

SECTION ELEVEN

SPECIAL REGULATIONS

11-00

11-01 LIVING AREA REQUIREMENTS

There shall be no minimum floor area.

11-02 EXCEPTIONS TO HEIGHT AND AREA REQUIREMENTS

11-02.1 The height provisions as set forth in Section 7 of these Regulations shall not apply to the erection of towers, belfries designed primarily for ornamental purposes, flagstaffs, chimneys, flues, radio or television towers, water tanks, communication towers used in conjunction with wireless telecommunication facilities, necessary mechanical appurtenances normally carried above roof level and silos; provided such structural features do not exceed a height of 175 feet, as measured from adjoining grade. The height of such structural features shall not exceed the linear distance to the nearest property line, unless the Commission, by a two-thirds affirmative vote, waives the requirement. A waiver of such requirement shall be based on the Commission finding that such waiver is not contrary to the public safety of adjoining properties nor contrary to the integrity, character or aesthetic quality of the surrounding neighborhood.

11-02.2 In any zone, when the lots adjoining on each side of a proposed site of a structure are developed, the minimum front yard setback on the proposed site may be equal to the average depth of the adjoining front yards.

11-03 PUBLIC GARAGES, GASOLINE FILLING STATIONS AND THE SALE AND REPAIR OF NEW AND USED MOTOR VEHICLES

11-03.1 The use of any premises for the sale or display of new or used motor vehicles, whether within or without any building or other structure, for the business of public garages and gasoline filling stations may be permitted on lots containing not less than 30,000 square feet located in Business Zones when authorized as a Special Exception or a Special Permit Use by the approving board as designated by State Statutes¹, subject to the following conditions and limitations:

- A. No permit shall be issued for the purpose of a salesroom for new or used motor vehicles, a public garage or a gasoline filling station, or for the conversion of any premises for such purpose, nor shall the sale, display or repair of motor vehicles be permitted if any part of the property, including any and all means of access to the said business conducted, or to be conducted thereon, is within 400 feet of the entrance to any public park or playground or within 400 feet of the nearest point of any building in which there is established or maintained a school, hospital, church, public theatre, public library or building for public assemblies.

¹ revised, ZA #544, effective 3/22/08

- B. No gasoline pump or filling appliance shall be located within 25 feet of any highway, sidewalk or property line.
- C. For each special permit application the Commission shall send a first-class letter to all property owners within 250 feet of the proposed location measured from the perimeter of the property, a map showing the property and the 250' area and a list of said property owners shall be compiled by the applicant from the most current Town Assessor's records and provided to the town as part of the application. Said notification shall include a copy of the application form and the scheduled time, date, and place of the public hearing. Said notification shall be postmarked not more than fifteen days nor less than ten days before such hearing.¹

11-04 SALE OF ALCOHOLIC BEVERAGES

The following uses are permitted only when authorized as Special Exceptions by the Zoning Board of Appeals:

- 11-04.1 No building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used as permitted in Sections 4-01.32:
 - A. Within 400 feet in a direct line from any church, public school, hospital, or library, or the premises upon which any of the aforementioned classes of buildings are situated.²
- 11-04.2 The provisions of Section 11-04.1 shall not apply to the sale or exchange of beer, ale or lager for consumption off the premises when part of a bona fide grocery supermarket business located in a Regional Shopping Center.
- 11-04.3 The provisions of Section 11-04.1 shall not apply to the sale of alcoholic beverage for consumption upon the premises when part of a bona fide restaurant or hotel as defined by State Statutes and licensed under the provisions of the Liquor Control Act of the State of Connecticut.
- 11-04.4 The provisions of Section 11-04.1 shall not apply to any club which shall have obtained a permit as hereinafter provided in Sections 11-04.5 and 11-04.6.
- 11-04.5 When in its judgment the public convenience and welfare will not be substantially or permanently injured, the Board of Appeals may grant temporary and conditional permits of not more than two years duration for the sale of alcoholic liquors upon the premises used by a club for club purposes under such restrictions as may by law be provided for a group of persons associated together and recognized by the liquor licensing authority of the State as a club; provided that applicants for such permits shall be able to show that the sale of liquors under such permit will not result in noise or disturbance on the premises so as to injure the health or comfort of

¹ new, ZA #544, effective 3/22/08

² revised, ZA #584, effective 3/20/15

others, and that the aggregate annual membership fees or dues and other income of such club, exclusive of any proceeds of the sale of alcoholic liquor, shall be sufficient to defray the annual rental of its leased or rented premises, or, if such premises are owned by the club, shall be sufficient to meet the taxes, insurance and repairs and the interest on and mortgage thereof; and provided further that such applicants shall agree to furnish the Board prior to such hearing the name and address of each club member in good standing and of each of its officers, and a statement of the assets and liabilities of such club and to furnish like information upon request, but not more often than once in any six-month period, to the Zoning Enforcement Officer so long as such permit shall remain in effect.

11-04.6 In the event that at any time it shall appear to the Zoning Enforcement Officer that a club has ceased to comply with any or all of the requirements above set forth, he/she shall notify the Zoning Board of Appeals; if thereafter, after public notice and hearing, the Board of Appeals shall find as a fact that such club no longer complies with the requirements of these Regulations, the Board shall revoke the permit of such club and the sale of alcoholic liquors upon the premises of such club shall thereupon become a prohibited use; the Board shall forthwith certify to the State Liquor Control Commission that the further sale of alcoholic liquor upon said premises is prohibited by the Zoning Regulations of the Town of Southington and may take such further action as it may deem appropriate in order to abate such nonconforming use.

11-05 PROJECTIONS

11-05.1 Except as governed by requirement for corner visibility in Section 11-05.3, open or closed porches or vestibules may extend into any required front yard provided that such extension shall not exceed 5 feet nor contain more than 50 square feet of floor area computed on exterior dimensions.

11-05.2 Projections such as pilasters, sills, cornices, fireplaces and bay windows may extend into any required yard not more than two feet.

11-05.3 On a corner lot in any zone, no planting, structure, fence, wall or obstruction to vision more than 3 feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, both of which points are 25 feet from the point of intersection.

11-06 DUMPS, JUNK YARDS

The disposal or accumulation of garbage, sewage, trash, refuse, junk, machinery, vehicles or parts thereof, or waste materials of any kind shall be prohibited in any zone, except by or under the direction of the municipality or its agents.

Nothing in this section shall be interpreted to prohibit the operation of sanitary landfill operations by the municipality or its agents, or legitimate waste disposal operations permitted by these

Regulations. Said sanitary landfill operations may be carried out in any zone by the municipality or its agents, subject to approval of the Board of Appeals.

11-07 FARM STANDS

The Board of Appeals may authorize issuance of a temporary permit in any zone for a limited period not to exceed six months in any one calendar year, for a farm stand, booth or shed with a maximum floor area not to exceed 150 square feet for the retail sale of farm produce, milk, honey, cider, or other foods or non-alcoholic beverages which are produced on the premises. Farm stands shall be located on a parcel containing a minimum frontage of 200 feet and located a minimum distance of 300 feet from all neighboring residential uses. Such structures shall be setback a minimum of 20 feet from all public rights-of-way and shall be safely designed to provide a minimum of four temporary parking spaces for customer use.

11-08 MOBILE HOMES AND MOBILEHOME CAMPS OR PARKS

No new mobilehome camps or parks shall be established or located within the Town of Southington, and no mobilehome shall henceforth be placed or maintained on any lot, parcel or tract within said Town except in accordance with the following provisions:

11-08.1 Not more than one recreational mobilehome may be stored in a permitted accessory building in any Residential Zone.

11-08.2 Mobilehomes may, for the purpose of storing or displaying same for sale, be located on premises in Business Zones.

11-08.3 Mobilehomes may be used as temporary on-site offices, in connection with a specific construction project subject to the provisions of Section 11-08.6.

11-08.4 The owner of a mobilehome who is in the process of constructing a house may use said mobilehome for a dwelling subject to obtaining a license therefore as provided in Section 11-08.6 on the same or on an immediately adjacent lot or parcel for a period of six (6) months, renewable to a maximum of one (1) year.

11-08.5 The owner of a mobilehome now being used for dwelling purposes, or the operator of an existing mobilehome park under a lawfully issued license may renew said license subject to the provisions of Section 11-08.6. However, licenses for individual mobilehomes or sites outside of the confines of an existing mobilehome park shall be non-transferable from the owner or occupant at the time of the effective date of these Regulations.

11-08.6 Licenses for mobilehomes permitted for occupancy for dwelling purposes under the provisions of Sections 11-08.3, 11-08.4 and 11-08.5 shall be issued or renewed by the Building Official only upon the presentation of a certificate from the Director of Health of the Town of Southington certifying that all sanitary regulations have been complied with, and upon conformance with the provisions of all other appropriate ordinances, laws and regulations.

- 11-08.7 The use of mobilehomes for human occupancy, and mobilehome parks or mobilehome sites as set forth in these Regulations shall be deemed nonconforming uses as of the effective date of these Regulations, and shall be subject to the provisions of Section 11-09 of these regulations.
- 11-08.8 Living units of a hinged or collapsible nature which are transported to the site of erection by mobile means or those which are pre-made in two half sections that are later fastened together, are to be classified as mobilehomes and are to be subject to the requirement of Section 11-08 of these Regulations unless said living units are designed to be permanent residences when constructed upon a permanent foundation, and meet all the requirements of Section 11-01.
- 11-08.9 The erection of free standing carports in conjunction with trailers in legally existing Trailer Parks may be permitted as an accessory use in accordance with the following provisions:
- A. Carports shall be of aluminum or steel manufactured construction and supported by concrete footings. The entire area beneath any carport will be permanently paved.
 - B. Carports measured from the edge of the overhang, shall be no greater than 12' x 20' and shall be located not less than five feet from any lot line and set back not less than five feet from any front yard.
 - C. Carports shall be open on all sides and shall not be enclosed or used for the storage or parking of equipment other than the vehicle which it was designed to shelter.
 - D. Before any carport is erected, a permit from the Building Official approving the structure as one complying with the requirements and intent of the preceding Sections shall be obtained.

11-09 NON-CONFORMING USES

Any non-conforming use or building lawfully existing or in use at the time of the adoption of these Regulations or any amendments thereto may be continued and any building so existing which was designed, arranged, intended for or devoted to a non-conforming use may be reconstructed and structurally altered, and the non-conforming use therein changed subject to the following regulations:

- 11-09.1 No non-conforming use may be changed except to a conforming use, or with the approval of the Zoning Board of Appeals, to another non-conforming use of a less objectionable character.
- 11-09.2 No non-conforming use shall, if once changed to a conforming use, be changed back again into a non-conforming use.

- 11-09.3 Structural alterations, which do not materially alter the characteristics or exterior appearance of any non-conforming building, may be made providing the total costs of such alterations do not exceed fifty (50%) percent of the assessed valuation of such building at the time it becomes non-conforming, unless the use thereof be changed to a conforming use.
- 11-09.4 Any non-conforming building which has been damaged by fire, explosion, or accident may be repaired, rebuilt, or replaced within 12 months of such damage, provided that such repairs, rebuilding or replacement do not extend nor expand the previously existing non-conforming use. In cases where an investigation and/or insurance claim process causes a delay past 12 months, such building may be repaired, rebuilt, or replaced provided that evidence supporting such delay is accepted by the Planning Department.¹
- 11-09.5²
- 11-09.6 No building which does not conform to the requirements of these Regulations regarding building height, limit, area and width of lot, percentage of lot coverage and required yards shall be enlarged unless such enlarged portion conforms to the Regulations applicable to the zone in which the building is located.
- 11-09.7 Nothing in these Regulations shall be construed as authorization for or approval of the continuance of the use of a building or lot illegally constituted or in violation of the Zoning Regulations in effect at that time.

11-10 EXPANSION OF NON-CONFORMING USES

Any non-conforming use may be expanded by Special Permit upon approval of the Planning and Zoning Commission, subject to the provisions of Section 8 and the following regulations:

- 11-10.1 No non-conforming use, excluding those uses per Section 11-10.2 herein, may be added to or enlarged unless such additions or enlargements do not exceed 25 percent of the floor area of the building.
- 11-10.2 Any business use existing in a Business zone or any industrial use existing in an Industrial Zone, which zone shall be changed by action of the Planning and Zoning Commission, may be permitted unlimited expansion, either on its own present land holdings or on adjacent land which it has acquired.
- 11-10.3 The minimum lot area shall be not less than two (2) times the minimum required for the zone in which the non-conforming use is located.
- 11-10.4 Yard requirements shall be not less than those prescribed for the zone in which the non-conforming use is located.
- 11-10.5 All requirements contained in these Regulations for Business and Industrial uses shall be complied with, and in addition, there shall be no parking of motor vehicles in the

¹ Revised, ZA #592, effective 5/20/17

² deleted, ZA #586, effective 8/8/15

required front or side yards and no outside storage of materials. Also, the Planning and Zoning Commission may prescribe further restrictions which in its judgment, are necessary in order to permit the requested Special Permit Use.

11-10.6 A public hearing shall be held, notice of which shall be published in accordance with the provisions of the General Statutes, and in addition, written notice shall be mailed ten (10) days in advance of such hearing to the last known address of owners of property within a radius of five hundred (500) feet from the center of the proposed Special Permit, according to the latest records of the Board of Assessors.

11-10.7 Due consideration shall be given by the Commission to the character of the zone in which such Special Permit is requested and as to whether or not such Special Permit will be detrimental to such zone by reasons of smoke, dust, odor, noise, increased traffic hazard or by any other reason.

11-10.8 Permission for such Special Permit shall be allowed only by the affirmative vote of two-thirds of the membership of the Commission.

11-11 IRREGULARLY SHAPED LOTS

In any zone, an irregularly shaped lot having sufficient area to meet the requirements for the zone in which it is located may be built on provided that the width at the building line and the mean width of the lot at least equal the required frontage.

11-12 CORNER LOTS

On any corner lot there shall be, on all streets, a building setback line equal in depth, to the applicable front yard requirement. The yard opposite the front entrance to the principal building shall be deemed to be the rear yard. (See illustration in Section 2-12 L).

11-13 SIDE YARDS FOR NON-CONFORMING LOTS

For any lot upon which a dwelling may be erected under the provisions of Section 1-07 of these Regulations, where such lot has a width (measured on the required building line) less than the lot width required by these Regulations for the zone in which said lot is located, the required side yard width shall be as follows:

Lot Width	<u>Side Yard Width</u>
Less than 80 feet	8 feet
80 ft., but less than 100 ft.	10 feet
100 ft., but less than 125 ft.	15 feet
125 ft., but less than 150 ft.	20 feet
150 ft., and over	25 feet

In the case of a common property line running through a two-family or more residence in an R-12 zone, there shall be no side yard setback along the common property line.¹

11-13 A² SIDE YARDS FOR RESIDENCES CONSTRUCTED ON NON-CONFORMING LOTS BOUNDED BY PAPER STREET

For any lot upon which a dwelling was erected prior to May 20, 1957, where such lot has a side yard (measured from the dwelling to a paper street) and/or a lot width which is less than required by these Regulations for the zone in which said lot is located, and where such paper street is evidenced by a map or a deed recorded with the Town prior to May 20, 1957 and where such side yard complies with the schedule of Lot Width and Side Yard Width contained in Section 11-13, the provisions of Section 11-12 shall not apply and such lot shall be a valid lot.

11-14 REAR LOTS

11-14.1 The provisions of this section are intended to permit the use of land for residential and industrial purposes, which land has been unintentionally landlocked or deprived of minimum lot frontage on a street, or in case of a subdivision, where topography or unusual shape of the property lends itself to the use of a rear lot to accomplish the best use of the land.

11-14.2 No rear lot shall be allowed unless said lot abuts on a highway or street or unless there is provided for such lot an unobstructed non-municipality owned right-of-access in a residential zone of at least 15 feet wide, or in the case of a subdivision 20 feet fee simple, and 40 feet wide in an industrial zone, to a public highway adequate to accommodate fire apparatus or other emergency equipment. The lot line from which the right-of-access leads shall be considered the front line of the rear lot.

11-14.3 In the case of a subdivision, no access strip, as described and required in Section 11-14.2, shall exceed the following length:

- 500 feet in the Residential R-80 zoning district.
- 400 feet in the Residential R-40 zoning district
- 300 feet in the Residential R-20/25 zoning district.
- 500 feet in the Industrial I-1 zoning district.
- 500 feet in the Industrial I-2 zoning district.

11-14.4 Rear lots shall conform to all requirements prescribed for the zone in which it is located except that the minimum lot area, exclusive of access, shall be as follows: (a) 200,000 square feet in the R-80 zone; (b) three times the required minimum lot area in R-40 zone, and (c) three times the required minimum lot area in R-20/25 zones and (d) one times the required minimum lot area in the Industrial 1 and Industrial 2 zones.

11-14.5 Only a single family dwelling shall be erected on a rear lot.¹

¹ New, ZA #592, effective 5/20/17

² New, ZA #542, eff. 10/6/07

- 11-14.6 The Commission shall not approve rear lots unless it finds that such lots provide for the best use of the land. The commission shall not approve rear lots which result in difficult drainage, difficult configuration, inaccessibility or temporary flooding nor shall the commission approve rear lots which possess steep topography or are encumbered by utility lines and/or rights-of-way which unduly reduce the development capacity of such lots.
- 11-14.7 Front yard setback requirements are as shown in Section 7A-00.
- 11-14.8 Driveways shall be paved when any portion thereof is located within an access strip as described in Sections 11-14.2 and 11-14.3. Pavement material shall consist of either concrete, bituminous-concrete or similar paver material, which shall be developed to a minimum width of ten feet (10'). A driveway shall not exceed a grade of five percent (5%) within 35 feet of a public roadway nor shall the remainder of the driveway exceed a grade of fifteen (15%).
- 11-14.9 No rear lot shall be located behind another rear lot.
- 11-14.10 The minimum separation distance between any access strip providing ingress/egress to a rear lot shall be as follows:

- 400 feet in the Residential R-80 zoning district.
- 300 feet in the Residential R-40 zoning district.
- 200 feet in the Residential R-20/25 zoning district.
- 200 feet in the Industrial I-1 zoning district. *
- 300 feet in the Industrial I-2 zoning district. *

* The Commission may approve a lesser separation distance in the case of a cul-de-sac by a 2/3 majority vote.²

- 11-14.11 To the maximum extent appropriate for the proposed rear lot and its surroundings, retain existing healthy trees more than 12 inches in diameter as measured at chest height.
- 11-14.12 The maximum number of rear lots in any residential subdivision shall be determined in accordance with the following provisions:³

TOTAL NUMBER OF LOTS WITHIN A SUBDIVISION	NUMBER OF ALLOWABLE REAR LOTS
1-20	- 1 -
21-40	- 2 -

¹ revised, effective 4/26/07

² revised, ZA #539, effective 8/24/07

³ revised, ZA #539, effective 8/24/07

41-60	- 3 -
Subdivision Developments which encompass 61 or more lots	4 plus 1 lot for each 20 lots in excess of 80 lots

11-15 CREMATORIES

A crematory shall be permitted as an accessory use to any existing funeral parlor, as of the effective date of this provision, located in a permitted zone, only when authorized as a Special Permit by the Planning and Zoning Commission, subject to the provisions of Section 8 herein and the following considerations:

- 11-15.1 A public hearing shall be held, notice of which shall be governed by the Zoning Regulations and Section 19-165(b) of the Connecticut General Statutes.
- 11-15.2 A crematory shall be governed by the Public Health Code of the State of Connecticut, Sec. 19-13-A46-47 as amended, and by Sections 19-165 through 19-169 of the Connecticut General Statutes as amended.
- 11-15.3 Each application, in addition to a site plan, shall include the type of retort proposed and all written, technical and graphic material pertaining to the proposed unit available from the manufacturer, including, inter alia, emission test data.
- 11-15.4 In addition to the general considerations per Section 8 herein, the Commission shall solicit technical input from the State Department of Environmental Protection and State Department of Health Services with respect to the proposed location, size and model.
- 11-15.5 The provisions of this section shall not include allowance for a crematory as a separate use on a separate lot in any zone in which funeral parlors are a permitted use.
- 11-15.6 Notwithstanding the provisions of Section 11-15, a crematory proposed in an Industrial Zone shall be permitted as a Special Permit subject to the provisions herein.

11-16 EARTH EXCAVATION, FILLING AND GRADING

- 11-16.1 The excavation, removal, filling and grading of sand, gravel, loam, soil, earth products, or any other material from a site shall be considered as a Special Permit Use subject to the provisions of Section Eight of the Zoning Regulations. Rock quarries shall be prohibited. In reviewing the Special Permit application, the Commission shall assess the following criteria in addition to the general considerations stipulated in Section Eight of the Zoning Regulations:
 - a. Whether the proposed site work would convey the problems of the property involved to an adjoining property.
 - b. Whether the landform would be changed in such a way as to degrade ground

or surface water quality, or increase the risk of flooding to adjacent properties.

- c. Whether the proposed work can permanently result in a landform that can, in the future, be put to a use or uses permitted in the zone in which the parcel or parcels lie.
- d. Potential erosion and sedimentation problems inherent with an earth excavation, especially dust control.

11-16.1.1 Excavation, filling and grading permits must be completed prior to commencement of subdivision development.¹

11-16.2 An application for a permit under this section shall be accompanied by the following:

- a. The appropriate fee.²
- b. Map showing all properties within 500 feet of the parcel in question, with list of property owners.
- c. Grading plans, showing existing and proposed grades, at 1" = 40 feet with 2 foot contours, including the surrounding area within 40 feet.
- d. Existing and proposed drainage.
- e. Proposed truck access to the area, including truck routes to the site and roadways within the site.
- f. Number and types of trucks and other machinery to be used on the site.
- g. Depth to water table.
- h. Erosion and sedimentation control plan, including plans for dust control.

11-16.3 The following standards shall apply to all activities under this section:

- a. No activities shall take place within 100 feet of a property line, including tree cutting. Where two or more adjoining lots are to be considered, the Planning and Zoning Commission may treat a joint application as one application. The Commission may waive this requirement by a 2/3 vote, based upon topography, land use, and zoning.
- b. The hours of operation shall not exceed 8 a.m. - 5 p.m., Monday through Friday. The Commission may impose stricter hours. No work shall occur on legal holidays.

¹ new, ZA #539, effective 8/24/07

² revised, ZA #539, effective 8/24/07

- c. The maximum duration of a permit shall be two years. No extension shall be given unless the previous phase is stable.
- d. The final grade of all slopes shall not be steeper than three (3) feet horizontal to one foot vertical. The Commission may require flatter slopes, or, by a 2/3 vote, may allow a 2:1 slope.
- e. Reverse slope benches, at least 8 feet wide, shall be provided whenever the height of a 2:1 to 5:1 slope exceeds 15 feet. Benches shall be located so as to divide the slope face equally as possible and shall convey the water to a stable outlet. Benches shall have a minimum depth of one foot. Bench gradient shall be between one percent and two percent.
- f. Diversions shall be required at the top of all cut and fill slopes as required by the Town Engineer per Figure 7-4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended.
- g. Four inches of topsoil, as detailed in Section 7D of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), shall be required as final cover. Seed mix shall be as delineated in Figures 6-2 and 6-3 of the Guidelines for gravel pits.
- h. No more than two acres of unstabilized area shall be exposed at any one time.
- i. Dust control measures, including use of mulches, spray adhesives, water, and calcium chloride, shall be utilized whenever ordered or when winds are forecast to exceed 8 MPH.
- j. Traffic should be continued on the site to predetermined routes. A minimum of 200 foot access road with an all-weather surface shall be provided.
- k. A fence shall be erected prior to commencement of grading or clearing activities at the buffer line whenever grading occurs adjacent to a residential area. The Commission shall determine the type of fence provided.
- l. No more than 5,000 yards of material shall be stockpiled on the site at any given time.
- m. A performance bond sufficient to cover final stabilization and interim erosion controls shall be posted prior to excavation or clearing.
- n. The minimum distance between the final grade and the maximum height of groundwater shall be 5 feet, unless a pond is proposed. Creation of such a pond will require an Inland Wetland permit, and will require groundwater monitoring to ensure its water quality. The pond shall be a minimum of 8 feet deep, shall have shade trees planted around its banks, and shall have natural lines.
- o. Material shall be excavated in an east to west direction, avoiding having the

cut face west, whenever possible.

11-16.4 Excavations in existence as of March 8, 1984 shall not require a special permit.

11-16.5 The following activities shall not require approval under this section:

- a. The grading of material on site when considered as part of a subdivision or site plan.
- b. The excavation and removal, and/or borrowing and filling, of 10,000 yards or less, when part of a subdivision or site plan.

11-16.6 The following operations not associated with a site plan or subdivision may be undertaken without a permit following the filing of a notice of intent with the Town Engineer on a form provided:

- a. The moving of materials from one portion of a lot to another portion of the same lot of not more than a total of four hundred (400) cubic yards of material.
- b. Necessary foundation and trench excavation only in connection with work on the premises for which a building or swimming pool permit has been issued.
- c. Any filling of or removal from a site involving the movement of no more than four hundred (400) cubic yards of material.

11-17 Section 11-17 Adult Oriented Businesses¹

- A. Purpose. The intent of this section is to regulate uses that have been proven to adversely affect neighborhood children, community improvement efforts, retail trade, commercial and residential property values, particularly when several of such uses are concentrated in a small area of the community. The primary purposes of these regulations are to prevent a concentration of these uses in any one area, to minimize any adverse impacts, and to protect and preserve the quality of Southington's neighborhoods, commercial districts, property values and the quality of urban life through effective land use planning.
- B. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - a. Adult Arcade means any establishment where one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures,

¹ New, ZA #553, effective 6/23/10

videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

- b. Adult Cabaret means any nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
 - (1) Persons who appear nude or seminude;
 - (2) Live performances that are characterized by the exposure of specified anatomical areas; or
 - (3) Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.
- c. Adult Books means any books, magazines, periodicals, pamphlets, or other printed materials that depict, display or describe specified anatomical areas or specified sexual activities.
- d. Adult Entertainment means:
 - (1) Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type that has as a significant or substantial portion of such performance any performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect; or
 - (2) Any amusement machine that is regularly used for presenting material that is characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons thereof.
- e. Adult Minimation Picture Theater means any enclosed building with a capacity of 50 or less persons regularly used for showing films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.
- f. Adult Motel means a commercial establishment which offers public accommodations, for any form of consideration or gratuity, and provides patrons with closed circuit television transmissions, images transmitted by computer, films, video cassettes, slides or other photographic reproductions which are characterized by an emphasis of depicting or describing specified sexual activities or specified anatomical areas and which advertises the availability of this type of material by means of a sign(s) visible from a public right of way or by means of off premises advertising in newspapers, magazines, leaflets, radio or television; offers a sleeping room for rent for a period of time less than ten hours or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten hours; or defines itself as such by advertising as an adult oriented business to the general public.
- g. Adult Motion Picture Theater means any enclosed building with a capacity of more than 50 persons regularly used for showing films, motion pictures, videocassettes, slides or

other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

- h. Adult Novelties means: (a) instruments, devices, toys or paraphernalia that are designed for or marketed primarily for stimulating human genital organs, sexual arousal or sadomasochistic use; (b) instruments, devices, gag gifts; toys or paraphernalia that depict, display or are shaped in the form of specified anatomical areas; (c) oils, lotions, gels or creams that are designed for or marketed primarily for use upon specified anatomical areas and intended for stimulating human genital organs, sexual arousal or as an aid to enhance or promote specified sexual activities; and (d) supplements, vitamins or similar products designed or marketed for enlarging, extending or otherwise enhancing human male genitals or for stimulating, enhancing or extending male or female sexual arousal or libido.
- i. Adult Oriented Business means:
 - (1) An adult arcade, adult oriented store, adult cabaret, adult minimotion picture theater, adult motion picture theatre, adult motel, adult theatre, escort agency, massage parlor, nude model studio or sexual encounter establishment;
 - (2) Any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides adult entertainment, or which premises are so physically arranged as to provide booths, cubicles, studios, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented motion pictures of ~~fr~~ wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect;
 - (3) Any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import; or
 - (4) Any establishment that advertises itself as an adult oriented business to the general public.
- j. Adult Oriented Store means any establishment having:
 - (1) a substantial or significant portion of its stock in trade in Adult Books, Adult Videos or Adult Novelties or any combination thereof;
 - (2) any portion of its stock in trade in Adult Books, Adult Videos or Adult Novelties and in conjunction therewith has rooms, designated areas or facilities for the presentation, observation or use by patrons of any item sold or rented in such establishment.

For the purpose of this definition, factors indicating that a "substantial or significant" portion of a business is devoted to the sale or rental of such items include without limitation any one or more of the following criteria:

- (1) Twenty percent or more of all inventory consists of such items at any time;
- (2) Twenty percent or more of the merchandise displayed for sale consists of such items at any time;

- (3) Twenty percent or more of the stock in trade consists of such items at any time;
 - (4) Twenty percent or more of the floor area of the business (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) is devoted to such items at any time;
 - (5) Twenty percent or more of the sales, measured in dollars over any consecutive ninety-day period, is derived from such items;
 - (6) Twenty percent or more of the number of sales transactions, measured over any consecutive ninety-day period, is of such items; or,
 - (7) Twenty percent or more of the dollar value of all merchandise displayed at any time is attributable to such items.
- k. Adult Theater means any theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear nude or seminude or who appear in live performances that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.
- l. Adult Videos means films, motion pictures, videocassettes, DVDs, software, slides or other photographic reproductions that depict, display or describe specified anatomical areas or specified sexual activities.
- m. Church means any church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.
- n. Employee means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult oriented business.
- o. Entertainer means any person who provides adult entertainment within an adult oriented business, whether or not a fee is charged or accepted for such entertainment and whether or not such entertainment is provided as an employee or independent contractor.
- p. Escort means any person who, for any form of consideration, agrees or offers to act as a social companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- q. Escort Agency means any person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- r. Inspector means the town manager, chief of police, fire marshal, chief building official, director of health, zoning enforcement officer, their agent or representative, or any town or state employee designated to make inspections for public safety, fire code, building code, public health, zoning purposes, violations of this article, or for violations of other laws and ordinances of the town or state.
- s. Licensed Premises means any premises that requires an Adult Oriented Business License pursuant to the Town of Southington Code of Ordinances, as amended, including any

buildings, parking areas and all other portions of the property of which the licensee has control.

- t. Licensee means any person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on an application for a license.
- u. Live Adult Entertainment means any live performance by a person who appears nude or seminude or any live performance that is characterized by the exposure of specified anatomical areas.
- v. Massage Parlor means any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electric apparatus or appliance with or without any supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. The definition of massage parlor shall not include the practice of massage:
 - (1) In any state-licensed hospital, nursing home, clinic, medical office or rehabilitation facility;
 - (2) By a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist;
 - (3) By any registered nurse, licensed practical nurse or technician working under the supervision of a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or certified massage therapist who shall be present on the licensed premises during the time the service is rendered;
 - (4) By trainers for any amateur or professional athlete or athletic team or school athletic program; or
 - (5) By any state-licensed barber or beautician with regard to the massaging of the neck, face, scalp and hair for cosmetic or beautifying purposes.
- w. Masseur means any person who, for any form of consideration, performs massage activities as described in the previous definition of this section.
- x. Minor means any person under the age of 18 years.
- y. Nude Model Studio means any place where a person, for any form of consideration, regularly appears nude or seminude or displays specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A nude model studio shall not include a modeling class operated by an accredited public or private school or college.
- z. Nudity means:
 - (1) The appearance of human bare buttocks, anus, genitals, pubic region or the areola or nipple of the female breast; or

- (2) A state of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region or areola or nipple of the female breast.
- aa. Operator means any person operating, owning, managing, conducting or maintaining an adult oriented business.
- bb. Public Building means any building owned, leased or otherwise held by the United States, the state, the town, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the state, which building is used for governmental purposes.
- cc. Private Recreation Area means any private business, whether for-profit or not-for-profit, intended to serve or attract clients, customers, or users under 18 years of age, for the purpose of engaging in indoor or outdoor youth-oriented programs or activities, including but not limited to sports or fitness centers, martial arts, dance, gymnastics, music or art studios, indoor open or guided play areas, camps, and the like.
- dd. Public Park and Recreation Area means public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within the town that is under the control, operation, or management of the town, any other town, or the state.
- ee. School means any public, private or parochial educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.
- ff. Seminude means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- gg. Sexual Activities is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications that devote at least 25 percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical that reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films that describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or seminude persons who describing cultures in which nudity or seminudity is indigenous to the population.
- hh. Sexual Encounter Establishment means a business or commercial establishment that, for any form of consideration, offers a place where two or more persons may congregate,

associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas. A sexual encounter establishment shall not include an establishment where a state-licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medically approved and recognized sexual therapy.

ii. Specified Anatomical Areas means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

jj. Specified Sexual Activities means:

- (1) Showing of human genitals in a state of sexual stimulation or arousal;
- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
- (3) Fondling or touching of another person's genitals, pubic region, buttocks or female breasts;
- (4) Lap dancing; or
Excretory functions as part of or in connection with any of such activities.

C. Applicability. Adult oriented businesses shall be permitted only in the Business Limited Zone (BL), Business Zone (B) and Business Overlay Zone (BOZ), subject to site plan approval in accordance with Section 9 of these Regulations and the requirements of this section, and only after approval of an adult oriented business license pursuant to the Town of Southington Code of Ordinances, as amended.

D. Separation Requirements. All regulated uses identified in this section shall be subject to the following separation restrictions:

- a. No adult oriented business shall be permitted on a site that is less than 1,000 feet from any other site containing an adult oriented business;
- b. No adult oriented business shall be permitted on a site that is less than 500 feet from any site containing a church, school, public building, public park or recreation area, or private recreation area;
- c. No adult oriented business shall be permitted on a site that is less than 750 feet from any residentially zoned land as defined in the town's zoning regulations, or from a site zoned B with 5 or more residential units;
- d. No adult oriented business shall be permitted within the same building, structure or portion thereof that is used for residential purposes or that contains another adult oriented business;
- e. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site;

E. Sign and exterior display requirements. No adult oriented business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public way or from any

property not licensed as an adult oriented business. This provision shall apply to any display, decoration, sign, show window or other opening.

The Planning and Zoning Commission may hold a Public Hearing at its discretion on any new telecommunication facility or new tower location for the purposes of public input and may send such testimony to the CT Siting Council for their review and consideration. This provision does not apply to any co-located facilities.

11-19 PROVISIONS FOR THE ESTABLISHMENT OF A BED AND BREAKFAST FACILITY²

- A. A bed and breakfast facility shall be owner occupied.
- B. No more than four (4) bedrooms shall be used for guest accommodation purposes.
- C. Such facility shall be serviced by public sewer or by a private septic system approved by the town Health Department.
- D. There shall be no structural additions and/or structural changes to a building after June 3, 1997, other than those changes required to meet fire, building and health code requirements. In such case, structural changes shall not exceed twenty (20%) percent of the first floor area of the existing dwelling.
- E. On-site parking shall be provided in accordance with Section Twelve (12) of these regulations. Parking areas shall be restricted to the rear yard of the subject parcel unless, for good cause shown, such requirement is waived by the Commission. Such parking area shall be properly screened by a mix of trees and shrubbery of not less than five (5) feet in depth. The Commission shall have the discretion of determining the type of surface material used in the construction of driveway and parking areas.
- F. A bed and breakfast establishment shall be located within a detached, single family dwelling constructed prior to 1920.
- G. Food service shall be limited to breakfast only and served between the hours of 6:00 a.m. and 12:00 noon. There shall be no serving of alcoholic beverages to guests. Services not affiliated with a bed and breakfast establishment, including but not limited to restaurant services catering nonguests, conference centers, etc. shall be deemed prohibited.
- H. Commercial signage shall be restricted to the following:

¹ Revised, ZA #584, effective 4/24/15

² revised, ZA #539, effective 8/24/07

1. One (1) wooden, externally-illuminated sign, limited to not more than 20” in height by 30” in length, such sign shall be flushed mounted on the building and shall not project more than 6” from the wall to which the sign is attached.
2. One (1) non-illuminated projecting sign attached to a mailbox, lamp post or free standing post. Such projecting sign shall be constructed of a wood material and shall not exceed 6” in height nor 18” in length. A projecting sign shall be used exclusively for identifying the type of business use (i.e., bed and breakfast) and shall not contain logos, business names or other information
 - I. The length of stay shall not exceed seven (7) days per guest.
 - J. A bed and breakfast establishment located in a Residential R-20/25 and Residential R-40 zoning district shall be located on a parcel of not less than 40,000 square feet. A bed and breakfast establishment located in a Residential R-80 zoning district shall be located on a parcel of not less than 80,000 square feet.
 - K. A site plan shall be required in accordance with Section Nine (9) of these regulations.

11-20 COLLECTION/DROP OFF RECEPTACLES¹

Collection/drop off receptacles shall be permitted on properties Zoned “B” providing the following criteria are met:

1. the parcel shall be at least two acres in size;
2. the proposed location shall not be in the front yard setback and shall not result in sight line concerns for vehicular circulation internal or external to the site;
3. receptacle shall be located on paved surface or crushed stone as approved by the engineering department ;
4. before any receptacle is installed, an approval for a site plan modification in accordance with Section 9 of these regulations is required. The owner of the parcel shall apply for the site plan modification. Installation of a receptacle without prior approval shall result in a Notice of Violation.
5. Not more than two receptacles shall be located or installed on a parcel or site; and,
6. Evidence of the owner or purveyor’s non-profit status shall be submitted with the site plan modification application materials.

¹ new, ZA #535, effective 5/8/07

11-21 SPECIAL REQUIREMENTS FOR PLACES OF WORSHIP¹

1. New facilities shall be constructed only on streets capable of handling the increased traffic flow without reducing the level of service at adjacent intersections below C or below an acceptable level as determined by the Commission.
2. Vehicle parking shall be in accordance with the requirements set forth in Section 12.
3. The site shall be suitably landscaped with foundation plantings, parking lot islands and sections, and screening for adjoining residential properties. Mechanical equipment, dumpsters and other unsightly places shall be screened by the use of walls, fencing, evergreen plantings or a combination of these to provide effective year-round screening.
4. All outside lights shall be full cutoff fixtures with recessed lenses. Applicant shall submit a lighting plan verifying that excessive light shall not spill over the property lines or cause a nuisance from excessive glare.
5. Building elevations, architectural plans and floor plans shall be submitted to demonstrate appearance, height and proposed use of interior space.
6. Places of worship shall screen adjoining residential properties with a landscaped border not less than 8 feet wide. The landscaped border shall provide a year-round effect through which the developed site is obscured from view from abutting residential property. Appropriate evergreen species shall be planted at least four feet in height at a separation distance which provides for growth of the planting and visual screening.

If a landscaped berm, masonry wall or combination thereof at least four feet high is installed to provide the visual screen then the requirement for planting evergreen species may be waived by the Commission. Masonry walls shall have a finished surface of brick, fieldstone, architecturally textured concrete, split face block or similar material. Exposed concrete block or standard finish poured or precast concrete shall not be acceptable finishes.

Fencing shall be required when landscaping, walls and/or grading cannot provide the required screening due to topography, preservation of specimen trees or other important natural features, avoidance of wetlands or similar conditions. Fences when constructed shall be, at minimum, four feet high when measured from the top of the adjacent grade and shall be made of wood. The Commission may, for good cause shown, approve the use of materials other than wood after an application for a different material is submitted.

Along all parking areas and drives the landscaped border shall include a light proof fence or masonry wall to prevent automobile headlights from causing a nuisance to adjoining residents. The landscaped border for parking area and drive screening shall not be counted towards the landscape area in Section 12.

¹ new, ZA #539, effective 8/24/07

All trees, shrubs, walls and fences shall be maintained at a height of not more than three feet within the sight distance triangle of all street and driveway intersections. The sight distance triangle shall be as required by the Town of Southington Engineering Department and Police Department.

11-22 PROVISIONS FOR PARENT/GRANDPARENT APARTMENT¹

1. The applicant shall provide certification, through a site inspection by a registered engineer or professional sanitarian, that the septic system and reserve area are adequate for the proposed use.
2. There shall be at least 4 off-street parking spaces.
3. There shall be no more than one driveway serving the property.
4. The parent/grandparent apartment shall share the main entrances to the dwelling with the main living quarters.
5. No new separate front door shall be added to the dwelling to serve such an apartment.
6. For safety purposes, a parent/grandparent apartment may have an exit to the outside of the dwelling through a side or rear wall.
7. A parent/grandparent apartment shall contain not more than one bedroom and shall not exceed 40 percent of the gross area of the first floor of the existing residence or contain more than 800 square feet; whichever is less.
8. There shall be no more than one such apartment per lot.
9. Only single family dwellings shall be considered under this section; nothing shall prevent the Commission from approving a parent/grandparent apartment within a new dwelling, subject to the requirements of this section.
10. Either the accessory apartment or the main unit shall be owner occupied.
11. Parent/grandparent apartment permits are non-transferable, and terminate upon the sale of the property or the death of the parent(s) or grandparent(s) for whom the apartment was permitted.
12. A parent/grandparent apartment shall never be offered for rent.
13. The Commission shall have the power to revoke any special permit granted under this section if it determines that any condition is not being complied with.
14. Conditions 10, 11, 12 and 13 shall be noted on sheet one of the parent/

¹ revised, ZA #539, effective 8/24/07

grandparent apartment application plans, above the title block.

15. For each special permit application for a parent/grandparent apartment, the Commission shall send a first-class letter to all property owners within 250 feet of the dwelling lot, measured from the perimeter of the property. A list of said property owners shall be compiled from the most current Town Assessor's records. Said notification shall include a copy of the application form and the scheduled time, date, and place of the public hearing. Said notification shall be postmarked not more than fifteen days nor less than ten days before such hearing.

11-23 Medical Marijuana¹

A. Purpose. The intent of this section is to regulate the location of Medical Marijuana Dispensaries and Producers. The primary purposes of these regulations are to prevent a concentration of these uses in any one area, to minimize any adverse impacts, and to protect and preserve the quality of Southington's neighborhoods, commercial districts, property values and the quality of urban life through effective land use planning. Further, this section shall not permit any retail and/or wholesale of marijuana products not considered medical marijuana as regulated within Chapter 420f of the Connecticut General Statutes.²

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

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

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

B. The Commission of Consumer Protection shall determine the number of dispensaries appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with Chapter 54 of the General Statutes, to provide for the licensure and standards for dispensaries in this state and specify the maximum number of dispensaries that may be licensed in this state. On and after the effective date of such regulations, the Commissioner may license any person who applies for a license in accordance with such regulations, provided (1) The Commissioner deems such applicant qualified to acquire, possess, distribute and dispense marijuana pursuant to Section 1 to 15, inclusive, of this act, (2) the applicant is a pharmacist licensed under Chapter 400j of the General Statutes, and (3) the number of dispensary licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the Commissioner pursuant to this subsection. At a minimum, such regulations shall:

¹ New, ZA #565, effective 10/6/12

² Revised, ZA #598, effective 2/20/19

1. Indicate the maximum number of dispensaries that may be licensed this this state;
 2. Provide that only a pharmacist licensed under Chapter 400j of the General Statutes may apply for and receive a dispensary license;
 3. Provide that no marijuana may be dispensed from, obtained from or transferred to a location outside of the state;
 4. Establish a licensing fee and renewal fee for each licensed dispensary, provided such fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating dispensaries pursuant to Sections 1 to 15, inclusive, of Public Act #12-55;
 5. Provide for renewal of such dispensary licenses at least every two years;
 6. Describe areas in this state where licensed dispensaries may not be located, after considering the criteria for the location of retail liquor permit premises set forth in subsection (a) of Section 30-46 of the General Statutes;
 7. Establish health, safety and security requirements for licensed dispensaries, which may include, but need not be limited to: (i) the ability to maintain adequate control against the diversion, theft and loss of marijuana acquired or possessed by the licensed dispensary, and (ii) the ability to maintain the knowledge, understanding, judgment, procedures, security controls and ethics to ensure optimal safety and accuracy in the distributing, dispensing and use of palliative marijuana;
 8. Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of dispensary licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of Section 4-182 of the General Statutes; and
 9. Establish other licensing, renewal and operational standards deemed necessary by the Commissioner.
- C. Any fees collected by the Department of Consumer Protection under this Section shall be paid to the State Treasurer and credited to the account established pursuant to Section 19 of Public Act 12-55.

2. Producer or licensed producer means a person licensed as a producer pursuant to Section 10 of Public Act #12-55;
- A. No person may act as a producer or represent that such person is a licensed producer unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.
 - B. The Commissioner of Consumer Protection shall determine the number of producers appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with Chapter 54 of the General Statutes, to provide for the licensure, standards and locations for producers in this state and specify the maximum number of producers that may be licensed in this state at any time. On and after the effective date of such regulations, the Commissioner may license any person who applies for a license in accordance with such regulations, provided (1) such person is organized for the purpose of cultivating marijuana for palliative use in this state, (2) the Commissioner finds that such applicant has appropriate expertise in agriculture and that such applicant is qualified to cultivate marijuana and sell, deliver, transport or distribute marijuana solely within this state pursuant to Sections 1 to 15, inclusive, of Public Act 12-55, and (3) the number of producer licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the Commissioner pursuant to this subsection. At a minimum, such regulations shall:
 - 1. Indicate the maximum number of producers that may be licensed in this state at any time, which number shall not be less than three nor more than ten producers;
 - 2. Provide that no marijuana may be sold, delivered, transported or distributed by a producer from or to a location outside of this state;
 - 3. Establish a nonrefundable application fee of not less than twenty-five thousand dollars for each application submitted for a producer license;
 - 4. Establish a license fee and renewal fee for each licensed producer, provided the aggregate amount of such license and renewal fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating producers pursuant to Sections 1 – 15, inclusive, of Public Act #12-55;
 - 5. Provide for renewal of such producer licenses at least every five years;
 - 6. Provide that no producer may cultivate marijuana for palliative use outside of this state and designate permissible locations for licensed producers in this state;

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

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

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

schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.

- C. Applicability. Medical Marijuana dispensaries shall be permitted only in the Central Business Zone (CB) and Business Zone (B), subject to special permit use approval in accordance with Section 8 of these Regulations and site plan approval in accordance with Section 9 of these Regulations and the requirements of this section. Medical Marijuana production facilities shall be permitted only in an Industrial Zone, subject to special permit use approval in accordance with Section 8 of these Regulations and site plan approval in accordance with Section 9 of these Regulations and the requirements of this section.
- D. Separation Requirements. Regulated uses identified in this section shall be subject to the following separation restrictions:¹
- a. No Medical Marijuana Producer or dispensary shall be permitted on a site that is less than 1,000 feet from any other site containing an Medical Marijuana Producer or dispensary;
 - b. No Medical Marijuana Producer or dispensary shall be permitted on a site that is less than 750 feet from any site containing a church, school, public building, public park or recreation area, or private recreation area;
 - c. No Medical Marijuana Producer or dispensary shall be permitted on a site that is less than 750 feet from any residentially zoned land as defined in the town's zoning regulations, or from a site zoned B with 5 or more residential units;
 - d. No Medical Marijuana Dispensary or Producer shall be permitted within the same building, structure or portion thereof that is used for residential purposes or that contains another Medical Marijuana Dispensary or Producer;
 - e. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site;
- E. Sign and exterior display requirements. No Medical Marijuana Dispensary or Producer shall be conducted in any manner that permits the observation of any material depicting, describing or relating to Medical Marijuana from any public way or from any property not licensed as an Medical Marijuana Dispensary or Producer. This provision shall apply to any display, decoration, sign, show window or other opening.

¹ Revised ZA #598, effective 2/20/19

11-24 - RECREATIONAL CANNABIS/MARIJUANA¹

A. Purpose: To address the prohibition of retail sale of recreational cannabis/marijuana.

B. Definitions: For use in this section of the regulations:

1. Cannabis/Marijuana – as defined in Section 21a-240 of the Connecticut General Statutes;
2. Prohibited Uses – the following buildings, structures and uses are prohibited in all zoning districts and are defined as follows:
3. Retail Recreational Cannabis/Marijuana Establishment – means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, cannabis food and beverage manufacturer; cannabis product manufacturer, cannabis product packager as defined in the June 2021 Connecticut Public Act Concerning Responsible and Equitable Regulations of Adult-Use Cannabis (Senate Bill No. 1201). **Such uses, buildings and structures are prohibited in all zones.**

11-25 – RESIDENTIAL SOLAR ARRAYS²

All solar arrays shall comply with the following requirements and shall be subject to a Special Use Permit approval by the Commission. If there is any conflict between the provisions of this section and any other requirements of the zoning or subdivision regulations the provisions of this section shall take precedence.

Solar arrays shall be treated as accessory uses in the following zone districts: (R80, R40, R20/25, R12). However, solar arrays are not subject to the dimensional requirements of the accessory land use and development provisions in any zone district or other section to the extent they conflict with this section.

Residential Solar Arrays

1. A solar array serving a residential use shall not exceed a capacity of fifteen (15) kilowatts per dwelling unit on the property.
2. A solar array shall not be located in the front yard between the principal structure(s) and the public right-of-way.
3. A solar array shall be located a minimum of ten (10) feet from all property lines and other structures.
4. An accessory solar array in any residential district shall not exceed the greater of one-half the footprint of the principal structure or 600 square feet, whichever is greater.
5. A residential solar array shall not exceed twelve (12) feet in height.
6. Solar arrays shall comply with all applicable state building and electrical codes.

¹ New, ZA #611, effective 9/25/21

² New, ZA #607, effective 5/19/21

7. Solar arrays may be required to be screened from adjacent property through vegetation or fencing, or a combination of both, with consideration given to the impact such screening could have on the viability of the solar array energy production.