



TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239

Tel: 860-779-5311 Fax: 860-779-5381

MEMORANDUM

TO: Elizabeth Wilson, Killingly Town Clerk
FROM: Ann-Marie L. Aubrey, Director of Planning and Development
DATE: TUESDAY, NOVEMBER 28, 2023
SUBJECT: Zone Text Change #22-1300 – Town of Killingly, Planning and Zoning Commission; zone TEXT change; complete update and revision of Section 436 (Business Park) of the Town of Killingly Zoning Regulations, including a proposed use table.

AMA.

2023 NOV 30 AM 8:55
TOWN OF KILLINGLY

Following Connecticut General Statutes Section 8-3(d) the Killingly Planning and Zoning Commission lets you know that the Commission has **approved the zone TEXT change with EDITS AND/OR AMENDMENTS - Zone TEXT Change Appl #22-1300** – Town of Killingly, Planning and Zoning Commission; zone TEXT change; complete update and revision of Section 436 (Business Park) of the Town of Killingly Zoning Regulations, including a proposed use table.

A complete copy of the **zone TEXT change with EDITS AND AMENDMENTS (bolded)** is attached-hereto, and incorporated herein for your convenience.

Following CT General Laws, the decision legal notice was published in the MONDAY, NOVEMBER 27, 2023, edition of the Norwich Bulletin. Following said law, a fifteen (15) day appeal period commenced on that date. The appeal period ends at the end of the business day on TUESDAY, DECEMBER 12, 2023. Provided no appeal is taken; **the approved TEXT change becomes effective on MONDAY, DECEMBER 18, 2023, at 12:01 am.** If appealed, and there is a positive finding of the court in favor of the Town of Killingly (i.e., the court upholds the zone TEXT change), the zone TEXT change will become effective immediately upon the publication of the court's decision.

Any inquiries or questions about the zone TEXT change can be directed to my attention on 860-779-5311. Thank you for your consideration.

cc:	Mary T. Calorio, Town Manager (email)	Jill St. Clair, Dir. Economic Dev. (email)
	Jonathan Blake, Planner 1 (email)	Allison Brady, Assistant Planner (email)
	Tracy Bragg, Building Official (email)	Randy Burchard, Fire Marshal (email)
	Paul Gazzola, Building Asst. (email)	William Skene, Asst. Fire Marshal (email)
	Sydney Guari, Adm. Secretary (email)	Dana Barrow, Asst. Fire Marshal (email)
	Tammy LaPlante, Adm. Secretary (email)	

NOTE: PLEASE KEEP THIS MEMORANDUM POSTED UNTIL TUESDAY, DECEMBER 19, 2023.

Permitted Use = (P)
Special Permit Required = SP
Not Allowed = NA

11.NOV.20.2023.APPROVED.USE.TABLE.BUSINESS.PARK

USE CLASSIFICATIONS	SEE SECTION	BUSINESS PARK
RESIDENTIAL USES		NONE
ACCOMMODATION & FOOD SERVICES		
1. Motels / Hotels / Conf. & Conv. Center		(P)
2. Specialty Food Services		(P)
3. Restaurants / Cafes / Taverns		(P)
AGRICULTURAL – FORESTRY		
1. Crop Production / Processing / Sales		SP
2. Hydroponics		SP
3. Aquaculture		SP
4. Greenhouse/Nursery /Horticultural Bldgs.		SP
5. Forest Nurseries and Gathering Of Forest Products		SP
ARTS, ENTERTAINMENT & RECREATION		
1. Performing Art Companies		SP
2. Dance / Art / Music Schools		SP
3. Art Galleries / Photo Studios		SP
4. Commercial Recreational Facility		SP
5. Radio / TV / Motion Picture Facilities		SP
CONSTRUCTION BUSINESSES		NONE
EDUCATIONAL SERVICES		
1. Early Childhood Care Facilities		SP
2. Training Facility		(P)
HEALTH CARE AND SOCIAL ASSISTANCE		
1. Outpatient Ambulatory Health Care Services		(P)
2. Medical Offices		(P)
3. Medical and Diagnostic Laboratories		SP
4. Adult Daycare – No Overnight		SP
5. Social Assistance Agencies		(P)
MANUFACTURING / INDUSTRIAL		
1. Manufacturing		(P)
2. Machines and Machine Shops		(P)
3. Electronic & Precision Equipment Repair		SP
4. Breweries / Wineries		SP
5. Cannabis Establishments		SP
MUNICIPAL SERVICES		
1. Municipal Services		SP
2. Libraries		SP
3. Parking Garages		(P)

Permitted Use = (P)
Special Permit Required = SP
Not Allowed = NA

4. Recycling / Collection Center		SP
OTHER SERVICES		
1. Personal Services Establishments		(P)
2. Funeral Homes & Funeral Services		SP
3. Pet Grooming / Pet Daycare		SP
4. Veterinary Services / Hospitals		SP
5. Public Service Corporation		SP
PROFESSIONAL & BUSINESS SERVICES		
1. Professional Offices		(P)
2. Business Support Services		(P)
3. General Office Space		(P)
4. Publishing / Printing Establishment		(P)
5. Analytical Facility / Research & Development Facility		SP
6. Computing Infrastructure Providers		SP
PUBLIC USES		
1. Outdoor Events		Town Ordinance
RETAIL TRADE		
1. Retail Sales Establishment		(P)
2. Automotive Vehicle Dealers / Sales / Repair / Rental		SP
3. Trucks / Recreational Vehicle Dealers / Sales / Repair / Rental		SP
4. Financial Institutions / Banks / Credit Unions/ ATMs.		(P)
5. Auctions / Sales		SP
6. Pharmacy		(P)
7. Cannabis Establishments		SP
UTILITIES		
1. Battery Storage Facilities		SP
2. Electric Vehicle Charging Stations		Acc Use
WAREHOUSING / DISTRIBUTION CENTER		
1. Warehousing / Distribution Centers		(P)
2. Distribution Centers		(P)
3. Self-Service Storage Units		(P)
4. Freight Materials / Trucking Terminal		(SP)

SECTION 436. BUSINESS PARK DISTRICT

Section 436.1 Intent

The intent of the Business Park District is to provide facilities for businesses consistent with the creation of a physical environment that promotes consistency with the plan of conservation and development, community goals, efficient business operations, human scale and values, and compatibility with the natural environment. A Business Park District may be located adjacent to, or nearby, residential districts.

Uses of tracts of land in the Business Park District may include several separate businesses, offices, manufacturing facilities, accessory and supporting uses, and common open space designed, planned, and constructed on an integrated and coordinated basis.

Section 436.2 General Requirements

1. **Enclosed Structures** – All operations shall occur entirely within enclosed structures; except for those activities requiring docking or other areas necessary for the transfer of goods or materials, storage of trucks, trailers, and uses that are permitted outdoors (ex: automobile / recreational vehicle / truck dealerships / light vehicle maintenance/ growing of nursery stock)
2. **Outdoor Storage** – Outdoor storage is permitted only as an accessory use under the following conditions: a) storage is confined to specific areas outlined on the site plan; b) defined storage area(s) are buffered and screened to minimize visual intrusion using a solid fence, wall or landscaping or a combination thereof; and c) no hazardous material / waste may be stored outside.
3. **Provide Access** – Any parcel in the Business Park District to be used must provide a direct access way to a road or street, including through, but not limited to, an easement.
 - a. The location of the access shall be clearly defined on the site plan submitted to the commission, and/or designated staff.
 - b. The access shall be clearly described by a metes and bounds description.
 - c. Such access shall have a minimum width of sixty (60) feet.
 - d. The commission may, in its sole discretion, increase the width to accommodate utility installation.
 - e. Said access shall permit the future installation of all utilities, including but not limited to, sanitary sewer lines, public and private water, electricity, natural gas, communication cables and storm water drainage structures and lines.

4. Utilities – All utilities shall be designed for underground construction, unless otherwise specified by the commission, and/or designated staff.
5. Interior Circulation – Interior Circulation shall provide for the safe movement of vehicles, delivery trucks and pedestrians. Truck delivery routes shall be indicated by signage, pavement markings or other methods. Access to commercial delivery points shall be segregated from public traffic where possible. Provisions for the safe movement of pedestrians between buildings and from buildings to parking areas shall be provided.
 - a. Bicycle/Pedestrian pathways may be provided along the interior roadway system, or to provide interconnectivity among buildings and other destinations within a site. All pathways shall be a minimum of six (6) feet in width. Said width may be expanded to ten (10) feet in the Commission's sole discretion. Pathways shall be deemed private on-site amenities with public use/access prohibited.
 - b. Sidewalks and bicycle/pedestrian pathways should provide continuous circulation from one lot to another.
 - c. Sidewalks and bicycle/pedestrian pathways may be illuminated to provide safety and security for their users; it will be in the Commission's sole discretion if lighting is required for a particular sidewalk. Such lighting shall be shielded or diffused to reflect light away from abutting traffic and to prevent skyward glare (i.e.: dark sky compliance).
7. Truck Parking & Building Setbacks – Truck parking and building setbacks shall have a minimum setback of fifty (50) feet from any residential district boundary or from any residential use boundary. Said truck parking and building setbacks, shall be one-hundred fifty (150) feet from any game farm/shooting range/hunting preserve. Said setbacks shall include buffering and screening to minimize visual intrusion. The buffering and screening shall be subject to the approval of the Planning Zoning Commission or its designated agents.
8. Landscaping – Landscaping shall provide transitions between buildings of different sizes, scale, architecture or use and continuity of design. Landscaping shall provide shade and visual interest. All landscaping shall be subject to the approval of the Planning Zoning Commission or its designated agents.
 - a. Landscaping may include, but not be limited to, hardscape (pavers, stone, fountains, outdoor seating areas, permanent outdoor furniture, etc.), and/or softscape (planting of grass, ground covers, flower beds, shrubs, hedges, planted earthworks {mounding, grading, etc.} or trees.
 - b. No fences, signs, lighting, hedges, landscaping, or the like shall be so located or designed as to create a traffic hazard by limiting visibility or creating distraction. All planted areas shall be maintained.
 - c. Street trees at a minimum rate of one tree for every one hundred (100) feet or part thereof of street frontage shall be provided in all front yard areas to provide shade and visual interest. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission. Street trees, whether

deciduous shade trees, flowering trees, or evergreen trees, shall be a minimum of three (3) inches caliper measured at twelve (12) inches above ground, and selected for hardiness and appropriateness of use and soil conditions.

- d. Unless so specified in an approved site plan, there shall be no parking of vehicles in landscaped areas.
9. Buffering / Screening – All uses, including accessory uses, shall be buffered, and screened to minimize visual intrusion, and landscaped to integrate these elements into the site. The buffering / screening may consist of a vegetative buffer, wall, or fencing, or any combination thereof; and shall be subject to the approval of the Planning Zoning Commission or its designated agents.
 - a. If chain link fencing is installed for screening, it shall be black PVC dipped material, with either black or dark green privacy slats.
10. Lighting – All outdoor lighting shall be dark sky compliant in accordance with standards adopted by the International Dark-Sky Association.
11. Refuse Enclosures, Etc. – All waste materials, debris, refuse or garbage shall be kept in an enclosed structure or properly contained in a closed container area designed for such a purpose.
 - a. Refuse enclosures are to be constructed of material in such a way that they would be at least seventy-five (75) percent solid (for example: 3 sides made of brick, cement, chain link fence with privacy slats and bollards) and shall have a concrete floor.
 - b. Refuse enclosures shall be in rear yards only and shall be properly screened to a height of seven (7) feet in accordance with Planning Zoning Commission requirements.
12. Parking Requirements – See T.O.K. Zoning Regulations Section 530 (Off Street Parking and Loading)
13. Sign Requirements – See T.O.K. Zoning Regulations Section 540 (Signs)
14. Site Plan Review Requirements – See T.O.K. Zoning Regulations Section 470 (Site Plan Review)
15. Special Permit Requirements – See T.O.K. Zoning Regulations Section 700 (Special Permits)
16. Dimensional Requirements – See T.O.K. Zoning Regulations Section 450 (Dimensional Requirements and Table A)
17. Earth Filling and Excavation – See T.O.K. Zoning Regulations Section 560 (Earth Filling and Excavation)
18. Concept Plan – A concept plan may be submitted by an applicant who seeks to develop all or a portion of the property within the entire Business Park. A concept plan is meant to help the applicant receive feedback from the commission, or staff, prior to a formal application being submitted. The concept plan is intended to illustrate the general development plan and expected land uses without requiring the detail and expense of the site plan required as part of the approval process.

Section 436.3 Permitted Uses Requiring Only a Site Plan Review

The following allowed uses require a site plan review prior to development of the site. Once the site is developed, if the original use changes from one allowed use to another allowed use, and there is no further construction (no change in footprint) on the site then the change in use will require a zoning permit only. However, if there is further construction (change in footprint) on the site, or the allowed use changes to a special permitted use then another site plan review will be required as part of the special permit application process.

The Commission may, in its sole discretion, hire a third-party consultant, (~~acceptable to the applicant,~~) to aid the Commission in its review of any proposed site plan pursuant to this section. The fees charged by the third-party consultant shall be borne by the applicant.

All requirements listed under the T.O.K. Zoning Regulations Section 470 (Site Plan Review) shall be followed and adhered to.

- a. Motels / Hotels / Conference & Convention Centers**
- b. Specialty Food Service**
- c. Restaurants / Cafes / Taverns**
- d. Outpatient Ambulatory Health Care Services**
- e. Training Facility**
- f. Social Assistance Agencies**
- g. Manufacturing**
- h. Machines & Machine Shop**
- i. Parking Garages**
- j. Personal Services Establishments**
- k. General Office Space (Medical, Professional & Business Support Offices)**
- l. Retail Sales Establishment**
- m. Financial Institutions**
- n. Pharmacy**
- o. Publishing / Printing Establishment**
- p. Warehousing & Distribution Centers** – All warehouses, and distribution centers shall conform to the following design standards.
 - 1. Location of all warehouses, and distribution centers shall have a 50-foot set back from the boundary of any residential district.
 - 2. Location of all warehouses, and distribution centers shall have a 150-foot set back from the boundary of any game farm/shooting range/hunting preserve.

3. All warehouses, and distribution centers may have a controlled gate access for warehouse and distribution vehicular traffic.
4. The outdoor storage of trailers may be provided; however, the trailer storage area must be buffered and screened to minimize visual intrusion, using landscaping, walls, fencing or a combination thereof.
5. Permitted accessory uses include the overnight parking and/or storage of trailers and vehicles used in the conduct of the business; ancillary maintenance and refueling of vehicles used in the conduct of the business; packaging and assembly; customer pick-up; and retail sales area not to exceed 20% of the total gross floor area of the primary use.
6. All items, goods and/or products stored or packaged in the warehouse and distribution center shall be indoors except for those items that are stored within a trailer outside of the warehouse and /or distribution center. No packaging of goods shall be allowed outside of the warehouse and /or distribution center.
7. Truck loading docks shall not be located on the street facing side of the building, nor be located on the building side that abuts a residentially zoned parcel without adequate buffering and screening to minimize visual intrusion in accordance with these regulations.

q. Self-Service Storage Facility

Section 436.4 Special Permitted Uses

The following uses shall require special permit approval.

Once the site is developed, if the original use changes from the approved special permit to one of the allowed uses listed in Section 436.3, and there is no further construction (no change in footprint) on the site then the change to an allowed use will require a zoning permit only. However, even if the change in use is for an allowed use but there is an enlargement of the footprint (new construction) a zoning permit and site plan review will be required.

Once the site is developed, if the original use changes from a special permitted use to another special permitted use, or if any new construction (change in footprint) is proposed related to the special permit use, the applicant will be required to obtain another special permit approval from the commission.

The Commission may, in its sole discretion, hire a third-party consultant, (~~acceptable to the applicant,~~) to aid the Commission in its review of any proposed site plan pursuant to this section. The fees charged by the third-party consultant shall be borne by the applicant.

All requirements that are listed under the T.O.K. Zoning Regulations Section 700 (Special Permitted Uses), shall be followed and adhered to.

- a. **Agricultural & Forestry Uses, which include:**
 - 1. **Crop Production, Processing and Sale** – All growing facilities must be completely contained within a structure.
 - 2. **Hydroponics** – All growing facilities must be completely contained within a structure.
 - 3. **Aquaculture** – All growing facilities must be completely contained within a structure.
 - 4. **Greenhouse / Nursery / Horticultural Bldgs.**
 - 5. **Forest Nurseries and Gathering of Forest Products**
- b. **Arts, Entertainment & Recreation Uses, which include:**
 - 1. **Performing Arts Companies**
 - 2. **Dance / Art / Music Schools**
 - 3. **Art Galleries / Photo Studios**
 - 4. **Commercial Recreational Facilities** – Must be completely contained within a structure.
 - 5. **Radio / TV/ Motion Picture Facilities**
- c. **Early Childhood Care Facilities** – Must be operated in conjunction with a business established in the park.
- d. **Medical and Diagnostic Laboratories**
- e. **Adult Daycare – No Overnight**
- f. **Electronic & Precision Equipment Repair**
- g. **Breweries / Wineries** – This use includes breweries, wineries, distilleries and cideries.
- h. **Cannabis Establishment**
- i. **Municipal Services**
- j. **Libraries**
- k. **Recycling / Collection Center**
- l. **Funeral Homes & Funeral Services**
- m. **Pet Grooming / Pet Day Care**
- n. **Veterinary Services / Hospitals**
- o. **Analytical Laboratories / Research and Development Facilities** – If the following standards are met:
 - 1. In the establishment, operation, and design of medical and biological research laboratories and facilities, the standards, and procedures, as amended, of the National Institutes of Health, and Centers for Disease Control will apply.
 - 2. No facility may contain or conduct research involving biological safety level-3 (or the equivalent term risk group-3) classification or higher. (See #1 above)

3. All noise levels shall adhere to the Town of Killingly Noise Ordinance in its Code of Ordinances and all Connecticut Department of Environmental Protection regulations promulgated in accordance with Chapter 442 of the Connecticut General Statutes shall apply.
 4. No activities involving bulk storage or manufacture of materials or products that could decompose by detonation shall be permitted. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for specific research. Material type, quantity, storage, handling procedures, and location in the facility shall also be registered with the respective fire district, ambulance corps, the Killingly Planning Department, and the Fire Marshal.
 5. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas as specified by the regulations of the United States Nuclear Regulatory Commission.
 6. Any electrical radiation shall not adversely affect at any point any operations or any equipment, including not only professional research equipment but also equipment reserved for personal uses such as reception of public radio transmissions, use of cellular phones, etc., except equipment belonging to the creator of the electrical radiation.
 7. Operations shall not cause inherent and/or recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.
 8. No operation shall cause or allow emission of any odorous air contaminant, smoke, particulate matter, or any emission into the air which is a nuisance, hazard or exceeds applicable federal or state regulations.
 9. The operation of the facility must comply with all applicable industry standards, and local, state, and federal ordinances, rules, statutes, and regulations applicable to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, solid wastes, or fire hazards.
- p. Automotive Vehicle Dealers (Sales / Service / Repair / Rental)**
- q. Trucks & Recreational Vehicle Dealers (Sales / Service / Repair / Rental)**
- r. Auctions / Sales**
- s. Battery Storage / Battery Energy Storage Systems (BESS)**
- t. Freight Material / Trucking Terminal**
- u. Public Service Corporation**