

8-00 SPECIAL PERMIT USE

8-01 AUTHORIZATION AND APPROVAL

In all cases where these regulations require approval by Special Permit use, no permit shall be issued by the Building Inspector except upon authorization of and in conformity with the site plans approved by the Commission.

8-02 GENERAL CONSIDERATIONS & REVIEW CRITERIA

All such uses are declared to possess such special characteristics that each shall be considered as an individual case. In approving a special permit use, approving it with conditions or approving it subject to modification, the Commission shall take into consideration the public, health, safety and general welfare, property values and the comfort and convenience of the public in general. The Commission also shall make a finding the proposed use and proposed buildings and structures conform to following considerations and any additional requirements for specific uses in these Regulations. The Commission may attach reasonable conditions of approval to special permit use applications, to include necessary off site improvements, to insure compliance with the review criteria of this section.¹

- 8.02.1 Consistent with Purposes: The nature of the proposed use and its location will not have any detrimental effects upon the public health, safety, welfare, or property values. The proposed use and its location are consistent with the orderly development of the Town and conform to the requirements of and not in conflict with the purposes of these Regulations.²
- 8.02.2 The proposed use and proposed buildings and structures are in harmony and character with the surrounding properties and area and do not hinder or discourage the development and use of adjacent properties.
- 8.02.3 Suitable Structures for Use: The kind, size, location and height of structure and the nature and extent of landscaping on the lot shall be appropriate for the use and will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.³
- 8.02.4 Adequate Emergency Access:⁴ The nature and location of any proposed buildings and structures shall not impede access to the site and/or access for emergency response vehicles including but not limited to ambulances and fire apparatus.
- 8.02.5 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, and the proposed use shall not impede the implementation of recommendations of the Plan of Conservation and Development. The Commission may deny any proposed development which causes the level of service (LOS) on a roadway or roadway to fall below LOS C. Alternately, off-site roadway improvements or signalization may be required to ensure the adequacy of

¹ Revised, ZA #537, effective 9/8/07

² Revised, ZA #537, effective 9/8/07

³ Revised, ZA #537, effective 9/8/07

⁴ Revised, ZA #537, effective 9/8/07

the local roadway system and public safety.¹ 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 of² traffic entering and exiting the site unless the Commission deems it in the interests of public safety and the welfare of the 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.

- 8.02.6 The lot, on which the proposed use is located and the proposed buildings, structures and parking are situated, is of sufficient size and adequate dimension to permit the normal operation of the use in a manner which is not detrimental to the surrounding area and/or adjacent properties and is consistent with the zoning district.
- 8.02.7 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.
- 8.02.8 Any proposed public improvements shall apply to the applicable Town, State or Federal Regulations, Requirements, Standards or Guidelines. The Commission may require as a condition of approval a performance bond to assure the completion of any public improvements.
- 8.02.9 Neighborhood Compatibility: That the design elements of the proposed development are attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area, and that the proposed use will not alter the essential characteristics of the area or adversely affect property values in the neighborhood. In determining neighborhood compatibility, the Commission shall refer to the Design Review Guidelines contained in Section 8-04.³
- 8.02.10 The proposed use and proposed buildings and structures are consistent with the policies, goals and objectives of the Town's Plan of Conservation and Development.
- 8.02.11 FOR⁴ ANY USE LOCATED IN OR ADJACENT TO A RESIDENTIAL ZONE THE COMMISSION SHALL FIND that the location and size of the nature and intensity of the operations of such use, the site layout and design of the proposed buildings and structures associated with the proposed use, vehicular access to and from the site and any proposed exterior illumination is:
- a. compatible and consistent with the development and use of the neighborhood and adjacent properties,

¹ Revised, ZA #537, effective 9/8/07

² Revised, ZA #537, effective 9/8/07

³ Revised, ZA #537, effective 9/8/07

⁴ Revised, ZA #537, effective 9/8/07

- b. does not create a conflict with or impede the normal traffic on local roads or within the neighborhood,
- c. and does not hinder or discourage the orderly and appropriate development and/or use of adjacent property and buildings.

8.02.12 The proposed use, proposed buildings and structures and other site features are designed and maintained in such a manner as not to impose and unacceptable risk to aquifers and public water supplies.

8.02.13 Environmental Protection and Conservation: The proposed plans shall provide for the reasonable conservation of natural features to include the preservation of specimen trees, 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.

To ensure that the proposed plans provide for the reasonable conservation of natural features or environmentally sensitive areas, the applicant may propose, or the Commission may require as a condition to approval of the plan, a Conservation Easement as a way to conserve the natural features or environmentally sensitive area in question. The Conservation Easement may be established to:

(1) preserve, protect, and/or provide for recreation areas, farm land, tree cover, greenbelts, wildlife habitat and corridors, unusual terrain, land forms, or any other natural features, as well as scenic or historic resources;

(2) supplement existing open space and/or recreational areas, as well as any other existing condition in (a) above;

(3) promote the development of land in a way that is sensitive to the environment;

(4) promote the development of land in a way that is compatible with surrounding areas;

(5) preserve and protect inland wetlands, watercourses, and aquifers and to avoid the potential for flooding, erosion, and water pollution;

(6) control the extent to which steep slopes and problem soils are utilized for roadways, sewage disposal systems and other aspects of development;¹

8-02.14 Adequate Public Utilities: The water supply, the sewage disposal, and the 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.²

¹ New, ZA #537, effective 9/8/07

² New, ZA #537, effective 9/8/07

8-02.15 Adequate Parking and Access: The parking and loading facilities shall be deemed to be adequate and properly located, and the entrance and exit driveways must be designed to achieve reasonable safety.¹

8-03 PROCEDURE

Each application for a Special Permit Use shall be accompanied by a concurrent site plan application as detailed in Section 9, building elevations, and a plan prepared by a licensed landscape architect, land surveyor or civil engineer, which depicts the location of buildings, parking areas, drainage features, landscaping and lighting and a map showing all property lines within a 500 foot radius of the proposed change. The radius shall be measured from the perimeter of the site, as shown on the most current Tax Assessor's map, and shall include a list of said property owners and their current mailing addresses as exists on the most current Tax Assessor's records, and the appropriate fee. Site plans are not required for Home Occupation Applications. Each application for a home occupation shall be accompanied by the appropriate fee.²

8-03.1 Per Section 8-7d of the Connecticut General Statutes, as amended, a public hearing must commence within 65 days after application and shall be completed within 30 days after said hearing commences. All decisions or applications shall be rendered within 65 days of the completion of the hearing. The applicant may consent to one or more extensions of any period specified above, provided the total extension for any such period shall not exceed the original period.

8-03.2 Any use for which a special permit may be granted shall be deemed to be a permitted use in the zone in which such use is located provided that such approval shall affect only the lot or building for which such approval shall have been granted.

8-03.3 Any approved Special Permit Use which is not put into effect within a period of 12 months shall become null and void, unless an extension of time is applied for within the 12 month period and granted by the Commission. A single extension may be granted for a period of not more than 12 months from the anniversary date of the date of approval.

8-03.4 The applicant shall notify all property owners of a Special Permit Use in the manner prescribed in Section 14-03.5 herein for a change of zone, except that the applicant shall notify abutting property owners only, for Home Occupation application.³

8-04 DESIGN REVIEW GUIDELINES⁴

These Design Review Guidelines have been adopted by the Planning and Zoning Commission to provide assistance and guidance to applicants as well as the Commission when reviewing applications for special permit use applications. The special permit use review criteria in the zoning regulations include criteria for neighborhood compatibility. Neighborhood compatibility involves both the site and building layout and design. These guidelines may be referred to by the Commission when reviewing special permit use applications and the associated site plans.

¹ New, ZA #537, effective 9/8/07

² Revised, ZA #537, effective 9/8/07

³ Revised, ZA #592, effective 5/20/17

⁴ New, ZA #537, effective 9/8/07

General Standards

Considerations as to neighborhood compatibility, design, architectural treatment and aesthetic character will be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, business or other purposes. Doing so impairs the benefits of occupancy of existing property in such areas, and the stability and value of both improved and unimproved real property in the area.

To help fulfill the purpose of this section and to assist applicants in understanding the issues which may be reviewed, the following list of design review standards may serve as general criteria to guide the consideration of any applications:

- (a) the impact on the property value of existing structures in the adjoining area;
- (b) the effect on the health, safety, and general welfare of the community;
- (c) the impact on the historic significance of the site and the affected structure;
- (d) when the proposed use involves the conversion of a structure built for residential use, the adaptability of the structure to a non-residential use;
- (e) the compatibility of a proposed architectural design with the architectural designs of existing adjacent buildings and the architectural character of the neighborhood as a whole;
- (f) the compatibility of the size and intensity of the proposed use with the size and intensities of existing adjacent uses and with reasonable consideration as to the character of the neighborhood as a whole;
- (g) the compatibility of the landscaping and layout of structures on the parcel with the landscaping and layout of adjacent parcels;
- (h) the extent, nature, arrangement and landscaping of parking facilities and vehicular and pedestrian circulation;
- (i) the impact on significant natural features of the site including trees, steep slopes and wetlands;
- (j) types, styles and colors of building materials, exterior facades, placement of windows and special architectural features;
- (k) screening of and/or blending of mechanical equipment, utility hardware and miscellaneous appurtenances into the overall design.

Specific Design Considerations

In determining whether an application conforms to the general standards, the Commission may consider the following:

A) Building Design

For both new construction and rehabilitation or alterations, buildings should be harmonious and compatible with adjacent buildings. In determining the degree of compatibility the building or alterations will be assessed in relation to adjacent common characteristics including the following:

1. Height - Buildings should be built to a height compatible with existing adjacent buildings, and should be built with the same number of stories. The Commission may approve variations in height of buildings if it finds the variation can still meet the design review and general criteria.
2. Scale and Proportion of Facades - The relationship of the building's width to its height should be similar to and compatible with adjacent buildings as seen from the public street and publicly accessible areas. Structures designed so that their apparent horizontal and vertical scale reflects the scale of principal structures on the same block and on the block face across the street are preferred. The scale of a structure is (1) the apparent size and bulk of the structure and its components compared to the size of adjacent buildings and to the human scale and (2) the apparent size and bulk of the structure compared to the components of the facade. Discretion in scale is permitted with appropriate building massing.
3. Complexity of Building Form - Architectural style is not restricted, but the building or addition should be similar in form, complexity and ornamental detail to adjacent buildings. This assessment will be made against the dominant characteristics of adjacent buildings. Harmony in texture, lines and masses is encouraged; monotony should be avoided.
4. Roof Shapes and Materials - The roofs of new buildings or additions which are visible from the public street and public areas should relate in pitch, shape and material to the roofs of existing adjacent buildings, and buildings along the street within 250 feet.
5. Rhythms of Entrances and Projections - Entrances, porches, porticos, and other projections to be incorporated into new buildings should relate to the pattern of existing adjacent buildings and the street in such a manner as to reinforce the prevailing form.
6. Directional Expression of Facades - Directional expression of facades should be compatible with that of existing adjacent buildings and buildings along the street within at least 250 feet. The dominant directional expression, either horizontal or vertical, is determined by the structural form of the building, the shapes of the openings (windows and doors) and architectural detailing and ornament.
7. Proportion of Openings in the Facade - The ratio of the width to the height of the buildings, windows and doors should relate to and be compatible with existing adjacent buildings where these features are visible from the street or public areas. Likewise, the relationship between the walls (e.g., solids) and voids (e.g., windows) should be compatible with adjacent buildings and buildings along the street within 250 feet in either direction from the site.

B) Rhythm of Buildings and Spaces

The buildings should reinforce the existing rhythm of buildings and the spaces between those buildings adjacent to the site and along the street within at least 250 feet of the site.

C) Setback and Site Location

The building or addition should be located on the site and be set back from the street to reinforce prevailing setbacks of the adjacent buildings and buildings along the street within at least 250 feet of the site.

D) Building Materials

1. The exterior facade materials for new developments should be compatible with and reinforce the prevailing building materials of adjacent buildings and the buildings along the street. Alternate materials may be used but should follow the prevailing directional expression (horizontal or vertical) of adjacent buildings.
2. The exterior facade materials for an addition or alteration or renovation should either be the same as the existing building, or a material that simulates the existing or compatible material. Alternative materials may be used if they are consistent with the prevailing building materials of buildings within 250 feet of the site.

E) Other Design Considerations

Buildings which are proposed for locations which do not have adjoining existing structures or sites where multiple buildings are proposed for a single site will be assessed against the following criteria:

1. Adjacent buildings on the site which are different in architectural style should be made compatible through such means as similar building materials, compatible color schemes, site breaks such as natural or man-made buffers, streams, or landscaping features.
2. Monotony in building design such as excessive horizontal or vertical form can be avoided or minimized through building modulation, articulation, varieties of roof forms, entrance features and architectural details.

F) Site Treatment and Existing Site Features

1. Where natural or existing topographic patterns contribute to the beauty and utility of a development they should be preserved.
2. Suitable existing vegetation, where present, should be incorporated into the design of the site.

G) Parking and Pedestrian Access

1. There should be continuity from the public street to the building(s) entry. At least one continuous sidewalk, with landscaping and lighting at pedestrian scale, should be provided.
2. For buildings located on existing commercial streets in commercial districts, buildings should be oriented to the street, and entranceways will be provided from the main building entrance oriented from the public sidewalk.

3. Whenever possible, parking lots along the full length of a commercial street or commercial district where pedestrian traffic exists or is encouraged should be avoided or minimized.
4. Parking areas can be treated with decorative elements including building wall extensions, landscaping, berms or other innovative means to screen parking areas from view from public ways. These elements should be designed so that the public will feel safe during night parking.
5. Pedestrian systems designed for the movement of people between buildings and from buildings to parking should be lighted to provide safety and security.

H) Landscaping and Screening

1. All new utility services and those service modifications necessitated by exterior alterations should be installed underground unless the utility company deems this not to be feasible.
2. Unity of landscape design may be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. Landscape features should complement building architecture, provide shade and visual relief and interest, and encourage pedestrian circulation.
3. Plant material should be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
4. Screening of utilities, loading docks, dumpsters and other unsightly places may be accomplished by use of walls, fencing, landscaping or a combination of these. Screening should be effective year-round.
5. In areas where general plantings will not survive, other materials such as fences, walls and pavings of wood, brick, stone, gravel and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
6. Roof mounted equipment should not be visible from the ground floor level of the building on which the equipment is located for a distance of 500 feet from the exterior walls of the building or may be camouflaged by materials and colors to limit its visibility.

I) Signs

1. Every sign should have scale and proportion in its design and in its visual relationship to buildings and surroundings.
2. Signs designed as an integral architectural element of the building and site to which it principally relates are preferred. As an architectural element, the sign should reflect the period of architecture and be in harmony with the building's character and use.
3. The colors, materials, and lighting of every sign should be restrained and harmonious with the building and site to which it principally relates.

4. The number of graphic elements on a sign should be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.

J) Lighting, Miscellaneous Structures and Street Hardware

1. Exterior lighting should enhance the building design and adjoining landscaping. Light standards and building fixtures should be of a design and size compatible with the building and adjacent areas. Excessive brightness should be avoided. All lighting intended to illuminate the building or yards should be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.
2. Miscellaneous structures and street hardware should be designed to be part of the overall architectural design and landscape. Materials should be compatible with buildings, in scale, colors and proportion.

K) Maintenance - Planning and Design Factors

Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use together with the types of finished and other protective measures should be easy to maintain.

Materials and finish should be selected for their durability and wear as well as for their beauty. Proper measures and devices should be incorporated for protection against the elements, neglect, damage, and abuse.