

Section 430.

INDUSTRIAL DISTRICT

All lots in the Industrial district zone must be at least fifty thousand (50,000) square feet in area. Where any proposed industrial site adjoins a commercial or residential district, a buffer strip at least twenty five (25) feet in-width and containing planted screening material shall be provided. (See Article III, Definitions, planted screening).

430.1. **Permitted uses (I).** The following uses of building and land are permitted only after the securing of site plan approval from the commission. Site plan review shall be required before any zoning permit is issued for any building or use, or enlargement in size or other alteration of any building or change in use or actual use of any building including accessory structures (see site plan review Section 470). Site plan review is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the use thereof.

In addition, the applicant shall be required to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size, or when the Commission determines that special site conditions warrant such a plan (i.e., excessive slopes, unstable soils).

- a. Storage, manufacturing and processing of goods not expressly prohibited by these regulations or limited by special permit.
- b. Wholesaling and related storage.
- c. General office space.
- d. Printing and publishing establishments.
- e. Those municipal and fire district land uses existing upon the date of adoption of this amendment be expanded by alteration of an existing building or structure or construction of a new building or structure on the same lot, provided:
 - Such expansion does not substantially alter the nature of the present land use so that increased traffic, noise, odors, or other detrimental impact will affect the value of surrounding properties.
 - Such expansion is in conformity with the dimensional requirements of Table A, Article IV of the Zoning Regulations for the zone in which it is located, or has been granted a variance by the Zoning Board of Appeals.
- f. Outdoor events as defined by Council Ordinance Regulating Outdoor Events, Town of Killingly, provided that all conditions as set by such ordinance are met. (Amend. of 9-9-80; Amend. of 2-11-85).

- g. **Analytical Laboratories** (Effective 12/29/00)
- h. Retail sales are allowed as an accessory use to the principal use, and only when conducted by the person, partnership or corporation conducting the principal use. Said sales shall include items wholesaled, warehoused or manufactured, but need not be limited thereto and may include items of a companion or enhancement nature to the principal wholesaled, warehoused or manufactured products. Sales must be indoors and the maximum allowable retail sales area will be determined by either 10% of the total usable square footage of the industrial complex or 2,500 square feet, whichever is less. Additional parking must be provided as for retail uses in Section 530. Periodic retail tent sales, limited to three times per year not to exceed a total of thirty days each year, of the wholesaled, warehoused or manufactured products, are permitted only when conducted by the person, partnership or corporation conducting the principal use. Eff. June 13, 2013

430.1.2 **Special Permit uses.**

In addition to the above, the following may be permitted after the securing of a Special Permit as specified in Article VII:

When the development of one of the following uses will result in a disturbed area that is cumulatively more than one-half acre in size, the Commission shall require the applicant to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations.

- a. Bulk storage of cement and petroleum products other than fuel and bottled gas; concrete mixing plants; bituminous paving mixing plants.
- b. Commercial storage and sale of fuel and bottled gas, provided:
- Total above ground tank capacity shall be not more than 50,000 gallons.
 - No above ground tank shall be located within 50 feet of any building or 250 feet of any property line.
- c. Freight and materials trucking business and terminals.
- d. Public service corporation or municipal land use, provided:
- The location of such use in this zone shall be necessary for the health, safety or general welfare of residents of the Town of Killingly.
 - Any such use which in the opinion of the Commission is hazardous in nature shall be fenced and/or screened so as to avoid creation of a nuisance attractive to children. When required by the Commission outdoor storage areas shall also be fenced and/or screened. (See Article III, Definitions, "planted screenings").
- e. Retail sales with outdoor product display are allowed as an accessory use to the principal use, and only when conducted by the person, partnership or

corporation conducting the principal use. Said sales shall include items wholesaled, warehoused or manufactured, but need not be limited thereto, and may include items of a companion or enhancement nature to the principal wholesaled, warehoused or manufactured products. Additional parking must be provided as for retail uses in Section 530. Eff. June 13, 2013

- f. Vocational education training program using either an existing industrial structure or plant, or an addition to an existing industrial structure or plant, provided:

- All applicable requirements of the state building, fire and health codes are met;

- All applicable requirements of the State of Connecticut concerning the establishment of educational institutions are met. (Amend. of 7-14-80; Amend. of 6-8-81; Amend. of 2-11-85).

- g. **Parks, playgrounds, athletic fields**, and their accessory structures operated by non-profit agencies or governmental units. (Approved 01-24-96).

- h. **Research and Development Facilities**, provided the following standards and nuisance avoidance criteria are met:

Such facilities must be on a minimum lot size of 50 acres, with structures located a minimum of 150' from all property lines.

In all cases the more stringent of the appropriate state regulations, federal regulations, and/or accepted industry standards shall apply.

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, Bethesda, Maryland and Centers for Disease Control will apply. No facility may contain or conduct research involving Biological Safety Level-3 (or the equivalent term Risk Group-3) classification or higher.

2. No noise that due to level, frequency (pitch), duration, periodicity and predictability, tonal nature and/or impulsive nature will in any way have an objectionable effect upon adjacent or nearby property, shall be permitted. All Connecticut Department of Environmental Protection regulations promulgated in accordance with Chapter 442 of the Connecticut General Statutes shall apply.

3. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

4. No activities involving bulk storage or manufacture of materials or products that could decompose by denotation shall be permitted. These materials include primary explosives such as lead azide, fulminates, lead styphnate, and tetracene; high explosives such as TNT. RDX. HMX. PETN and picric acid; propellants and their components such as dry nitrocellulose, black powder,

boron hydrides, and hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-235 and plutonium-239. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for specific research and only after the procurement of all required local, state and federal permits. 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 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 cause no inherent and 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 appropriate federal or state regulations.

9. All applicable federal, state, and local statutes, rules, regulations and ordinances (including, without limitation, those promulgated and/or enforced by the U.S. Environmental Protection Agency, the Connecticut Department of Environmental Protection, the State Fire Marshal's Office, the National Institutes of Health, Centers for Disease Control, the Northeast District Department of Health, or the Food and Drug Administration) shall apply to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, solid wastes or fire hazards (as such terms are defined by any of the applicable statutes, rules, regulations, or ordinances referenced or in effect. (Effective 08-07-00).

i. **Cluster Developments.**

j. **Contractor's Business**, provided:

- A. The property shall, as a minimum, conform to lot requirements for the underlying zone
- B. The use is adequately screened with vegetation, fencing and /or earth berms at the discretion of the Planning and Zoning Commission. See Section 310, "Planted Screenings".
- C. Exterior Lighting shall be compatible with the intent of "Dark Sky Lighting" standards as promulgated by the International Dark Sky Association.
- D. The outdoor storage of material shall be allowed provided that said materials are inert i.e. pipe, aggregates, earth material, pre-cast concrete products as examples, the storage area is limited to 10,000 square feet and properly screened, and further provided that adequate erosion and sedimentation controls are implemented
- E. Outdoor above-ground storage of flammable materials shall be limited to 1,500 gallons and must meet all applicable codes, including 110% spill containment
- F. No vehicle or equipment salvage or 'boneyard' shall be maintained onsite. A part yard not to exceed 10,000 square feet in area and screened, using vegetation and/or fencing from any adjacent residential property, may be allowed.
- G. There shall be no outdoor storage of salt
- H. Parking shall be provided at the minimum rate of 1.25 spaces per employee
- I. When required by the State of Connecticut DEEP, a "Stormwater Pollution Prevention Plan" and a "Spill Prevention, Countermeasure and Containment Plan for Industrial Activities" shall be prepared and shall be kept on file with the Planning and Zoning Department

Effective Date: 12:01 AM, Wednesday, December 12, 2012