

SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission

**RPC  
Representatives**

**Bethany:**  
Mary Shurtleff  
(Secretary)

**Branford:**  
Charles Andres

**East Haven:**  
Vacant

**Guilford:**  
Peter Goletz

**Hamden:**  
Richard Szczypek

**Madison:**  
Christopher Traugh  
(Chair)

**Meriden:**  
David White

**Milford:**  
Mark Bender

**New Haven:**  
Kevin DiAdamo  
(Vice Chair)

**North Branford:**  
Douglas Combs

**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, August 8, 2013 RPC Meeting, 5:15pm @ SCRCOG  
Offices: 127 Washington Avenue, North Haven, CT 06473

### 1. Administration

1.1. Minutes of the July 11, 2013 RPC Meeting 1

### 2. Statutory Referrals – August Action Items

- 2.1. City of Shelton: Proposed Zoning Regulation Amendment concerning a moratorium on medical marijuana dispensaries and producers. Submitted by: City of Shelton. Received: July 19, 2013. Public Hearing: August 18, 2013. 4
- 2.2. Town of Clinton: Proposed Amendments to the Zoning Regulations. Submitted by: Town of Clinton. Received: June 20, 2013. Public Hearing: August 5, 2013. 7
- 2.3. Town of Woodbridge: Proposed Zoning Regulation Amendments to add Sections 3.18 and 3.19 regarding Gun Shops and Access to Adjoining Towns. Submitted by: Town of Woodbridge. Received: July 26, 2013. Public Hearing: September 3, 2013. 49
- 2.4. Town of Orange: Proposed Zoning Regulation Amendments regarding Undertaker Establishments as a Special Use in the Residential (RES) District. Submitted by: Private Applicant. Received: July 29, 2013. Public Hearing: September 3, 2013. 54
- 2.5. Town of Southington: Proposed Zoning Regulation Amendment to add Section 3-08.22 to the Housing Opportunity District Regulations. Submitted by: Private Applicant. Received: July 31, 2013. Public Hearing: September 3, 2013. 60
- 2.6. Town of Prospect: Plan of Conservation and Development. Submitted by: Town of Prospect. Received: June 11, 2013. Public Hearing: August 21, 2013. ***Write-up will be provided during the meeting.***

### 3. Other Business



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**DRAFT - Not yet approved by the Commission**

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Minutes for Thursday, July 11, 2013 Meeting

**Present:** Christopher Traugh, Kevin DiAdamo, Peggy Rubens-Duhl, Charles Andres, Christopher Suggs, David White, Ed Meade, Eugene Livshits

**1 Administration**

*1.1 Minutes of the June 13, 2013 RPC meeting.*

Motion to accept the minutes as presented: Kevin DiAdamo. Second: Christopher Suggs. Vote: Unanimous. Abstain: Ed Meade

**2 Statutory Referrals**

*2.1 Town of Southington: Proposed Zoning Regulation Amendment to add new Section 18.2.B.3 of ROD Regulations*

By resolution, the RPC has determined that 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.

Motion: Charles Andres. Second: Christopher Suggs. Vote: Unanimous.

*2.2 City of Shelton: Proposed Zoning Regulation Amendment to re-write – Section 42, Off-Street Parking and Loading*

By resolution, the RPC has determined that 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.

Motion: Kevin DiAdamo. Second: Christopher Suggs. Vote: Unanimous. Recuse: James Giulietti

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*2.3 Town of Guilford: Proposed Zoning Map Amendment to rezone approx. 35 acres of a parcel from R-7 to TS2*

*The Staff recommendation was amended to address concerns pertaining to traffic and drainage. The concerns were due to the wide variety of uses permitted in the TS2 Zone and the size of the parcel proposed to be rezoned.*

By resolution, the RPC has determined that the Proposed Zoning Map Amendment has the potential to cause negative traffic and drainage impacts due to the size of the parcel and the proximity to environmentally sensitive areas located in North Branford.

Motion to accept as amended: Peggy Rubens-Duhl. Second: Kevin DiAdamo. Vote: Unanimous.

*2.4 City of Meriden: Proposed Zoning Regulation Amendments to Sections 213-7 – Definitions and 213-56E - Nonconforming Accessory Signs and Billboards*

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

Motion: Kevin DiAdamo. Second: Christopher Suggs. Vote: Unanimous.

*2.5 City of New Haven: Proposed Zoning Map Amendment for approx. 27,810 square feet of land from PDD 119 to RM-1*

By resolution, the RPC has determined that the Proposed Zoning Map 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.

Motion: Christopher Suggs. Second: David White. Vote: Unanimous. Recuse: James Giulietti

*2.6 Town of Seymour: Proposed Zoning Regulation Amendment to create a Mixed Use Zoning District*

By resolution, the RPC has determined that 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.

Motion: Christopher Traugh. Second: Christopher Suggs. Vote: Unanimous.

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***The City of Milford Referral was received after the Agenda Packet was prepared and emailed out. Motion to add the City of Milford Referral to the Agenda: David White. Second: Peggy Rubens-Duhl. Vote: Unanimous.***

***2.7 City of Milford: Proposed Zoning Regulation Amendments to clarify Several Regulations within the Milford Zoning Code***

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

Motion: Kevin DiAdamo. Second: Peggy Rubens-Duhl. Vote: Unanimous. Recuse: James Giulietti

Motion to Adjourn: Peggy Rubens-Duhl. Second: Christopher Suggs. Vote: Unanimous.



## **Referral 2.1: City of Shelton**

### **Subject:**

Proposed Zoning Regulation Amendment concerning a moratorium on medical marijuana dispensaries and producers.

### **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 City of Shelton has proposed a zoning regulation amendment that establishes a nine month moratorium on applications regarding medical marijuana dispensaries and producers. Medical marijuana dispensaries and producers are defined pursuant to Section 9 and 10 of Public Act#12-55, respectively.

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

**PLANNING AND ZONING COMMISSION, CITY OF SHELTON**

54 Hill Street, Shelton, CT 06484 (203) 924-1555 EXT. 361

Ruth Parkins – Chairman

Richard D. Schultz, AICP – Planning and Zoning Administrator

email: r.schultz@cityofshelton.org



**ZONING/PLANNING REFERRAL TRANSMITTAL**

Date: July 17, 2013

TO: Carl Amento, Exec. Director

FROM: SHELTON PLANNING AND ZONING COMMISSION

BY: Richard D. Schultz, AICP

PROPOSAL/PROJECT: Moratorium on Medical Marijuana Dispensaries and

Producers

The subject proposal/project is referred to you by the Shelton Planning and Zoning Commission in accordance with the indicated provisions of the Connecticut General Statutes. A general description of the proposal/project is enclosed, but should you require additional information, please contact this office at 924-1555, extension 361.

- (X) Section 8-3b Notice to Regional Planning Agency of Proposed Zone or Zone Use Change.
- ( ) Section 8-3h Applications for projects within 500 feet of the City Line or with significant impacts on adjacent Town (traffic, drainage, etc.).
- ( ) Section 8-23f Plan of Conservation and Development.
- ( ) Section 8-26b Subdivisions abutting the City Line.
- ( ) Section 8-26f Projects within 500 feet of the City Line or with significant impacts on adjacent Town.
- ( ) Section 22a-104e Zoning Regulations, Plan of Conservation and Development and other changes within the designated Coastal Area.
- ( ) Section 22a-105 Coastal Site Plan Reviews

A public hearing/meeting on the subject proposal/project has been scheduled for Aug. 28, 2013

at 7:00 P.M. at the Shelton City Hall

Attachments: Moratorium Document



**SHELTON PLANNING AND ZONING COMMISSION**

**Proposed Zoning Regulations Amendment**

**Concerning  
A Moratorium on Medical Marijuana Dispensaries and Producers**

**Draft Dated: July 10, 2013**

**Amend SECTION 23 – PERMITTED USES by adding a new paragraph for the purposes of establishing a nine (9) month moratorium on Medical Marijuana dispensaries and producers which Paragraph would read as follows:**

**23.2.4 Medical Marijuana Dispensaries and Producers: Notwithstanding any provision contained herein to the contrary, for a period of nine (9) months commencing with the effective date of regulations adopted by the Commissioner of Consumer Protection in accordance with Chapter 54 providing for the licensure and standards for producers and dispensaries in the State of CT, no Application will be accepted, considered or approved to permit the establishment of Medical Marijuana dispensaries and producers, whether or not determined to be allowed under Schedule A-Permitted Uses, in any zoning districts of the City of Shelton. For the purpose of this Paragraph, a Dispensary or Licensed Dispensary is defined as a dispensary pursuant to Section 9 of Public Act #12-55 and a Producer or Licensed Producer as defined as a producer pursuant to Section 10 of Public Act #12-55.**



## **Referral 2.2: Town of Clinton**

**Subject:** Proposed Amendments to the Zoning Regulations.

### **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 Clinton has submitted proposed zoning amendments, which are editorial, formatting, and content changes. Below are highlights of the changes, organized by section. A more detailed description of the proposed changes can be found in the background section of the agenda packet.

### ***Section 5: Fees***

The fee schedule has been deleted from this section and moved into the appendices.

### ***Section 6: Bond Procedures and Bond Agreement***

The amended regulations require that an applicant provides an estimate of the cost of all work to be performed, which may be used by the Commission to determine the amount of the bond. Prior to the issuance of a zoning permit, the applicant must post a bond to guarantee satisfactory completion of either all work shown on the plan or restoration of the development site to a safe and attractive condition in lieu of completion of the work. Any bond or other surety (ex. letters of credit) must be posted before commencement of any activity of the site of the proposed work and be maintained until all work is completed and associated.

The amendment also adds a Section (6.5) that provides guidance regarding the situation in which the applicant wants the Commission to vote to release a portion of the bond.

### ***Section 16: Historic Districts***

The regulations pertaining to properties abutting a historic district have been relocated into a separate subsection (16.2).

### ***Section 18: Coastal Area Management Zone, Coastal Site Plan Review***

The section has been updated to reflect the Town's Municipal Coastal Plan effective August 8, 2005.

### ***Section 29: Off-Street Parking and Loading***

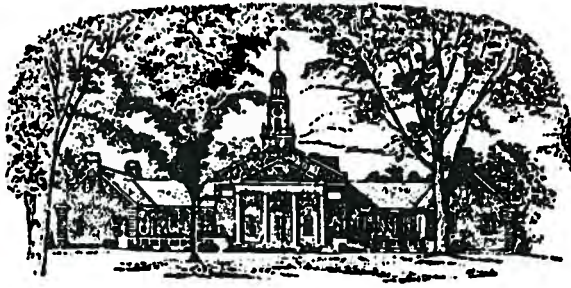
The proposed amendments include a complete re-write of Section 29. The definitions for loading space and parking space have been deleted and the following definitions have been added: aisle, angled, bikeway, parking area, and shared parking. The section has been expanded to address parking in excess of the maximum, shared parking, and excusals. Parking lots with more spaces than the allowed maximum may be approved if all spaces above the maximum are composed of a pervious surface and where sufficient stormwater management is provided. Shared parking is encouraged in all zoning districts. Off-street parking requires may be excused if the proposed site planning, design, and construction show that there is sufficient publicly owned parking spaces with 500 feet of the proposed development, access to a regularly scheduled transit stop within 500 feet of the proposed development, and direct access from a bikeway to the proposed development. Parking spaces must be a minimum of 9' by 18'. The number of spaces must be compatible with traffic circulation patterns within the site and well as on the abutting street system. Additionally, parking lots must minimize potential conflict points between pedestrians, bicycles, and motor vehicles.

The parking space standards section has been relocated to a table at the end of the section.

### ***Section 30: Soil Erosion and Sediment Control***

This section has been updated to reflect the Connecticut Guidelines for Soil Erosion and Sediment Control adopted in 2002.

**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](mailto:ZoningWetlands@ClintonCT.Org)

July 17, 2013

CERTIFIED MAIL

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



Re: Proposed Amendments to the Zoning Regulations

Please be advised that the following proposed amendments to the Zoning Regulations (see enclosed text) will be heard at a public hearing commencing on Monday, August 5, 2013 at 7:00 p.m. in the Green Room of the Andrews Memorial Town Hall:

- AR 13-102: Proposed Amendment to the Zoning Regulations: Section 6: Bond Procedures and Bond Agreement; Section 16: Historic Districts; and Section 18: Coastal Area Management Zone, Coastal Site Plan Review.
- AR 13-079: Amendment to the Zoning Regulations: Complete revision of Section 29: Off-Street Parking and Loading
- AR 13-080: Amendment to the Zoning Regulations: Minor revisions to Section 5: Fees & Section 30: Soil Erosion and Sediment Control.

Please forward any comments that you may have to:

Planning and Zoning Commission  
54 East Main Street  
Clinton, CT 06413

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

Sincerely,

Julia N. Pudem  
Land Use Technician

# Planning & Zoning Commission

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**54 East Main Street  
Clinton, Connecticut 06413**

## **Legal Notice of Public Hearing**

**August 5, 2013  
7:00 p.m. – Rose Room**

The Clinton Planning and Zoning Commission will hold a public hearing on Monday, August 5, 2013 at 7:00 p.m. in the Rose Room of the Andrews Memorial Town Hall, 54 East Main Street, Clinton, Connecticut, to consider the following:

1. SE 13-116: 119 Kelseytown Road, Candice Cameron: Legalize existing accessory apartment. Map 61, Block 42, Lot 17-5. Zone R-80.
2. AR 13-102: Proposed Amendment to the Zoning Regulations: Section 6: Bond Procedures and Bond Agreement; Section 16: Historic Districts; and Section 18: Coastal Area Management Zone, Coastal Site Plan Review.
3. AR 13-079: Amendment to the Zoning Regulations: Complete revision of Section 29: Off-Street Parking and Loading
4. AR 13-080: Amendment to the Zoning Regulations: Minor revisions to Section 5: Fees & Section 30: Soil Erosion and Sediment Control.

At said hearing all persons will have the right to be heard and written communications received. The application and accompanying maps are available for public inspection in the Land Use Office of the Andrews Memorial Town Hall. Proposed Amendment language is also available for public inspection in the Town Clerk's Office of the Andrews Memorial Town Hall.

**CLINTON PLANNING AND ZONING COMMISSION**

Anselmo Delia, Chairman

Email: Harbor News to appear two times:

Thursday, July 25, 2013 and  
Thursday, August 1, 2013

## Section 6

### Bond Procedures And Bond Agreement

6.1 As part of the application, the applicant shall provide an estimate of the cost of all work to be performed, which the Commission may use to determine the amount of the bond. Prior to the issuance of a Zoning Permit, the applicant shall post a bond in an amount stated in the Commission's approval, to guarantee one of the following:

6.1.1 Satisfactory completion of all work shown on the plan; or

6.1.2 Restoration of the development site to a safe and attractive condition in lieu of the completion of work.

6.2 To satisfy any bond or surety requirement in this Section, the Commission shall accept surety bonds, cash bonds, and other surety including, but not limited to, letters of credit, provided such bond or surety is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit to the Commission.

6.2.1 Such bond or surety shall be posted prior to the commencement of any activity on the site of proposed work.

6.2.2 The bond shall be maintained until all work associated with the approved project is completed and accepted.

#### 6—Bond Requirements:

~~6.1.6.3~~ When a Performance Bond is to be posted, the applicant shall submit execute an agreement and file the bond with the Commission in accordance with the following procedure. The Commission shall seek advice and assistance from the Board of Selectmen and the Town's Engineer as to the estimated full cost of the work and from Town Counsel with regard to the bond agreement the following prior to any activity taking place on the site.

~~6.1.16.3.1~~ Amount: The amount or fee value of the Performance Bond shall be estimated prior to the approval of the application and shall take into account no less than the following:

- (a) The full cost of the required work as if let-to-bid by the Town of a current date for completion within two (2) years;
- (b) No less than ten percent (10%) additional compounded for each of three (3) subsequent years to cover changing cost; and

- (c) Not less than twenty-five percent (25%) of the full cost to cover non-aggregated construction items in the event of default.

~~6.1.26.3.2~~ Form: Performance Bond and Bond agreements shall be duly executed on  
applicant shall submit completed forms provided by the Commission and with  
proper references to all plans showing work to be done, accompanied by the  
bond.

~~6.1.36.3.3~~ Bonds: Such bonds shall be cash bonds in the form of a bank or certified  
check made payable to the Town of Clinton. A list of all such bonds shall be kept  
by the Commission and by the Director of Finance, setting forth the name and  
address of each obligor, the name of the project, and the disposition of the bond.  
Interest accruing to each such bond shall belong to the obligor and shall be  
remitted to such obligor when the Commission approves the final release of the  
bond. Such accrued interest shall be reported on an annual 1099-INT form, issued  
by the Office of the Director of Finance of the Town of Clinton.

(Amended January 1, 1998)

~~6.2~~ \_\_\_\_\_

~~6.36.4~~ Term: Every two (2) years the cost of the remaining work shall be reviewed and the bond  
amount adjusted to reflect the current and projected construction and other costs.

6.5 Bond Reduction: If the applicant desires the Commission to vote to release a portion of a  
bond, the applicant shall submit a request in writing by the deadline set by resolution of the  
Commission. Applicants should confirm with the Land Use Staff the deadline set by the  
current resolution.



## Section 16

### Historic Districts

**16.1 Historic District:** In addition to the requirements of these Regulations, any application for construction, alteration or extension of any building or other structure, including but not limited to, swimming pools, within a Historic District shall require a Certificate of Appropriateness from the Historic District Commission.

~~16.1~~**16.2 Properties Abutting a Historic District:** Within any parcel immediately abutting a local Historic District, the following shall apply:

~~16.1.1~~**16.2.1** Any new building or other structure shall be of such character as to be consistent with the historic architecture prevalent in the local Historic District and to harmonize with existing buildings in the District, together with other such provisions as may be required by the Historic District Commission.

~~16.1.2~~**16.2.2** The entire area of the lot required for setbacks from a street line shall be landscaped, except for necessary access drives, with lawns and with shrubs and trees.

~~16.1.3~~**16.2.3** Construction, alteration or extension of any building, originally designed as a house, shall be carried out in such a manner as to protect the integrity of residential architecture design.

~~16.1.4~~**16.2.4** In the event of conflict between the above requirements and those of the Historic District Commission, the more restrictive regulation shall prevail.

~~16.1.5~~**16.2.5** This Section pertains to local historic districts, such as the Liberty Green Historic District and does not pertain to districts listed on the National Register of Historic Places, such as the Clinton Village Historic District.

## Section 18

### Coastal Area Management Zone Coastal Site Plan Review

- 18.1 **Policy:** It is the policy of the Commission that continued development and sound economic growth of Clinton's coastal area shall take place in such manner that the coastal resources shall be preserved and enhanced. To this end the Commission adopted a Municipal Coastal Plan effective ~~March 1, 1983~~August 8, 2005 with revisions under the authority of the Connecticut Coastal Management Act (CCMA) of January 1, 1980 and the following regulations and standards are in accordance with the recommendations of such program and such Act.
- 18.2 **Coastal Site Plan Review:** All buildings, uses and structures lying fully or partly within the coastal boundary, as defined by CGS Section 22a-94 and as delineated on the Coastal Boundary Map for the Town of Clinton, shall be subject to the coastal site plan review requirements and procedures in CGS Section 22a-105 through 22a-109, unless specifically exempted ~~in Section 18.3~~ below.
- 18.3 **Coastal Site Plan Review Exemptions:** Pursuant to CGS Section 22a-109(b) the following activities are exempt from coastal site plan review requirements:
- 18.3.1 Exterior modification of, or minor additions of less than five hundred square feet (500 sq. ft.), to existing buildings or detached accessory buildings, such as garages and utility sheds.
  - 18.3.2 Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to, walks, terraces, decks, driveways, swimming pools, tennis courts, docks and detached accessory buildings.
  - 18.3.3 Construction of new or modification of existing on-premises fences, walls, pedestrian walks or terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined by CGS Section 22a-93(7), or restricted access along the public beach.
  - 18.3.4 Construction of an individual single family residential structure except in or within one hundred feet (100') of tidal wetlands, coastal bluffs and escarpments, beaches and dunes.
  - 18.3.5 Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources.
  - 18.3.6 Interior modifications to buildings.

18.3.7 Minor changes in use of a building, structure or property except those changes occurring on property adjacent to or abutting coastal waters.

18.3.8 Gardening, grazing and the harvesting of crops.

18.4 Application: Except as exempted ~~in Section 18.3~~ above, applicants for Zoning Permits, Site Plans, Special Exceptions, Variances, Subdivision or Re-subdivision approval, municipal improvements or multi-unit development within the coastal boundary shall file with the PZC or ZBA, as the case may be, a Coastal Site Plan and application on such forms as are prescribed by the Commission. Such applicant and site plan shall include, but not be limited to, the following information:

18.4.1 General Requirements: Pursuant to CGS Section 22a-105 and Section 22a-106:

- (a) A plan showing the location and spatial relationship of coastal resources contiguous to the site.
- (b) A description of the entire project with appropriate plans, indicating project location, design, timing and method of construction.
- (c) An assessment of the capability of the resources to accommodate the proposed use.
- (d) An assessment of the suitability of the project for the proposed site.
- (e) An evaluation of the potential beneficial and adverse impacts of the project.
- (f) A description of proposed methods to mitigate adverse effects on coastal resources.
- (g) A statement demonstrating that the adverse impacts of the proposed activity are acceptable and that such activity is consistent with the coastal policies of CGS Section 22a-92 and that the proposed project is in compliance with all pertinent zoning regulations and the following special standards.

18.4.2 Special Standards and Criteria for Waterfront Property: All property abutting Long Island Sound, the Hammonasset, Indian, Hammock and Menunketesuck Rivers within the Clinton Coastal Area Boundary shall be subject, where applicable, to the following special requirements in addition to those listed elsewhere in these Regulations:

- (a) Visual Access: Waterfront property shall be developed in a manner that is consistent with a waterfront setting and so that visual access to and from the water is maximized. In reviewing Coastal Site Plans for development of waterfront property, the Commission shall consider the following guidelines:

- (1) The quality and extent of views from adjacent public streets through the property to the water.
  - (2) The design and relationship of the development to the waterfront as viewed from the water.
  - (3) The quality and extent of view of adjacent property owners.
- (b) Pump-out Facilities for Marinas: Construction of any new or the expansion of any existing commercial marina with mooring slips capable of handling boats nineteen feet (19') or greater in length shall provide, on the marina site, an approved pump-out facility for the disposal of sanitary wastes as follows:
- (1) The pump-out facility must be of adequate design and capacity to properly handle the wastes from all boats over nineteen feet (19') with approved marine sanitation devices that are moored at the marina. In addition, the pump-out facility must provide sufficient capacity and be capable of accepting sanitary wastes from portable toilets on boats of less than nineteen feet (19') and those without approved marine sanitation devices. The pump-out facility must be approved by the Director of Health and be submitted for review by the Department of Environmental Protection.
  - (2) The Commission may, at its option, permit a marina to enter into a suitable agreement with other marinas to share a single pump-out facility. In any such case, the pump-out facility must be of suitable design and capacity to handle the sanitary wastes from boats of all the marinas using the facility. In addition, the agreement between the marinas must be approved by the Director of Health and the Harbor Management Commission and the pump-out facility must be approved by the Director of Health.
- (c) Marina Expansion:
- (1) No expansion of slips and moorings for boats within Clinton Harbor will be permitted unless applicant can demonstrate to the Commission that adequate measures will be taken to protect water quality consistent with State DEP Water Quality Standards and Classifications for Clinton Harbor and adjacent waters and their tributaries.
  - (2) No expansion of mooring slips will be permitted unless adequate pump-out facilities exist and adequate shore services such as parking and refuse collection are provided.

- 18.5 **Application Fee:** All applications for Coastal Site Plan Review shall be accompanied by an application fee as specified in Section 5: Fees.
- 18.6 Any reference made in these Sections (18.7 through and including 18.7.3) or in the Connecticut General Statutes referenced in said Sections, to the term “water dependent uses” shall have as its meaning the definition supplied by CGS Section 22a-93(16).
- 18.7 **Consideration of the Application:** In addition to reviewing Coastal Site Plans for compliance with the applicable standards, requirements or criteria set forth elsewhere in these Regulations, the Commission or Board, as the case may be, shall take into consideration compliance with the following criteria:
- 18.7.1 Consistency of the proposed activity with the applicable coastal policies in CGS Section 22a-93(16).
- 18.7.2 The acceptability of potential adverse impacts of the proposed activity on coastal resources as defined in CGS Section 22a-93(15).
- 18.7.3 The acceptability of potential adverse impacts of the proposed activity on future water dependent development opportunities as defined in CGS Section 22a-93(17) for the Marine Zone.
- 18.7.4 The adequacy of measures to mitigate adverse impacts of the proposed activity on coastal resources, and for the Marine Zone, future water dependent development opportunities.
- 18.8 The Commission or Board, as the case may be, shall approve, modify, condition, or deny the activity proposed in a Coastal Site Plan on the basis of the criteria listed in CGS Section 22a-106, to ensure that the proposed activity is consistent with the coastal policies in CGS Section 22a-92, and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable.
- 18.9 Pursuant to CGS Section 22a-106, the Commission or Board, as the case may be, shall state in writing the finding and reasons for its action with respect to any Coastal Site Plan, the Commission or Board shall make a written finding that:
- 18.9.1 The proposed activity with any conditions or modifications imposed by the Commission or Board is consistent with the coastal policies in CGS Section 22a-92.
- 18.9.2 That the proposed activity incorporated as condition or modifications, all reasonable measures which would mitigate potential adverse impacts on both coastal resources, and for the Marine Zone, future water dependent development activities.
- 18.9.3 That the potential adverse impacts of the proposed activity on coastal resources, and for the Marine Zone, future water dependent development opportunities with

any conditions or modifications imposed by the Commission or Board are acceptable.

- 18.10 Pursuant to PA 84-53, CGS Section 22a-105(e), nothing in these Regulations shall be deemed to deny the right of reconstruction of a building after a casualty loss.
- 18.11 Violations: In accordance with CGS Section 22a-108, any activity undertaken within the coastal boundary without the required Coastal Site Plan review and approval shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that Section.



## Section 29

### Off-Street Parking and Loading

- 29.1 **General:** On all premises developed or redeveloped after the adoption of these Regulations, parking facilities shall be provided off the street or highway right-of-way which shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, deliveries and other persons normally visiting the premises at any one time. Off-street parking and loading spaces required by this Section shall be permanently maintained and available for the duration of the use of the land, buildings and other structures for which such spaces are required. Additional parking or loading spaces shall be provided when required as a result of expansion of any conforming use or change of use provided the standards hereinafter set forth can be met.

(Amended 9/1/2002)

- 29.2 **Definitions:** For the purposes of this Section, a parking space and a loading space are defined as follows:

29.2.1 Aisle: The driving portion of the parking area. The aisle provides access to each space.

29.2.2 Angled: Any parking space that is not parallel to the curb or aisle.

29.2.3 Bikeway: Any road, street, path or way which in some manner is specifically design for bicycle travel, regardless of whether such facilities are designed for the exclusive use of bicycles or are to be shared with other transportation modes.

29.2.1 Loading Space: A space of such shape as to contain a rectangle twelve feet by fifty feet (12' x 50') and having a vertical clearance of fifteen feet (15') and such access and slope as to accommodate a truck having an overall length of fifty feet (50').

(Amended 6/1/1996)

29.2.4 Parking Area: The portion of a lot set aside, marked, posted or intended for parking, including total of circulation areas, loading and unloading areas, parking spaces and aisles, landscaped areas, bikeways and walkways.

29.2.2 Parking Space: A space of such shape as to contain a rectangle nine feet by seventeen feet (9' x 17') and having vertical clearance, access and slope as to accommodate an automobile having an overall length of seventeen feet (17').

(Amended 6/1/1998 & 9/1/2002)

29.2.8 Shared Parking: When parking spaces are shared among different structures or uses, or among mixed uses, and can include properties with different owners.

Loading Space: A space of such shape as to contain a rectangle twelve feet by fifty feet (12' x 50') and having a vertical clearance of fifteen feet (15') and such access and slope as to accommodate a truck having an overall length of fifty feet (50').

(Amended 6/1/1996)

Parking Space Standards: The following off street parking requirements are minimums and the Commission may require additional parking spaces where the nature of the development, its location and any unique features of the



~~development or surrounding area require such additional parking spaces. In determining the appropriate use category or categories to be applied, the decision of the Commission shall be final. In buildings or lots containing mixed uses, the Commission shall apply the appropriate standard to each use, and shall aggregate the total parking spaces required except as provided in 29.4. Whenever the term "floor area" is used, it shall refer to gross floor area, unless otherwise stated. Where fractional spaces result from calculation of parking space requirements, the parking shall be the next highest whole number. The Commission shall be guided by the State Building Code and any occupancy allowances designated by the State or Local Fire Marshal.~~

(Amended 10/1/2001)

~~The parking required herein is in addition to spaces which are required for the storage of trucks or other vehicles used in connection with a business, commercial or industrial use:~~

~~For one and two family dwelling units (including those located within a Planned Residential Development) and accessory apartments: Two (2) spaces for each family unit located on the same lot with the dwelling; driveways may be included as required space for single family dwellings.~~

~~Dwellings with three or more dwelling units: One and one half (1½) spaces for each efficiency and one (1) bedroom unit, and two (2) spaces for each unit with two (2) bedrooms or more, located on the same lot as the dwelling units; plus one (1) additional space for every three (3) units or part thereof for visitors or guests.~~

~~Home Occupation: Those spaces required for the dwelling plus:~~

~~Office of doctor, dentist, etc.: Three (3) spaces per office, located on the same lot as the dwelling.~~

~~Office of non-medical professional with clients visiting: Two (2) spaces.~~

~~Home occupation involving direct sales and/or service: Two (2) spaces.~~

~~Home occupation without direct sales and/or service: One (1) space per employee. If no employees, no additional space required.~~

(Amended 1/1/1997)

~~Elderly Housing: One (1) parking space for each efficiency or one bedroom dwelling unit, and one and one half (1½) spaces for each two bedroom or larger dwelling unit.~~

(Amended 10/1/2004)

~~Hospitals, clinics, extended care facilities, long term care facilities, nursing/rest homes, sanatoriums, and intermediate care facilities, homes for aged, congregate housing, assisted living facilities, and boarding homes for sheltered care: One (1) space for each three (3) patient beds plus one (1) space for each two (2) employees on the single largest shift.~~



(Amended 10/1/2004)

Day Care Facilities:

Bed & Breakfasts, Hotels and Motels: One (1) space for each sleeping room plus one (1) space for every two (2) employees on the single largest shift; plus spaces required for any other related use located on the same lot with the building.

Offices:

Business or Professional Offices, except medical offices, and governmental office space: One (1) space for every two hundred square feet (200 sq. ft.) of floor area.

Medical and Dental Offices: One (1) space for every one hundred fifty square feet (150 sq. ft.) of floor area.

Financial Institutions: One (1) parking space for each one hundred seventy five square feet (175 sq. ft.) of gross floor area. In addition, where any drive in window or facilities are provided to serve any of the above uses, provision shall be made to park at least ten (10) waiting motor vehicles between the street line and the drive-in window or facility being approached.

(Amended 9/1/2002)

Retail stores, personal service shops: One (1) space for each two hundred square feet (200 sq. ft.) of floor area. In addition, where any drive up window or facilities are provided to serve any of the above uses, provision shall be made to park at least ten (10) waiting motor vehicles between the street line and the drive in window or facility being approached.

Shopping Center or Neighborhood Shopping Center: One (1) space for each two hundred and fifty square feet (250 sq. ft.) of gross floor area, excluding storage areas on all uses within the Shopping Center or Neighborhood Shopping Center.

Parking lots for Shopping Centers or Neighborhood Shopping Centers shall include minimum landscaped areas amounting to at least twenty percent (20%) of the total lot area, exclusive of building coverage.

Tattoo parlors and/or body piercing salons:Adult Entertainment Business:

Food Service Establishments where customers are served primarily by counter space: One (1) space for every three (3) permanent seats and one (1) space for each nine square feet (9 sq. ft.) of public floor area not devoted to permanent seating facilities, excluding rest room areas.

(Amended 10/1/2001)

Restaurants and Other Food Service Establishments where customers are served only when seated at tables or counters: One (1) space for every three (3) persons



who may legally occupy the facility, or one (1) space for each fifty square feet (50 sq. ft.) of public floor area, whichever is greater. If restaurant has a take out counter that is secondary to its business, there shall be an additional three (3) spaces.

(Amended 10/1/2001)

Indoor Theaters and Assembly Halls: The greater of one (1) space for every four (4) seats of permanent seating provided, or one (1) space for every four (4) legal occupants.

Limited Outdoor Recreation Facilities: One (1) parking space for every two and one half (2½) users who could be using the facility at the at the same time, plus one (1) parking space for every three (3) seats provided for spectators, plus additional parking for any related use, such as a restaurant.

Nature Preserves and Wildlife Sanctuaries:

Bowling Alleys and Billiard or Pool Halls

Bowling Alleys: Four (4) spaces for each alley or lane.

Billiard or Pool Halls:

Indoor Recreation Facilities: One (1) parking space for every four (4) legal occupants.

(Amended 10/1/2001)

Outdoor Recreation Facilities:

Riding Academies and Boarding Stables:

Commercial Kennels:

Veterinary Hospitals:

Nurseries; Fruit, Vegetable or Farm Stands; Farms; and Commercial Greenhouses:

Farmer's Market:

Farm Tourism: These uses shall be exempt from Sections 29.7.5, 29.7.9 and 29.7.10 below.

(Added 4/1/2010)

Indoor Uses and Events: The parking standards stated above shall apply.

Outdoor Fairs and Market Events: Three (3) spaces for each vendor's booth or ride. One (1) loading space for each vendor's booth to accommodate travel trailers or service trucks that will be on-site overnight.



Outdoor Weddings and Reception Events: One (1) space for every three (3) chairs at the service or meal, whichever applies or is greater, plus one (1) space for each three (3) personnel required to serve the event.

Outdoor Concert Events: One (1) space for every four (4) chairs plus one (1) space for every thirty six square feet (36 sq. ft.) of unenclosed area being used for audience seating.

Outdoor Attraction Events, other than Fairs, Markets, Weddings, Receptions or Concerts: One (1) space for every thirty six square feet (36 sq. ft.) of ground area in which the public will be allowed access, including ticket sale queuing areas and excluding parking area(s).

(Amended 7/1/2010)

Philanthropic, Educational or Religious Uses:

House of Worship: One (1) parking space for each three (3) persons of legal occupancy, plus parking as required for related use as herein specified. When located in a Residential District, such parking space shall be located on the same lot with the building.

(Amended 9/1/2002)

Library: Eight (8) spaces, plus one (1) parking space for every six hundred square feet (600 sq. ft.) of floor area.

Nursery Schools: One (1) parking space for each staff member on the largest shift plus one (1) space for every three (3) children of licensed capacity.

Elementary and Junior High Schools: The greater of one (1) parking space per staff member or one (1) parking space for every four (4) legal occupants in area(s) of general assembly.

High School: The greater of one (1) parking space per staff member and one (1) space for every five (5) students or one (1) parking space for every four (4) legal occupants in area(s) of general assembly.

College and Vocational (public and private) Institutions: The greater of one (1) space per student or one (1) parking space for every four (4) legal occupants in the area(s) of general assembly.

(Amended 10/1/2001)

Buildings occupied by a governmental unit: As specified under the type of use, plus ten percent (10%), except as noted in (a) and (b) below, to be located on a lot not  
Financial Institutions: One (1) parking space for each one hundred seventy five square feet (175 sq. ft.) of gross floor area. In non-residential districts, parking may be located on a lot not more than five hundred feet (500') in a direct line from the building. In addition, where any drive in window or facilities are provided to serve any of the above uses, provision shall be made to park at least ten (10)



waiting motor vehicles between the street line and the drive-in window or facility being approached.

(Amended 9/1/2002)

more than five hundred feet (500') in a direct line from the building; if the building is located in a Residential District, such parking space shall be located on the same lot with the building.

Library: Eight (8) spaces, plus one (1) parking space for every six hundred square feet (600 sq. ft.) of floor area.

(Amended 9/1/1996)

Police Department: One (1) parking space for each employee during the largest daily shift, plus one (1) space for each squad car, plus storage for ten (10) vehicles (such storage space may be a minimum of eight feet by fifteen feet (8' x 15') per space with no aisles), plus five (5) spaces for visitors.

Fire Department:

Municipal Meeting Rooms:

Post Office:

Public Utility Substations, and Public Utility Water Supply Reservoirs, Wells, Water Towers and Water Treatment Facilities:

Communication Towers:

Manufacturing, Processing or Assembling of Goods:

Warehouses (excluding self storage or outside storage facilities), Wholesale Businesses, Contractor's Businesses, Research & Development Facilities, Office Buildings and establishments for the manufacturing, processing or assembling of goods: One (1) space for each one and one half (1½) employees during the largest daily work shift period and located on a lot not more than five hundred feet (500') in a direct line from the building.

(Amended 10/1/2001)

Storage Facilities other than warehouses:

Self storage: One (1) parking space for each one and one half (1½) employees during the largest shift, plus one (1) parking space for each twenty (20) storage units.

Outside Storage: One (1) parking space for each one and one half (1½) employees during the largest shift, plus one (1) parking space for each ten (10) intended users.



~~Theaters, grandstands, stadiums, auditoriums or meeting rooms and similar places of public assembly: The greater of one (1) space for every four (4) seats of permanent seating provided, or one (1) space for every four (4) legal occupants.~~

~~Marinas: One (1) parking space per boat, berth, slip or mooring and one (1) parking space per employee on largest shift; for boats docked on the premises which carry passengers for hire, one (1) space for each three persons the boat is licensed to carry. No parking space may be used for the sale, service, storage or repair of any kind during the months of May through October.~~

~~(Amended 9/1/2002)~~

~~Funeral Homes: The greater of one (1) space for every fifty square feet (50 sq. ft.) of public assembly area or one (1) space for every three (3) legal occupants.~~

Self-Service Cleaning Establishments (Laundromats):

Printing Establishments:

~~House of Worship: One (1) parking space for each three (3) persons of legal occupancy, plus parking as required for related use as herein specified. When located in a Residential District, such parking space shall be located on the same lot with the building.~~

~~(Amended 9/1/2002)~~

~~Hospitals, clinics, extended care facilities, long term care facilities, nursing/rest homes, sanatoriums, and intermediate care facilities, homes for aged, congregate housing, assisted living facilities, and boarding homes for sheltered care: One (1) space for each three (3) patient beds plus one (1) space for each two (2) employees on the single largest shift.~~

~~(Amended 10/1/2004)~~

~~Elderly Housing: One (1) parking space for each efficiency or one bedroom dwelling unit, and one and one half (1½) spaces for each two bedroom or larger dwelling unit.~~

~~(Amended 10/1/2004)~~

Offices:

~~Business or Professional Offices, except medical offices, and governmental office space: One (1) space for every two hundred square feet (200 sq. ft.) of floor area.~~

~~Medical and Dental Offices: One (1) space for every one hundred fifty square feet (150 sq. ft.) of floor area.~~

~~Retail stores, personal service shops, repair shops (non-automotive) and similar commercial uses: One (1) space for each two hundred square feet (200 sq. ft.) of floor area. In the Village Zone and non-residential districts, parking may be located on a lot not more than five hundred feet (500') in a direct line from the building. In addition, where any drive-up window or facilities are provided to serve any of the above uses, provision shall be made to park at least ten (10)~~



~~waiting motor vehicles between the street line and the drive-in window or facility being approached.~~

~~Shopping Center or Neighborhood Shopping Center: One (1) space for each two hundred and fifty square feet (250 sq. ft.) of gross floor area, excluding storage areas on all uses within the Shopping Center or Neighborhood Shopping Center.~~

~~Parking lots for Shopping Centers or Neighborhood Shopping Centers shall include minimum landscaped areas amounting to at least twenty percent (20%) of the total lot area, exclusive of building coverage.~~

~~Motor Vehicle Service Facilities: All spaces to be located on the same lot as the building.~~

~~Gasoline filling stations with no repair facilities: Five (5) parking spaces, excluding spaces at pumps.~~

~~Quick (while you wait) repair facilities: Two (2) parking spaces for each service bays, excluding the bay itself.~~

~~Motor vehicle repair garages: Three (3) parking spaces for each service bay, of which one (1) can be a storage space (min. eight feet by fifteen feet (8'x15'), no aisles), excluding the bay itself.~~

(Amended 9/1/2002)

~~Establishments for the sale of new or used vehicles:~~

~~Establishments for motor vehicle washing: Five (5) spaces.~~

~~Funeral Homes: The greater of one (1) space for every fifty square feet (50 sq. ft.) of public assembly area or one (1) space for every three (3) legal occupants.~~

~~Bed & Breakfasts, Hotels and Motels: One (1) space for each sleeping room plus one (1) space for every two (2) employees on the single largest shift, plus spaces required for any other related use located on the same lot with the building.~~

~~Restaurants, Taverns, Bars, Night Clubs and Dance Halls: One (1) space for every three (3) persons who may legally occupy the facility, or one (1) space for each fifty square feet (50 sq. ft.) of public floor area, whichever is greater. If restaurant has a take-out counter that is secondary to its business, there shall be an additional three (3) spaces.~~

(Amended 10/1/2001)

~~Fast Food Restaurants or other Food Service Establishments where customers are served primarily by counter space: One (1) space for every three (3) permanent seats and one (1) space for each nine square feet (9 sq. ft.) of public floor area not devoted to permanent seating facilities, excluding rest room areas.~~

(Amended 10/1/2001)



Indoor Recreation Facilities: In addition to the parking spaces specified below, one (1) additional space for each one hundred square feet (100 sq. ft.) of the area used for restaurant, cocktail lounge or similar use.

Bowling Alleys: Four (4) spaces for each alley or lane.

Other: One (1) parking space for every four (4) legal occupants.

(Amended 10/1/2001)

Private clubs, country clubs, yacht clubs, outdoor recreation facilities: One (1) parking space for every two and one half (2½) users who could be using the facility at the at the same time, plus one (1) parking space for every three (3) seats provided for spectators, plus additional parking for any related use, such as a restaurant.

Marinas: One (1) parking space per boat, berth, slip or mooring and one (1) parking space per employee on largest shift, for boats docked on the premises which carry passengers for hire, one (1) space for each three persons the boat is licensed to carry. No parking space may be used for the sale, service, storage or repair of any kind during the months of May through October.

(Amended 9/1/2002)

Rooms to Let in Dwelling: One (1) parking space per bed. This is in addition to any spaces required for dwelling.

Financial Institutions: One (1) parking space for each one hundred seventy-five square feet (175 sq. ft.) of gross floor area. In non residential districts, parking may be located on a lot not more than five hundred feet (500') in a direct line from the building. In addition, where any drive in window or facilities are provided to serve any of the above uses, provision shall be made to park at least ten (10) waiting motor vehicles between the street line and the drive in window or facility being approached.

(Amended 9/1/2002)

Storage Facilities other than warehouses:

Self storage: One (1) parking space for each one and one half (1½) employees during the largest shift, plus one (1) parking space for each twenty (20) storage units.

Outside Storage: One (1) parking space for each one and one half (1½) employees during the largest shift, plus one (1) parking space for each ten (10) intended users.

Educational Institutions:

Day Care and Nursery Schools: One (1) parking space for each staff member on the largest shift plus one (1) space for every three (3) children of licensed capacity.



~~Elementary and Junior High Schools: The greater of one (1) parking space per staff member or one (1) parking space for every four (4) legal occupants in area(s) of general assembly.~~

~~High School: The greater of one (1) parking space per staff member and one (1) space for every five (5) students or one (1) parking space for every four (4) legal occupants in area(s) of general assembly.~~

~~College and Vocational (public and private) Institutions: The greater of one (1) space per student or one (1) parking space for every four (4) legal occupants in the area(s) of general assembly.~~

(Amended 10/1/2001)

~~Farm Tourism: These uses shall be exempt from Sections 29.7.5, 29.7.9 and 29.7.10 below.~~

(Added 4/1/2010)

~~Indoor Uses and Events: The parking standards stated above shall apply.~~

~~Outdoor Fairs and Market Events: Three (3) spaces for each vendor's booth or ride. One (1) loading space for each vendor's booth to accommodate travel trailers or service trucks that will be on-site overnight.~~

~~Outdoor Weddings and Reception Events: One (1) space for every three (3) chairs at the service or meal, whichever applies or is greater, plus one (1) space for each three (3) personnel required to serve the event.~~

~~Outdoor Concert Events: One (1) space for every four (4) chairs plus one (1) space for every thirty six square feet (36 sq. ft.) of unenclosed area being used for audience seating.~~

~~Outdoor Attraction Events, other than Fairs, Markets, Weddings, Receptions or Concerts: One (1) space for every thirty six square feet (36 sq. ft.) of ground area in which the public will be allowed access, including ticket sale queuing areas and excluding parking area(s).~~

(Amended 7/1/2010)

~~Other: The Commission shall utilize the standards above and other similar uses in this Section to determine the appropriate number of spaces for any use which does not fit into a classification above.~~

~~Other Uses: The number of parking spaces for uses not specifically enumerated in this Section shall be provided as determined by the Commission in order to maintain the purpose and intent of this Section.~~

- 29.3 Classification of Uses: Whenever two or more classifications provided in Section 29.3-xx shall apply to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply, assuming the uses will not occur simultaneously or at overlapping times.



Where separate buildings or other structures, or parts of a building or structure are used simultaneously or at overlapping times for purposes requiring different amounts of parking spaces, the number shall be determined by adding the number of spaces required for the area devoted to each type of use.

(Amended 9/1/1996)

29.4 Parking in Excess of the Maximum: The Commission may approve parking lots with more spaces than the allowed maximum provided that all of the spaces above the maximum number are composed of a pervious surface, and where adequate stormwater management is provided.

29.4.1 The Commission may also approve parking lots where additional impervious parking spaces above the allowed maximum space where the use of pervious spaces would not be environmentally sound.

29.5 ~~Joint Use of Off-Site Parking Spaces:~~ Unless otherwise specified elsewhere in these Regulations, all required off-street parking shall be located on the lot for which a use is proposed, except that the Commission may approve an arrangement which allows the dedication of parking on another site to serve a proposed use. All parking on another site must be located on a lot no more than five hundred feet (500') from the building or use being served.

29.6 Shared Parking: The Commission encourages parking lots for different structures or uses, or for mixed uses, to be shared in any zoning district. At the applicant's request, shared parking may be provided, subject to the following provisions:

29.6.1 A reciprocal written agreement has been executed by all the parties concerned that assures the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to Counsel for review.

29.6.2 The Commission shall require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes but is not limited to:

- (a) The type and hours of operation and parking demand for each use;
- (b) A site plan for displaying shared use spaces in the lot and walking distance to the uses sharing the lot;
- (c) A description of the character of land use and parking patterns of adjacent land uses; and
- (d) An estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.

29.6.3 Parking spaces to be shared must not be reserved for individuals or groups on a 24-hour basis.

29.6.4 Uses sharing the parking facility do not need to be contained on the same lot, but shall be a maximum of five hundred feet (500') from the closest parking space in the parking lot which is to be used and allow for safe, convenient walking for most parkers, including safe pedestrian crossings, signage and adequate lighting. The applicant may request to be excused from the maximum allowable distance from the use to the parking may be approved by the Commission with written justification and supporting information provided by the applicant.

29.6.5 If the Conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a violation of Zoning Regulations for any use approved expressly with shared parking. The applicant must then provide written notification of the change to the Zoning Enforcement Officer and within sixty (60) days of that notice, provide a remedy satisfactory to the Commission to provide adequate parking.

29.7 Reduction in Parking Space Requirements for Shared Parking: Where shared parking is provided among a mix of land uses, the Commission may allow the following, at the applicant's request:

29.7.1 Up to 30% of the parking space required for the predominant use on a site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.

29.7.2 Up to 75% of the parking spaces required for uses such as theaters, public auditoriums, bowling alleys, nightclubs, movie theaters and similar predominantly evening uses may be shared with uses such as banks, offices, and similar predominantly daytime uses.

29.7.3 Up to 75% of the parking spaces required for uses such as churches and other uses exclusively in operation during the weekend may be shared with uses such as medical offices, banks and other similar uses predominantly in operation on weekdays.

29.8 Excusals: Except for buildings or parts of buildings used for residential use, all or part of the off-street parking requirements may be excused by the Commission where the proposed site planning, design and construction includes the following:

29.8.1 Sufficient publicly owned parking spaces within five hundred feet (500') of the proposed development site.

29.8.2 Access to a regularly scheduled transit stop within five hundred feet (500') of the proposed development, with service available during commuting hours.



29.8.3 Direct access from a bikeway to the proposed development.

29.9 Parking Reduction Requests: In the case that an applicant believes that the required parking amounts are in excess of what is needed for the proposed use, the applicant may submit a request with justification to the Commission for a reduction in parking space requirements. The Commission will consider and act on this request concurrent with and as part of the application process.

~~30 All parking which is not on the lot being served shall be dedicated by easement for that use, such easement to run with the land.~~

~~Off-Street Loading Space: Each hospital, hotel, motel, retail store building, post office, school, undertaker's establishment, funeral home, residential life care, restaurant, tavern, bar, night club, clubs, recreational facilities, warehouse, wholesale business, trucking terminal, contractor's business, research laboratory and establishment for the manufacturing, processing or assembling of goods, having a gross floor area in excess of forty thousand square feet (40,000 sq. ft.), shall have one (1) off-street loading space for each forty thousand square feet (40,000 sq. ft.) of gross floor area or fraction thereof, excluding basements.~~

~~(Amended 9/1/2002)~~

29.10 Design and Construction Standards: All off-street parking and loading spaces shall be \_\_\_\_\_ designed and constructed in accordance with the following standards:

29.10.1 Minimum Design Requirements: At a minimum all parking lots shall:

- (a) Have a minimum stall size of 9' x 18'.
- (b) Have rectangular parking stalls.
- (c) Have aisle widths and parking angles in a minimum as follows:

<u>Parking Angle</u>	<u>Minimum Aisle Width</u>	<u>Direction of Flow</u>
<u>45°</u>	<u>12'3"</u>	<u>One way</u>
<u>50°</u>	<u>12'9"</u>	<u>One way</u>
<u>55°</u>	<u>13'3"</u>	<u>One way</u>
<u>60°</u>	<u>14'3"</u>	<u>One way</u>
<u>65°</u>	<u>15'2"</u>	<u>One way</u>
<u>70°</u>	<u>16'</u>	<u>One way</u>
<u>75°</u>	<u>24'</u>	<u>Two way</u>
<u>90°</u>	<u>24'</u>	<u>Two way</u>

- (d) Have no greater than 5% slope

- (e) Have a number and location of access drives compatible with traffic circulation patterns both within the site and on the abutting street system
- (f) Provide sufficient stacking area (area where car may need to wait in line to exit onto the street or to enter to circulate in the parking lot) for two (2) vehicles at the inbound access drives to the site
- (g) No parking space shall be designed to allow a vehicle to protrude or overhang a sidewalk or any landscaped area
- (h) Minimize potential conflict points between pedestrians, bicycles and motor vehicles.
- (i) Required off-street parking facilities shall be maintained as long as the use or structure exists for which the facilities are designed to serve

~~29.10.1 Provisions shall be made for vehicular access to the lot and circulation upon the lot in such manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation in the street and upon the lot.~~

29.10.2 All parking areas shall be designed in such a manner that any vehicle entering or leaving the parking area from or to a public or private way shall be traveling in a forward motion.

29.10.3 All access driveways for parking areas and/or loading areas shall be located in such a way that any vehicle entering or leaving such areas shall be clearly visible for a reasonable distance to any pedestrian or motorists approaching such driveway from a public or private street.

~~29.10.2~~ All entrances and exits to all parking areas shall be clearly marked. ~~Driveways to parking and loading spaces shall not exceed a grade of ten percent (10%) and shall meet the intercept with the street in such a manner as to conform to the cross section for the street as may be specified in the "Construction and Development Standards for the Town of Clinton".~~

~~29.10.3~~ 29.10.4

~~29.10.4~~ 29.10.5 Access driveways for one-way traffic shall have a minimum width of fourteen feet (14') where one way traffic is anticipated and a minimum width of twenty-four feet (24') where two-way traffic is anticipated. Driveways in the Village Zone and commercial and industrial districts shall not be more than thirty feet (30') wide at the right-of-way line and fifty feet (50') at the curb line.

(Amended 6/1/1997)

~~29.10.5~~ 29.10.6 All parking and loading spaces shall be located so that any vehicles entering or leaving the spaces do not block any entrance driveway.



29.10.7 All exits and entrances shall be so located as to provide the least amount of interference with the movement of pedestrian and vehicular traffic.

29.10.8 All off-street parking shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm flow onto any public street.

~~29.10.6~~ 29.10.9 All parking spaces, except those provided in connection with residential dwellings, shall be setback from the street no less than ten feet (10').

~~29.10.7~~ 29.10.10 **Pedestrian Safety:** Off-street parking spaces shall be suitably separated from the building in such a way as to assure safe movement of pedestrian traffic to all major entrances of the building served by any of the following means: a six (6') wide concrete walk with an eight inch (8") high concrete safety curb; ~~eight six inch (86")~~ high pre-cast concrete curbs in such a manner as to provide a four foot (4') side vehicle-free passageway; any combination of landscaping and walkway which establishes a four foot (4') wide vehicle-free passageway; or by any other manner as may be approved by the Commission.

~~29.10.8~~ 29.10.11 **Fire Lanes:** No parking shall be permitted in those areas designated as fire lanes on any site plans approved under these Regulations or established by the Town's Fire Marshal.

~~29.10.9~~ **Improvement:** All off street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm flow onto any public street. Except for necessary driveway entrances, and except for parking spaces provided in connection with a dwelling for one (1) or two (2) families, all off street parking and loading spaces shall located within ten feet (10') of any street line, not the property line, shall be separated from such street line by a curb, a fence, or wall or an embankment and shall be provided with the curb, fence, wall or embankment in such a manner that the cars will not overhang the street line.

~~On sites where little traffic is anticipated, the Zoning Commission may approve the use of pervious surface materials for all or part of a parking area when such placement is part of an overall drainage design which minimizes the concentration of storm water runoff.~~

29.10.12 **Reserve Parking:** In non-residential districts ~~and the Village Zone~~, where the gross floor area on a site exceeds ten thousand square feet (10,000 sq. ft.) and for houses of worship located in Residential Zones or the Village Zone, the ~~Zoning~~ Commission may approve the substitution of a reserve parking area in lieu of up to twenty percent (20%) of the required number of marked spaces.

- (a) The reserve area must be suitable for parking development and shall be designated as an integral part of the overall parking layout and designated as

"reserve spaces" on the site plan. The reserve parking area shall be reasonably flat and well-drained and suitable for overflow parking.

(Amended 9/1/1996 & 6/1/1997)

(b) The reserve area shall be suitably grassed, landscaped and maintained, shall be kept free of obstructions, shall be accessible from the marked parking area and have reasonable direct access to building entrances and shall be available for overflow parking during peak traffic periods.

(1) If the ~~Zoning Enforcement Officer~~ ZEO finds that the number of marked parking spaces is inadequate for actual use, the ZEO shall report such finding to the ~~Zoning Commission~~.

(2) The Commission may, at its discretion, notify the owner of the property that the reserve area must be properly maintained, or may require full development of the reserve parking area within six (6) months of notification.

~~(1)~~(3) Failure of the owner to comply with this requirement may be grounds for revocation of the Certification of Zoning Compliance and render the property in violation of Zoning Regulations.

(c) The approval of such a reserve parking area shall be applicable only to the particular use or occupancy of the land, buildings or other structures specified in the application, and such approval shall become null and void in the event that such use or occupancy is changed to another use or occupancy.

~~(c)~~—

~~29.10.10 Location — Loading: No off street loading space shall be located in the area required for setback from a street line or a Residential District or the Village Zone boundary line. In the Village Zone, Business Districts B-1 and B-2 and in Industrial Park (IP) Districts, no such space shall be located in the area required for setback from a property line.~~

(Amended 6/1/1997)

~~Location — Parking: Parking space and driveways in connection therewith may extend into setback areas, as such are designated in Section 25 (Lot Requirements), except as prohibited or limited below:~~

<del>B-2</del>	<del>Extension of up to, but not more than, five feet (5') may be</del>
<del>VZ</del>	<del>allowed into a Property Line setback area when such Property</del>
	<del>Line is also not a Residence District Boundary Line.</del>
<del>B-3</del>	<del>Extension of up to, but not more than, ten feet (10') may be</del>
<del>I-1</del>	<del>allowed into a Residence District Boundary Line setback area.</del>
<del>B-4</del>	<del>No extension allowed into a Residence District Boundary Line</del>
<del>M</del>	<del>setback area.</del>



<del>1-2</del>	<del>Extension of up to, but not more than, twenty-five feet (25') may be allowed into Street Line and Residence District Boundary Line setback areas.</del>
<del>1P</del>	<del>No extensions will be allowed into a Street Line or Residence District Boundary Line setback area, and up to, but not more than ten feet (10') may be allowed into a property line setback area.</del>

(Amended 6/1/1997 &amp; 6/15/2001)

29.10.13 **Lighting:** All commercial, industrial and multi-family residential parking lots, including reserve parking areas as approved under ~~29.7.6xx~~ above, shall be illuminated to an average level of one-half (½) foot candle per square foot, ~~except where the Commission may determine that such parking areas will never be used at night.~~

(a) Lighting standards in parking lots shall not exceed fifteen feet (15') in height, except that in parking lots containing more than two hundred spaces, light poles are permitted to a height of thirty feet (30'), provided that the level of light shall not be less than one-half (½) foot candle per square foot. ~~A Special Exception Permit is required for light poles over fifteen feet (15') if the parking lot is in or abuts a Residential Zone or the Village Zone.~~

(b) Luminaries shall have shielded light sources to prevent glare.

(c) Pedestrian ways shall be illuminated by light bollards or other low level lighting standards with shielded light sources. ~~All loading areas shall be illuminated to the level of parking areas.~~

(d) Required lighting shall be arranged and installed to minimize glare on adjacent property and on adjacent streets.

(e) Lighting in reserve areas may be of a temporary or permanent design. No blinking, rotating or flashing lighting shall be used unless as part of an approved emergency alarm system.

~~(b)(f)~~ (f) The design of all light standards shall be compatible with the character of the neighborhood ~~and shall be acceptable to the Commission.~~

(Amended 6/1/1997)

~~29.10.11~~ 29.10.14 **Landscaping:** All parking areas shall be designed to provide safe vehicular and pedestrian movement and shall be laid out with landscaped parking islands and other landscaped areas so as to avoid large, unbroken expanses of paving. All parking areas shall be landscaped in accordance with the following requirements:

(a) Any parking area which contains at least ten (10) but not more than forty-five (45) parking spaces shall provide a landscaped buffer strip, not less than ~~fifteen~~ ten feet (~~15'~~ 10') in width and provided with a six inch (6") bituminous concrete or granite curb, separating such parking areas from every ~~street lot~~ front property line. Except as otherwise required, such buffer strip shall

provide partial visual screening. All freestanding signs shall be located within a portion or an extension of this buffer strip. In addition, a landscaped strip not less than five feet (5') wide and provided with a six inch (6") bituminous, concrete or granite curb shall be located along each side or rear lot line. This landscaped strip shall provide partial visual screening from the adjacent properties.

- (b) Every parking lot which contains more than forty-five (45) parking spaces shall include landscaped areas amounting to at least ten percent (10%) of the total lot area, exclusive of building coverage. Such landscaped areas shall include landscaped buffer strips along the front, side and rear lot lines. Additional landscaped areas shall be provided in the form of parking islands.
- (c) All parking islands and buffer strips shall include a variety of landscaping materials including evergreens and deciduous species. Plantings shall be chosen for their diversity, ease of maintenance, durability and overall aesthetic effect and ~~shall be approved by the Clinton Planning and Zoning Commission~~ shall not interfere with the visibility in the parking area.

~~Exemption Area: The Clinton Planning and Zoning Commission, after due notice and public hearing as required for adoption or amendment of these Regulations, may delineate areas of the Town which shall be exempt from the off-street parking provisions of this Section. Such delineation may be made only after the Commission determines that the Town of Clinton, or a combination of the Town of Clinton and property owners, will provided sufficient and permanent off and on-street parking spaces to comply with the standards of this Section.~~

~~(Amended 9/1/2002)~~

<u>Use Category</u>	<u>Minimum Number of Spaces Required</u>	<u>Maximum Number of Spaces Allowed</u>
29.11.1 <u>One- and two-family dwelling units (including those located within a Planned Residential Development) and accessory apartment</u>	<u>2 spaces per dwelling unit</u>	<u>No maximum</u>
29.11.2 <u>Dwellings with three or more dwelling units</u>	<u>1½ space for each efficiency and 1 bedroom unit, and 2 spaces for each unit with 2 bedrooms or more, located on the same lot as the dwelling units; plus 1 additional space for</u>	<u>2 spaces for each efficiency and 1 bedroom unit and 3 for each unit with 2 bedrooms or more, located on the same lot as the dwelling units; plus 1 additional space for every 3 units</u>



	<u>every 3 units or part thereof for visitors or guests.</u>	<u>or part thereof for visitors or guests.</u>
<u>29.11.3 Home occupations: Those spaces required for the dwelling plus:</u>		
<u>(a) Office of a doctor, dentist, etc.</u>	<u>3 spaces</u>	<u>4 spaces</u>
<u>(b) Office of non-medical professional</u>	<u>2 spaces</u>	<u>4 spaces</u>
<u>(c) Home occupation involving direct sales and/or services</u>	<u>2 spaces</u>	<u>6 spaces</u>
<u>(d) Home occupation without direct sales and/or services</u>	<u>1 space per employee. If no employees, no additional spaces required</u>	<u>2 spaces</u>
<u>29.11.4 Elderly housing</u>	<u>1 space per bedroom</u>	<u>1½ spaces per bedroom</u>
<u>29.11.5 Hospitals, clinics, extended care facilities, long-term care facilities, nursing/rest homes, sanatoriums and intermediate care facilities, homes for the aged, congregate housing, assisted living facilities, and boarding homes for sheltered care.</u>	<u>2 spaces per 1,000 sq. ft. gross floor area</u>	<u>3 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.6 Day Care Facilities</u>	<u>1 space per 8 clients</u>	<u>1 space per 4 clients</u>
<u>29.11.7 Bed &amp; Breakfasts and Motels</u>	<u>1 space for each sleeping room plus 1 space for every 10 sleeping rooms, plus spaces required for any other related use located on the same lot</u>	<u>1 space for each sleeping room plus 1 space for every 5 sleeping rooms, plus spaces for any other related use located on the same lot</u>
<u>29.11.8 Offices:</u>		
<u>(a) Business or professional offices, except medical offices and governmental office space</u>	<u>2 spaces per 1,000 sq. ft. gross floor area</u>	<u>5 spaces per 1,000 sq. ft. gross floor area</u>
<u>(b) Medical and dental offices</u>	<u>2 spaces per 1,000 sq. ft. gross floor area</u>	<u>9 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.9 Financial Institutions</u>	<u>2 spaces per 1,000 sq. ft. gross floor area</u>	<u>3 spaces per 1,000 sq. ft. gross floor area</u>

<u>29.11.10</u>	<u>Retail stores, personal service shops</u>	<u>1 space per 1,000 sq. ft. gross floor area</u>	<u>4 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.11</u>	<u>Shopping center or neighborhood shopping center</u>	<u>1 space per 250 sq. ft. gross floor area excluding storage areas</u>	<u>1 space per 250 sq. ft. gross floor area including storage areas</u>
<u>29.11.12</u>	<u>Tattoo parlors and/or body piercing salons</u>	<u>1 space per 1,000 sq. ft. gross floor area</u>	<u>3 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.13</u>	<u>Adult entertainment businesses</u>	<u>6 spaces per 1,000 sq. ft. gross floor area</u>	<u>11 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.14</u>	<u>Food service establishments where customers are served primarily at counter space</u>	<u>1 space for every 3 permanent seats and 1 space for every 9 sq. ft. of queuing area</u>	<u>1½ spaces for every 3 permanent seats and 1 space for every 9 sq. ft. of queuing area</u>
<u>29.11.15</u>	<u>Restaurants and other food service establishments where customers are served only when seated at tables or counters</u>	<u>6 spaces per 1,000 sq. ft. of gross floor area</u>	<u>11 spaces per 1,000 sq. ft. of gross floor area</u>
<u>29.11.16</u>	<u>Indoor theaters and assembly halls</u>	<u>1 space for every 4 seats of permanent seating provided</u>	<u>1 space for every 3 seats of permanent seating provided</u>
<u>29.11.17</u>	<u>Limited outdoor recreation facilities</u>	<u>1 space for every 2½ participants who could be using the facility at the same time, plus 1 space for every 3 seats provided for spectators, plus additional parking for any related use located on the same lot</u>	<u>1 space for every 2 participants who could be using the facility at the same time, plus 1 space for every 3 seats provided for spectators, plus additional parking for any related use located on the same lot</u>
<u>29.11.18</u>	<u>Nature preserves and wildlife sanctuaries</u>	<u>2 spaces</u>	<u>No maximum</u>
<u>29.11.19</u>	<u>Bowling Alleys</u>	<u>3 spaces for each alley or lane</u>	<u>5 spaces for each alley or lane</u>



<u>29.11.20</u>	<u>Billiard or pool halls</u>	<u>2 spaces per 1,000 sq. ft. gross floor area</u>	<u>4 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.21</u>	<u>Indoor recreation facilities</u>	<u>1 space per 1,000 sq. ft. gross floor area</u>	<u>4 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.22</u>	<u>Outdoor recreation facilities</u>	<u>1 space for every 2½ participants who could be using the facility at the same time, plus 1 space for every 3 seats provided for spectators, plus additional parking for any related use located on the same lot</u>	<u>1 space for every 2 participants who could be using the facility at the same time, plus 1 space for every 3 seats provided for spectators, plus additional parking for any related use located on the same lot</u>
<u>29.11.23</u>	<u>Riding academies and boarding stables</u>	<u>1 space for every 3 stalls</u>	<u>No maximum</u>
<u>29.11.24</u>	<u>Commercial kennels</u>	<u>1 space for every 20 kennels</u>	<u>1 space for every 10 kennels</u>
<u>29.11.25</u>	<u>Veterinary hospitals</u>	<u>2 spaces per 1,000 sq. ft. gross floor area</u>	<u>9 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.26</u>	<u>(a) Fruit, vegetable or farm stands and commercial green houses</u>	<u>2 spaces</u>	<u>No maximum</u>
	<u>(b) Nurseries and Farms</u>	<u>No minimum required</u>	<u>No maximum</u>
<u>29.11.27</u>	<u>Farmer's market</u>	<u>2 spaces per vendor</u>	<u>No maximum</u>
<u>29.11.28</u>	<u>Farm Tourism</u>		
	<u>(a) Indoor uses and events</u>	<u>The number of spaces shall be determined by the parking standards for the uses listed in Section 29.3</u>	
	<u>(b) Outdoor fairs and markets</u>	<u>2 spaces per vendor or ride</u>	<u>No maximum</u>
	<u>(c) Outdoor weddings and reception events</u>	<u>1 space for every 3 chairs at the service or meal, whichever is greater, plus 1 space for every 3 personnel</u>	<u>No maximum</u>

(d) Outdoor concert eventsrequired to serve the event1 space for every 4 chairs plus 1 space for every 36 sq. ft. of unenclosed area being used for audience seatingNo maximum(e) Outdoor attraction events, other than fairs, markets, weddings, receptions or concerts1 space for every 36 sq. ft. of ground area in which the public will be allowed access, including ticket sale queuing areas and excluding parking area(s)No maximum(f) OtherThe Commission shall utilize the standards above and other similar uses in this Section to determine the appropriate number of spaces for any use which does not fit into a classification above.29.11.29 Philanthropic, educational or religious uses:(a) House of worship1 space for every 5 seats provided or 1 space for every 9 sq. ft. if no seating is provided1 space for every 3 seats provided or 1 space for every 9 sq. ft. if no seating is provided(b) Library1 space per 1,000 sq. ft. gross floor area2 spaces per 1,000 sq. ft. gross floor area(c) Nursery schools1 space per 8 clients1 space per 4 clients(d) Elementary and junior high schools1 space per 1,000 sq. ft. gross floor areaNo maximum(e) High school1 space per 1,000 sq. ft. gross floor areaNo maximum(f) College and vocational (public and private) institutions1 space per 1,000 sq. ft. gross floor areaNo maximum



<u>29.11.30</u>	<u>Police Department</u>	<u>2 spaces per 1,000 sq. ft. gross floor area plus 1 space per squad car, plus 5 spaces for visitors</u>	<u>5 spaces per 1,000 sq. ft. gross floor area, plus 1 space per squad car, plus 5 spaces for visitors</u>
<u>29.11.31</u>	<u>Fire Department</u>	<u>2 spaces per 1,000 sq. ft. gross floor area, plus 1 space per department vehicle, plus 5 spaces for visitors</u>	<u>5 spaces per 1,000 sq. ft. gross floor area, plus 1 space per department vehicle, plus 5 spaces for visitors</u>
<u>29.11.32</u>	<u>Municipal meeting rooms</u>	<u>6 spaces per 1,000 sq. ft. gross floor area</u>	<u>11 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.33</u>	<u>Post office</u>	<u>1 space per 1,000 sq. ft. gross floor area</u>	<u>4 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.34</u>	<u>Public utility substations and public utility water supply reservoirs, wells, water towers and water treatment facilities</u>	<u>2 spaces</u>	<u>No maximum</u>
<u>29.11.35</u>	<u>Communication towers</u>	<u>2 spaces</u>	<u>No maximum</u>
<u>29.11.36</u>	<u>Manufacturing, processing or assembling of goods</u>	<u>1 space per 1,000 sq. ft. gross floor area</u>	<u>2 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.37</u>	<u>Warehouses (excluding self-storage or outside storage facilities), wholesale business, contractor's businesses</u>	<u>1 space per 1,000 sq. ft. gross floor area</u>	<u>2 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.38</u>	<u>Storage facilities other than warehouses</u>		
	<u>(a) Self-storage</u>	<u>1 space for every 20 storage units</u>	<u>1 space for every 10 storage units</u>
	<u>(b) Outside storage</u>	<u>1 space for every 20 delineated storage areas</u>	<u>1 space for every 10 delineated storage areas</u>
<u>29.11.39</u>	<u>Marinas</u>	<u>1 space per boat, berth, slip or mooring</u>	<u>2 spaces per boat, berth, slip or mooring</u>
		<u>No parking space may be used for the sale, service, storage or repair of any kind during the months of May through October</u>	

<u>29.11.40</u>	<u>Funeral homes</u>	<u>5 spaces per 1,000 sq. ft. gross floor area</u>	<u>10 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.41</u>	<u>Self-service cleaning establishments (Laundromats)</u>	<u>1 space per 1,000 sq. ft. gross floor area</u>	<u>3 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.42</u>	<u>Printing establishments</u>	<u>2 spaces per 1,000 sq. ft. gross floor area</u>	<u>5 spaces per 1,000 sq. ft. gross floor area</u>
<u>29.11.43</u>	<u>Motor vehicle service facilities:</u>		
	<u>(a) Gasoline filling stations with no repair facilities</u>	<u>5 spaces, excluding spaces at the pumps</u>	<u>8 spaces, excluding spaces at the pumps</u>
	<u>(b) Quick (while-you-wait) repair facilities</u>	<u>2 spaces per service bay, excluding the bay itself</u>	<u>3 spaces per service bay, excluding the bay itself</u>
	<u>(c) Motor vehicle repair garages</u>	<u>2 spaces per 1,000 sq. ft. gross floor area</u>	<u>4 spaces per 1,000 sq. ft. gross floor area</u>
	<u>(d) Establishments for the sale of new or used vehicles</u>	<u>1 space per 1,000 sq. ft. gross floor area</u>	<u>3 spaces per 1,000 sq. ft. gross floor area</u>
	<u>(e) Establishments for motor vehicle washing</u>	<u>5 spaces</u>	<u>8 spaces</u>
<u>29.11.44</u>	<u>Other uses</u>	<u>The number of spaces for uses not specifically enumerated in this Section shall be provided as determined by the Commission in order to maintain the purpose and intent of this section.</u>	

## Section 5

### Fees

5.1 Pursuant to An Ordinance Concern Fees for the Processing of Land Use Applications adopted by the Town of Clinton ~~on April 23, 2003 and effective as of May 31, 2003~~, the ~~Planning and Zoning Board and/or~~ Commission shall collect application fees for the purpose of funding the approximate actual municipal administrative cost reviewing, evaluating and processing applications to the Board and/or Commission under these Zoning Regulations. See Appendix xx for the text of the Ordinance setting forth the fees.

Delete remainder of Section 5 and move to the Appendix.

## Section 30

### Soil Erosion and Sediment Control

- 30.1 **Statutory Authorization:** The legislature of the State of Connecticut has, in CGS Section 8-2, delegated the responsibility to local zoning commissions to adopt regulations requiring proper provision for soil erosion and sediment control and certification of any Soil Erosion and Sediment Control Plan. In order to carry out these objectives, the following requirements and standards have been adopted as part of the Zoning Regulations of the Town of Clinton.
- 30.2 **Exemptions:** The following activities shall be exempt from submission of a Soil Erosion and Sediment Control Plan:
- 30.2.1 A single-family dwelling that is not part of a subdivision.
- 30.2.2 Cultivation of the soil for the production and harvesting of crops.
- 30.3 **Definitions:** As used in these Regulations, the following words and terms shall be defined as follows:
- 30.3.1 **Certification:** A signed, written approval by the Planning and Zoning Commission that a Soil Erosion and Sediment Control Plan complies with the applicable requirements of these Regulations.
- 30.3.2 **Development:** Any construction or grading activities to improved or unimproved real estate.
- 30.3.3 **Disturbed Area:** An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.
- 30.3.4 **Erosion:** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 30.3.5 **Grading:** Any excavation, grubbing, filling (including hydraulic fill), or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 30.3.6 **Inspection:** The periodic review of sediment and erosion control measures shown on the certified plan.
- 30.3.7 **Sediment:** Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site or origin by erosion.
- 30.3.8 **Soil:** Any unconsolidated mineral or organic material of any origin.



30.3.9 Soil Erosion and Sediment Control Plan (Erosion Plan): A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

30.4 Activities Requiring a Certified Soil Erosion and Sediment Control Plan (hereinafter called "Erosion Plan"): Whenever a proposed activity shall cause disturbance of an area cumulatively in excess of ten thousand square feet (10,000 sq. ft.), an Erosion Plan is required.

30.5 Soil Erosion and Sediment Control Plan:

30.5.1 Certification: To be eligible for certification, an Erosion Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (~~1985~~2002), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

30.5.2 Said Erosion Plan shall show the name and address of the proposed use, the name and address of the owner/agent of the property, and the name and address of the developer, if different from the owner, and shall contain, but not be limited to:

(a) Narrative: Eighteen (18) copies of a narrative describing:

- (1) Proposed alteration of the area to be developed.
- (2) The schedule for grading and construction activities, including:
  - (i) Start and completion dates
  - (ii) Sequence of grading and construction activities
  - (iii) Sequence for installation and/or application of soil erosion and sediment control measures
  - (iv) Sequence for final stabilization of the project site
- (3) The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.
- (4) The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.
- (5) The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.

- (6) The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.
  - (7) A contingency or revisited Erosion Plan when inspection of the site indicates unforeseen erosion or sedimentation problems.
  - (8) The name and address of the engineer or contractor responsible for the monitoring of operational and maintenance procedures for erosion and sediment control. Provided it is practical to do so, the narrative may be printed on the site plan.
- (b) Site Plan Map: Eighteen (18) copies of the site plan, drawn at a scale of one inch equals forty feet (1"=40'), showing the name and address of the owner of the lot, the name and address of the developer, if different from the owner, date and scale and including, without being limited to, the following:
- (1) The location of the proposed development and adjacent property owners.
  - (2) Existing structures on the project site, if any.
  - (3) Contours at two-foot (2') intervals.
  - (4) Existing and proposed topography, including soil types, wetlands, watercourses and water bodies.
  - (5) Proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.
  - (6) Location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.
  - (7) Sequence of grading and construction activities.
  - (8) Sequence for installation and/or application of soil erosion and sediment control measures.
  - (9) Sequence for final stabilization of the development site.
- (c) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or ZEO.

### 30.6 Minimum Acceptable Standards:

- 30.6.1 Erosion Plan shall be developed in accordance with these Regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil

Erosion and Sediment Control (~~1985~~2002), as amended. Such Erosion Plan shall result in a development that:

- (a) Minimizes erosion and sedimentation during construction.
- (b) Is stabilized and protected from erosion when completed.
- (c) Does not cause off-site erosion and/or sedimentation.

30.6.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (~~1985~~2002), as amended. The Commission may grant exceptions to these standards when requested, in writing by the applicant, if technically sound reasons are presented and may seek the advice and guidance of the ~~Middlesex County Soil and Water~~ Connecticut River Coastal Conservation District prior to granting any such exceptions.

30.6.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of run-off unless an alternative method is approved by the Commission. The Commission may seek advice from the ~~Middlesex County Soil and Water~~ Connecticut River Coastal Conservation District as to the adequacy of any proposed alternative method.

### 30.7 Issuance or Denial of Certification:

30.7.1 The Commission shall:

- (a) Certify that the Erosion Plan, as filed, complies with all the requirements and objectives of these Regulations, or
- (b) Deny certification of an Erosion Plan that does not meet the requirements and objectives of these Regulations.

30.7.2 The Commission shall keep a record of its decisions, including the reasons for arriving at its conclusions.

30.7.3 Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under CGS Chapter 124.

30.7.4 Prior to certification, any Erosion Plan submitted to the Commission may be forwarded for review to the Middlesex County Soil and Water Conservation District which may make recommendations concerning such Plan, provided however, that such review shall be completed within thirty (30) days of the receipt of such Erosion Plan by the Middlesex County Soil and Water Conservation District.

30.7.5 The Commission may forward a copy of the development proposal to the Inland Wetlands Commission, the Town's Engineer, or other review agency or consultant for review and comment.

**30.8 Conditions Relating to Soil Erosion and Sediment Control:**

- 30.8.1 Performance Bond:** Performance Bonds guaranteeing the control of soil erosion and sedimentation as certified in the Erosion Plan. (Refer to Section 6: Bonding)
- 30.8.2** Site development shall not begin unless the Erosion Plan is certified, a Zoning Permit issued and the control measures and facilities scheduled for installation prior to site development are installed and functional.
- 30.8.3** Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified Erosion Plan.
- 30.8.4** All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified Erosion Plan.

**30.9 Inspections:** Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

**30.10 Amendments to Erosion Plan:** In the even a contingency plan has not been submitted or does not provide for unforeseen substantive changes in the Erosion Plan, written request may be made to the Commission for an amendment to the certified Erosion Plan. The request shall contain, but not be limited to:

- 30.10.1** A description of the changes requested.
- 30.10.2** Any technical changes necessitated thereby.
- 30.10.3** Contingency control measures or facilities to be installed and maintained.
- 30.10.4** Changes in scheduling.
- 30.10.5** Any other information which the applicant or Commission may deem necessary to a proper consideration of the request for amendment, together with, if necessary, additional maps or drawings.

## **Referral 2.3: Town of Woodbridge**

**Subject:** Proposed Zoning Regulation Amendments to add Sections 3.18 and 3.19 regarding Gun Shops and Access to Adjoining Towns.

### **Staff Recommendation:**

The Proposed Zoning Regulation Amendment 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 Woodbridge Town Plan and Zoning Commission submitted zoning regulation amendments to add Section 3.18, *Regulation of Gun Shops and Associated Goods Sales*, and Section 3.19, *Use of Land for Access to Adjoining Towns*. Gun shops are permitted in the General Business (GB) Zone by special exception, subject to distance requirements and supplementary review standards. Gun shops are not permitted within 200 feet from the property line of any public/private elementary or secondary school, senior/community centers, teen center, daycare, church, public recreation area, or residential district/predominantly residential planned development. Gun shops must be at least 1,000 feet apart from another such use. The Commission may take into account the location of pawn shops, second hand goods stores, bars, package permits, and adult businesses when considering such a special exception use. The Commission will also take into account known locations where loitering, drug sales, violent crime, or prostitution have regularly occurred over substantial periods of time. Compliance with all federal/state laws concerning guns, firearms, sights and ammunition is required.

Section 3.19 states that” access to any use in a commercial or industrial zone, or access to any commercial, industrial, or mixed-use on any property in any zone, or access of property not subject to the Town of Woodbridge Zoning Regulations” is prohibited on or across land in a residential zone. The Commission may allow for such access by special exception as long as the proposed access does not adversely impact the type and density of adjacent residential development, the natural resources of the neighborhood, the character and use of existing highway facilities, and the Plan of Conservation and Development. In addition, the proposed use cannot create vehicular or pedestrian traffic safety hazards.

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



July 26, 2013

South Central Regional Council of Governments  
Regional Planner, Eugene Livshits  
127 Washington Avenue  
North Haven, CT 06473-1715

Re: Proposed Amendments to Zoning Regulations  
Addition of Section 3.18 and 3.19 regarding Gun Shops and Access to Adjoining  
Towns

Dear Mr. Livshits,

Pursuant to Section 8.3b of the Connecticut General Statutes, this letter is to serve as notification that the Woodbridge Town Plan and Zoning Commission will hold a public hearing in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, on Tuesday, September 3, 2013 with respect to the attached Zoning Regulation Amendments to add new Sections 3.18 and 3.19 to the Zoning Regulations for the Town of Woodbridge regarding gun shops and access to land in adjoining towns. The zoning amendments have been proposed by the Woodbridge Town Plan and Zoning Commission. Hearings will begin at 7:30 p.m..

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

Very truly yours,

Kristine Sullivan, Woodbridge Land Use Agencies



**PROPOSED ZONING REGULATION AMENDMENT REGARDING GUNSHOPS**  
**ADDITION OF A NEW SECTION 3.18**  
**TO READ AS FOLLOWS**

**3.18 Regulation of gun shops and associated goods sales.**

**3.18.1 Definitions.**

**GUN SHOP:** Any establishment or portion of an establishment which sells guns, firearms or associated goods including ammunition and gun sights.

**AMMUNITION:** Any projectile or other device which is designed to or may readily be converted to be expelled from any gun or firearm.

**3.18.2 Uses Permitted.**

These provisions exist in order to protect neighborhoods, minimize conflict with adjacent uses and the surrounding area, and to assure the health and safety of the general public by providing additional standards for review of a proposed location of a gun shop and to prevent a concentration of such uses. Gun shops shall be permitted in the GB Zone by special exception subject to the distance restrictions, supplementary review standards and conditions of approval as specified herein.

**3.18.3 Distance Restrictions.**

(a) No establishment for sale of guns, firearms and associated goods including ammunition and gun sights shall be permitted to locate, relocate or remove to any location where the property line of such location is within two hundred (200) feet from the property line of any:

- (1) Public or private elementary or secondary school;
- (2) Senior or community center;
- (3) Teen center;
- (4) Daycare;
- (5) Church or house of public worship;
- (6) Public recreation area;
- (7) Residential district and predominantly residential planned development.

(b) Distance limit between gun shops. No gun shop shall be permitted within one thousand (1,000) feet of another such use.

**3.18.4 Measurement of Distances.**

(a) The distance between gun shops shall be measured from property line to property line. However, where a gun shop is located within a structure of more than 25,000 square feet, the distance shall be measured from the outside entrance of such location.,

(b) To demonstrate compliance with the required separation distances, all applications must include a site plan prepared by a licensed surveyor showing the required distance delineations whether any public or private elementary or secondary school, or boundary

of the residential district, senior or community center; teen center, daycare, church or house of public worship, public recreation area, residential district and predominately residential planned development is situated within the required separation distances as shown on the submitted site plan.

**3.18.5 Supplementary Review Standards.**

Sale of guns, firearms and accessory goods including ammunition has a greater potential impact on surrounding uses and the surrounding area, compared for the public need for them at particular locations. For this reason the supplementary standards herein shall be taken into account, where appropriate, when considering such special exception use:

- (a) The presence of physical concentration of pawn shops, second hand goods stores, bars, package permits, adult businesses or other such uses.
- (b) Known locations where loitering, drug sales, violent crime or prostitution have regularly occurred over substantial time periods as documented by the department of police services or other governmental agencies.

**3.18.6 Additional Conditions of Approval.**

Because of the unique safety and security needs of gun shops and the potential impact on surrounding uses and the surrounding area compared for the public need for a gun shop at a particular location, in addition to following the strict guidelines required by the State, the Commission may require any of the following as additional conditions of approval.

- (a) exterior lighting or site fencing;
- (b) limited site access during non-business hours by means of fences, chains or means specified by the Board.

**3.18.7 Commission shall require compliance with provisions of federal and/or state law regarding guns, firearms, sights and ammunition, including, but not limited to, assault weapons, gun locking devices and warnings and minimum age transfers.**

**PROPOSED ZONING AMENDMENT REGARDING USE OF LAND FOR  
ACCESS TO ADJOINING TOWNS  
ADDITION OF NEW SECTION 3.19  
TO READ AS FOLLOWS**

**3.19 Use of Land for Access**

Access to any use in a Commercial or Industrial Zone, or access to any commercial, industrial or mixed use on any property in any zone, or access to property not subject to the Town of Woodbridge Zoning Regulations, shall be prohibited on or across land in a Residence Zone. Except for access to property not subject to Woodbridge Zoning Regulations, the Commission may allow such access by Special Exception provided that:

- (a) The proposed access shall not adversely impact:
  - 1. The type and density of adjacent residential development;
  - 2. The character and uniqueness of the natural resources of the neighborhood;
  - 3. The character and use of existing highway facilities; and
  - 4. The Plan of Conservation and Development.
- (b) The proposed access does not create vehicular or pedestrian traffic safety hazards or congestion inconsistent with or detrimental to the character of the neighborhood. Any improvements to public roads necessitated by the proposed access shall be the responsibility of the developer.
- (c) The use serviced by the access will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.





## **Referral 2.4: Town of Orange**

**Subject:** Proposed Zoning Regulation Amendments regarding Undertaker Establishments as a Special Use in the Residential (RES) District.

### **Staff Recommendation:**

The Proposed Zoning Regulation Amendment 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:**

A private applicant in the Town of Orange has proposed to amend to the Zoning Regulations by defining undertaker establishments (and related special standards) and allowing such establishments as a special use in the Residential (RES) District. Undertaker establishments/funeral parlors are not defined in the current regulations and are only allowed in the Light Industrial District #3 (not within 500 feet of town border). An undertaker establishment would be required to meet all relevant requirements of the Connecticut Public Health Code and applicable state laws. Undertaker establishments of no more than 5,000 square feet would be allowed as long as the following special standards are met:

- An undertaker establishment must be located on the property of a church building, place of worship, or other institutional use with at least 250 feet of frontage on a state road.
- The parking requirements (Section 383-172 B[12]) will be considered satisfied by demonstrating sufficiency of parking spaces based on non-simultaneous use of existing and proposed parking. The current regulations require funeral parlors (in any district) to have one space for each three legal occupants. Legal occupancy is determined by the Fire Marshal.
- Any materials associated with body preparation will be collected in a holding tank and disposed of by a licensed medical waste hauler.

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



# Town of Orange, Connecticut

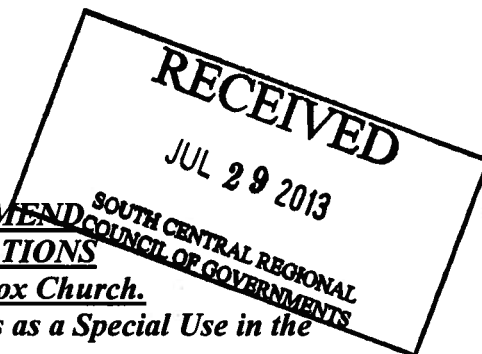
## Zoning Department

TOWN HALL  
617 ORANGE CENTER ROAD  
ORANGE, CONNECTICUT 06477-2499

July 24, 2013      PHONE: (203) 891- **4743**  
CERTIFIED MAIL      FAX: (203) 891-2185  
www.orange-ct.gov

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

**REFERRAL OF PETITION TO AMEND**  
**THE ORANGE ZONING REGULATIONS**  
**-Submitted Saint Barbara Greek Orthodox Church.**  
***To define and provide for Undertaker Establishments as a Special Use in the Residential RES District.***



Dear Mr. Amento:

In accordance with the Connecticut General Statutes, enclosed for your review are proposed amendments to the Orange Zoning Regulations. A public hearing on this matter is tentatively scheduled for September 3, 2013.

If you have any questions, please contact me at 203-891-4743.

Very truly yours,

Paul Dinice  
Zoning Administrator  
& Enforcement Officer

enclosures (1)  
cc: TPZC Members  
V. Marino, Esq.  
J. Zeoli, First Selectman



ORANGE TOWN PLAN & ZONING COMMISSION

PETITION TO AMEND ZONING REGULATIONS AND/OR ZONING MAP  
(public hearing required)

Applicant Saint Barbara Greek Orthodox Church

Mailing Address 480 Racebrook Road (including 460 Racebrook Road)

Orange, Connecticut Zip 06477

Telephone (203) 795-1347 Fax (203) 795-1348

Property Owner Saint Barbara Greek Orthodox Church

Mailing Address 480 Racebrook Road

Orange, Connecticut Zip 06477

Telephone (203) 795-1347 Fax (203) 795-1348

PETITION TO AMEND REGULATIONS? XX ZONING MAP? \_\_\_\_\_

Saint Barbara's Greek Orthodox Church

  
Eugene Esares, President, Church Council  
Property Owner

July 18, 2013

Saint Barbara's Greek Orthodox Church

  
Eugene Esares, President, Church Cncl  
Applicant

July 18, 2013

FOR OFFICE USE ONLY:

Date Received \_\_\_\_\_

Meeting Scheduled \_\_\_\_\_

Applicant Notified \_\_\_\_\_

Application Fee Paid \_\_\_\_\_

Action Taken \_\_\_\_\_

Date of Publication \_\_\_\_\_

Pursuant to Article XXII, Section 383-210 of the Orange Zoning Regulations, Saint Barbara Greek Orthodox Church petitions the Orange Town Plan and Zoning Commission to amend the Zoning Regulations as follows:

[Optional] Article I, §383-14, Definitions, is amended to add at section B thereof:

**UNDERTAKER ESTABLISHMENT** – A building or part thereof meeting all of the requirements of the Connecticut Public Health Code and applicable state law wherein a licensed undertaker prepares the deceased for internment and conducts funeral services. It may include viewing rooms, a chapel for funeral services and office, but shall not include a crematorium.

[Add] Article III, Section 383-27, Special Uses [in the Residential Zoning District] is amended to add subsection

"O. Undertaker Establishments of 5000 square feet or less in the Residential (RES) Zoning District subject to the provisions and standards of Article XIV, Special Uses, including, without limitation, Section 383-143.6, Special Standards for Undertaker Establishments in the Residential (RES) Zoning District."

[Add] Article XIV, Special Uses, is amended by adding:

Section 383-143.6, Special Standards for Undertaker establishments in the Residential (RES) Zoning District, as follows:

"The development of an Undertaker Establishment of 5000 square feet or less as provided for in Article III, Section 383-27, Special Uses, shall conform to the following additional standards:

A. An Undertaker Establishment shall be located on the property of a Church building, place of worship, or other institutional use having at least 250 feet of frontage on a State road.

B. It shall be eligible to satisfy its parking requirement under Section 383-172 B(12) by demonstrating sufficiency of parking spaces predicated on non-simultaneous use of existing and proposed parking.

C. There shall be no discharge of materials from body preparation to a subsurface sewage disposal treatment system; any materials associated with body preparation shall be collected in a holding tank and disposed of by a licensed medical waste hauler.

### Supporting Narrative

The request seeks to introduce an "Undertaker Establishment of 5000 square feet or less located on a State road" as a Special Use in the Residential (RES) Zoning District. Such use would be subject to the general considerations and general standards of Article IV, §§ 383-136 and 383-137, as well as the specific standards of proposed §383-143.6, Special Standards for Undertaker Establishments less than 5000 square feet in the Residential (RES) Zoning District.

The Commission is charged under State law with the duty and responsibility for the comprehensive, coordinated, orderly growth, development and use of land and structures in the Town of Orange through implementation of planning, zoning and subdivision controls, plans, policies and programs to promote the health, safety, morals and general welfare of the citizens of the Town. Providing for small Undertaker Establishments in the Residential (RES) Zoning District is consistent with the Commission's land use regulatory power and community responsibility and will contribute to the well-being of the Town of Orange by providing a resource for meeting the emotional and spiritual needs of the community. The standards for the Special Use Permit impose layers of protection ensuring the compatibility of the use in the zone.

As a practical matter, the request does not introduce a new use to the Town, *per se*, because funeral services are and have been routinely conducted in various Church and other religious facilities in the Town of Orange, including Saint Barbara. An amendment to the Regulations is appropriate to provide standards pursuant to which such establishments may be sited with Commission review. Providing by regulation for a dedicated, limited, facility serves a public need on an appropriate scale.

The request to amend the Zoning Regulations is consistent with the Orange Comprehensive Plan of Development in that permits a small-scale non-residential establishment, performing a necessary service, to locate on an established Church or place of worship property, located on a State road, and to demonstrate the adequacy of existing and/or proposed parking in accordance with the Regulations by non-simultaneous use of the places of assembly, thereby avoiding unnecessary introduction of additional imperviousness. Co-location of compatible uses and shared parking are two desirable characteristics of sustainable development.

### Severability

Should any provision, section, paragraph or subparagraph of this Regulation, including any text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction, the same shall not effect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.



**Effective Date**

These Amendments to the Orange Zoning Regulations shall become effective on \_\_\_\_\_, 2013.

## **Referral 2.5: Town of Southington**

**Subject:** Proposed Zoning Regulation Amendment to add Section 3-08.22 to the Housing Opportunity District Regulations.

### **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:**

A private applicant in the Town of Southington has proposed to add Section 3-08.22 to the Housing Opportunity District (HOD) regulations. The new section, *Age-Restricted HOD*, applies to developments that are restricted, by deed restriction or enforceable covenant or condition to occupants 62 years of age and older. Such a development must comply with the HOD Regulations (Section 3-08), with the following five exceptions. First, an HOD may be located on a parcel of 10 acres or more as long as it is within 1,500 feet of Interstate 84 and serves as a transition zone between residential and non-residential zones. Additionally, the development must be at least one mile from a town line. The existing regulations require an HOD to consist of at least 30 acres. Second, buildings may contain more than 6 dwelling units if the buildings are designed to include a handicapped accessible meeting room that can be accessed via internal halls or walkways. Per the current regulations, no building can contain more than 6 dwelling units. Third, density shall not exceed 10 units per acre (compared to no more than 8 units per acre). Fourth, at least 1.5 parking spaces shall be provided per dwelling unit. The existing regulations require 2.5 off-street parking spaces for each dwelling unit. Parking spaces in front of garages count toward this requirement. Finally, a community center shall not require additional parking spaces if it located within the residential building it serves. The existing regulations require one parking space for every 200 square feet.

**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

via email

July 31, 2013

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



RE: Proposed Zoning Regulation Amendment – New Section 3-08.22 of HOD reg. (ZA #575)

Dear Sir or Madam:

In accordance with the provisions of the Connecticut General Statutes, attached is a copy of a proposed zoning text revision submitted by Lancaster Land, LP proposing to add a new section (3-08.22) to the HOD regulations of the Zoning Regulations.

The Planning and Zoning Commission anticipates opening the public hearing on this item on September 3, 2013. The complete file is available for review in the Planning Department, the Town Clerk's office and on the web page. If you have any questions regarding this proposal, please feel free to contact me at (860) 276-6248.

Respectfully,

A handwritten signature in blue ink, appearing to read "David Lavallee".

David Lavallee  
Acting Town Planner

enclosures

# RPC Referral Submission Form

South Central CT Regional Planning Commission

Please mail to:

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

## 1.) General Information:

Date Sent: 7/31/13

Subject: ZA #575 - new section 3-08.22 - H.O.D. Regulation.

Applicant Name: Lancaster Land, L.P.

Property Address (if applicable): n/a

Town/City: Southington



Referral is from a private individual



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

Public Hearing Date: 9/2/13

## 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 email



Information on proposed change included



Existing language included (if applicable)

## 4.) Preferred contact regarding this RPC referral:

Name: David Lavalley, Acting Town Planner

Telephone Number: 860-276-6203

E-mail Address: LavalleyD@southington.org

Comments: \_\_\_\_\_

Questions: (203) 234-7555

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



fee waiver  
resubmittal  
1/30/13 KP

# PLANNING AND ZONING DEPARTMENT

MUNICIPAL CENTER, 196 NORTH MAIN STREET  
SOUTHINGTON, CONNECTICUT 06489  
PHONE (860) 276-6248 - FAX (860) 628-3511



FEE: See fee schedule

Date: 7/30/13

Z.A. # 575

## PETITION TO ENACT A ZONING REGULATION AMENDMENT OF TEXT

The undersigned respectfully petitions the Southington Planning and Zoning Commission to consider granting a change in the text of the Zoning Regulations.

Description of proposed amendment with all related subsection numbers. Show existing text in upper and lower case and show proposed additions in all upper case letters or underlined numbers. Proposed deletions should be enclosed within double parentheses.

ADD A NEW SECTION TO THE HOD REGULATIONS (3-08.22), SEE ATTACHMENT

Is any zoning district potentially impacted by this proposed amendment within 500 feet of a Town boundary?  
\_\_\_\_\_ yes ☒ no

Reason for desired amendment: TO PROVIDE MORE HOUSING OPPORTUNITY TO PEOPLE  
62 YEARS OF AGE OR OLDER.

Applicant:

LANCASTER LAND, L.P.  
Name  
#348 HARRIS HILL ROAD  
mailing address  
WILLIAMSVILLE, NY 14221

Agent: SEVERINO V. BOVINO  
C/O KRATZERT JONES & ASSOC.  
Name  
P.O. BOX 337  
mailing address  
MILDALE, CT 06467

315-542-5371 315-833-9305  
phone # fax #

860-621-3638 860-621-9609  
phone # fax #

ctrevez2ffseminorhousing.com  
email

BOVINO@KratzertJones.com  
email

applicant signature: [Signature]

**RECEIVED**

PVP & Z formszone regulation amendment application form doc

JUL 30 2013

<http://www.southington.org>

**SOUTHINGTON  
PLANNING & ZONING DEPT.**

PROPOSED AMENDMENT TO HOUSING OPPORTUNITY DISTRICT ("HOD")  
REGULATION: ADDITION OF STANDARDS FOR HOD DEVELOPMENT  
RESTRICTED TO OCCUPANTS 62 AND OLDER; NEW SECTION 3.08-22

**DRAFT: JULY 2013**

3-08 HOUSING OPPORTUNITY DISTRICT ("HOD")<sup>1</sup>

3-08.1 General

The Housing Opportunity District (HOD) is a class of district that may be established by the Commission and delineated on the Zoning Map upon petition by the owner of property or by any person duly authorized by said owner and after due notice and public hearing as required by law for amendment of these Regulations.

3-08.2 Purpose – The HOD is made part of the Comprehensive Plan of Zoning for the following purposes:

- A. To encourage the construction of housing that is both affordable as defined by State Statutes and is consistent with design and construction standards present in the community.
- B. To assist the Town of Southington in complying with the State Zoning Enabling Act, Connecticut General Statutes § 8-2, as amended by Public Act 91-392, by adopting zoning regulations that promote housing choice and economic diversity, including housing for low and moderate income households.

<sup>1</sup> New, ZA #538, effective 9/22/07

C. To utilize existing infrastructure efficiently and to promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices.

3-08.3      Petition – A petition for a change in zone boundary for the purpose of establishing a HOD may be filed with the commission in accordance with the provisions of Section 14-03. After a zone change is approved, approval of a site plan application is required.<sup>1</sup>

3-08.4      Area of HOD – The area to be zoned HOD shall consist of not less than 30 acres in a single tract by a number of continuous tracts under one ownership, or consolidated into a single tract by a number of different owners by means of a binding agreement which will assure the uniform treatment of an overall development for the entire tract from the time of application and continuing thereof.

3-08.5      Permitted Uses

A. Multi-family dwelling units for rental use or for sale, subject to the following requirements:

1. Each multi-family dwelling shall be served by public sewer and water.
2. No building shall contain more than 6 dwelling units.

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<sup>1</sup> revised, ZA #543, effective 6/6/09

3. The minimum distance between multi-family buildings shall be 45 feet. Duplex and detached single-family dwellings may be a minimum of 30 feet apart in a common interest act community.<sup>1</sup>
  4. The minimum setback from the road shall be 25 feet.<sup>2</sup>
  5. The minimum side yard setback shall be 40 feet.
  6. The minimum rear yard setback shall be 40 feet.
  7. The minimum distance between the rear of the units shall be 45 feet. The minimum distance between the sides of units shall be 45 feet. Duplex and single-family dwellings may be a minimum of 30 feet apart in a condominium project.
  8. Decks and patios shall not be in the building setback.
  9. No residential or accessory building shall exceed three stories or 35 feet in height.
- B. A lease or sales office, recreational facilities and garages for the private use of the residents and their guests;

<sup>1</sup> revised, ZA #543, effective 6/6/09

<sup>2</sup> revised, ZA #543, effective 6/6/09



C. One or more swimming pools and such buildings as are reasonably associated with the use of swimming pools. Swimming pools must be fenced in with a locking gate for safety.

D. Active and passive recreational uses, including, but not limited to, walking trails, tot playlots, and picnic areas. Plans shall provide on the same parcel of land adequate playspace for the children of such dwellings<sup>1</sup>, except in the case of elderly housing units where such space shall be provided for active or passive adult recreation. The Commission in its sole discretion, if subject to a two-thirds affirmative vote, may waive or reduce recreational requirements for elderly housing set forth herein above, if it finds that the proposed use is designed exclusively for elderly housing, that all or a majority of the proposed units shall be designed to have not more than one bedroom per unit and that the lot is located within a reasonable safe distance to a public park, public school or other facility with a reasonable area of land dedicated to recreational usage.

E. Signs, as provided in Section 13;

F. Other accessory uses customary with and incidental to the aforesaid permitted uses.

3-08.6      Development Density – Dwelling unit density in the HOD shall not exceed eight (8) dwelling units per acre of land. For purposes of computing allowable density,

<sup>1</sup> revised, ZA #543, effective 6/6/09

the minimum required area of the HOD shall exclude the area of ponds, marshes and other wetlands and other areas with a natural slope in excess of 25 percent.

3-08.7 Affordability Requirement – Not less than thirty percent (30%) of the dwelling units in the HOD development (and each phase of the development) shall be subject to deed restrictions that shall require that such dwelling units be sold or rented at or below prices that will preserve the units as affordable housing, as defined by Connecticut General Statutes § 8-30g, with fifteen percent (15%) reserved for persons and families whose income is at or below eighty percent (80%) and fifteen percent (15%) reserved for persons whose income is at or below sixty percent (60%), as applicable, of the area median income for Southington or the statewide median income, whichever is less, as determined by the United States Department of Housing and Urban Development. Such restrictions shall remain in effect for at least forty (40) years after the initial occupation of the proposed development. Those units to which deed restrictions will apply shall be designated with the submission of the final site plan.

3-08.8 Procedure – In addition to the materials required to be submitted under Section 9 as part of a site plan application, the applicant shall submit an "Affordability Plan" that complies with the requirements of Connecticut General Statutes § 8-30g.

3-08.9 Adequate Parking and Access: At least two and one-half (2.5) off-street parking spaces shall be provided for each HOD dwelling unit. Parking spaces in front of garages shall be counted towards this requirement. The parking and loading facilities shall be deemed to be adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable safety.

- 3-08.10 Each property line along which residential units are proposed shall be paralleled by a screen of naturally existing vegetation at least 20 feet wide, or shall be landscaped by planting a double row of pine trees. All landscaping shall be appropriately maintained. Applicants shall avoid clearing existing vegetation where possible, but may propose additional plantings where necessary to improve screening. Such landscaping is not required in areas where utilities are proposed or where wetlands or watercourses are located.<sup>1</sup>
- 3-08.11 Mechanicals and outside generators that serve the entire community<sup>2</sup> and dumpsters shall be screened with a lightproof fence. In the case of dumpsters, a detail of the proposed dumpster enclosure shall be included on the plans and a note shall be added to the plans stating that the top of the dumpster shall be no higher than the top of the fence. A lightproof fence shall be required.
- 3-08.12 If a community center is proposed, the community center shall have one parking space for every 200 s.f. of gross area of the community center in accordance with Section 12-01.1 of the Zoning Regulations.<sup>3</sup>
- 3-08.13 Full cutoff light fixtures and recessed lenses only shall be used on the property and no light shall be positioned so as to cause a nuisance external to the site from excessive glare.
- 3-08.14 Design Standards for Transportation Network: A grid street pattern or interconnecting loops shall be required for the purposes of ensuring adequate

<sup>1</sup> revised, ZA #543, effective 6/6/09

<sup>2</sup> revised, ZA #543, effective 6/6/09

<sup>3</sup> revised, ZA #543, effective 6/6/09

public safety access and effective traffic circulation. For developments over 25 units in density, applicants shall provide two entrance/exits from the development.

- 3-08.15      Adequate Public Utilities: That the water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria, comply with all standards of the appropriate regulatory authority, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.
- 3-08.16      A Phase I Environmental Report must be submitted to verify there are no environmental concerns and no potential environmental equity concerns.
- 3-08.17      Adequate Streets for Use: Streets providing access to the proposed use or development shall be adequate in width, grade, alignment and visibility, and shall have adequate capacity for the additional traffic generated by the proposed use.<sup>1</sup> The Commission may deny any proposed development which causes the level of service (LOS) on a roadway or roadway to fall below LOS D.<sup>2</sup> Alternately, offsite roadway improvements or signalization may be required to ensure the adequacy of the local roadway system and public safety. Provisions shall be made for vehicular traffic to enter and exit the site which do not create an undue traffic hazard and/or cause undue traffic congestion. All access points shall accommodate two lanes of traffic entering and exiting the site unless the Commission deems it in the interests of public safety and the welfare of the

<sup>1</sup> revised, ZA #543, effective 6/6/09

<sup>2</sup> revised, ZA #543, effective 6/6/09



general public, due to the existing conditions, to permit alternative access to the site including but not limited to restricted turning movements and shared access.

- 3-08.18 The property and proposed parking areas shall be suitably landscaped with a combination of trees, shrubs and other plant materials to filter and screen the view of the proposed development from the surrounding area and adjacent properties and enhance the appearance of the proposed development. The Commission may require as a condition of approval a performance bond to assure the completion of any site and/or public improvements.
- 3-08.19 The proposed use, proposed buildings and structures and other site features are to be designed and maintained in such a manner as not to impose an unacceptable risk to aquifers and public water supplies.
- 3-08.20 Environmental Protection and Conservation: That the proposed plans shall provide for the reasonable conservation of natural features,<sup>1</sup> the utilization of best management practices to minimize degradation of storm water run-off, and the utilization of landscape and/or buffer areas to protect environmentally sensitive portions of the site.

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<sup>1</sup> revised, ZA #543, effective 6/6/09

3-08.21<sup>1</sup> Control of Issue of Certificates of Occupancy: The issue of Certificates of Occupancy shall be limited to 75% of the dwelling units contained in the project until:

- a. All common and/or public improvements, landscaping or erosion and sedimentation control measures covered by bond have been completed to the satisfaction of town staff. Town staff may support bonding for outstanding improvements due to extenuating circumstances, subject to a 2/3 vote by the Commission. Bonding in lieu of improvements for these developments shall be the exception and not the rule.
- b. As built plans of utilities and public improvements within the development, certified by a registered professional engineer, have been received and accepted by the Town Engineer or his designee.
- c. All recreational facilities shown on the approved final plan have been installed.
- d. The final course of pavement has been installed.

**3-08.22      Age-Restricted HOD (NEW) – If a Housing Opportunity District development will be restricted, by deed restriction or enforceable covenant or condition, to occupants 62 years of age or older, the development plan shall comply with this § 3-08 with the following exceptions:**

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<sup>1</sup> New, ZA #543, effective 1/5/08

- A. In lieu of § 3-08.4, the HOD may be located on a parcel of 10 or more acres, provided such parcel is within 1,500 feet of Interstate 84 and serves as a transition between residential and non-residential zones and is located not less than 1.0 miles from a Town Line.**
- B. In lieu of § 3-08.5.A.2, buildings may contain more than six (6) dwelling units if the buildings are designed to include a handicapped-accessible recreational meeting room that residents can access using internal halls or walkways.**
- C. In lieu of § 3-08.6, density shall not exceed ten (10) units per acre.**
- D. In lieu of § 3-08.9, at least 1.5 parking spaces shall be provided per HOD dwelling unit.**
- E. In lieu of § 3-08.12, a community center shall not require additional parking if located within the residential buildings that it serves.**