

Section 436.

BUSINESS PARK DISTRICT

436.1 Intent.

The intent of the Business Park District is to provide areas which allow the establishment of business uses subject to standards that result in the creation of a physical environment that promotes consistency with 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. Therefore, all uses located within this district shall be clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, and glare. In addition, such uses, including related storage, shall be operated entirely within enclosed structures (except for docking areas necessary for receipt of multiple deliveries or as otherwise noted).

436.2 General Requirements.

The following are the minimum requirements for land proposed to be designated as a BP District:

- a. All uses shall be served by public water and sewer.
- b. Principal access shall be from State roads or arterial or collector streets as identified in the Town's Plan of Development.
- c. Principal access to the development shall be within eighteen hundred (1,800) feet of an 1-395 interchange.
- d. The minimum district frontage on a public street shall be four hundred (400) feet.
- e. The minimum area of land in the BP District shall be seventy-five (75) acres.
- f. The district boundary line shall abut 1-395 for a minimum distance of eight hundred (800) feet.
- g. 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. Such access way shall have a minimum width of sixty feet, or such width specified by the commission. Said access way may permit the future installation of all utilities including, but not limited to, sanitary sewer lines, public water, electric, natural gas, communication cables and storm water drainage structures and lines. Such access way is subject to approval of the Commission.

436.3 Special Permitted Uses.

All uses in the BP District require the securing of a Special Permit as specified in Article VII. The uses allowed by special permit are:

- a. Research and development facilities, provided the following standards and nuisance avoidance criteria are met: 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, total 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 process, 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 detonation 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 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 Marshall.
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 US 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).
 10. The commission may, at its discretion, hire a third-party consultant, also acceptable to the applicant, to aid the commission in its review of any proposed facility design and/or program of research and development. The fees charged by the third-party consultant shall be borne by the applicant.
- b. General office space.
 - c. Banking, financial establishments and ATM facilities, excluding drive-in banking facilities not combined with banking and financial establishments. ATM facilities on the same premises with a permitted use are considered accessory to the permitted use.
 - d. Photography, dance, art and music studios, performing arts facilities and other uses similar in nature to those listed herein.
 - e. Radio, television, motion picture and computer production and broadcast facilities, excluding manufacturing.
 - f. Data centers, internet server farms and other similar uses.
 - g. Conference centers, hotels, and motels, all of which may include restaurants and cafeterias excluding drive-through facilities.
 - h. Educational training facilities, excluding correctional training programs and facilities.
 - i. Warehouses and Distribution Centers, subject to the following standards:
 1. Shall be located at least 50 feet from the boundary of any residential district or residential use. Shall be located at least 150 feet from any game preserve.
 2. Shall have controlled gate access for warehouse and distribution vehicular traffic, though employee traffic for parking purposes shall not require gate access.
 3. Outdoor storage of trailers may be provided; however, this area must be landscape screened in accordance with § 436.4.3 from abutting uses

if they differ in zoning or a use not provided within the Business Park District.

4. Permitted accessory uses include the overnight parking and/or storage of trailers and vehicles used in conduct of the business; ancillary maintenance and refueling of vehicles used in the conduct of the business; customer pick-up; and retail sales area not to exceed 20% of the total gross floor area of the primary use.
 5. All goods and 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 distribution center. No packaging of goods shall be allowed outside of the warehouse and distribution center.
 6. Truck loading docks shall not be located on the street facing side of the building or be located on the building side that abuts a residentially zoned parcel without adequate landscape buffer and screening in accordance with § 436.4.3.
 7. All outdoor lighting shall be night sky compliant.
 8. The Commission may, at its discretion, hire a third-party consultant, also acceptable to the applicant, to aid the Commission in its review of any proposed facility. The fees charged by the third-party consultant shall be borne by the applicant.
- j. Nursery schools and day care centers provided they meet the requirements of other sections of the Zoning regulations and safe and reasonable separating distances as determined by the Commission are maintained between the facility and other uses within the district.
- k. Recreational facilities and health clubs
- l. Automobile vehicle rental facilities.
- m. Municipal land uses.
- n. Cluster Developments
- o. Cannabis Establishment, see Section 567 (Approved: June 20, 2022; Effective: July 18, 2022)

436.4 Site Design Standards.

In addition to the dimensional requirements of Section 450 for the BP District, the following standards shall apply:

436.4.1 Buffers.

Where a BP District property abuts a residentially zoned property, a buffer strip one hundred (100) feet wide is required, to be planted with year-round vegetation adequate to buffer the view from the residential zone adjacent to the proposed development. Preservation of existing trees and vegetation is preferred where they provide desired screening.

436.4.2 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 marking or other method. Access to commercial delivery points shall be segregated from general public traffic. Provisions for the safe movement of pedestrians between buildings and from buildings to parking areas shall be provided.

- a. Bicycle/pedestrian pathways a minimum of six (6) feet in width may be provided along the interior roadway system. Said width may be expanded by the commission to ten (10) feet or to conform with standards of the National Park Service then in effect. The bicycle/pedestrian pathways need not be located adjacent to such roadways. Lots not served by sidewalks may be served by bicycle/pedestrian pathways. Sidewalks and bicycle/pedestrian pathways shall be constructed simultaneously with the roadways and may provide continuous circulation from one lot to another. Sidewalks and bicycle/pedestrian pathways shall be illuminated to provide safety and security for their users. Any lighting used shall be shielded or diffused so as to reflect light away from abutting traffic and to prevent skyward glare.

436.4.3 Landscaping and Screening.

- a. Landscaping may include, but not be limited to, pavement materials, fountains, ponds, street furniture, outdoor seating areas, lighting, and the planting of grass, ground cover, flower beds, shrubs, hedges, planted earthworks (mounding, grading, etc.), or trees. All planted areas shall be maintained in a healthy growing condition, neat and orderly in appearance, and free of refuse and debris. All planted areas shall be arranged and maintained so as not to obscure the vision of traffic. Unless so specified, there shall be no parking of vehicles in landscaped areas. All landscaping shall be subject to the approval of the Planning and Zoning Commission or its designated agents.
- b. Truck parking associated with warehouses and distribution centers shall be a minimum of fifty (50) feet from any residential district boundary or from any residential use; one hundred fifty (150) feet from any game preserve. All trucks in excess of a one-ton carrying capacity shall be sufficiently screened from view from adjacent properties or any public roads or rights-of-way.
- 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) inch caliper measured at twelve (12) inches above ground, and selected for hardiness and appropriateness of use and soil conditions.
- d. Landscaping shall provide transitions between buildings of different size, scale, architecture or use and to provide continuity of design. Landscaping shall provide shade and visual interest.

- e. All accessory uses shall be screened to minimize visual intrusion or landscaped to integrate these elements into the site development plan.
- f. All waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purpose and housed in a refuse enclosure or within a building. Refuse enclosures are to be constructed of material in such a way that they would be at least seventy-five (75) percent solid and shall have a concrete floor. Refuse enclosures shall be located in rear yards only and shall be properly screened to a height of seven (7) feet in accordance with Planning and Zoning Commission requirements.
- g. If chain link fencing is proposed, it shall be black PVC dipped material.

436.4.4 Utilities.

All utilities shall be constructed underground.

436.4.5 Parking Lot Layout.

- a. Parking lots shall provide well defined circulation routes for vehicles, delivery trucks and pedestrians.
- b. To the maximum extent feasible, landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of parking isles, and the location and pattern of internal driveways, and to provide pedestrian walkways where appropriate.
- c. Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations may be submitted to reduce total required parking. A reserve area for the future addition of undeveloped parking shall be provided on the Site Plan. The parking spaces in the reserve area shall be noted on the tabular summary of zoning compliance. Said reserve area shall be maintained in its natural state until developed.
- d. Where curbing is provided, it shall be concrete or stone.
- e. Any lighting used to illuminate parking areas shall be shielded or diffused so as to reflect light away from adjoining property, away from abutting traffic and to prevent skyward glare.

436.4.6 Unified Design Elements.

Through narrative notes on the Concept Plan or Site Plan and illustrative elevation drawings, the applicant shall explain how treatment of the following design elements contribute to a unified appearance that is harmonious internally in terms of scale, materials and color:

- a. Landscaping.
- b. Architecture.
- c. Signage.

436.5 Signs.

436.5.1 Conformity.

Signs shall conform with Section 540 of these regulations for each use on the site. "Lot" as used in Section 540.1.4 shall mean the area leased or otherwise dedicated to a use, which use shall be indicated on the master plan.

436.5.2 Freestanding Site Identity Signs

Each BP District shall be allowed a maximum of two single or double faced freestanding signs for the overall site which identify the project. Such signs shall contain no advertising of uses, products or services available within the site. Said signs shall conform to the requirements for signs contained in Section 540 of these regulations.

436.6 SPECIAL PERMIT Applications.

There are two application procedures for development in the BP District:

- a. A Concept Plan application for the entire BP District without a Special Permit application for specific land uses, and
- b. A Special Permit application for each proposed use within the BP District.

436.6.1 Concept Plan Application

436.6.1.a Purpose.

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 a part of a Special Permit submittal.

436.6.1.b Concept Plan Optional

The Concept Plan is not required but may be submitted by an applicant who seeks to develop all property in the entire Business Park District.

436.6.1.c Procedure.

The following procedure shall apply when an applicant seeks approval only of a Concept Plan.

1. Application.

The applicant shall file an application with the Commission for Concept Plan approval on such form as provided by the Commission and such application shall be governed by the requirements of the Connecticut General statutes for a site plan.

2. Fee.

A fee established by the Killingly Town Council under the terms of The Killingly Code of Ordinances (Chapter 12, Article 5-Land Use Processing Fees) of five hundred (\$500) dollars is required unless the Concept Plan is submitted with a Special Permit application.

3. Minimum Area.

The minimum area covered by the Concept Plan shall be all of the area within the BP District.

4. Elements of Concept Plan.

The concept plan shall be prepared by an engineer, architect, or landscape architect and shall include:

- a. Drawings at a scale of 1" = 100'.
- b. Existing topography with contours of sufficient spacing to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features (including wooded and open areas, ledge or rock outcroppings), inland wetlands, water courses and flood plain.
- c. The land uses and zoning within three hundred (300) feet of the site.
- d. Boundary descriptions of the district and of the parcels within it.
- e. Names of all abutting property owners.
- f. The location of all proposed roadways, parking areas, setbacks, easements, land use areas, reserve areas, open space areas, and access locations from connecting roads and driveways within the site to the existing public road system.
- g. Drainage and storm water management studies.
- h. The site shall be divided into general land use areas. Each area shall be identified as the location for one or more of the specially permitted uses (e.g. Research and Development, General Office, etc.).
- i. Proposed building footprints and location of parking areas.
- j. Letters from the public water company and the Water Pollution Control Authority stating how service is to be provided to the proposed land uses.
- k. A preliminary traffic analysis prepared by a professional traffic engineer may be required by the commission. Said analysis, if required, which shall include estimates of the volumes and types of traffic to be generated by the proposed development and impact of traffic on receiving streets.
- l. Narrative and illustrative elevations of design elements that contribute to a unified development appearance, per section 436.4.6.
- m. A table indicating the following:
 1. the areas of the site proposed for each land use;
 2. the number of parking spaces and loading areas proposed for each land use;
 3. wetland areas, flood plain areas, areas of ledge or rock outcroppings;
 4. overall lot coverage; and,
 5. building heights.

- n. Limits of phases where development is proposed in more than one phase.
- o. Such other relevant information as the applicant may wish to submit or the Commission may request.

436.6.1.d Required Findings

In approving a Concept Plan, the Commission shall find:

1. the application and Concept Plan are complete and meet the requirements of Section 436.6.l.c; placement of incompatible uses adjacent to one another;
2. that the proposed location of the land uses on the site avoids placement of incompatible uses adjacent to one another;
3. that the transition between the different proposed uses is suitable and that adequate buffering is provided;
4. that the proposed land uses and development pattern satisfy the purpose and intent of the regulation as set forth in Section 436.1 and the standards and requirements of Sections 436.2 through 436.5.

436.6.1e Changes to Concept Plan

Changes to an approved Concept plan are required to be approved by the Commission unless the criteria 1-5 of Section 470.1 (Waiver of Site Plan review) are met. Changes meeting the waiver criteria shall be reviewed and approved by the Director of Planning and Development.

436.6.2 BP District Special Permit Application.

A Special Permit application in conformance with Article VII, which includes submission of a Site plan as outlined in Section 470.7, is required for each proposed use. The Special Permit application is also subject to the following requirements:

436.6.2.a Concept Plan.

If no concept plan has been approved for a BP District, and the Site plan does not include proposed development for the entire BP District, a Concept Plan may, but is not required to, be submitted with the Special Permit application(s) for a proposed use or uses. The Commission shall act on the Concept plan prior to acting on the Special Permit application(s).

436.6.2.b Traffic Report.

When a Concept Plan has previously been approved and said approval included a Traffic Report, a statement by a professional traffic engineer shall be submitted stating that traffic conditions as described in said approved Concept Plan have not changed or, if they have, in what way.

436.6.2.c Statement of Zoning Conformance.

A tabular statement of zoning conformance with respect to each land use type contained on the Concept Plan.

436.6.2.d Section Requirements and Findings.

In addition to the criteria for Special Permit approval the requirements and findings of this section must be met.

436.6.2.e Changes to Special Permit Site Plan.

Changes to an approved Special Permit Site plan must be approved by the Commission unless criteria 1-5 of Section 470.1 (Waiver of Site Plan Review) are met. Changes meeting the waiver criteria shall be reviewed and approved by the Director of Planning and Development.

Section 450. Dimensional Requirements

Add the following dimensional requirements for the BP District:

Minimum lot size (in square feet) 50,000

Minimum road frontage None

Minimum building setback from any street line100 feet *

Minimum building setback from side and rear lot line.... 50feet**

Minimum building setback from district boundary line.100 feet**

Minimum parking setback from street..... 75 feet***

Minimum parking setback from side and rear lot line..... 25 feet***

* Yards facing an existing or dedicated public street shall not be less than one hundred (100) feet in depth. The first fifty (50) feet from the street line shall be fully landscaped.

* * Setback of one hundred fifty (150) feet including a one hundred (100) foot buffer strip is required where the BP District line abuts residentially zoned or residentially used land. Buildings within the BP District may have zero (0) feet setback from the side and rear lines of adjacent lots within the BP District with the approval of the Planning and Zoning Commission and provided the rear and/or sideline does not constitute a district line.

* * * Setback of one hundred (100) feet including a one hundred (100) foot buffer strip is required where a lot line abuts residentially zoned or residentially used land. Parking areas may have zero (0) feet setback from side and rear lines of adjacent lots within the BP District with the approval of the Planning and Zoning Commission and provided the rear and/or side line does not constitute a district line.

* * * * Office buildings, research and development buildings, and warehouses and distribution centers may have a maximum height of fifty (50) feet or a height sufficient to accommodate four (4) stories in accordance with industry standards, whichever is greater, with the approval of the Planning and Zoning Commission. When a structure exceeds fifty (50) feet in height, all required yards shall be increased by five (5) feet for each additional one (1) foot in building height above fifty (50) feet.