

ARTICLE VII.

SPECIAL PERMITS

Section 700. Special Permits

The Planning and Zoning Commission may grant a special permit for the establishment of a use requiring such a permit under the provisions of Articles IV and V. All requirements of this section shall be in addition to other requirements applicable in the district in which the special permit use is located. (Amend. of 10-19-87)

Section 710. Intent

While these Zoning Regulations are based upon the division of the Town into districts, within each of which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform, it is recognized that there are certain other uses and features that would be appropriate in such districts if controlled as to number, area, location, or relation to the neighborhood so as to promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Where provided elsewhere in these Regulations, such uses and features shall be treated as a special permit use and shall be deemed to be permitted in their respective districts subject to the satisfaction of the requirements and standards set forth herein in addition to other requirements of these Regulations. All such uses are declared to possess such special characteristics that each shall be considered as an individual case.

Section 720. Procedure

All applicants for a special permit are urged to familiarize themselves with these Regulations and to consult with the Commission where any clarification is needed. It is recommended that a preliminary sketch plan, indicating property lines and existing and proposed buildings, structures, roads, parking and loading areas be submitted to the Commission prior to the submission of a formal application so that the Commission can inform the applicant of potential problem areas.

Whenever a Special Permit application involves Inland Wetlands and Water Courses, an application shall be submitted to the Killingly Inland Wetlands and Water Courses Commission. The applicant must secure approval from the Wetlands Commission prior to any final action by the Killingly Planning and Zoning Commission.

720.1 Application.

Each application for special permit shall be made to the Commission on forms prescribed by the Commission. The site plan review application shall be included as part of this application. All requirements noted in Section 470 "Site plan review" shall be part of the requirements of the special permit requirements. In addition, the requirements as prescribed below (Sections 720.2 to 790) shall be complied with. (Amend. of 10-19-87)

720.1.1 Site plan.

A site plan drawn to a scale of no more than 100 feet to the inch, showing:

- existing and proposed property boundary lines and the names of all abutting property owners, including those across any street.
- location and dimensions of existing and proposed buildings, structures, streets, drives, sidewalks, recreation facilities, open spaces, easements and/or rights-of-way, parking and loading spaces (and the total number of such spaces), signs, outdoor illumination, outside storage areas and utilities, including water supply, sewage disposal, storm drainage and electrical service.
- where construction or regrading is proposed, existing and proposed grade contours (at 5-foot intervals), including major trees and shrub areas, watercourses and wetlands.
- title block, in lower right hand corner of site plan, showing names of property owner and developer, date of original plan and revisions if any, scale, north arrow, and a blank for the signature of the Commission Chairman.

720.1.2 Architectural plans.

Preliminary architectural plans of all proposed buildings, structures and signs, including:

- general exterior elevations
- generalized floor plans, illustrating at least proposed entrances and exits.

720.1.3 Fee

A fee is to be paid to the Treasurer of the Town of Killingly, to defray the costs of advertising required public hearings. The Commission may by majority vote waive the submission of all or part of the information required in 720.1 if it finds the information is

not necessary in deciding on the application. Unless such a waiver is given, no application shall be considered completed until the above information has been supplied to the satisfaction of the Commission. (Amend. 01-11-88)

720.2 Receipt of application.

Applications for Special Permits shall be officially received by the Planning and Zoning Commission only at a regular meeting, but must be filed in the Office of the Commission at least seven days prior to such meeting for review and placement on the agenda.

720.3 Review of applications.

The Commission shall review all plans to determine their compliance with Section 720.1 and .2. Any application judged incomplete will be returned to the applicant prior to the next regular meeting or within 35 days, whichever comes first. Resubmissions of returned applications shall follow the procedure set forth in Article VII.

720.4 Review of site and architectural plans.

The Commission shall review all plans in order to determine that the proposed use or the proposed extension or alteration of an existing use is in accord with the public health, safety and welfare after taking into account, where appropriate:

- a. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures.
- b. The resulting traffic patterns, adequacy of proposed off-street parking and loading and avoidance of hazards to pedestrians.
- c. The nature of the surrounding area and the extent to which the proposed use or feature will be in harmony with the surrounding area or will serve as a transition between unlike areas and will protect property values and preserve and enhance the beauty of the area.
- d. The proximity of dwellings, churches, schools, public buildings, and other places of public gatherings.
- e. The avoidance of potential nuisance.
- f. All standards contained in these Regulations.

- g. The Plan of Development for the Town of Killingly and other expressions of the purpose and intent of these Regulations.

Section 730. Public Hearing

Within 65 days of the official receipt of a completed application, the Commission shall hold a public hearing on the proposed Special Permit use. Notice of the time and place of the public hearing shall be published at least twice, at intervals of not less than 2 days in a newspaper of general circulation in the Town, the first such publication not more than fifteen days nor less than ten days, and the second not less than two days before the date of the hearing. At such hearing any party may appear and may be represented by agent or attorney.

The Commission shall decide on an application within 65 days of the public hearing unless the application involves action by the Inland Wetlands Commission. If such sixty-five (65) day time limit elapses prior to thirty-five (35) days after the decision by the Inland Wetlands Commission, the time limit shall be extended to thirty-five days after the decision of the Inland Wetlands Commission. The Commission shall state upon its records the reason for its decision. Notice of the decision of the Commission shall be published in a newspaper of general circulation in the Town by sending a copy thereof to the applicant by registered or certified mail within 15 days of the decision, and by filing a copy thereof with the Town Clerk. Failure of the Commission to act thereon shall be considered as an approval. and a certificate to that effect shall be issued by the Commission upon written demand by the applicant received within 30 days after the expiration of the 65-day period for action. An extension of the 65-day period for action may be had with the written consent of the applicant. (Amend. of 2-8-88)

If Commission approval is granted for said special permit application, a recordable copy of the approved site plan accompanying said application (replete with the Commission's letter of approval reproduced thereon and all required modifications), shall be furnished to the Commission for endorsement, and then shall be filed by the applicant (at his expense) in the Office of the Town Clerk, and any plan not so filed within ninety (90) days of the date said approved and endorsed plan is delivered to the applicant (except where extensions are granted by the Commission in advance of said ninety (90) day expiration deadline), shall become null and void, as shall the approval of said special permit application. No such site plan may be filed or recorded in the Office of the Town Clerk until its approval has been endorsed thereon by the Chairman or Secretary of the Planning and Zoning Commission; and not until the applicant has furnished the Commission with three (3) complete blue or black line prints of the site plans (replete with the Commission's letter of approval reproduced thereon and all required modifications). The filing or recording of a special permit's site plan without the Commission's approval endorsed thereon shall render said site plan null and void. The Commission shall determine which sheets of the site plan shall be filed in the Office of

the Town Clerk. A \$20.00 recording fee per sheet shall accompany each site plan. The applicant is encouraged to meet with the Town Planner and Town Engineer prior to submission of a formal special permit application. (Amend. of 9-8-86; Amend. of 1-12-87)

The applicant shall erect or cause to have erected a sign on the premises affected by the proposed Special Permit application at least ten (10) days prior to the public hearing on such Special Permit.

Signs shall be provided by the Town for each Special Permit Application. Said sign shall be securely fastened or staked, and be clearly visible from the street closest to the affected property and be maintained as such until the day following the public hearing.

A report from the Zoning Enforcement Officer attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of a petitioner to comply with this requirement may be grounds for automatic denial of the Special Permit, with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign. This amendment would be applicable to both the Town of Killingly and Borough of Danielson. (Effective date: 3/1/90)

Section 740. Additional conditions and safeguards

In granting any special permit the Commission shall attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as but not limited to the following:

- 740.1 Requirement of setbacks greater than the minimum required by these Regulations.
- 740.2 Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices as specified by the Commission.
- 740.3 Modification of the exterior features or appearance of any structure where necessary to be in harmony with the surrounding area.
- 740.4 Limitation of size, number of occupants, methods or time of operation, or extent of facilities.
- 740.5 Regulation of number, design, and location of access drives or other traffic features including pedestrian ways.
- 740.6 Requirement of off street parking or other special features beyond the minimum required by these Regulations or other applicable codes or regulations.

740.7 Regulation of the number, type and location of outdoor lighting facilities.

740.8 Any data, plans, or drawings, including architect's plans or drawings, voluntarily submitted by the applicant or his duly authorized agent in support of his application and not required by this and other applicable sections of these Regulations may be accepted in whole or in part by the Commission and may be made additional requirements and conditions of the permit when granted.

Section 750. Condition of approval

Approval of an application for a special permit under Article VII of these regulations shall constitute approval conditioned upon completion of the proposed development. in accordance with plans as approved and any conditions set forth, within a period of two (2) years after approval is given. However, the commission may require earlier compliance with any conditions, if the commission finds such compliance to be necessary for protection of the public health, safety, and/or welfare. The commission shall set a date for final compliance with such conditions. Approval of the application shall become null and void in the event of failure to meet any of the time limits set in accordance with this section. The commission may by resolution and without public hearing extend its approval for one year periods for good cause shown, and may extend any time limits for compliance with conditions. (Amend. of 1-12-81)

Section 760. Certificate of Occupancy

No Certificate of Occupancy shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the approval as granted by the Planning Commission have been complied with. In those cases where seasonal conditions prevent compliance with the provisions of the approval before the building is complete, the Zoning Enforcement Officer may authorize issuance of the Certificate of Occupancy on the condition that all provisions of the approval are complied with as the season permits. Noncompliance within that stated time shall make the approval null and void unless further extended for good cause.

Section 770. Revisions and Extensions

Any substantial revision of an approved special permit application and any reconstruction, enlargement, extension, moving or structural alteration of an approved special permit use or any building or structure in connection therewith shall require submission of a special permit application as for the original application.

Section 780. Resubmissions

No special permit application for which a public hearing has been held and the permit denied by the Commission may be resubmitted for a period of one year unless the Commission finds that substantial change has taken place in the proposed use or other circumstances which were the basis for the denial.

Section 790. Bonding

The Commission may require that applicants post a bond to insure the completion of required site improvements such as road or parking area construction, landscaping, grading, storm drainage and any other items, the failure of which to complete would adversely affect the environment and/or health, safety and welfare of residents of the Town.