changes can be found on page 48 of the agenda packet. The changes include, but are not limited to, the correction of typographical errors, numbering of figures to make referencing easier, and the inclusion of new text. The reason for each change is provided after the description of the change. Below is a synopsis of the most significant changes.

Section 230: Accessory Structures (Residential Zones)

A swimming pool, tennis court, or other recreational structure cannot be located in a required front or side yard or within five feet of the rear property boundary. Mobile storage containers and “roll-off” construction dumpsters may not be placed within a required front or side yard and may be used only for a period not to exceed 90 days in any 12 month period.

Section 330: Special Requirements (T3.5, T4, T5, M, TG, NC)

The first floor retail use requirement in the specified Transect Zones/Special Districts has been removed.

Section 520.8.2: Natural Resource (Environmental Conditions)

Subsections **d**, **e**, and **f** have been added that allow for maintenance activities (ex. dredging of ponds, streams and basins) and repairs of existing driveways, bridges, detention basins, retention basins, and washed out/eroded slopes without the need for a variance. Approval from the Inland Wetland Commission, CT DEEP, or the US Army Corps of Engineers may be required. The existing regulations made such larger repairs impossible without a variance.

Section 530.3: Non-conforming Lots, Buildings and Uses (Lot, Block, and Bldg. Configuration)

On parcels of 10 or more acres, proposed increases to existing building coverages that do not comply with the Regulations are permitted subject to Special Permit approval, only in the T4 and T5 zones. Previously, there was no mention of specific zones.

Section 540.2: Landscape Standards (Site Amenities)

Language has been added to prevent the planting of invasive or potentially invasive trees.

Section 550.2.8.a: Temporary Signs (Sign Regulations)

The allowable percentage of window space for temporary signs is increased from 10% to 50%.

Section 550.2.9: A-Frame Signs (Sign Regulations)

All references to V-type signs have been removed as they were never previously allowed. The allowable size of A-Frame signs has been increased from 4 square feet to 6 square feet on each of two sides.

Section 591.1.6: Surfacing and Drainage (Traffic Parking and Loading Requirements)

A new paragraph has been added that states residential driveways do not require a zoning permit. If they are paved with an impervious material, the total percentage of impervious surface of the lot may not exceed the maximum amount allowed per Table 2.1 (Residential Area and Coverage Requirements).

Section 626.5.6: Kennels (Animals)

Kennels, which have been moved into their own section (originally part of the Stables section - 626.5.5), must be a minimum of 200 feet from any lot line of a property located in the R1, R2, R3, R4, R5, T1.T2, T3, and T3.5 Zones. Previously, kennels had to be a minimum of 100 feet from any lot line and could potentially be located in any zone.

Section 638.1.b: Outdoor Café (Food Service)

The maximum percentage of the outdoor eating area has been increased from 20% of the indoor eating area to 50% of the indoor eating area.

Section 718.2: Special Permit Applications (Special Permit Standards and Procedures)

A new subsection requires that copies of surveys and plans be provided in .pdf format. If warranted, the Town Planner can waive any of the requirements for Special Permit Applications in consultation with the Chairperson of the Planning and Zoning Commission.

Section 730.1: Zoning Permit (Administrative Permits)

Zoning permits that are not approved by the ZEO within 180 days of receipt due to lack of completeness or lack of compliance are automatically deemed denied.

Section 830: Defined Terms

The following definitions have been expanded, changed, or replaced: accessory dwelling unit or apartment; kennel; shopfront; sign; structure; and temporary sign. The definition for rooming house or boarding house has been added, while the definition for v-type sign has been removed.

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



Town of Hamden
Planning and Zoning Department

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

August 20, 2012

Mr. Carl Amento
Executive Director
South Central Regional
Council of Governments
127 Washington Avenue, 4th Floor West
North Haven, CT 06473-1715



Dear Mr. Amento,

Enclosed is Zoning Regulation amendment 12-932. The Public Hearing date is October 23, 2012

Please address any comments to the Hamden Planning Office, Attention Town Planner.

Sincerely yours,


Stacy Shellard
Administrative Assistant to Boards and Commissions

KS/ks

Enclosures



RECEIVED
TOWN OF HAMDEN

AUG 17 2012

PLANNING AND
ZONING DEPT

Date of Filing 8/17/12
Fee Exempt
Date Paid _____
Receipt # _____
Application # 12-932

**TOWN OF HAMDEN
APPLICATION TO AMEND THE ZONING REGULATIONS**

Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations

APPLICANT Hamden Planning & Zoning Commission TELEPHONE 203-287-7070
(Name)

ADDRESS Planning and Zoning Dept., Hamden Gov't. Center, 2750 Dixwell Ave, Hamden CT 06518
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON: DKOPS@HAMDEN.COM

REGULATION TO BE: ☒ AMENDED ☐ ADDED or ☐ DELETED: See Attachment
Article Number _____ Section _____ Group Use _____

CURRENT LANGUAGE SEE ATTACHMENT

PROPOSED LANGUAGE SEE ATTACHMENT

REASON FOR PETITION FOR CHANGE SEE ATTACHMENT

Have there been any previous petitions for same or similar amendments? ☐ YES ☒ NO

If YES, list name of
applicant _____

SIGNATURE OF
APPLICANT _____

D. W. King for the PZC, 8/17/12
(Name)

TELEPHONE NO. 203-287-7070

MAILING ADDRESS Planning & Zoning Dept., Hamden Gov't. Center, 2750 Dixwell Ave, Hamden CT
06518

(Street No. and Name)

(Town and State)

(Zip Code)

If you require additional space to complete any of your answers, please attach to this document.

ATTACHMENTS

CURRENT & PROPOSED LANGUAGE

REASON FOR PETITION FOR CHANGE



Town of Hamden

Planning and Zoning Department

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

Proposed Amendments to the Hamden Zoning Regulations Submitted on Behalf of the Hamden Planning and Zoning Commission

Notes:

- *Underlined text normally indicates a proposed action to be taken, such as adding a new section or removing a section. However in Article VIII both existing and proposed Defined Terms are also underlined.*
- *Existing text is displayed as plain text. Proposed new or altered text is presented in boldface.*
- *Comments are italicized. The comments are for informational purposes only and are not part of the proposed amendments.*
- *Text in both boldface and italics is proposed text that is to be printed in italics.*

Regulation, Table, Figure or map to be Changed	Proposed Change/Explanation
Table 2.4 and 2.5	<p><u>Remove each of the two footnotes a and add a new section (230) containing the following text:</u></p> <p>Section 230 Accessory Structures</p> <ol style="list-style-type: none">1. Accessory structures shall have a pitched roof with a minimum pitch of 4/12.2. Detached accessory structures shall not include structured parking.3. Accessory structures not used for human habitation or for housing animals, located within 25 feet of the rear property boundary may be located within three feet of the side boundary and three feet of the rear property boundary.4. Accessory structures not located within 25 feet of the rear property boundary are subject to the same setback requirements as the primary structure.5. With the exception of swimming pools, any detached accessory structure must be located at least ten feet away from the primary structure, unless approved by the Fire Marshal and the Building Official.6. No swimming pool, tennis court or other recreational structure may be located in a required front or side yard or within five feet of the rear property boundary.

	<p>7. Mobile storage containers may not be placed within a required front or side yard and may be used only for a period not to exceed 90 days in any 12 month period.</p> <p>8. "Roll-off" construction dumpsters may not be placed within a required front or side yard and may be used for a period not to exceed 90 days in any 12 month period, renewable for an additional 30 days, but only when associated with an active demolition or construction project approved by the Building Department.</p> <p><i>Exception: The yard restriction may be waived by the Town Planner in cases where there are no reasonable alternatives.</i></p> <p><u>Move Figure 5.1 Location of Accessory Buildings on Lot to just after this section, before Tables 2.4 and T.5. It should be labeled:</u></p> <p>Figure 2.2 Location of Accessory Buildings on Lot</p> <p><i>The proposed changes are intended to accomplish the following:</i></p> <ul style="list-style-type: none"> • Consolidate all the requirements for accessory structures in residential zones in one section of the regulations. • Clarify the setbacks for various types of accessory structures on properties in residential zones. • Increase the distance between rear property boundaries and pools and other "recreational" structures to five feet • Allow accessory structures to be closer to houses and other primary structures provided the fire-rating meets Building and Fire Codes • Limit the location and duration of mobile storage containers (Pods, etc.) • Limit the location and duration of construction dumpsters
Table 2.5	<p><u>Change "Min. Rear Yard" to Min. Side Yard</u></p> <p><i>Correcting an error</i></p>
Article 3	<p><u>Number all the figures as follows:</u></p> <p>Figure 3.1 Transect Descriptions Figure 3.2 Building Location Figure 3.3 Private Frontages Figure 3.4 Form-Based Code Graphics – T3 & T3.5 . Figure 3.5 Form-Based Code Graphics – T4 Figure 3.6 Form-Based Code Graphics – T5</p> <p><i>The proposed change will allow staff to direct people to information contained in the figures more easily and will make variance applications easier for the public to understand.</i></p>
TRANSECT DESCRIPTIONS (Being changed to Figure 3.1)	<p><u>Change the description of T-5 URBAN CENTER from:</u></p> <p>T-5 Urban Center Zone consists of higher density mixed use building that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.</p>

	<p><u>To:</u></p> <p>T-5 Urban Center Zone consists of higher density mixed use buildings that accommodate retail, offices, row houses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.</p> <p><i>Correcting typos.</i></p>
Section 310.1	<p><u>Add subsections f. and g:</u></p> <p>f. Mobile storage containers may not be placed within a required front or side yard and may be used only for a period not to exceed 90 days in any 12 month period.</p> <p>g. "Roll-off" construction dumpsters may not be placed within a required front or side yard and may be used only for a period not to exceed 90 days in any 12 month period, renewable for an additional 30 days, but only when associated with active demolition or construction project approved by the Building Department.</p> <p><i>Exception: The yard restriction may be waived by the Town Planner in cases where there are no other reasonable alternatives.</i></p> <p><i>The subsection is intended to limit the location and duration of construction dumpsters and mobile storage containers in non-residential zones.</i></p>
Section 320. Specific to zones T5, M, TG, NC	<p><u>Change from:</u></p> <p><u>320. Specific to zones T5, M, TG, NC</u></p> <p>a. Awnings, arcades, and galleries may encroach on the sidewalk to within 2 feet of the curb but must clear the sidewalk vertically by at least 8 feet and shall not exceed 14 feet in height.</p> <p>b. Stoops, lightwells, balconies, bay windows, and terraces may encroach on the first layer 100% of its depth.</p> <p>c. Loading docks and service areas shall not be permitted in first layer.</p> <p>d. In the absence of a building facade along any part of a frontage line, a streetscreen shall be built in the same plane as the facade.</p> <p>e. Streetscreens should be at 3-1/2 and 4-1/2 feet in height. The streetscreen may be replaced by a hedge or fence. Streetscreens shall have openings no larger than necessary to allow for pedestrian and one-way automobile access.</p> <p>f. First floor residential or lodging use shall be raised a minimum of 2 feet from the average sidewalk grade.</p> <p><u>To:</u></p> <p><u>320.3. Specific to zones T5, M, TG, NC</u></p> <p>a. Awnings, arcades, and galleries may encroach on the sidewalk to within 2 feet of the curb but must clear the sidewalk vertically by at least 8 feet and shall not exceed 14 feet in height.</p> <p>b. Stoops, lightwells, balconies, bay windows, and terraces may encroach</p>

	<p>on the first layer 100% of its depth.</p> <p>c. Loading docks and service areas shall not be permitted in first layer.</p> <p>d. In the absence of a building facade along any part of a frontage line, a streetscreen shall be built in the same plane as the facade.</p> <p>e. Streetscreens shall be between 3-1/2 and 4-1/2 feet in height. The streetscreen may be replaced by a hedge or fence. Streetscreens shall have openings no larger than necessary to allow for pedestrian and one-way automobile access.</p> <p>f. First floor residential or lodging use shall be raised a minimum of 2 feet from the average sidewalk grade.</p> <p><i>Correcting typos and changing should to shall for consistency..</i></p>
Section 330 Special Requirements T3.5, T4, T5, M, TG, NC	<p><u>Revise text from:</u></p> <p>Unless otherwise approved by the Commission, the following special requirements in the Transect Zones or Special District shall be required: Shopfront: A shopfront facade shall be provided on average every 30' along the frontage. The shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the sidewalk as generally illustrated in Table of Private Frontages and as specified in Article III. The first floor shall be confined to retail use for a minimum depth of 20 feet from the frontage line within the first story. Lobbies for hotels, offices and multiple family dwellings may be considered as part of the required retail frontage, provided that any such lobby occupies no more than 50% of said building.</p> <p>The Commission may require Cross Block Passages to ensure safe and convenient pedestrian and bicycle circulation.</p> <p><u>to read as follows:</u></p> <p>Unless otherwise approved by the Commission, the following shall be required in the specified Transect Zones and Special Districts:</p> <p>Shopfront: A shopfront facade shall be provided on average every 30' along the frontage. The shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the sidewalk as generally illustrated in Table of Private Frontages and as specified in Article III.</p> <p>The Commission may require Cross Block Passages to ensure safe and convenient pedestrian and bicycle circulation.</p> <p><i>Removes the first floor retail use requirement – (The first floor shall be confined to retail use for a minimum depth of 20 feet from the frontage line within the first story. Lobbies for hotels, offices and multiple family dwellings may be considered as part of the required retail frontage, provided that any such lobby occupies no more than 50% of said building.) - which is too restrictive.</i></p>
Section 350.2.b Density and Parking Calculations	<p><u>Delete the second sentence from:</u></p> <p>"b. Parking requirements shall be adjusted according to the shared</p>

	<p>parking factor of Table 3.2 to determine the effective parking. The shared parking factor is available for any combination of uses within any pair of adjacent blocks."</p> <p><u>The resulting text will read:</u></p> <p>"b. Parking requirements shall be adjusted according to the shared parking factor of Table 3.2 to determine the effective parking.</p> <p><i>Parking availability is based on parking within 300 feet under common ownership or leased for 25 years..</i></p> <p><u>Label SHARED PARKING FACTOR AS:</u></p> <p><u>Table 3.2 SHARED PARKING FACTOR</u></p> <p><i>The table is referenced in 320.2.b. But is missing its table number.</i></p>
Table 3.4 Summary of Transect Zones	<u>Correct several misspellings of the word "development"</u>
Table 3.4 Summary of Transect Zones	<p><u>Change the Expression Line from 24'-0" to 17'-0".</u></p> <p><i>The 24 ft high expression line doesn't work with most 2-story buildings</i></p>
Section .452.6.2.a	<p><u>Remove "(see I.B.1)"</u></p> <p><i>The reference is an artifact from an early draft of the Zoning Regulations. The section it refers to no longer exists.</i></p>
Article 5	<p><u>Number all the figures as follows:</u></p> <p>Figure 5.1 Example:Lot Area Calculation Figure 5.2 Examples of Signs <i>(prior Figure 5.1 was moved to Article 2 – Figure 2.2)</i> Figure 5.2.1 Example of Frontage Linear Footage and Allowable Sign Square Footage Calculation Figure 5.5.1 Examples of Re-Design of Existing Gas Station Condition Figure 5.5.2 Examples of Re-Design of Existing Drive Through Designs</p> <p><i>The proposed change will allow staff to direct people to information contained in the figures more easily and will make variance applications easier for the public to understand.</i></p>
Section 520.8 Natural Resource Removal, Re-grading & Filling, Accessory Use	<p><u>Complete the sentence in subsection b.:</u></p> <p>b: Clear-cutting of one-half acre or more is not permitted. <i>The proposed language completes the clause.</i></p>
Section 520.8.2 Natural Resource	<u>Add subsections d, e and f:</u>

<p>Removal, Re-grading & Filling, Accessory Use – Exceptions</p>	<p>d. Maintenance activities, such as dredging of ponds, streams and basins are allowed but may also require approval from the Inland Wetland Commission, the Connecticut Department of Energy and Environmental Protection or the United States Army Corps of Engineers.</p> <p>e. Repairs of existing driveways, bridges, detention basins, retention basins, washed out/eroded slopes with fill amounts less than or equal to 2,000 cubic yards are allowed subject to obtaining a Zoning Permit. They may also require approval from the Inland Wetland Commission, the Connecticut Department of Energy and Environmental Protection and/or the United States Army Corps of Engineers.</p> <p>f. Repairs of existing driveways, bridges, detention basins, retention basins, washed out/eroded slopes with fill amounts greater than 2,000 cubic yards are allowed subject to obtaining Site Plan and Special Permit approval. They may also require approval from the Inland Wetland Commission, the Connecticut Department of Energy and Environmental Protection and/or the United States Army Corps of Engineers.</p> <p><i>The 2010 regulations have provided significant protection against intensive excavation but at the same time they have made some types of repairs difficult to accomplish within the current limits and in the case of larger repairs, impossible without a variance. The proposed changes allow for appropriate repairs without the need for a variance.</i></p>
<p>530.1 Front Yards/Build-to Lines</p>	<p><u>Change from the existing Text:</u></p> <p>Section 530 Lot, Block and Building Configuration 530.1 Front Yards / Build-To Lines Specific to Zones R3, R4, R5, T3, T3.5, M and NC</p> <p>The purpose of this section is to create a uniform location for buildings by requiring a build-to line.</p> <p>Where buildings exist on adjacent lots, the Commission or its agent may require that a proposed building match one or the other of the adjacent frontyard setbacks and heights rather than the provisions of these Regulations.</p> <p><u>Yard Projections:</u> Nothing in these Regulations shall prohibit the projection of not more than one foot into a required yard of pilasters, belt courses, columns, sills, cornices, or similar architectural features, nor the planting of landscaping in such spaces. In the case of one-, two- and three-family homes existing at the effective date of this amendment, uncovered ramps required for handicapped accessibility may project as necessary into a required yard. The ramps should be compatible with the architecture of the structure and neighborhood and should not adversely affect property values. Uncovered ramps shall not be considered when calculating area coverage. In the case of one-, two- and three-family homes, unenclosed stoops or verandas and associated roof overhangs may project not more than six feet into any required yards. See also Section 591.2 Visibility at Intersections</p>

	<p><u>To the following proposed text:</u></p> <p>Section 530 Lot, Block and Building Configuration 530.1 Front Yards / Build-To Lines Specific to Zones R3, R4, R5, T3, T3.5, M and NC</p> <p>The purpose of this section is to create a uniform location for buildings by requiring a build-to line.</p> <p>Where buildings exist on adjacent lots, the Commission or its agent may require that a proposed building match one or the other of the adjacent front yard setbacks and heights rather than the provisions of these Regulations.</p> <p>Specific to All Zones</p> <p><u>Yard Projections:</u> Nothing in these Regulations shall prohibit the projection of not more than one foot into a required yard of pilasters, belt courses, columns, sills, cornices, or similar architectural features, nor the planting of landscaping in such spaces..</p> <p>In the case of one-, two- and three-family homes existing at the effective date of this amendment, uncovered ramps required for handicapped accessibility may project as necessary into a required yard. The ramps should be compatible with the architecture of the structure and neighborhood and should not adversely affect property values. Uncovered ramps shall not be considered when calculating area coverage.</p> <p>In the case of one-, two- and three-family homes, unenclosed stoops or verandas and associated roof overhangs may project not more than six feet into any required yards. <i>See also</i> Section 591.2 Visibility at Intersections</p> <p><i>The proposed changes correct typos and expand the scope of the yard projections section so that it applies in all zones .</i></p>
<p>Section 530.3 Non-conforming Lots, Buildings and Uses</p>	<p><u>Change from the existing text:</u></p> <p>Existing buildings and appurtenances that do not conform to the provisions of these Regulations may continue in the same use and form until a substantial modification occurs or is requested, at which time the Commission shall determine the provisions of this Section that shall apply. The modification of existing buildings is permitted by Special Permit and/or Site Plan Approval if such changes result in increased compliance with the specifications of these Regulations.</p> <p>Proposed increases to existing building coverage that do not comply with these Regulations must have an approved Special Permit for full build-out that meets these Regulations. The purpose of full build-out plans is to, where possible, limit curb cuts, link driveways, internal roadways and greenspace on adjacent parcels. Unless waived by the Commission, such linkages and coordinated development between adjacent properties shall be required.</p>

<p>Table 5.1 One-time Additional Building Coverage Allowed</p> <p>Exceptions</p>	<p><u>To the following text:</u></p> <p>Specific to Zones T4 and T5</p> <p>Existing buildings and appurtenances that do not conform to the provisions of these Regulations may continue in the same use and form until a substantial modification occurs or is requested, at which time the Commission shall determine the provisions of this Section that shall apply. The modification of existing buildings is permitted by Special Permit and/or Site Plan Approval if such changes result in increased compliance with the specifications of these Regulations.</p> <p>On parcels of 10 or more acres, proposed increases to existing building coverage that do not comply with these Regulations are permitted subject to Special Permit approval, provided that a plan for full build-out that meets these Regulations is approved by the Commission as part of the Special Permit application. The purpose of full build-out plans is to, where possible, limit curb cuts, link driveways, internal roadways and greenspace on adjacent parcels. Unless waived by the Commission, such linkages and coordinated development between adjacent properties shall be required.</p> <p><i>The proposed changes limit significant changes to non-conforming building coverages of properties in T4 and T5 zones. They will require Special Permit Approval. On properties of 10 acres or more the applicant must obtain approval of a comprehensive plan for future development that meets the regulations.</i></p> <p><u>Change "build-line" to build-to-line</u></p> <p>Corrects typo</p> <p><u>Change the first line from "5%"</u></p> <p>to:</p> <p>5% of the existing building coverage"</p> <p><i>Clarifies what the percentage is based on.</i></p>
<p>Section 540.1 Accessory Buildings</p>	<p><u>Remove text and Figure 5.1. and replace with:</u></p> <p>See Section 230 Accessory Structures</p>
<p>Section 540.2 Landscape Standards Table 5.2 List of Recommended Street Trees for Town Rights-of-Way</p>	<p><u>Remove the Callery Pear tree, <i>Pyrus calleryana</i>, the Amur Maple tree, <i>Acer ginnala</i>, and the Green Ash tree, <i>Fraxinus pennsylvanica</i>, from the list of recommended street trees.</u></p> <p><u>Add new text after the table:</u></p> <p>No tree listed on the Connecticut Invasive Plant List, issued by the Connecticut Invasive Plants Council, as invasive or potentially invasive, may be planted in a Hamden right-of-way.</p>

	<i>Removes two invasive or potentially invasive trees from the approved list. The third tree to be removed, the Green Ash tree, is now under attack by the Emerald Ash Borer. The new language will help prevent the planting of other invasive or potentially invasive trees.</i>
Section 550.2.1.c General Standards.	<p><u>Change the text from:</u></p> <p>No signs shall be placed with their top edge higher than 24'-0" from grade.</p> <p><u>To:</u></p> <p>No signs shall be placed with their top edge higher than 24'-0" from grade.</p> <p><i>Corrects a typo.</i></p>
550.2.8.a Temporary Signs	<p><u>Change existing text from:</u></p> <p>a. Signs temporarily attached to a window or door, announcing sales or special features are permitted, provided that they do not exceed 10% of the area of a window or door, and provided that they are in place for not more than 30 days.</p> <p><u>To:</u></p> <p>a. Signs temporarily attached to a window or door, announcing sales or special features are permitted, provided that they do not exceed 50% of the area of a window or door, and provided that they are in place for not more than 30 days. The signage should be affixed in locations that allow police to check that there are no crimes in progress.</p> <p><i>Increases the allowable percentage of window space that can be used from 10% to 50%.</i></p>
550.2.9 A-Frame and V-Type Signs	<p><u>Change from:</u></p> <p>550.2.9 A-Frame and V-Type Signs Specific to zones T3.5, T4, T5, M, TG, NC A-Frame and V-type signs shall not exceed 4 square feet on each of two sides are permitted. A-Frame and v-type signs shall not obstruct sidewalks. Signs may not create any obstruction to street, or access, or egress visibility.</p> <p><u>to:</u></p> <p>550.2.9 A-Frame Signs</p> <ol style="list-style-type: none"> A-Frame signs not exceeding 6 square feet on each of two sides are permitted. No A-Frame signs may be located within the Town or State Right-of-Way. All A-Frame signs must be located within 15'-0" of the primary entrance to the building where the advertised activity

	<p>takes place.</p> <p>d. A-Frame signs shall not obstruct sidewalks.</p> <p>e. A-Frame signs may not create any obstruction to street, or access, or egress visibility.</p> <ul style="list-style-type: none"> • Removes all mention of V-Type signs – which were never previously allowed. • Increases the size to match what appears to be common practice, while providing appropriate checks on the use of A-frame signs so that they are neither a hazard nor a nuisance.
Section 550.3.1 (signs) Permits	<p><u>Change existing text from:</u></p> <p>No sign, except as provided in Section 550.2.8 shall be constructed, erected, altered or otherwise changed unless approved by variance. Political signs, traffic control signs and directional signs are exempted from these provisions.</p> <p><u>to:</u></p> <p>No sign, except as provided in Sections 550.1 through 550.3.2 shall be constructed, erected, altered or otherwise changed unless approved by variance. Political signs, traffic control signs and directional signs are exempted from these provisions.</p> <p><i>It will then reference all of the sign regulation requirements properly.</i></p>
Section 591.1.2.b. Location of Parking and Loading Facilities	<p><u>Change from:</u></p> <p>b. Legal (as determined by the Hamden Traffic Commission or the Connecticut Department of Transportation) on-street parking spaces corresponding to the lot frontage, (both frontages in the case of corner lots) and/or;</p> <p><u>to:</u></p> <p>b. Legal on-street parking spaces, as determined by the Hamden Traffic Authority or its agent, State Traffic Commission or Connecticut Department of Transportation. corresponding to the lot frontage (both frontages in the case of corner lots). No spaces within 25 feet of a bus stop or a street corner or within 10 feet of a fire hydrant may be counted, and/or;</p> <p><i>Clarifies what constitutes legal on-street parking spaces.</i></p>
Section 591.1.6: Surfacing and Drainage	<p><u>Add new paragraph after the current text:</u></p> <p>Residential driveways do not require a zoning permit. However if they are paved with impervious material the total percentage of impervious surface of the lot may not exceed the maximum amount allowed per Table 2.1.</p>

<p>Table 6.1 Allowed Uses by Zone</p> <p>666 Retail</p> <p>623. Public Use & Public Utility</p>	<p><u>Change from:</u></p> <p>Retail</p> <p><u>to:</u></p> <p>Retail and Financial Services</p> <p><i>Treats banks like other retail businesses</i></p> <p><u>Change the section reference from 623 to 662.</u></p> <p><i>Corrects an error</i></p>
<p>Section 626.5.5 Kennels and Stables</p>	<p><u>Change as follows:</u></p> <p><u>Remove Kennels from title of 625.5:</u></p> <p>Section 626.5.5 Stables</p> <ul style="list-style-type: none"> a. Each lot shall have a minimum area of 200,000 square feet. b. Buildings and open exercise areas containing animals shall be a minimum of 100 feet from any lot line. c. Open exercise areas shall be properly enclosed by a fence of sufficient height to assure containment of the animals and such areas shall be maintained in a sanitary and odor-free condition at all times. d. All stalls, pens and similar enclosures for animals shall have a floor made of concrete or other impervious material, which shall contain adequate drainage facilities connected to a sanitary system for proper washing and maintenance. <p><u>Add new section:</u></p> <p>Section 626.5.6 Kennels</p> <p>Boarding and breeding kennels are permitted subject to the following conditions:</p> <ul style="list-style-type: none"> a. Each lot shall have a minimum area of 200,000 square feet. b. Buildings and open exercise areas containing animals shall be a minimum of 200 feet from any lot line of property located in R1, R2, R3, R4, R5, T1.T2, T3 and T3.5 zones. c. Open exercise areas shall be properly enclosed by a fence of sufficient height to assure containment of the animals and such areas shall be maintained in a sanitary and odor-free condition at all times. d. All stalls, pens and similar enclosures for animals shall have a floor made of concrete or other impervious material, which shall contain adequate drainage facilities connected to a sanitary system for proper washing and maintenance. <p><i>The proposed change will separate stables and kennels, providing a larger buffer for the latter because of the increased risk of noise emanating from kennels.</i></p> <p><i>See also change in the definition of a kennel.</i></p>

Subsection g.:	<p><i>The regulations currently jump from 652.1.b. To 652.1.d. The proposed change is the easiest way to address the error.</i></p>
Subsection h.	<p><u>Remove the entire subsection and replace with Unused</u></p>
	<p><u>Change text from:</u></p> <p>h. Where townhouses are used, they shall be placed along the frontage of all public streets, to enhance the streetscape. Common access drives may be used where necessary for safety due to traffic conditions on the public street.</p> <p><u>To:</u></p> <p>h. Where townhouses are used, they shall be placed along the frontage of all public streets, to enhance the streetscape. Common access drives may be used where necessary for safety due to traffic conditions on the public street. Each unit shall have use of and direct access to private open space in the form of a patio, balcony or yard with a minimum area of 100 square feet.</p> <p><i>This increases the private outdoor space required for townhouses.</i></p>
Sub-Section I.	<p><u>Change existing text from:</u></p> <p>Each unit shall have private use of and direct access to private open space with a minimum area of 45 square feet. Such open space may be in the form of a patio or yard for ground floor units or a balcony for second and third floor units.</p> <p><u>To:</u></p> <p>In the case of multifamily buildings that are not townhouses, private open space of at least 45 square feet shall be provided as follows:</p> <p>T-3.5 Zone: A patio or yard, for the ground floor,</p> <p>R-4, R-5 and T-4, Zone: A patio or yard, for the ground floor and balconies for the second floor.</p> <p>T-5 Zone: A patio or yard, for the ground floor and balconies for the second and third floor.</p>
Sub-Section j.	<p><u>Change text from:</u></p> <p>j. Open space shall be of such shape, topography, general character, and location as to be useful. The community open space shall be accessible to all residents of the multi-family development and be in location(s) central and convenient to the development, in the opinion of the Commission. The community open space shall contain active and passive recreational facilities suitable and appropriate for the residents of the development. The community open space shall be the focus or central point of the multi-family development. Common mailboxes shall be located within the useable community open space. Community swimming pools shall not be included to meet the minimum usable community open space.</p>

<p>Sub-Section k.i.</p> <p>Sub-Section q.</p>	<p><u>To the following:</u></p> <p>j. Open space shall be of such size, shape, topography, general character, and location as to be useful. The community open space shall be accessible to all residents of the multi-family development and be in location(s) central and convenient to the development, in the opinion of the Commission. The community open space shall contain active and passive recreational facilities suitable and appropriate for the residents of the development. The community open space shall be the focus or central point of the multi-family development. Common mailboxes shall be located within the useable community open space. Community swimming pools shall not be included to meet the minimum usable community open space. In instances where the topography, shape of the parcel or similar factor makes provision of the usable open space infeasible or impractical, the Commission may accept other amenities as substitutes.</p> <p><u>Remove the entire subsection and replace with Unused</u></p> <p><i>It's already covered in Article III.</i></p> <p>Add a new section q stating:</p> <p>Common areas, including usable open space, club houses, common rooms and pools must be constructed during the initial phase of any multiphase project, and must be completed prior to the issuance of an Certificate of Zoning Compliance.</p>
<p>718.2 Special Permit Applications</p>	<p><u>Add two subsections:</u></p> <p>g. A copy of all surveys and plans should be provided in pdf format.</p> <p>h. If circumstances warrant, the Town Planner may waive any of the above requirements in consultation with the Chairperson of the Planning & Zoning Commission.</p> <ul style="list-style-type: none"> <i>Subsection g. will permit the department to send copies of plans to Commissioners and members of the public well in advance of meetings.</i> <i>Subsection h. provides the flexibility needed to ensure that sufficient information is provided without forcing applicants to waste money presenting information or design elements that are unnecessary.</i>
<p>720.3.1 Site Plan Information</p>	<p><u>Renumber 720.3.1 Site Plan Information as 720.4.2.</u></p> <p><i>This corrects an error.</i></p> <p>Add subsections to 720.4.2:</p> <p>720.4.2.cc: A copy of all surveys and plans should be provided in pdf format.</p> <p>720.4.2.dd: If circumstances warrant, the Town Planner may waive any of the above requirements in consultation with the Chairperson of the Planning & Zoning Commission.</p>

	<ul style="list-style-type: none"> • Subsection 720.4.2.cc. will permit the department to send copies of plans to Commissioners and members of the public well in advance of meetings. • Subsection 720.4.2.dd. provides the flexibility needed to ensure that sufficient information is provided without forcing applicants to waste money presenting information or design elements that are unnecessary.
Section 730.1 Zoning Permit	<p><u>Add section 730.1.3:</u></p> <p>730.1.3 Expiration: A Zoning Permit application that is not approved by the Zoning Enforcement Officer within 180 days of receipt due to lack of completeness or lack of compliance with one or more Zoning Regulations is automatically deemed denied.</p> <p><i>Currently some Zoning Permits linger for months incomplete.</i></p>
Section 730.2 Certificate of Zoning Compliance	<p><u>Change 730.2a and c from:</u></p> <p>No Certificate of Zoning Compliance shall be issued until the applicant submits an Improvement Location Survey (As-Built) that meets the following requirements:</p> <ol style="list-style-type: none"> Three paper copies of drawing to A-2/T-2 standards One digital copy of drawings to A-2/T-2 standards Drawings shall be signed by the Engineer or Architect who signed the approved drawings. The Engineer or Architect shall certify that the project was built in accordance with the approved plans <p><u>to:</u></p> <p>No Certificate of Zoning Compliance shall be issued until the applicant submits an Improvement Location Survey (As-Built) that meets the following requirements:</p> <ol style="list-style-type: none"> One Mylar and three paper copies of drawings to A-2/T-2 standards One digital copy of drawings to A-2/T-2 standards Mylars and drawings shall be signed by the Engineer or Architect who signed the approved drawings. The Engineer or Architect shall certify that the project was built in accordance with the approved plans <p><i>Mylars are necessary for filings in the Town Clerk's Office.</i></p> <p>Subsection e. <u>Change from:</u></p> <p>e. If circumstances warrant, the Town Planner and the Town Engineer may waive any of the above requirements in consultation with the Chairperson of the Planning & Zoning Commission. When the site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of Zoning Compliance may be issued for a period not to exceed 180 days, provided satisfactory surety has been posted with the Town of Hamden in an amount sufficient to complete the site work. Upon written request of the applicant and satisfactory completion of the site work, the Commission shall order the release of the surety.</p>

	<p><u>To a separate paragraph, removing the subsection reference letter "e." and changing the first sentence:</u></p> <p>If circumstances warrant, the Town Planner may waive any of the above requirements in consultation with the Chairperson of the Planning & Zoning Commission. When the site work cannot be completed because of weather or other pertinent reason, a Conditional Certificate of Zoning Compliance may be issued for a period not to exceed 180 days, provided satisfactory surety has been posted with the Town of Hamden in an amount sufficient to complete the site work. Upon written request of the applicant and satisfactory completion of the site work, the Commission or Zoning Enforcement Officer, as appropriate, shall order the release of the surety.</p> <p><i>Similar language is proposed above for insertion in 718.2 and 720.4.2..</i></p> <p><i>The change provides the flexibility needed to ensure that sufficient information is provided without forcing applicants to waste money presenting information or design elements that are unnecessary.</i></p>
<p>Section 830 Defined Terms: Accessory Dwelling Unit or Apartment</p> <p><i>Note: All terms being defined are underlined</i></p>	<p><u>Expand definition from:</u></p> <p><u>Accessory Dwelling Unit or Apartment:</u> An apartment sharing ownership and utility connections with a single family home or an apartment in a mixed-use principal building.</p> <p><u>To:</u></p> <p><u>Accessory Dwelling Unit or Apartment:</u> An apartment sharing ownership and utility connections with a single family home or an apartment in a mixed-use principal building. As with all dwelling units, an accessory dwelling unit or apartment must have its own cooking, eating and sanitary facilities. Accessory dwelling units in single-family homes are clearly subordinate to the primary dwelling unit – the home.</p> <p><i>The change is intended to clarify exactly what constitutes an accessory apartment.</i></p>
<p>Section 830 Defined Terms:</p> <p>Kennel</p>	<p><u>Remove existing definition:</u></p> <p><u>Kennel:</u> An establishment where more than 5 dogs or domesticated animals more than 1 year old are housed, bred, boarded, trained or sold for the purpose of monetary gain.</p> <p><u>and replace with:</u></p> <p>Kennel: An establishment in which more than 5 dogs or other domesticated animals more than a year old are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.</p> <p><i>The reason for the change is to eliminate confusion caused by the term "monetary gain."</i></p>

<p>Section 830 Defined Terms: Rooming House or Boarding House</p>	<p>Add definition:</p> <p>Rooming House or Boarding House: Any dwelling in which at least 3 persons but less than 15 persons are housed or boarded for consideration or otherwise without separate kitchen facilities, with or without meals. If 15 or more persons are housed or boarded, such building shall be considered a hotel or motel.</p> <p><i>The definition was inadvertently left out of the new regulations.</i></p>
<p>Section 830 Defined Terms Shopfront</p>	<p><u>Replace definition:</u></p> <p>Shopfront: A building that provides a shopfront at sidewalk level along the entire length of its private frontage with an openable door.</p> <p>with:</p> <p>Shopfront: A private frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. See "PRIVATE FRONTAGES," in Article III.</p> <p><i>This is a clearer definition.</i></p>
<p>Section 830 Defined Terms: Sign</p>	<p><u>Change definition from:</u></p> <p>Sign: Any object, device, display or structure that is used for attracting attention to any use, product, service, or activity. Exception: A flag or insignia of any government or governmental agency, or of any fraternal, civic, charitable, or religious organization.</p> <p><u>To:</u></p> <p>Sign: Any object, device, display or structure that is used for attracting attention to any use, product, service, or activity. Exception: A flag or insignia of any government or governmental agency, or of any fraternal, civic, charitable, or religious organization. Window displays lasting no more than 30 days are treated as temporary signage.</p>
<p>Section 830 Defined Terms: Structure</p>	<p><u>Change existing definition from:</u></p> <p>Structure: Anything constructed, formed or erected. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure, for occupancy, ornamentation or visual communication, whether installed on, above, or below the surface of land or water. Except as otherwise indicated structure shall be deemed to include buildings, swimming pools, tennis courts, signs, fences and walls more than 6 feet high other than</p>

	<p>retaining walls.</p> <p><u>To:</u></p> <p>Structure: Anything constructed, formed or erected. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, portable or mobile storage containers, canvas or plastic, Quonset hut type, "roll-off" construction dumpsters or other man-made facility or infrastructure, for occupancy, ornamentation or visual communication, whether installed on, above, or below the surface of land or water. Except as otherwise indicated structure shall be deemed to include buildings, swimming pools, tennis courts, signs, fences and walls more than 6 feet high other than retaining walls.</p>
<p>Section 830 Defined Terms:</p> <p>Temporary Sign</p>	<p>Expand the definition from:</p> <p><u>Temporary Sign:</u> A banner, pennant, poster, or advertising to be displayed for a short period time.</p> <p><u>To include more of the definition of a sign:</u></p> <p><u>Temporary Sign:</u> Any object, device, display or structure, including a banner, pennant, poster, or advertising that is used for attracting attention to any use, product service or activity, displayed for a maximum of thirty days.</p>
<p>Section 830 Defined Terms:</p> <p>V-Type Sign</p>	<p><u>Remove the following from the Defined Terms:</u></p> <p><u>V-Type Sign:</u> Similar to an A-Frame sign.</p>

REASON FOR CHANGE

A number of the proposed changes are to correct minor typing errors, including spelling mistakes, omissions of words and incorrect section labeling typical of a major re-write of the Zoning Regulations. Others, such as the numbering of figures, are intended to make it easier to reference them in applications to the Planning and Zoning Commission and the Zoning Board of Appeals. A third type consists of new text to provide regulations for items not formally included in the past, such as "roll-off" construction dumpsters and mobile storage containers. A fourth category contains changes needed to make the regulations accommodate such items as excavation associated with driveway repairs.

There are also proposed changes of a substantive nature, such as expanding the percentage of window space used for signage, the expansion of outdoor cafe space and the requirements to be met for the expansion of non-conforming buildings on large lots. In addition, the proposed changes include a limited number of new and modified definitions to help clarify the regulations.

Almost all of these changes were discussed by the Planning and Zoning Commission at an open meeting last spring. Additional explanatory material is shown in italics along with the proposed modifications.

Public Water Supply Watershed/Aquifer
Project Notification Form
For The
South Central Connecticut Regional Water Authority

REQUIREMENT:

All applicants before a municipal Planning and Zoning Commission, Inland Wetlands Commission, or Zoning Board of Appeals for any project located within a public water supply watershed are required by Public Act 89-301 (Sections 8-3i and 22a-42f of the Connecticut General Statutes) to notify the affected public water utility by certified mail within 7 days of the application.

GENERAL INFORMATION:

Maps showing the location of Regional Water Authority (RWA) watershed boundaries are on file with municipal planning and zoning, and inland wetlands staff, and Town Clerks. The applicant's notification to the RWA should include the information requested on pages two and three. The RWA may request additional information if it is determined that a more detailed review is necessary. Any questions should be directed to (203) 401-2741, or (203) 401-2743.

Please mail this completed form and attachments to:

Environmental Analysts
Environmental Planning Department
Regional Water Authority
90 Sargent Drive
New Haven CT 06511

RWA Watershed/Aquifer Project Notification Form
Page 2

1. Applicants are requested to submit any information that was included in the application to the municipality including: site plan, project narrative, sediment and erosion control plan and drainage calculations if applicable.

2. Project address Townwide Town Hamden

3. Application for: ☒ Planning and Zoning ☐ Inland Wetlands ☐ Zoning Board of Appeals

4 Project Description: No project proposed. Amendment to the Zoning Regulations #12-932
submitted on behalf of the Hamden Planning and Zoning Commission

5. Waste Water Disposal: ☐ Septic System ☐ Public Sewer ☐ None N/A

6. Water Supply: ☐ Private Well ☐ Public Water N/A

7. Heating Fuel: ☐ Oil ☐ Gas Other N/A

Applications involving additions or modifications to single family residences or applications with no site disturbance and no storage or use of hazardous chemicals skip to item 18.

8. Total acreage of project site _____

9. Total acreage of area to be disturbed including structures, additions, paving, and soil disturbance

10. Percent of existing impervious surfaces including buildings, roads and pavement _____

11. Proposed increase in impervious surfaces _____

12. Number of existing and proposed floor drains or sump pumps and their point of discharge
e.g. sanitary sewer, holding tank, or ground

13. Are there any wetlands or watercourses on the property? If so, describe

14. Brief description of **existing and proposed** stormwater management system, including roof drainage, paved areas etc., and discharge points e.g. municipal system, drywells, streams, vegetated areas, detention basins etc. Attach drainage plans and calculations if available _____

15. List of **existing and proposed** underground or above-ground storage tanks including age, capacity and contents

16. List of potentially harmful chemicals stored or used on property (**existing and proposed**) and typical onsite volumes, including but not limited to petroleum products, lubricants, solvents, detergents, and pesticides

17. Describe any wastes generated and their means of disposal

18. Contact Information:

Name: Daniel W. Kops, Jr., Assistant Town Planner

Company: Hamden Planning & Zoning Department

Address: Planning and Zoning Dept., Hamden Gov't. Center,

2750 Dixwell Ave, Hamden CT 06518

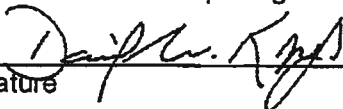
Phone: 203-287-7070

Email: dkops@hamden.com

Daniel W. Kops, Jr.

Name of Person Completing Form

Signature



Date

8/17/12



CONNECTICUT DEPARTMENT OF PUBLIC HEALTH



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DRINKING WATER

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Department of Public Health
410 Capitol Avenue
Hartford, CT 06134

Phone:
(860) 509-8000

[Directions](#)



Thank you for notifying the CT Department of Public Health under PA0653. Please print this out and save it for your records. This **DOES NOT** Satisfy the additional PA0653 requirement to notify the project area water company. Please contact the project area Water Company for their requirements.



Step 1

Have you already notified us? No,

Notification Year:

Step 2

1. Name of public water supply aquifer your project lies within: N/A

2. Name of public water supply watershed your project lies within: N/A

3. Public Water Supply Identification number (PWSID) for the water utility: CT-0930011

Step 3 -

1. My project is proposing: Other, Please describe:

Zone Change Description:

Other Description: Changes to the Hamden Zoning Regulations

2. The total acreage of my project is:

3. My project site contains, abuts or is within 50 feet of a:

4. Existing use of my project site is: Other Please Describe:

Other Description: Townwide

5. My project will utilize:

6. My project will contain this percentage of built up area (buildings, parking, road/driveway, pool):

Step 4

Name: Hamden Planning and Zoning Commission c/ Dan Kops

E-mail address: dkops@hamden.com

Telephone: 203-287-7070

Fax Number: 203-287-7075

Step 5

Project Name: Zoning Regulation Amendment Application 12-932

Project Site address: N/A.

Town: Hamden

Project Site nearest intersection: N/A

Project site longitude and latitude: N/A

Date Submitted: 8/17/2012 4:47:41 PM

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Left Corner Photos by Jack McConnell.

Referral 2.3: Town of Prospect

Subject: Proposed Zoning Regulation Amendment to Section 3.1: Uses by District

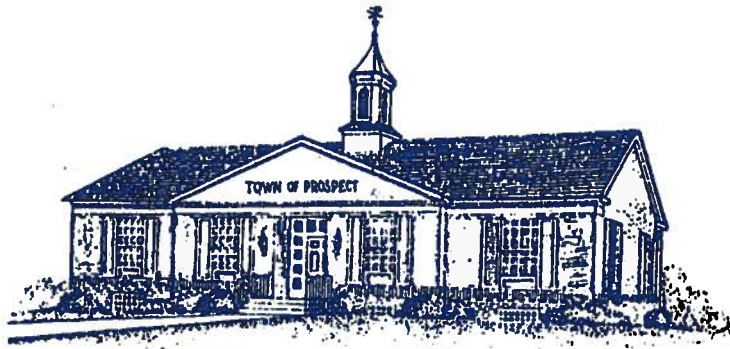
Staff Recommendation:

The proposed Zoning Regulation Amendment does 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:

The Town of Prospect has submitted a proposed Zoning Regulation Amendment to Section 3.1 (Uses by District). The amendment would allow, by Special Permit, for a “Redemption Center” to be located in the Business District and the Industrial 1 District. In the existing regulations the use is only allowed by Special Permit in the Business District.

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



LAND USE OFFICE - TOWN HALL
36 CENTER STREET, PROSPECT, CT 06712
203-758-4461



August 21, 2012

Eugene Livshits
South Central Council of Governments
127 Washington Avenue - 4th Floor W
North Haven, CT 06473-1715


Dear Mr. Livshits:

In accordance with Section 8-7d(f) of the Connecticut General Statutes please be advised that the Prospect Planning and Zoning Commission has scheduled a public hearing for Wednesday, October 3, 2012 at 7:10 p.m. at the Prospect Town Hall, 36 Center Street on a proposed amendment to Zoning Regulations Section 3.1 Uses By District. A copy of the proposed amendment is enclosed.

Comments on the proposed amendment are welcome to be made at the hearing or submitted in writing for receipt into the record.

If you have any questions you can contact me at the above number.

Sincerely,


William Donovan
Land Use Inspector

PROPOSED ZONING REGULATIONS AMENDMENT

Section 3.1 Uses By District

Currently:

“Redemption Center” permitted by Special Permit (SP) in the Business District (B).

Proposed:

“Redemption Center” permitted by Special Permit (SP) in the Business District (B) and Industrial 1 District (IND-1).

Referral 2.4: Town of Clinton

Subject: Proposed Zoning Regulation Amendments to Home Occupations (Sections 26.2.4, 26.2.15), Lot Requirements – Standards (Section 25), Signs (Section 28), and Application Requirements, Procedures, and Decision Process (Section 4).

Staff Recommendation:

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

Background:

The Town of Clinton has submitted proposed Zoning Regulation Amendments to sections:

- Signs (Section 28)
- Application Requirements, Procedures, and Decision Process (Section 4)
- Lot Requirements – Standards (Section 25)
- Home Occupations (Sections 26.2.4, 26.2.15)

Many of the changes are to address editorial and formatting issues. Below is an overview of the significant changes/additions.

Section 28: Signs

Section 28.2 (*Guidelines for Sign Design, Materials, Size, and Location and Color*) has been deleted and replaced with “No sign shall be established constructed, enlarged, altered, extended or moved expect in conformance with these regulations.” Permits are required for all signs in excess of four square feet (except for signs permitted as-of-right).

Section 28.3 (*Definitions*) has been edited to improve the clarity of existing definitions. The definition of a “roofline” has been removed, while the definition of a “pennant (flag)”, which is considered a temporary sign, has been added. The definition of an “illuminated sign” has been expanded to address externally illuminated signs and internally illuminated signs.

Section 28.4 (*Sign Application Procedures*) has been deleted and split up into the two new sections: Section 4.37 – *Contents of a Sign Permit Application* and Section 4.38 – *Contents of a Temporary Sign Application*.

According to Section 28.4.2 b (*Maintenance of Signs*), the Commission can revoke a sign permit at the owner's expense and order the removal of a sign if a defect in the sign is not corrected within 90 days. Outdated signs must be removed within 30 days (Section 28.4.3).

Section 28.6 has been titled "*Special Use Categories*" and applies to properties located in Business, Marine, or Industrial Zones which have more than one use or tenant. These properties must be categorized into only one of the following: Shopping Center, Signs for Multiple Tenancy Commercial Buildings, Multiple Building Complexes, or As-of-Right Signs. The "sign design plan" section of the Shopping Center category has been moved to Section 4.39 – *Contents of a Sign Design Plan*.

The maximum total aggregate area of construction (28.8.1 b) and real estate (28.8.2) signs is as follows:

1. Residential Districts – Six square feet
2. Village Zone District – Thirty-six square feet
3. B-2 and B-3 Districts – Thirty-six square feet (originally forty-eight square feet)
4. Marine District – Thirty-six square feet (originally forty-eight square feet)
5. B-1 and B-4 Districts – Forty-eight square feet
6. Industrial Districts – Forty-eight square feet

The restriction that political campaign signs cannot be erected prior to 30 days before the respective election has been removed (Section 28.8.4).

A new section regarding Temporary Events has been added (28.8.5), replacing the Banners, Special Sales/Special Events, and Farm Tourism Seasonal Signs sections.

The following has been added to the Prohibited Signs section:

- "No sign shall be located within any town or state right-of-way except for town or state-owned signs."
- "No sign shall be located on any roof, and no sign attached to or painted on a building shall extend beyond the limits of the wall of the building to which it is attached or painted."
- "No "feather" or "swooper" flags shall be permitted."

Section 25: Lot Requirements – Standards

Section 25.1.4 has been removed, which provided a setback exception in the B-3 District. Section 25.5 (*Minimum Floor Area for Dwelling*) has been reworded to say that "the dwelling shall have the

minimum floor areas as specified in the Lot Requirements Schedules.” The Wetlands Setback (25.6.2) of 50 ft. has also been removed.

The *Special Buffer Requirements* section (25.7) has been expanded to more clearly define the buffers to diminish to the extent possible or eliminate sight, sound, and odors from the Business, Industrial, and Marine Zones or onto abutting residentially property as viewed from the second floor living area of existing or potential residential structures.

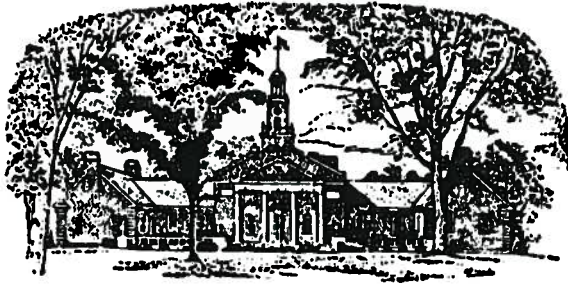
Sections 25.10 (*Lot Requirement Standards by District – Residential*) and 25.11 (*Lot Requirement Standards by District – Non-Residential*) have been edited as follows:

- The minimum lot area in the R-30 District has been reduced to 30,000 sq. ft. The “Minimum square on the lot” in the R-80 District has been reduced from 200 by 200 ft. to 150 by 150 ft.
- In both Sections 25.10 and 25.11, the “Minimum lot area with public water supply” line item has been removed and the section is reserved for future use.
- In Section 25.10, the maximum height for a building structure in the I-1 District has been reduced from 50 feet to 35 feet. In the Marine District, the following standards are no longer applicable: minimum floor area for one story dwelling, minimum total floor area on all floors for split-level dwelling, minimum floor area for two story dwelling.

Section 26.2: Home Occupations

Only one non-resident person can be employed in connection with a home occupation (originally two persons). The area used for the home occupation must meet all applicable American with Disabilities Act requirements.

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



Town of Clinton
Planning and Zoning Commission
54 East Main Street
Clinton, Connecticut 06413
ZoningWetlands@ClintonCT.Org

August 23, 2012

CERTIFIED MAIL

Eugene Livshits
South Central Regional Council of Governments
127 Washington Avenue 4th Floor West
North Haven, CT 06473-1715



Re: AR 11-273: Proposed Amendment to the Zoning Regulations: Section 26.2.4 and 26.2.15: Home Occupations and Section 25: Lot Requirements – Standards

AR 12-119: Proposed Amendment to the Zoning Regulations: Section 28: Signs and Section 4: Application Requirements, Procedures and Decision Process.

Please be advised that the above referenced amendments to the Zoning Regulations (Please see the enclosed text) will be heard at a public hearing commencing on Monday, September 24, 2012 at 7:00 p.m. in the Rose Room of the Andrews Memorial Town Hall.

Please forward any comments that you may have to:

Planning and Zoning Commission
54 East Main Street
Clinton, CT 06413
Zoningwetlands@clintonct.org

If you have any questions, please contact this Office at (860) 669-6133, Monday through Friday, or at zoningwetlands@clintonct.org.

Sincerely,

Julia N. Pudem
Land Use Technician

Section 28

Signs

28.1 **Purpose:** The purpose of these sign regulations is to encourage the effective use of signs as a means of communication by discouraging excessive visual competition in signage; to ensure that signs aid orientation and adequately identify uses and activities to the public; to maintain and enhance property values and preserve the small town character of Clinton; to maintain an orderly and attractive community appearance; and to reduce distractions and obstructions from signs which would adversely affect traffic and pedestrian safety, or otherwise endanger public health and safety.

28.2 No sign shall be established, constructed, enlarged, altered, extended or moved except in conformance with these Regulations.

28.2.1 Permits are required for all signs in excess of four square feet (4 sq. ft.) except as noted in Section 28.x.x As-of-Right Signs (Permitted Use).

~~28.2 **Guidelines for Sign Design, Materials, Size and Location and Color:** The following guidelines are provided to assist the applicant in sign design that will be in keeping with the character of the Town and with the intent of these Regulations. Signs should be compatible with the property and building style with which they are associated in terms of location, scale, materials, color and lettering. Uncluttered, clearly legible signs are encouraged. Signs should include only the minimum information necessary to direct the public. A sign's placement and size should take into consideration whether the sign is to be primarily viewed by pedestrians or motorists. For signs requiring artificial illumination, external lighting is preferable to internally lit signs.~~

28.3 **Definitions:** For the purpose of this Section, certain terms are defined as follows:

28.3.1 **Arcade Sign:** Sign with an area of four square feet (4 sq. ft.) or less, orientated perpendicular to and attached to a store front, below the roof and above the walkway to identify the occupant of a store or business from a sidewalk or arcade.

28.3.2 Banners: Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind and is considered a "temporary sign" for the purposes of these Regulations. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered banners for the purpose of these Regulations.

~~28.3.2~~ 28.3.3 **Directory Sign:** A sign, other than an identification sign, listing the names, uses or locations of the various businesses or activities conducted within a building or group of buildings.

~~28.3.3~~ 28.3.4 **Freestanding Sign:** A self-supporting sign not attached to a building or wall and in a fixed location. This does not include portable or trailer-type signs.

~~28.3.4~~ 28.3.5 Hanging Signs: A sign which is attached to a building or wall in a manner so that its leading edge extends more than six inches (6") beyond the surface to which it is affixed or the architectural feature, pole or frame from which it is suspended. This definition includes arcade signs.

28.3.6 Illuminated Sign: Any sign that is illuminated in a manner by an artificial light source.

(a) Externally Illuminated: A sign illuminated primarily by light directed toward or across it or by backlighting from a source not within it. Sources of illumination for such signs may be in the form of gooseneck lamps or spotlights.

(b) Internally Illuminated: A sign illuminated with a light source located within the sign and consists of translucent materials with opaque letters and may be used only to identify the premises where located or the enterprise conducted thereon or to publicize the name or the operator or occupant of such premises.

~~(a)~~(c) LED Sign: A sign illuminated by a small light source that emits colored light from a very small amount of electricity.

~~(b)~~(d) Neon Sign: Any sign which features exposed glass tubing filled with florescent gas.

~~28.3.5 — Roofline:~~ The intersection of the roof and the perimeter wall of the structure.

28.3.7 Pennant (Flag): Any geometric shaped cloth, fabric or other lightweight, flexible material normally fastened to a stringer and limited to a maximum sign area of one and one-half square feet (1 ½ sq. ft.) which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere. A pennant is considered a "temporary sign" for the purposes of these Regulations.

~~Sign:~~ Any display of lettering, logos, colors, lights, illuminated neon tubes or other graphic representation visible to the public from outside of a building or from a traveled way, which either conveys a message to the public or intends to advertise a use conducted, goods, products, services or facilities available, either on the lot or any other premises, excluding window displays and merchandise. Interior signs, if located in a window and obviously intended for viewing from exterior, shall be considered a sign for the purposes of these Regulations. The term "sign" shall also include any natural object or objects which are painted or arranged so as to represent or display any graphic representation, as well as any building or features which serves to identify the use or occupancy of any building or site through a recognized motif or symbol, including roof or other special illumination, special colors or effects, or building or roof lines.

~~28.3.6~~ 28.3.8 **Temporary Sign:** A banner, pennant or sandwich board. In addition, ~~an~~ advertising displays, window signs which is not permanently affixed, or placards of a temporary design whether or not permanently erected, attached or otherwise affixed. A temporary sign may be displayed for a period of no more than thirty (30) days, unless otherwise specified in these Regulations.

~~28.3.7~~ 28.3.9 **Wall Sign:** A sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

~~28.3.8~~ 28.3.10 **Window Sign:** A sign painted, etched, applied or affixed in any manner to any exterior window.

~~28.4~~ **Sign Application Procedures:** No sign shall be established, constructed, reconstructed, enlarged, extended, moved, structurally altered, illuminated or otherwise changed except in accordance with these Zoning Regulations and Zoning Commission, where required. Signs specified in Section 28.7, Exempt Signs, although having to comply with the standards of these Regulations, do not require a Zoning Permit or Planning and Zoning Commission approval. All signs requiring Zoning Permits shall be submitted for approval prior to the erection of said sign or signs consistent with the following standards:

~~28.4.1~~ **Contents of a Sign Application:** A complete sign application shall be submitted on the required sign application form and separate from other pending zoning applications. The following materials shall include scale drawings and photographs as follows:

(a) **Elevations View Drawings:**

- (1) Proposed sign or signs with dimensions
- (2) Lettering style
- (3) For a freestanding sign, the height of the sign and sign support structure above grade and, for projecting signs attached to a wall, the façade or wall to which the sign is attached and the clearance from pedestrian areas below the sign
- (4) Notes indicating proposed materials and colors
- (5) Notes indicating the method of sign mounting
- (6) Title block which includes:
 - (i) Name of applicant
 - (ii) Name of designer
 - (iii) Property location

- ~~(iv) — Zoning district~~
- ~~(v) — Date of submission~~
- ~~(vi) — Graphic scale~~

~~(b) — Plan View Drawings:~~

- ~~(1) — Property lines for the proposed site~~
- ~~(2) — Existing and proposed on-site structures, existing and proposed signs, parking areas, curbed and non-curbed islands and sidewalks.~~

~~(c) — Photograph(s): Photographs of the proposed site showing area where the proposed sign(s) will be located.~~

~~28.4.2 — Contents of a Temporary Sign Application: In addition to information required pursuant to Subsection 28.4.1 above, an application for a temporary sign shall include specific information regarding the dates the sign is to be erected and removed and the name, address and telephone number of the person responsible for erecting and removing the sign. The ZEO or Commission may, at his/her/its discretion, require less information than outlines in Subsection 28.4.1 for a temporary sign application if the ZEO or Commission finds that some or all of the information is not necessary in order to determine compliance with these Regulations.~~

~~28.4.3 — Referral to Commission: In addition to other requirements established pursuant to these Regulations, proposed signs exceeding the following specified surface areas in the indicated districts shall be regular Commission approvals:~~

- ~~(a) — I-1, I-2 & IP Districts: ————— Thirty-six square feet (36 sq. ft.)~~
- ~~(b) — B-4 Districts: ————— Twenty-four square feet (24 sq. ft.)~~
- ~~(c) — B-1, B-2 & VZ Districts: ————— Twelve square feet (12 sq. ft.)~~
- ~~(d) — B-3 District: ————— Six square feet (6 sq. ft.)~~

~~28.5.2~~28.4 General Standards for Signs: The following standards and provisions are applicable to all signs:

~~28.5.1~~28.4.1 Dimensions of Signs: All dimensions for signs shall be based on measurements to the outside edge of the sign, excluding any structure necessary to support the sign. The areas of the sign shall be computed from either the outer dimensions of the frame or as the area of a quadrilateral including the outer edges of all lettering, whichever is greater.

28.4.2 Maintenance of Signs: All signs shall be maintained in a secure and safe condition.

(a) The ZEO and his/her authorized agent shall inspect and shall have the authority to order the painting, repair or alteration of a sign which shall constitute a hazard to health, safety or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

(b) If the defect in the sign is not corrected within ninety (90) days, the Commission may revoke the sign permit and at the owner's expense, order the removal of said sign.

~~(b)~~(c) When a sign permit is revoked, a new application for the sign must be submitted for review and consideration.

28.4.3 **Removal of Outdated Signs:** Any sign now and hereafter existing which no longer advertises a bona fide business conducted or product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which sign may be found within ~~ninety (90)~~thirty (30) days of cessation.

~~(c) Upon failure to comply with the time specified, the ZEO is hereby authorized to order the removal of such sign within thirty (30) days of written notification and the expenses incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached.~~

~~28.5.2~~28.4.4 **Further Requirements Pursuant to Site Plan and/or Special Exception Applications:** In addition to the provisions set forth elsewhere in this Section, the Commission shall have the right to impose further standards regarding the size, height, location and materials of any sign or signs in connection with the granting of approval required under this Section necessary to promote health, safety and general welfare of the community and to otherwise carry out the purposes of these sign regulations as stated in Section 28.1.

~~28.6.2~~28.5 **Specific Standards for Signs:** The following specific standards are applicable to all signs in the following zoning districts:

~~28.6.1~~28.5.1 **~~Village, Business, Marine and Industrial~~Non-Residential Districts:** In addition to the standards specified elsewhere in these Regulations, all signs in ~~a Village, Business, Marine and Industrial~~Non-Residential Districts shall conform to the following additional requirements:

(a) **Location:** Signs shall meet all setbacks required for buildings and other structures, except as follows:

~~(1) A wall sign attached to a building may project into the area required for setbacks, provided that the sign does not project more than fifteen inches (15") from the building. At no time shall a wall sign~~

~~project greater than fifteen inches (15") from the wall to which it is attached.~~

~~(2) No portion of any sign shall be located on or attached to the roof of a building and no sign shall extend above the roof line.~~

~~(3)(1) On any lot other than those fronting on Main Street~~In the B-1, B-4 and Industrial Districts, one hanging sign may extend to within ten feet (10') of any street-front lot line, provided that no single dimension of said sign exceeds eight feet (8').

~~(4)(2) On lots which front on Main Street between Route 145 and Grove Street~~In the Village Zone, B-2, B-3 and Marine Districts, one hanging sign may extend to within ten feet (10') of any street-front lot line, provided that the sign does not exceed ~~thirty-six square feet (36 sq. ft.)~~eighteen square feet (18 sq. ft.) in area.

~~(5)(3) An arcade sign oriented perpendicular to the store front and attached to the bottom of an overhanging roof or walkway covering, or store front, not to exceed four square feet (4 sq. ft.), may be affixed to the store front, roof or walkway covering in the event that a single wall sign is constructed and no hanging sign is to be erected.~~

~~(6)(4) Exempt As-of-Right signs under Section 28.7x, unless otherwise noted.~~

(5) In Districts where permitted, neon signs are permitted on the inside of windows only.

(i) At no time shall a neon sign be attached to an exterior wall of a building.

(b) Height: Signs in all ~~Village, Business, Marine and Industrial Districts~~Non-Residential Districts and other than in Shopping Centers as defined in these Regulations, shall meet the following height standards:

(1) No portion of any freestanding sign or its support structure shall have a height greater than twenty feet (20') above the naturally occurring grade.

(2) Any hanging sign or arcade-type sign projecting over a pedestrian way shall be located with its lower edge not less than eight feet (8') above said pedestrian way.

(c) Area: Signs in all ~~Village, Business, Marine and Industrial~~ Non-Residential Districts and other than in Shopping Centers as defined in these Regulations shall meet the following area standards:

(1) ~~On any lot other than on Main Street between Route 145 and Grove Street~~In B-1, B-4 and Industrial Districts, the aggregate total area of all signs on any lot shall not exceed forty-eight square feet (48 sq. ft.).

(2) ~~On lots that front on Main Street between Route 145 and Grove Street~~In the Village Zone, B-2, B-3 and Marine Districts, the aggregate total area of all signs shall not exceed thirty-six square feet (36 sq. ft.).

(3) The area of any walls sign or signs attached to or painted on a building shall not exceed ten percent (10%) of the area of the wall on which such sign or signs are attached or painted, or the area limitations as specified in subsections (1) or (2) above, whichever is less.

(4) The area of neon and LED signs are included in the aggregate total area of all signs permitted on a lot.

(i) The square footage of neon and LED signs are measured by a square or rectangle within which all parts of the sign are located.

(5) There shall be no more than three neon and/or LED signs permitted per lot.

(i) Each sign shall not exceed six square feet (6 sq. ft.) with the longest side of the square or rectangle used to measure the sign not to exceed forty-two inches (42").

(ii) The aggregate area of the three signs shall not ~~to~~ exceed fifteen square feet (15 sq. ft.)

(d) Illumination: The following provisions govern the illumination of signs in ~~Village, Business, Marine and Industrial~~ Non-Residential Districts:

~~(1) Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.~~

~~(2) Illuminated signs, where permitted, may be used only to identify the premises where located or the enterprise conducted thereon or to publicize the name or the operator or occupant of such premises.~~

- (1) Internally illuminated signs, including neon and LED signs, are not permitted in the Village Zone. ~~In Business, Marine and Industrial Districts, the face(s) of internally illuminated signs shall consist of translucent materials with opaque letters.~~
- (2) Neon and LED signs are only permitted in Business Districts and Shopping Centers in accordance with all other provisions located in these Regulations.
 - (i) All neon and LED signs are to be extinguished at the end of business hours
- (3) Illuminated signs ~~used in connection with a business, marine and industrial establishment~~ shall not be lit during the hours between midnight (12:00 a.m.) and six o'clock a.m. (6:00 a.m.) unless the establishment is legally open for business. ~~All neon signs are to be extinguished at the end of business hours.~~

~~28.6.228.5.2~~ **Residential Districts:** In addition to standards or provisions specified elsewhere in these sign regulations, signs in all Residential Districts shall meet the following additional standards and provisions:

- (a) **Location:** ~~The following provisions shall govern the location of signs in all Residential Districts:~~
 - (1) No freestanding sign shall be located closer than ten feet (10') to any street line or lot line, except exempt-as-of-right signs permitted under Section 28.8-x (Temporary Signs) and Subsection 28.6xx-2(c)(2) (Area) below.
 - ~~(2) No sign shall be located on any roof, and no sign attached to or painted on a building shall extend beyond the limits of the wall of the building to which it is attached or on which it is painted.~~
 - ~~(3) A wall sign attached to a principal building may project into the area required for setback, provided that the sign does not project more than fifteen inches (15") from the building.~~
- (b) **Height:** Signs in all Residential Districts shall meet the following height standards:
 - (1) No portion of any freestanding sign or its support structure shall be greater than six-five feet (6'5') above the naturally occurring grade.

- (2) Any hanging sign projecting over a pedestrian way shall be located with its lower edge not less than eight feet (8') above said pedestrian way.
- (c) Area: Signs in all Residential Districts shall meet the following requirements for number and area:
- (1) On lots containing a farm, church or place of worship, parish hall, cemetery, museum, school, membership club, philanthropic institution, hospital, recreation facility, nature preserve, wildlife sanctuary, convalescent home, sanitarium, public utility, or building, use or facility of the Town of Clinton, State of Connecticut or federal government, one sign not exceeding sixteen square feet (16 sq. ft.) advertising that use which entitled the lot to sixteen square feet (16 sq. ft.) sign is permitted.
- (2) On lots with uses not listed above, no more than ~~two (2)~~one (1) signs, ~~neither~~ not exceeding two square feet (2 sq. ft.) in area, identifying the occupant or a use not listed above of the lot shall be permitted.
- (d) Illumination: All lighting of signs in Residential Districts shall be indirect, with the source of illumination not visible from any street or from any lot other than the lot on which the sign is located.
- (e) Non-Conforming Signs in Residential Districts: Where a non-conforming use exists in a Residential District, either by nonconformity or by variance, the sign area requirements of the particular use shall be determined by the Commission. The Commission shall take into consideration the type of use, locations, visibility from residential uses, and reasonable needs for advertising the particular use. In no case shall the total sign area on a lot exceed ~~the total area allowed in a non-residential districts~~sixteen square feet (16 sq. ft.).
- ~~28.7~~28.6 Special Use Categories: For properties located in Business, Marine or Industrial Zones which have more than one use or tenant, special signage standards apply. These properties must be categorized into only one (1) of the following:
- ~~28.7.1~~28.6.1 Shopping Center: In addition to standards set forth elsewhere in these Regulations, especially those set forth in Subsection 28.6.1(a), (b) and (d), all signs for Shopping Centers, as defined in these Regulations, shall comply with the following additional requirements:
- (a) Sign Design Plan: An overall Sign Design Plan shall be approved prior to the erected or installation of any signs. and elevations for all proposed exterior shopping center signs, attached in full view of a public street or right of way and for freestanding signs, shall be submitted to the Commission for review

~~and approval prior to the erection or installation of any signs. Six (6) copies of the design plan and elevations shall be submitted consistent with the requirements of Subsection 28.4.1: Sign Application Procedures, and with Subsection 28.6.3(c): Design. In addition, the application and application drawing shall include the words "APPROVED — CLINTON PLANNING AND ZONING COMMISSION", with a place for date and signature from the Chairman.~~

~~(b) —~~

~~(c) The Commission shall approve, approve with conditions, or deny said Sign Design Plan and elevations within sixty five (65) days of receipt of same. The applicant shall be so notified in writing with the reasons stated for any denial.~~

~~(d)~~(a)

~~(e) Procedure for Approval of Signs for Individual Stores: Following the approval of the overall Sign Design Plan by the Commission as required above, individual store tenants shall submit an application for individual signs consistent with Subsection 28.4.1, the overall Sign Design Plan and these Regulations to the ZEO for determination of compliance and issuance of a sign permit.~~

(b) Design:

(1) All individual store exterior signs shall be designed as an integral part of the shopping center architectural design and shall be of the same type, character and relative location on the building, so as to provide an integrated, harmonious design.

(2) Signs shall of an individual letter-type or of sign-board type, but the two types shall not be mixed on the façade of the buildings on any single shopping center.

(3) These shall be no more than two (2) height variations for letters or signboards.

(4) ~~For freestanding signs, d~~Directory signs ~~allowed pursuant to Subsection 28.6.3(d)~~ shall be of uniform design including orientation, size, ~~lettering, color~~ and material.

(5) In no event shall any directory sign exceed four square feet (4 sq. ft.) in area.

~~(1)~~(6) Sign colors and lighting methods shall be coordinated on each shopping center and shall be shown on the Sign Design Plan or elevations in sufficient detail to indicate the proposed final sign detail.

(c) ~~Freestanding Signs: Height, Area, Number and Content:~~ On a shopping center site, one freestanding sign identifying the shopping center may be constructed.

(1) ~~Height:~~ Such sign shall not exceed a height of twenty feet (20') above naturally occurring grade. ~~nor~~

(2) ~~Area:~~

(i) ~~Such freestanding signs shall not exceed a total of forty-eight square feet (48 sq. ft.)~~ thirty-six square feet (36 sq. ft.).

(ii) ~~In addition, e~~Each individual store tenant or occupant may attach a single directory sign to the freestanding sign according to a design plan submitted and approved. ~~pursuant to Subsections 28.6.3(a) and 28.6.3(c).~~

(iii) ~~The total area of the freestanding sign, as defined in Subsection 28.5.1,~~ may be increased by up to four square feet (4 sq. ft.) for each occupied unit in the shopping center to all for the placement of directory signs.

~~(iv)~~ In no event shall the total freestanding sign area including directory signs exceed ~~ninety-six square feet (96 sq. ft.)~~ eighty-four square feet (84 sq. ft.).

(d) ~~Individual Store Exterior Signs: Area, Number and Content:~~

~~(2)~~(1) The word "store", as used herein, shall mean a retail store, financial institution, restaurant, personal service establishment, or other permitted use in the particular Shopping Center.

(2) The total exterior sign area on any individual store shall not exceed one square foot (1 sq. ft.) for each linear foot of store front.

(i) The length of the storefront shall be measured on a horizontal line along the front of the store between exterior intersecting walls or between the centers of intersecting party walls.

(3) ~~and shall be limited on~~ There shall be only one (1) sign designating the proper name of each individual store on each wall with a public entrance.

~~(3) The length of the storefront shall be measured on a horizontal line along the front of the store between exterior intersecting walls or between the centers of intersecting party walls. Where a store is so~~

~~designed as to have a front and rear public entrance, the determination of the size for both entrances is the same.~~

~~The word "store", as used herein, shall mean a retail store, financial institution, restaurant, personal service establishment, or other permitted use in the particular Shopping Center.~~

- (e) Arcade Signs: If a Shopping Center is designed with a courtyard or covered walkway, each store shall be allowed one (1) additional sign not to exceed four square feet (4 sq. ft.) and consistent with a design plan submitted and approved.

~~(4)(1) Such sign is pursuant to Subsections 28.6.3(a) and 28.6.3(c) to be located only in the courtyard or covered walkway and generally at right angles to the front wall and not directly visible from the exterior of the courtyard or covered walkway.~~

- (f) Temporary Advertising Signs: ~~Temporary signs advertising products, service or sales, including paper and sandwich board type signs which are generally visible from a public street or right of way shall conform to these Regulations in their entirety. Temporary signs which are not visible from a public street or right of way shall not require a sign permit. Each store shall be permitted one (1) temporary sign not to exceed six square feet (6 sq. ft.)~~

- ~~(g) Prohibited Location: On a shopping center site, no portion of any sign that is attached to or applied on a building shall be attached to any roof of such building, nor shall such sign extend beyond the limits of the wall or arcade on which it is attached or applied, nor project more than fifteen inches (15") from the wall or arcade to which it is attached.~~

~~28.7.2 Signs for Multiple Tenancy Commercial Buildings: In addition to standards set forth elsewhere in these Regulations, all signs for multiple tenancy commercial buildings, excluding Shopping Centers, shall comply with the following additional requirements:~~

~~28.7.3~~28.6.2

- (a) Individual Commercial Unit Exterior Signs: ~~In addition to standards set forth elsewhere in these Regulations, especially those set forth in Subsection 28.6.1 in its entirety, w~~Where ~~three~~two or more separate commercial units are located in a structure or structures on one lot in an I-1, I-2 or IP Industrial District, ~~the aggregate total area of all individual commercial unit exterior signs allowed on the lot may be increased to one square foot (1 sq. ft.) per linear foot of store front as set forth in Subsection 28.6.3(d), provided that each unit is permitted one square foot (1 sq. ft.) of signage per linear foot of structure frontage.~~

~~(1) There is an approved site plan for the lot in accordance with Section 8 (Site Plan) and Section 9 (Special Exception) and all other requirements of Section 28 (Signs).~~

~~(2) A Sign Design Plan is submitted to and approved by the Commission in accordance with Section 28.4: Sign Application Procedures, except for architect's approval.~~

~~(3) Any existing non-conforming signs are removed.~~

~~(b) Freestanding Signs: Height, Area and Number:~~ One freestanding sign identifying ~~the a~~ multiple tenancy commercial building ~~complex~~complex in the ~~Village Zone or~~ Business, Marine and Industrial districts may be constructed on the site.

~~(1) Height:~~ Such sign shall not exceed a height of twenty feet (20') above naturally occurring grade.

~~(2) Area:~~

~~(i) Such freestanding sign shall not exceed~~ ~~not~~ a total of thirty-six square feet (36 sq. ft.).

~~(ii) In addition, e~~Each individual tenant or occupant may attach a single directory sign not to exceed four square feet (4 sq. ft.) to the freestanding sign.

~~(3) Directory signs shall be uniform in design including orientation, size, lettering, color and material.~~

~~(4) The total area of the freestanding sign, as defined in Subsection 28.5.1, may be increased by up to four square feet (4 sq. ft.) for each occupied unit in the multiple tenant commercial building complex to allow for the placement of directory signs. In no event shall the total freestanding sign area including directory signs exceed seventy-two square feet (72 sq. ft.).~~

~~(b)(c) Temporary Advertising Signs: Each store shall be permitted one (1) temporary sign not to exceed six square feet (6 sq. ft.)~~

~~28.7.428.6.3 Multiple Building Complexes: In addition to standards set forth elsewhere in these Regulations, all signs for sites containing multiple buildings, excluding Shopping Centers, shall comply with the following additional requirements:~~

~~(a) Exterior Building Identification Signs: In a complex with more than one principal building, each building, except accessory buildings, shall have a~~

clearly visible exterior symbol identifying each building. ~~In addition to the guidelines set forth in this subsection, all signs shall conform to Subsections 28.6.1 and 28.6.2 in their entirety.~~

~~(b)~~(a)

(b) Individual Commercial Unit Exterior Signs: Where two or more commercial units are located in a structure or structures on one lot in an Industrial, Business or Marine Districts, each unit is permitted one square foot (1 sq. ft.) of signage per linear foot of structure frontage.

(c) Freestanding Signs: ~~Height, Area, Number and Content~~: One freestanding sign identifying ~~the a~~ multiple building complex may be constructed on the site.

(1) Height: Such sign shall not exceed a height of twenty feet (20') above naturally occurring grade.

(2) Area:

(i) Such freestanding sign shall not exceed ~~not~~ a total of thirty-six square feet (36 sq. ft.).

(ii) ~~In addition, e~~Each individual tenant or occupant may attach a single directory sign.

(iii) Directory signs shall be uniform in design including orientation, size, lettering, color and material. ~~The total area of the freestanding sign, as defined in Subsection 28.5.1, may be increased by up to four square feet (4 sq. ft.) for each occupied unit in the multiple building complex to allow for the placement of directory signs.~~

(iv) In no event shall the total freestanding sign area including directory signs exceed seventy-two square feet (72 sq. ft.).

~~(1)~~(3) Temporary Advertising Signs: Each store or tenant shall be permitted one (1) temporary sign not to exceed six square feet (6 sq. ft.)

28.828.7 Exempt As-of-Right Signs: Exempt signs are subject to the limitations of Section 28.9x regarding Prohibited Signs and shall conform to all other standards and provisions of this Section. The following signs do not require a permit under Section 28.4 unless otherwise stated below. ~~Exempt signs are subject to the limitations of Section 28.9 regarding Prohibited Signs and shall conform to all other standards and provisions of this Section.~~

~~28.8.1~~ 28.7.1 Public Signs: Signs of a non-commercial nature and in the public interest, erected by or on the order of a public officer in the performance of a public duty, such as traffic signs, safety signs, memorial plaques, and signs of a historic nature ~~erected or placed by the Town or an agent thereof for the purpose of advertising a Town-sanctioned event.~~

28.7.2 Directional Signs: Private directional signs solely indicating ingress and egress, not to ~~exceeding~~ an area of three square feet (3 sq. ft.) nor a height of four feet (4') above the ground, placed at driveway locations or other locations on the premises where an activity or enterprise is located.

- (a) No more than two permanent unlighted directional signs may be located off the premises, provided the sign location does not create a nuisance and/or hazard, and provided that the owner of the sign has permission of the property owner where an off premises sign is located.

~~28.8.2~~ 28.7.3 Hunting and Fishing, No Trespassing, No Dumping, No Loitering: Signs related to trespassing, hunting, dumping or loitering, not exceeding two square feet (2 sq. ft.) in area.

~~28.8.3~~ 28.7.4 Identification Signs: Signs identifying names of non-commercial buildings, dates of erection, monuments, commemorative tablets, and the like, when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and ~~made an integral part of~~ permanently affixed to the structure and not exceeding an area of ~~two-three~~ square feet (2-3 sq. ft.).

~~28.8.4~~ 28.7.5 Holiday Decorations: Signs of a primarily decorative nature, clearly ~~incidental and customary and commonly associated with any national, local or religious holiday,~~ provided that such signs are displayed for a period of not more than sixty (60) days in any one year and that such signs are set back ten feet (10') from all boundary lines of the lot.

~~28.8.5~~ 28.7.6 House Identification Signs: No more than two (2) signs, neither exceeding ~~two-three~~ square feet (2-3 sq. ft.) in area, identifying the occupant of the house.

~~28.8.6 Neon Signs:~~ One neon sign, not to exceed four square feet (4 sq. ft.), provided the sign conforms to all other provisions in Section 28.

~~28.9~~ 28.8 Temporary Signs: The following temporary signs are permitted in all districts in accordance with the standards set forth below in this Section, and other applicable standards in these Regulations. Temporary signs of four square feet (4 sq. ft.) or less ~~are exempt from~~ do not require a zoning permit ~~under the provisions of Section 28.4: Sign Application Procedures,~~ unless otherwise indicated below. Temporary signs are permitted with the limitations indicated below even if such temporary signs result in a total aggregate sign area on the lot in excess of that permitted in Sections ~~28.6-1(c)xx~~ (Area) and ~~28.6-2(c)xx~~ (Area).

28.8.1 Construction Signs:

- (a) Construction signs that identify architects, engineers, contractors, and other individuals or firms involved with construction, but not including any advertisement of the project, may be located on the site of a construction project.
- (b) Area: The maximum total aggregate area of Cconstruction signs shall be as follows:
- (1) Residential Districts: Six square feet (6 sq. ft.)
 - (2) Village Zone District: Thirty-six square feet (36 sq. ft.)
 - (3) B-2 and B-3 Districts Thirty-six square feet (36 sq. ft.)
 - (4) Marine District: Thirty-six square feet (36 sq. ft.)
 - (5) B-1 and B-4 Districts: Forty-eight square feet (48 sq. ft.)
 - (6) Industrial Districts: Forty-eight square feet (48 sq. ft.)
 - ~~(1) less than six square feet (6 sq. ft.) in Residential Districts, thirty six square feet (36 sq. ft.) in the Village Zone, and less than forty eight square feet (48 sq. ft.) in Business, Marine and Industrial Districts.~~

28.8.2 Real Estate Signs:

- (a) Except as indicated below, not more than two real estate signs may be located on any lot, advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed.
- (b) Such signs shall be removed within one (1) week following sale, rental or lease of the premises.
- (c) Area: The maximum total aggregate area ~~Maximum total area~~ of real estate signs shall be as follows:
- (1) Residential Districts: Six square feet (6 sq. ft.)
 - (2) Village District: Thirty-six square feet (36 sq. ft.)
 - (3) B-2 and B-3 Districts: Thirty-six square feet (36 sq. ft.)
 - (4) Marine District: Thirty-six square feet (36 sq. ft.)

(5) B-1 and B-4 Districts: Forty-eight square feet (48 sq. ft.)

(6) Industrial Districts: Forty-eight square feet (48 sq. ft.)

(d) Real Estate signs six square feet (6 sq. ft.) or less do not require a permit.

~~(2) not exceed six square feet (6 sq. ft.) per property in Residential Districts, thirty six square feet (36 sq. ft.) in the Village Zone, and forty-eight square feet (48 sq. ft.) in Business, Marine and Industrial Districts. Real estate signs six square feet (6 sq. ft.) or less do not require a zoning permit.~~

28.8.3 Subdivision Signs:

(a) On subdivisions involving six (6) or more lots, one (1) additional temporary sign advertising the subdivision, developer, and/or realtor, not to exceed twenty square feet (20 sq. ft.) is permitted.

(b) Said sign shall be located at the entrance to the subdivision and shall be removed within one (1) week of the sale or rental of the last lot or structure within the subdivision.

28.8.4 Political Signs:

(a) Political campaign signs and other information pertinent thereto, up to a total of twenty square feet (20 sq. ft.) on each premises.

~~(c)~~(b) These signs shall be confined within private property and shall be erected no earlier than thirty (30) days prior to and shall be removed within seven (7) days after the election for which they were electedinvolved.

~~28.9.2 Banners: Street banners, banner or temporary signs advertising a public entertainment or advertising a charitable, religious or educational event, as may be approved in a location designated by the ZEO for up to fourteen (14) days prior to and seven (7) days after the entertainment or event.~~

28.8.5 ~~Special Sales/Special Events~~Temporary Events: Banners, sandwich board signs, or pennants may be permitted for temporary events. A temporary event may include special sales at commercial establishments.

(a) There shall be only one (1) temporary sign erected for any event.

(b) There shall be no more than two (2) events requiring signage per calendar year except for municipally owned properties.

(c) The temporary sign may be erected up to two (2) weeks prior to the event and must be removed within one (1) week following the event.

(d) No temporary sign may remain for a total of no more than thirty (30) days.

28.8.6 Sandwich Board Signs: In non-residential districts, one (1) sandwich board sign, not to exceed six square feet (6 sq. ft.), may be permitted per property.

(a) Such sandwich board sign must be located on private property.

(b) If the sandwich board sign advertises a use located on a different property, the owner of the property on which the sign is to be located must give permission (via signature on the sign permit application) for the sign to be erected.

~~28.9.3 For non-residential uses, no more than two (2) temporary signs advertising special events or sales, of less than six square feet (6 sq. ft.) each, may be displayed for each permitted use on a premises and only during hours that a use is open for business and for an additional period of up to one half hour each, before and after business hours. Such temporary signs shall not be located so as to pose a safety hazard to pedestrian or vehicular traffic.~~

~~28.9.4 Farm Tourism Seasonal Signs: Permitted farm tourism uses may display one temporary sign (banner, pennant or sandwich board) on the premises of other who are willing to make them their agent in obtaining the permit. These signs will be in excess of the maximum signage allowances, but will conform to all area and setback requirements pertaining to a single sign for the district in which they are located. The duration of the display cannot exceed nine (9) months in any one (1) year period beginning with the date the sign permit is issued. These signs are prohibited in the Village and Marine Zones.~~

(Added 4/1/2010)

~~28.10.2~~ 28.9 **Prohibited Signs:** The following signs are expressly prohibited, unless specifically indicated otherwise:

~~28.10.1~~ 28.9.1 No sign in any district shall have an area greater than forty-eight square feet (48 sq. ft.) unless otherwise specified herein.

28.9.2 No sign shall be attached to a tree, fence or utility pole or painted or drawn on a rock or other natural feature, except that temporary signs may be attached to fences located on municipal properties.

~~28.10.2~~ 28.9.3 No sign shall be located within any town or state right-of-way, except for town or state-owned signs.

~~28.10.3~~ 28.9.4 No sign, together with any supporting framework, shall extend to a height above the maximum building height allowed in any district nor shall a sign project beyond any property line, except that a wall sign attached to a building may

~~project up to fifteen inches (15") into the right of way of a street if it is demonstrated to the satisfaction of the Commission that no traffic or pedestrian hazard will result from the sign's location.~~

28.9.5 No portion of any sign attached to an accessory building shall be permitted within required setback areas.

~~28.10.4~~**28.9.6** No sign shall be located on any roof, and no sign attached to or painted on a building shall extend beyond the limits of the wall of the building to which it is attached or on which it is painted.

28.9.7 No sign shall be permitted which has blinking, flashing, fluttering, oscillating, rotating or pulsating lights or other illumination devices which have a changing light intensity or color. Signs giving public service information such as time, date or temperature may be permitted provided that they meet all other provisions of these Regulations. Emergency lights are excluded from this Regulation.

28.9.8 No "feather" or "swooper" flags shall be permitted.

~~28.10.5~~**28.9.9** No sign, except for a traffic, regulatory or informational sign shall contain the words "STOP", "GO SLOW", "CAUTION", "DANGER" OR "WARNING", or shall incorporate red, amber or green lights resembling traffic signals or shall resemble "STOP" or "YIELD" signs in shape and color.

~~28.10.6~~**28.9.10** No sign which has any moving parts or assumes any motion, including hanging signs, shall be permitted.

~~28.10.7~~**28.9.11** No vehicle or trailer which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises shall be parked on the public right-of-way or in any other location which is clearly for the purpose of public visibility. This Section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle but rather to regulate the location of such vehicles.

~~28.11~~**28.10** All neon signs existing prior to March 1, 2004 may be continued under the provision of Section 27 (Non-Conformities) of these Regulations. A Certificate of Zoning Compliance shall be issued by the ZEO for such applicants who provide the ZEO with the number of neon signs, the square footage of each neon sign and the aggregate total area of the neon signs on the lot, together with credible evidence, e.g. photographs, that such neon signs legally existed prior to March 1, 2004.

4.36.2 For petitions concerning the Zoning Map, a map shall be submitted, drawn to a scale of not less than one inch equals two hundred feet (1"=200'), covering the area of the proposed change and all areas within five hundred feet (500') of the proposed change and includes the following information:

- (a) The existing and proposed zoning district boundary lines;
- (b) The existing property lines;
- (c) The names of the current property owners from the records of the Clinton Tax Assessor.

4.37 Contents of a Sign Permit Application:

4.37.1 A complete sign permit application shall be submitted on the required sign permit application form and separate from other pending zoning applications.

4.37.2 The following materials shall include scale drawings and photographs as follows:

(a) Elevations View Drawings

- (1) Proposed sign or signs with dimensions
- (2) Lettering style
- (3) For a freestanding sign, the height of the sign and sign support structure above grade and, for projecting signs attached to a wall, the façade or wall to which the sign is attached and the clearance from pedestrian areas below the sign
- (4) Notes indicating proposed materials and colors
- (5) Notes indicating the method of sign mounting
- (6) Title block which includes:
 - (i) Name of applicant
 - (ii) Name of designer
 - (iii) Property location
 - (iv) Zoning district
 - (v) Date of submission
 - (vi) Graphic scale

(b) Plan View Drawings

- (1) Property lines for the proposed site

(2) Existing and proposed on-site structures, existing and proposed signs, parking areas, curbed and non-curbed islands and sidewalks

(c) Photograph(s): Photographs of the proposed site showing area where the proposed sign(s) will be located.

4.37.3 A report from the Design Review Board must be submitted with the Sign Permit application.

4.38 Contents of a Temporary Sign Application:

4.38.1 In addition to information required pursuant to Subsection 28.4.1 above, an application for a temporary sign shall include specific information regarding the dates the sign is to be erected and removed and the name, address and telephone number of the person responsible for erecting and removing the sign.

4.38.2 The ZEO may at his/her discretion require less information than outlined in Subsection 4.37 for a temporary sign application if the ZEO finds that some or all of the information is not necessary in order to determine compliance with these Regulations.

4.39 Contents of a Sign Design Plan:

4.39.1 An overall design plan of all proposed exterior shopping center signs which are to be attached in full view of a public street or right-of-way and all freestanding signs.

4.39.2 Elevation view drawings as specified in Section 4.37.1 above.

4.39.3 The applicant shall submit eighteen (18) copies of the design plan and elevations.

~~4.36.34~~ 4.39.4 A report from the Design Review Board must be submitted with the Sign Design Plan.

Section 25

Lot Requirements – Standards

25.1 Setbacks: No building or other structure shall extend into any setbacks required by these Regulations, except as follows:

25.1.1 Permitted signs as specified in Section 28.

25.1.2 Marquees, canopies, eaves, open fire escapes and similar projections without projecting walls may project not more than five feet (5') into the required setback area provided that it does not adversely impact the public health or safety.

25.1.3 In Residence Districts and the Village Zone, an unattached accessory building or structure, not exceeding fifteen feet (15') in height and one hundred square feet (100 sq. ft.) in floor area, may extend to within ten feet (10') of any property line but shall not extend into the area required for setback from a ~~street front property~~ line.

~~25.1.4 In Business District B-3, any building or other structure set back from a property line other than a street line, shall not extend within less than ten feet (10') of such property line, except that adjoining property owners may by mutual agreement, recorded on the Clinton Land Records in the Office of the Town Clerk, agree to reduce the required setback from the common property line by up to five feet (5') one each side of such line.~~

25.2 Lot Area, Shape, Access and Frontage Requirements:

25.2.1 Area and Shape:

- (a) East lot shall have a minimum area as specified for the district in which the lot is located and shall be of such shape that a square with sides equal to the minimum frontage requirements can be placed on the lot in an area (exclusive of those spaces created by front and rear line setbacks) capable of supporting the principal building or residence.
- (b) Lot widths may not narrow to less than seventy percent (70%) of the minimum frontage and then widen to accommodate the minimum square.
- (c) Wells, septic systems and reserve areas for one hundred percent (100%) leaching field expansion shall be provided on the lot.

25.2.2 Lots of Record; In any zoning district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of these Regulations, a single-family dwelling and customary accessory buildings may be

erected or reconstructed on any single lot of record at the effective date of adoption of amendment of these Regulations.

- (a) This provision shall apply even though such lot of record fails to meet the lot and area requirement for the district in which it is located, but shall conform to Section 25.2.4 and Section 27.2 of these Regulations.

25.2.3 Areas of Special Concern:

- (a) In Districts requiring thirty thousand square feet (30,000 sq. ft.) and less per lot where the soil is designated "Severe" for septic tank absorption fields, as reported in the USDA Soil Survey of Middlesex County, Connecticut, and as more fully described in the State of Connecticut Public Health Code, Section 19-13-B103d(e), the minimum lot area shall be at least one (1) acre of which there shall be at least thirty thousand (30,000) contiguous square feet of dry land.
- (b) The Commission may require a minimum lot area of two (2) acres lying on an aquifer or recharge area for a public water supply or within five hundred feet (500') of a public water supply reservoir or well.

25.2.4 Access and Frontage: Each lot shall have access to and frontage, as specified in the Lot Requirement Schedules, on an accepted Town road, approved subdivision road or highway as recorded in the Clinton Land Records and/or shown on the current CT Department of Transportation Map TR-27, except:

- (a) Access to a rear lot shall be in accordance with Section 10.5 or 10.3 of these Regulations.
- (b) A lawful non-conforming lot, as defined in Subsection 3.13.1 and 3.15.1(b) shall not be excluded under this Section for failure to meet access and frontage requirements.
- (c) Frontage for a corner lot shall be the street lines with applying minimum frontage requirements as set forth in the Lot Requirement Schedules shall apply to both street.

25.2.5 Determination of Compliance:

- (a) In determining compliance with minimum lot area and shape requirements, land subject to easements for drainage facilities and underground public utilities may be included.
- (b) No street or highway easement or vehicular access, private right-of-way for vehicles, or easement for above ground public utilities may be included.

- (c) Conservation easements may be included, but may not exceed twenty percent (20%) of the minimum lot requirement.
- (d) Areas consisting of inland wetlands, tidal wetlands or watercourses, as defined in Section 3, shall not be used in computing lot area in zones requiring sixty thousand square feet (60,000 sq. ft.) or less per lot.
- (e) In zones where minimum lot area exceeds sixty thousand square feet (60,000 sq. ft.) inland wetlands, watercourses or tidal wetlands may be included to meet the minimum lot area in excess of sixty thousand square feet (60,000 sq. ft.) but in no event shall exceed twenty-five percent (25%) of the minimum zone requirement.

25.3 Corner Lots: On any corner lot there shall be no building, structure, fence, wall or planting in excess of three feet (3') in height, as measured from curb line, located within a triangular space on the lot bounded by the two intersecting street lines and a straight line connecting a point fifty feet (50') from the intersection so as to obstruct a clear line of sight across the triangle.

25.4 Coverage and Bulk:

25.4.1 The aggregate lot coverage of all buildings and other structures on any lot shall not exceed the percentage of lot area specified in the Lot Requirement Schedules.

25.4.2 The total floor area of all building and other structures on any lot, excluding basements, shall not exceed the percentage of lot area specified in the Lot Requirement Schedules.

25.4.3 In Business, Industrial and Marine Districts, the total footprint of any single building shall not exceed forty thousand square feet (40,000 sq. ft.) in area, except that shopping centers and neighborhood shopping centers and municipal facilities, libraries, community centers, town offices, public works facilities, etc., shall not be subject to this requirement.

25.5 Minimum Floor Area for Dwellings: ~~Each one story dwelling shall have a minimum floor area on the ground floor as specified in the Schedules; each split level dwelling shall have a minimum floor area on all floors as specified in the Schedules; each dwelling with two (2) or more stories shall have a minimum floor area on the ground floor and a total minimum floor area specified in the Schedules; each dwelling for two (2) families shall also have a minimum floor area for each family as specified in the Schedules.~~ Dwelling shall have the minimum floor areas as specified in the Lot Requirement Schedules.

25.6 Setbacks:

25.6.1 All lots of the following subdivisions that were developed as either Conservation Subdivisions or Planned Residential Cluster Developments shall have the following setbacks:

- (a) Sub. 94: Fox Hill; Sub. 117: Kenilworth IV; Sub. 127: Kenilworth V; Sub. 227: Pembroke West; Sub. 230: Stonewall Acres; and Sub. 264: Taylor Ridge. These Subdivisions are shown on the Zoning Map.
- (b) Front Setback: Thirty Feet (30')
Side Setback: Fifteen Feet (15')
Rear Setback: Thirty Feet (30')
- (c) Any Conservation Subdivision approved after January 1, 2005 shall utilize the setbacks provided in Section 10.4 of these Regulations.

~~25.6.2 Wetlands Setback: Because the Health Department and the Inland Wetlands Commission are responsible for regulating septic systems and wetlands setbacks, any applicant is referred to those agencies for the current septic system and wetlands requirements.~~

~~A fifty foot (50') setback, or as otherwise amended in the Inland Wetlands Regulations, is required for wetlands for new structures.~~

25.7 Special Buffer Requirements:

25.7.1 The intent of this buffer is to prevent easy access and to diminish as much as possible or eliminate sight, sound and odors from Businesses, Industrial and Marine Zones in or onto abutting residentially zoned property as viewed from the second floor living area of existing or potential residential structures. This applies to all projects, whether requiring a Zoning Permit, Site Plan approval, Special Exception approval, or Special Permit approval.

- (a) A buffer of at least fifty feet (50') in width running continuously along the property line shall be established along the residentially zoned properties abutting ~~the B-1, B-2, B-3, B-4, I-1, I-2, IP and Many Business, Industrial and/or Marine Zones.~~ The buffer area shall, at a minimum, consist of solid fencing up to six feet (6') in height with suitable evergreens, six feet to ten feet (6' to 10') in height planted in a staggered pattern. Existing vegetation and shrubbery that aids in the effectiveness of the buffer shall remain.
- (b) At five feet (5') to fifteen feet (15') of depth comprised of two (2) rows of suitable deciduous trees of minimum three inch (3") caliper, DBH (diameter breast height), or evergreen trees eight feet (8') in height, spaced fifteen feet (15') apart and staggered in rows fifteen feet (15') apart. The space between trees shall be filled with evergreen or deciduous shrub underplanting.~~If determined by the ZEO, a permanent mound or berm shall be constructed~~

~~with additional plantings of shrubbery, trees or other vegetation. The mound shall be constructed in a manner that does not direct or increase the discharge of stormwater runoff onto abutting properties.~~

(c) At fifteen feet (15') to fifty feet (50') of depth comprised of mixed plantings of suitable evergreen and deciduous trees, arranged in natural groupings, with tree quantity based on an average of one tree (minimum two inch (2") caliper DBH for deciduous, six feet (6') high for evergreen) per three hundred square feet (300 sq. ft.) of buffer area. The space between trees or tree groupings shall be underplanted with evergreen or deciduous shrubs, with quantity based on one shrub per two hundred square feet (200 sq. ft.) of buffer area. Up to one-third (1/3) of the buffer area may be covered with grasses or ground cover.

(d) Use of existing natural growth for buffer areas is encouraged and such areas may be augmented with additional trees and shrubs to achieve the required density set forth in the previous paragraph.

~~(c)~~(e) All types of landscaping materials shall be approved by the ZEO. All landscaping trees, shrubs and fences must be maintained and repaired or replaced within thirty (30) calendar days of notification of such by the ZEO.

25.7.2 **Tidal Wetlands Buffer:** A resource protection buffer of no less than fifty feet (50') shall be established along the upland edge of any tidal wetland as defined by CGS Section 22a-29(2), thereby requiring a minimum buffer of fifty feet (50'). The width of the buffer shall be measured inland from the upland edge of the tidal wetlands except in the case of wetlands bordered by slopes greater than 25% in which case the buffer shall be measured inland from the top of the slope.

(a) The following uses and activities are prohibited within the buffer:

- (1) New building construction that increases the building area or footprint including minor additions to existing buildings.
- (2) Detached accessory buildings such as garages and sheds.
- (3) Pools, tennis courts, patios and terraces.
- (4) Driveways, parking areas and other impervious surfaces.
- (5) Seawalls, bulkheads, retaining walls, landscaping walls or similar structures.
- (6) Grading, excavation or filing, including the construction of new septic systems.

- (7) Land clearing, except for minor clearing to allow for appropriate landscaping.
 - (8) Dumping of lawn clippings and other wastes.
 - (9) The application of fertilizers and/or pesticides except when necessary to address public health issues as determined by the local health official and/or State Department of Health Services or to control an infestation of invasive vegetative species if authorized by the local Conservation Commission.
 - (10) The establishment of new lawn areas, and
 - (11) Extensive clearing or pruning.
- (b) The following uses and activities are permitted and/or encouraged within the buffer area:
- (1) Preservation of existing native vegetation, including shrubs and trees.
 - (2) Removal of invasive species and replacement with native species.
 - (3) Elimination and/or minimization of mowing to encourage a variety of native species including shrubs and trees, and
 - (4) Planting of native vegetation.
- (c) This regulation does not prohibit the continued use, reconstruction or renovation of any septic disposal system, building or other improvement in existence on the effective date of the regulation (March 1, 2005) nor does it prohibit the construction of new improvements necessary for the function of water-dependent uses as defined by CGS Section 22a-93(16) except when those improvements can functionally be located outside the buffer area.

25.8 (Reserved for Future Use)

25.9 (Reserved for Future Use)

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25.10 Lot Requirement Standards by District: Residential

<u>Lot and Building Standards</u>		<u>R-120</u>	<u>R-80</u>	<u>R-60</u>	<u>R-40</u>	<u>R-30</u>	<u>R-20</u>	<u>R-15</u>	<u>R-10</u>
25.10.1	Minimum lot area without public water supply (in sq. ft.)	120,000	80,000	60,000	40,000	40,000 30,000	30,000	20,000	20,000
25.10.2	Minimum lot area with public water supply (in sq. ft.) <u>Reserved for Future Use</u>	120,000	80,000	60,000	40,000	30,000	20,000	15,000	10,000
25.10.3	Minimum lot area for a dwelling (in sq. ft.)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
25.10.4	Minimum square on the lot (in feet) See Section 25.2.1	200 X 200	200 X 200	150 X 150	150 X 150	130 X 130	110 X 110	90 X 90	70 X 70
25.10.5	Minimum lot frontage width at the street line (in feet)	200	200	150	150	130	110	90	70
25.10.6	Minimum setback from street front lot line (in feet)*	50	50	50	40	35	30	30	25
25.10.7	Maximum setback from street front lot line (in feet)*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
25.10.8	Minimum setback from property line or side property line any lot line other than a front or rear lot line (in feet).*	35	35	35	25	25	20	15	10
25.10.9	Minimum setback from property line or side property any lot line other than a front or rear lot line for two-family dwellings (in feet).	n/a	n/a	n/a	n/a	30	25	n/a	n/a
25.10.10	Minimum setback from rear property lot line (in feet)*	50	50	50	40	35	30	30	25
25.10.11	Minimum setback from Residence or Village Zone District boundary line (in feet)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
25.10.12	Maximum number of stories for a building.	3	3	3	3	3	3	3	3
25.10.13	Maximum height for a building structure.	35	35	35	35	35	35	35	35
25.10.14	Maximum aggregate ground coverage as percent of lot area as defined in Section 3.	10%	10%	10%	10%	15%	15%	15%	20%

<u>Lot and Building Standards</u>		<u>R-120</u>	<u>R-80</u>	<u>R-60</u>	<u>R-40</u>	<u>R-30</u>	<u>R-20</u>	<u>R-15</u>	<u>R-10</u>
25.10.15	Maximum floor area as percent of lot area including all stories (See Section 3)	20%	20%	20%	20%	30%	30%	30%	40%
25.10.16	Minimum floor area on ground floor for a one-story dwelling (in sq. ft.)	1,000	1,000	1,000	1,000	1,000	900	900	900
25.10.17	Minimum total floor area on all floors for a split-level dwelling (in sq. ft.)	1,200	1,200	1,200	1,200	1,200	1,000	1,000	1,000
25.10.18	Minimum floor area for two-story dwelling (in sq. ft.)								
(a)	Ground floor	800	800	800	800	800	750	750	750
(b)	Total floor area	1,200	1,200	1,200	1,200	1,200	1,000	1,000	1,000
25.10.19	Minimum floor area for each family in a two-family dwelling (in sq. ft.)	n/a	n/a	n/a	n/a	500	500	n/a	n/a
25.10.20	Maximum floor area on ground floor for any one building (in sq. ft.)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
25.10.21	Maximum footprint of any single building, excluding shopping centers and neighborhood shopping centers and municipal facilities (in sq. ft.)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

25.11 Lot Requirement Standards by District: Non-Residential:

Lot and Building Standards		VZ	B-1	B-2	B-3	B-4	M	I-1	I-2	IP
25.11.1	Minimum lot area without public water supply (in sq. ft.)	10,000	200,000	10,000	10,000	20,000	10,000	20,000	40,000	80,000
25.11.2	Minimum lot area with public water supply (in sq. ft.) Reserved for Future Use	10,000	200,000	10,000	10,000	20,000	10,000	20,000	40,000	80,000
25.11.3	Minimum lot area for a dwelling (in sq. ft.)	n/a	n/a	10,000	10,000	n/a	n/a	n/a	n/a	n/a
25.11.4	Minimum square on the lot (in sq. ft.) See Section 25.2.1	70	300	60	60	80	60	80	100	100
		X	X	X	X	X	X	X	X	X
		70	300	60	60	80	60	80	100	100
25.11.5	Minimum lot frontage at the street line (in feet)	70	300	60	60	80	60	80	100	100
25.11.6	Minimum setback from the <u>street front lot line</u> (in feet)	15	50	25	25	25	25	25	50	50
25.11.7	Maximum setback from <u>street front lot line</u> (in feet)	30	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
25.11.8	Minimum setback from <u>property line or side property lot line other than a front or rear lot line</u> (in feet)	10	50	10	10	10	10	15	25	25
25.11.9	(Space intentionally left blank)									
25.11.10	Minimum setback from rear <u>property lot line</u> (in feet)	10	50	10	10	10	10	15	25	25
25.11.11	Minimum setback from Residence or Village Zone District boundary line (in feet)	n/a	100	50	50	50	50	50	50	100
25.11.12	Maximum number of stories for a building	3	3	3	3	3	3	--	--	--
25.11.13	Maximum height for a building structure (in feet)	35	40	40	35	40	30	50 35	50	50
25.11.14	Maximum aggregate ground coverage as percent of lot area as defined in Section 3	60%	80%	60%	90%	80%	90%	75%	75%	75%
25.11.15	Maximum floor area as percent of lot area including all stories (Section 3).	50%	40%	40%	200%	100%	100%	200%	100%	50%
25.11.16	Minimum floor area on ground floor for one-story dwelling (in sq. ft.)	1,000	n/a	900	900	n/a	900 n/a	n/a	n/a	n/a
25.11.17	Minimum total floor area on all floors for split-level dwelling (in sq. ft.)	1,000	n/a	1,000	1,000	n/a	1,000 n/a	n/a	n/a	n/a
25.11.18	Minimum floor area for two-story dwelling (in sq. ft.)									

Lot and Building Standards		<u>VZ</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>M</u>	<u>I-1</u>	<u>I-2</u>	<u>IP</u>
	(a) Ground floor	1,000	n/a	750	750	n/a	750 n/a	n/a	n/a	n/a
	(b) Total floor area	1,500	n/a	1,000	1,000	n/a	1,000 n/a	n/a	n/a	n/a
25.11.19	Minimum floor area for each family in two-family dwelling (in sq. ft.)	n/a	n/a	500	500	n/a	n/a	n/a	n/a	n/a
25.11.20	Maximum floor area on ground floor for any one building (in sq. ft.)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
25.11.21	Maximum footprint of any single building, excluding shopping centers and neighborhood shopping centers and municipal facilities (in sq. ft.)	10,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000

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

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

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

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

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

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

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

26.2.4 There shall be no more than ~~two (2)~~one (1) non-resident persons employed in connection with such occupation.

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

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

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

- 26.2.8 There shall be no display of merchandise, either exterior or interior, visible from any public way or adjacent property, on the premises in connection with the occupation.
- 26.2.9 All licensed professionals, including, but not limited to, doctors, dentists, lawyers, real estate brokers, architects, engineers, land surveyors, and the like, shall conduct business on an appointment-only basis. No clients/patients shall be housed overnight.
- 26.2.10 The home occupation and there conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.
- 26.2.11 Such occupation shall not create any objectionable noise, smoke, odor, toxic fumes, vibration, radio interference, or other unsuitable conditions that would set the dwelling apart from its surroundings or degrade residential property in the neighborhood.
- 26.2.12 The home occupation shall be operated in its entirety within an enclosed structure.
- 26.2.13 Deliveries of materials or products that are related to the home occupation shall not be made prior to 8:00 a.m. or after 6:00 p.m. and the trucks shall not block the roadway.

26.2.14 There shall be no outside storage of materials or product.

~~26.2.14~~ 26.2.15 The area used for the home occupation shall meet all applicable ADA (Americans with Disabilities Act) requirements.

~~26.2.15~~ 26.2.16 In addition to the requirements of Section 4 of these Regulations for a Zoning Permit, the following information shall be submitted:

- (a) A Statement of Use describing the accessory use and stated the permitted use to which it is accessory.
- (b) All appropriate State and Federal licenses and permits shall be obtained by the owner/operator prior to any application under this Regulation.

~~26.2.16~~ 26.2.17 By November 1st of each calendar year, the owner/occupant of the premises shall file with the ZEO an affidavit of residency and continuation of the Home Occupation in accordance with the original Zoning Permit that was approved.

~~26.2.17~~ 26.2.18 Each Zoning Permit shall automatically terminate when the applicant no longer resides in the dwelling unit.

Referral 2.5: Town of North Branford

Subject: Proposed Zoning Regulation Amendments pertaining to Farm/Winery and related uses

Staff Recommendation:

The proposed use of a Farm/Winery has no inter-municipal impacts or impacts to the habitat or ecosystem of the Long Island Sound. The farm winery café and other non-farming uses need to be more thoroughly defined and additional standards should be incorporated. As the regulations are proposed, consideration has not been given to the bulk standards and noise buffering from potential adjacent residential uses. Standards that may be examined include lot coverage, occupancy, and amount of buildings, which could affect the traffic going into the Farm/Winery.

Background:

A private applicant in North Branford has proposed Zoning Regulations pertaining to Farm/Winery and related uses. The regulations would be part of a new section 45.5.12 – *Farm/Winery Use with Related Accessory and Incidental Uses to Farm Winery*. The proposed use, which must be in conformity with the nature and character of the surrounding environment, would be permitted in the R-40 and R-80 Districts as a Special Use. It is defined as having a minimum of 10 acres on which fruit is grown and wine/wine products (wine and brandies distilled from grape products and other fruit products, including grappa and eau-de-vie) are manufactured, stored and sold. It would need to meet the requirements of the Connecticut General Statutes (CGS) 30-16 and applicable definitions and guidance of Title 22 of the CGS.

The following activities would be allowed as part of the permitted use: “1) retail sale of wine produced at the farm winery and related items; 2) a tasting room; 3) wine sales by glass or bottle; 4) wine tastings; 5) group visitations for the above purposes.” A farm winery café, as well as a residential structure for the use of the permitted and his/her family, would also be allowed on the property. A farm winery café will be allowed to conduct special events (both indoors and on adjacent patio space), such as luncheons and corporate parties. There is no detail regarding the occupancy requirements of a farm winery café. Outdoor music is allowed between 10:00 am and 10:00 pm (Monday-Saturday) and 11:00 am and 10:00 pm (Sunday). Accordingly, consideration should be given to the inclusion of noise buffer requirements.

Site access, parking, and circulation criteria must conform to Section 53 (Parking and Loading) of the Zoning Regulations. Signage must conform to Section 52 (Signs), but cannot exceed 16 square feet.

Communication: In researching this proposal, I spoke to the planning staff for North Branford and notified the adjacent municipalities in the South Central Region.

RPC Referral Submission Form

South Central CT Regional Planning Commission

Please mail to:

Sent to email: elivshits@scrcog.org

Re: RPC Referral

South Central Regional COG

127 Washington Avenue, 4th Floor West

North Haven, CT 06473

1.) General Information:

Date Sent: 8-29-12

Subject: PZ Application #2012/13-3: Proposed Zoning Regulation Text Amendments for farm/winery with related uses.

Applicant Name: BERNARD PELLEGRINO, Esq.

Property Address (if applicable): _____

Town/City: NORTH BRANFORD



Referral is from a private individual



Referral is from the Town/City Planning Department or the P

Public Hearing Date: OCTOBER 4, 2012



2.) Statutory Responsibility:



Application involves a subdivision of land within 500 feet of a town/city border



Application involves a proposed change to a town/city zoning regulation



If neither, applicant requests a voluntary RPC review for informational purposes



Material is for informational purposes only; an RPC resolution is not necessary



Other: _____

3.) Process:



Material sent "Return Receipt Requested" (as required by law)



Information on proposed change included



Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: CAROL A. ZEBB, TOWN PLANNER

Telephone Number: (203) 484-6010

E-mail Address: townplanner@townofnorthbranfordct.com

Comments: _____

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrcog.org>

The Pellegrino Law Firm

A PROFESSIONAL CORPORATION

BERNARD A. PELLEGRINO
MICHAEL D. SAFFER*
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STEPHEN R. BELLIS
FRANCES B. GRANQUIST
BERNARD PELLEGRINO
MAUREEN E. BURNS
GAYLE A. SIMS
GREGORY J. GALLO**

BERNARD PELLEGRINO (1929-1984)
FRANK M. MORGILLO (1970-2009)

* Also Admitted In Massachusetts
** Also Admitted In New York

August 28, 2012

Via Hand Delivery
Town of North Branford
Planning and Zoning Department
Town Hall
909 Foxon Road
North Branford, CT 06471

Attn: Carol A. Zebb, Town Planner

Re: Application for Text Amendment – 42.5.12 Farm/Winery

Dear Ms. Zebb:

Enclosed please find the following:

- 1) Application for text changes to the North Branford Zoning Regulations;
- 2) proposed text amendment to 42.5.12 of the North Branford Zoning Regulations; and
- 3) a \$360.00 check payable to the "Town of North Branford."

Kindly accept this application for filing.

Very truly yours,

GREGORY J. GALLO
GJG
Encl.
CHECK

F:\data\shared\users\BP\DOC\ZONING\Rosabianco\Application Cover Letter.docx

475 WHITNEY AVENUE NEW HAVEN, CT 06511
Tel (203) 787-2225 Fax (203) 777-2096
E-Mail attorney's initials@pellegrinolawfirm.com
WEB SITE: www.pellegrinolawfirm.com

AMENDMENT TO ZONING REGULATIONS

SUBMISSION DATE: _____

AMENDMENT TO ZONING MAP

DATE OF RECEIPT: _____

FEE: _____

APPLICATION INFORMATION FOR MAP OR TEXT CHANGES:

1. Applicant's Name: Bernard Pellegrino, Esq.
2. Applicant's Address: 475 Whitney Ave, New Haven CT
06510

FOR MAP CHANGES, PLEASE SUPPLY ADDITIONAL INFORMATION BELOW

1. Owner of Record: _____
2. Owner's Address: _____ Phone: _____
3. Address of Property: _____
4. Assessor's Map No.: _____ Parcel No.: _____
5. Existing Zoning District: _____
6. Proposed Zoning District: _____
7. Has a previous zone change been requested for this property? _____
If so, when _____?

I hereby certify that the above information is correct and that I have submitted herewith all of the pertinent documentation required by the Regulations.


Applicant's Signature

Owner's Signature

Amend District Map Code Table to add line A-6.2 a Farm/Winery with related accessory and incidental uses to farm winery as a Special Use "U" in an R-40 or R-80 zone.

Amend zoning regulations to add the following:

42.5.12 Farm/Winery Use with Related Accessory and Incidental Uses to Farm Winery Included Under Use Line A-6.2 shall conform to the following Special Standards:

1. Definition. Any place or premises, comprising a minimum of ten (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.

2. General. A farm winery is a specific type of "Farm" use and the following activities are recognized as a normal part of a farm winery use and are therefore allowed as part of the permitted use: 1) retail sale of wine produced at the farm winery and related items; 2) a tasting room; 3) wine sales by glass or bottle; 4) wine tastings; and 5) group visitations for the above purposes. A farm winery café 6) may also be permitted on the premises which shall permit the preparation and sale of hot and cold food to members of the public seated indoors and/or on a patio area adjoining the building. Said use shall be incidental, complementary and secondary to the farm winery approved hereunder. A farm winery café may also conduct special events, such as dinners, luncheons, corporate parties, etc., provided that the service of food and/or wine at such special events shall occur solely on the indoor and/or outdoor seating area described herein. A residential structure 7) for the personal use by the permittee and his/her family shall also be permitted on the property.

3. Special Use Requirements.

a. The use, location, and design of the proposed farm winery shall be in conformity with the nature and character of the surrounding environs including the appropriateness of roadway arteries serving the property and with parking located in areas on the site where it will be the least visible from access roads and adjoining properties. Site access, parking, and circulation criteria shall conform with the provisions of Section 53 of the zoning regulations.

b. All refuse areas shall be screened from view offsite and subject to all setbacks required for the Zoning District and a minimum of one hundred feet (100') from any dwelling on an adjacent lot.

c. A Preliminary Site Plan of the proposed development superimposed on the Existing Conditions Map, and containing at least the following information, both existing and proposed:

1. all buildings and structures;
2. streets, driveways, and off-street parking facilities;
3. the location of sewage disposal and water supply facilities;

4. a schematic landscaping plan, including trees, shrubs, lawns, and any other natural features not to be disturbed;
5. A location map at a scale of 1" = 800' showing the location of the proposed development in relation to existing streets.

d. **Site Development Plan Approval:** After the effective date of a Special Use for a Farm/Winer is approved by the Commission, the Commission is authorized to consider an application for approval of a Site Development Plan for the proposed site in accordance with the standards and procedures of Section 41 and 62.5 of the Zoning Regulations, the provisions of this Section, and any conditions imposed as part of the SPECIAL USE approval.

e. Hours of operation may be determined by the Planning and Zoning Commission.

f. No outdoor music shall be played before 10:00 a.m. or after 10:00 p.m. Monday-Saturday and no outdoor music shall be played before 11:00 a.m. or after 10:00 p.m. on Sunday.

g. Signage must conform to Section 52 of the North Branford Zoning Regulations, but shall not exceed 16 square feet.

Referral 2.6: Town of Clinton

Subject: Proposed Zoning Regulation Amendments to add Section 1.5: Temporary and Limited Moratorium

Staff Recommendation:

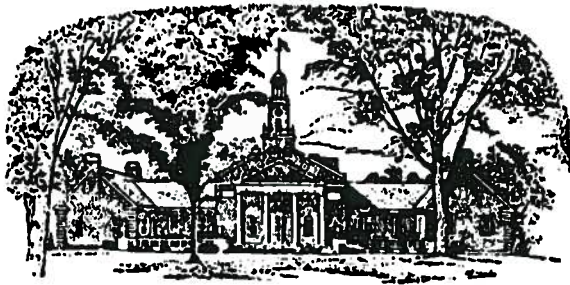
The proposed Zoning Regulation Amendments do not appear to cause any inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The Town of Clinton has proposed to add Section 1.5 (Temporary and Limited Moratorium) to the Zoning Code. The moratorium is applicable to zoning map amendments, zoning regulation amendments, Special Exceptions, and Site Plans for all properties fronting on Route 81 (Killingworth Turnpike) from the southern-most portion of Walnut Hill Road south to the I-95 corridor.

The purpose for the moratorium is to provide the Commission with the necessary time to complete the revision of the Town Plan of Conservation and Development (POCD) and create the boundaries, regulations and design review guidelines for that particular area. The moratorium will become effective on November 1, 2012 or upon the subsequent publication of the notice of adoption and shall remain in effect until October 31, 2013 or for a period of one year. There is additional information pertaining to the purpose and applicability of the amendment in the agenda packet.

Communication: In researching this proposal, I spoke to the planning staff for Clinton and notified the adjacent municipalities in the South Central Region.



Town of Clinton
Planning and Zoning Commission
54 East Main Street
Clinton, Connecticut 06413
ZoningWetlands@ClintonCT.Org

August 29, 2012

CERTIFIED MAIL

Eugene Livshits
South Central Regional Council of Government
127 Washington Avenue 4th Floor West
North Haven, CT 06473-1715



Re: AR 12-131: Proposed Amendment to the Zoning Regulations

Please be advised that the above referenced amendment to the Zoning Regulations (please see the enclosed text) will be heard at a public hearing on Monday, October 1, 2012 at 7:00 p.m. in the Rose Room of the Andrews Memorial Town Hall.

Please forward any comments that you may have to:

Planning and Zoning Commission
54 East Main Street
Clinton, CT 06413
zoningwetlands@clintonct.org

If you have any questions, please contact this office at (860) 669-6133, Monday through Friday, or at zoningwetlands@clintonct.org.

Sincerely,

Julia N. Pudem
Land Use Technician

Section 1

Title and Jurisdiction

- 1.1 **Title:** These Regulations shall be known and may be cited as the “Zoning Regulations of the Town of Clinton, Connecticut”.
- 1.2 **Jurisdiction:** No land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations.
- 1.3 **Penalties:** Any person, firm or corporation who shall violate any of the Zoning Regulations hereinafter set forth shall be subject to civil penalties or other action as set forth in Section 8-12 of the Connecticut General Statutes (CGS).
- 1.4 Purpose:** The purpose of these Regulations is to promote the health, safety and general welfare of the community; to conserve the value of property and encourage the most appropriate use of land throughout the town; to lessen congestion in the streets; to avoid undue concentration of population; to secure safety from fire; to facilitate adequate provision for transportation, water, sewerage, schools, parks, recreation and other public requirements; to provide for the public health, comfort and general welfare in living and working conditions; and to regulation and restrict the location and time of operation of trades and industries and the location of buildings/structures for specific uses, to regulate and limit the height and bulk of buildings/structures hereafter erected; to regulate and determine the area of yards, courts and other open spaces for building hereafter erected in the Town of Clinton; to conserve and improve the physical appearance and character of the town.

1.5 Temporary & Limited Moratorium

1.5.1 Temporary and limited moratorium on application for zoning map amendments, zoning regulation amendments, and also on applications for Special Exceptions and Site Plans for all properties fronting on Route 81, also known as Killingworth Turnpike from the southern-most portion of Walnut Hill Road south to the I-95 Corridor.

1.5.2 Statement of Purpose

- (a) This Section has been adopted to provide the Commission with the time necessary to complete the process of revising the Town Plan of Conservation and Development and creating zoning district boundaries, zoning district use regulations and design review guidelines for the area identified in Section 1.5.1 above.**

(b) This temporary and limited-term moratorium is proposed for adoption so that no new application proposing zoning map amendments, zoning regulation amendments or Special Exception or Site Plan applications for development within the area identified in Section 1.5.1 above may be approved in the interim, to thereby protect and promote the health, safety and general welfare of the public, and to appropriately address the unique physical characteristics of the area subject to this moratorium.

1.5.3 Applicability: During this temporary and limited-term moratorium, no applications for zoning map amendment, zoning regulation amendment or Special Exception or Site Plan for development projected located in the area identified in Section 1.5.1 above shall be received by the Commission for review and action.

~~1.4.0~~1.5.4 Effective Date/Term: This temporary and limited-term moratorium shall become effective November 1, 2012 or upon subsequent publication of the notice of adoption and shall remain in effect until October 31, 2013, or for a period of one year. Revisions to the term of the moratorium may be made for good cause through a similar public hearing process as set forth in these Regulations.