

# City of Groton, Connecticut

## Special Permit Guide: Uses and Modifications of Zoning Standards



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A Special Permit, also referred to as a Special Exception, is a permit for a use of land or modification to a specific zoning standard (i.e. parking space size, building height, etc.) and which may be compatible within a zoning district if certain criteria are achieved. For Special Permits in the City of Groton, this criteria is outlined within Section 9.4 of the Zoning Regulations as well as applicable section of the zoning standards. The intent of the special permit criteria includes, but is not limited to, the intent to reduce nuisances (i.e. noise, dust, vibration, traffic, etc.), protect public safety, promote the implementation of the City's POCD, and avoid conflicts with adjacent and nearby land uses. Special Permits require a public hearing.

To assist applicants in understanding when a Special Permit may be required, the City of Groton, Department of Planning and Economic Development, has developed this summary to call attention to elements of the Zoning Regulations that require a Special Permit. This summary is for convenience only and does not replace the zoning regulations. It is the applicant's responsibility to be familiar with the Regulations and all application requirements:

### Uses

3. **Residence Zones &**
4. **Business & Industrial Zones**

**Principal and Accessory Uses** listed within the respective Zoning District as requiring **Special Permit** with Site Plan Review.

### Standards

#### 4.1 **Waterfront Business Residence**

##### **H. Possible Modifications to Dimensional Standards**

1. **Building Height** - The Commission may, by **Special Permit**, allow for an increase of maximum building height up to a maximum of 35 feet when doing so will help to achieve the purposes, objectives, and design considerations in the Waterfront Business Residence District.
2. **Building Width** – The Commission may, by **Special Permit**, allow for an increase of maximum building width when doing so will help to achieve the purposes, objectives, and design considerations in the Waterfront Business Residence District.

##### **I. Parking and Loading Requirements**

Since the Waterfront Business Residence District is important to the city's character and because its physical integrity must be enhanced, and further because it is desirable to utilize existing buildings as fully and as efficiently as possible, parking for uses within the District may be provided as follows:

1. The Commission may, by **Special Permit**, reduce the parking requirements in Section 7.1 of these Regulations by up to 50 percent for uses within the Waterfront Business Residence District if the developer provides such spaces either:
  - a. On-street in locations deemed acceptable to the Commission; or

- b. On the subject property in a configuration which makes such spaces available to the general public; or
- c. On other property in the vicinity provided such spaces are:
  - Subject to a deed restriction binding the owner and his/her heirs and assigns to maintain the required number of spaces either (1) throughout the existence of the use to which they are accessory, or (2) until such spaces are provided elsewhere, and
  - Configured to make such spaces available to the general public.

## 4.2 Five Corners District

### G. Parking and Loading Requirements

Since the Five Corners District is important to the city’s character and because its physical integrity must be enhanced, and further because it is desirable to utilize new and existing buildings as fully and as efficiently as possible, parking for uses within the District may be provided as follows:

1. On street parking is encouraged and the Commission may, by **Special Permit**, reduce the parking requirements in Section 7.1 of these Regulations by up to 50 percent for non-residential uses within the Five Corners District if the developer provides such spaces on-street in locations deemed acceptable to the Commission.
3. The Commission may, by **Special Permit**, reduce the parking requirements in Section 7.1 of these Regulations by up to 33 percent for non-residential uses within the Five Corners District if the developer provides such spaces either:
  - a. On the subject property in a configuration which makes such spaces available to the general public; or
  - b. On other property in the vicinity provided such spaces are:
    - Subject to a deed restriction binding the owner and his/her heirs and assigns to maintain the required number of spaces either (1) throughout the existence of the use to which they are accessory, or (2) until such spaces are provided elsewhere, and
    - Configured to make such spaces available to the general public.

## 4.4 Industrial / Technology Zone

### E. Bulk Standards Table

**Minimum Buffer Strip:** Unless modified by the Commission by **Special Permit** due to the provision of comparable screening, a landscaped strip 25 feet wide providing complete visual screening shall be provided along lot lines that abut or are across the street from any residential zone.

**Maximum Building Height:** The Commission may, by **Special Permit**, authorize a building height above 75 feet when such additional height is needed for a specific manufacturing process or operational consideration.

## 4.5 Technology Campus Zone

### E. Bulk Standards Table

**Minimum Buffer Strip:** Unless modified by the Commission by **Special Permit** due to the provision of comparable screening, a landscaped strip 25 feet wide providing complete visual screening shall be provided along lot lines that abut or are across the street from any residential zone.

## 5.3 Flood Protection Overlay Zone

### E. General Requirements

In all areas of special flood hazard, the following provisions shall apply in addition to those set forth elsewhere in these Regulations:

3. Commission shall review plans for new developments requiring Site Plan approval or **Special Permit** in order to determine whether such development is consistent with the need to minimize flood damage within the flood prone areas and to determine whether proposed developments and building sites will be reasonably safe from flooding. Special consideration shall be given to the placement of public utilities and the provision of adequate drainage to reduce exposure of flood hazards.

## 6.4 Day Care

Day care operations, as defined in these Regulations, are subject to the requirements listed below and other applicable regulations.

1. For any child day care operation, a graded and suitably fenced play area, including a minimum of 75 square feet of play space for each child who would be using the play area at any one time, shall be provided.
  - a. The minimum required play area shall be free of hazards and regulated wetland soils, provide a suitable play surface, and shall be a minimum of 1% but not in excess of 3% in grade.
  - b. Where the existing topography and conditions present unique circumstances which will not compromise child safety, the Planning and Zoning Commission may, by **Special Permit**, increase the maximum play area grade requirement to 5%.
3. Group day care homes and child day care centers shall provide a buffer strip within the boundaries of the lot with appropriate fencing and landscaping of suitable type, density and height to effectively screen the daycare activities from the neighboring properties.
  - e. The Commission may, by **Special Permit**, reduce the width requirement of the buffer area where:
    - existing topography, landscaping, and/or other features provide an adequate buffer and screening, or
    - Lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, provided screening (planting, fences, berms, etc.) or other methods are utilized to ensure the buffer area meets the intent of the Regulations.

## 6.5 Bed and Breakfast Establishment

5. All parking and loading areas and other outdoor recreational and/or service activities associated with the Bed and Breakfast Establishment that are located within a residential zone or abut or are located across the street from property within a Residential Zone shall be effectively screened and bordered on all sides by a 10-foot-wide buffer strip; however, the Planning and Zoning Commission may, by **Special Permit**, reduce the buffer dimension requirement where:
  - a. Existing topography, landscaping, and/or other features provide an adequate buffer and screening, or

- b. where lot size and shape or existing structures make it infeasible to comply with the buffer width required above, provided screening (planting, fences, berms, etc.) or other methods are utilized to ensure the buffer area meets the intent of these Regulations.

## 6.6 Gasoline Stations, Vehicle Dealerships, Vehicle Repair and Service

10. No application for Approval of Location for any gasoline station, vehicle dealership or vehicle repair and/or service garage, shall be accepted by the Zoning Board of Appeals unless and until the Planning and Zoning Commission has previously approved the Site Plan and authorized the issuance of a **Special Permit**.

## 6.9 Vocational Training Facility

8. A VTF shall provide a buffer strip within the boundaries of a lot as follows:
  - e. The Planning and Zoning Commission may, by **Special Permit**, reduce the width requirement of the buffer area where
    - existing topography, landscaping, and/or other features provide an adequate buffer and screening, or
    - lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, provided screening (planting, fences, berms, etc.) or other methods are utilized to ensure the buffer area meets the intent of these Regulations.

## 6.10 Specialized Classrooms

4. Specialized Classrooms shall provide a buffer strip within the boundaries of a lot, which is in or adjacent to a residential district or use, and shall maintain appropriate fencing and landscaping of suitable type, density, and height to effectively screen the facility activities from neighboring residential zones or properties.
  - c. The Commission may, by **Special Permit**, reduce the width requirements of the buffer area where
    - existing topography, landscaping, and/or other features provide an adequate buffer and screening, or
    - lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, provided screening (planting, fences, berms, etc.) or other methods are utilized to ensure the buffer area meets the intent of these Regulations.

## 6.12 Telecommunication Facilities

### B. Permitted Facilities

**6. Commercial Satellite Dish Antenna** – A ground-mounted or roof-mounted satellite dish antenna in a non-residential district provided the dish antenna measures 2 meters (6.56 feet) or less in diameter; and the dish antenna is either screened from public view or integrated into the site design or approved by the Commission by **Special Permit**.

## 6.13 Historic/Institutional Adaptive Reuse

- D.9 A buffer strip shall be provided within the boundaries of the lot if the proposed use is more intense than those allowed by the existing zone.
- c. The Commission may, by **Special Permit**, reduce or eliminate the width requirement of the buffer strip where:
- Existing topography, landscaping, and/or other features provide an adequate buffer and screening; or
  - Lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, provided screening (planting, fences, berms, etc.) or other methods are utilized to ensure the buffer area meets the intent of the Regulations; or
  - The architectural features of the site are deemed visually important to the neighborhood and the Commission determines that all or some of the property should be left open to be seen.

## 7.1 Parking and Loading Regulations

### C. Possible Modification Of Parking Requirements

1. **Permanent Parking Reduction For A Single Property** – The Commission may, by **Special Permit**, modify the cumulative parking requirements of Section 7.1B of these Regulations for a single property in the following situations:
  - a. Where in a mixed-use development on a single property, there are two or more land uses which have differences in their principal operating hours or dissimilarities in their clientele, thereby allowing utilization of the same parking spaces.
  - b. Where a use is located within 500 feet of another use, such as a church or other public place of assembly that is not in operation during the same hours or days as the first use, and where such church or public place of assembly is willing to make its parking available to the first use.
  - c. Where the Commission finds that existing on-street parking or on-street parking to be established by the applicant in the vicinity will alleviate the need to provide the full complement of parking on the site.
2. **Permanent Parking Reduction For Multiple Properties** – The Commission may, by **Special Permit**, modify the cumulative parking requirements of Section 7.1B of these Regulations for multiple properties where the Commission finds that a functional and interconnected parking arrangement is provided within and between the properties, that an agreement for joint access and parking, in perpetuity, acceptable to the Commission is filed on the land records, and further provided the Commission finds one or more of the following based on information provided by the applicant:
  - a. Peak parking demands among uses occur at different hours of the day and this offset results in a lower net peak parking demand;
  - b. Synergistic relationships among uses allow patrons to park once while accessing multiple locations or allow for multiple purpose trips to occur within the development(s); or
  - c. The uses are likely to generate transit, bicycle or pedestrian trips and accommodations have been made to support these alternative forms of transportation.

3. **Permanent Compact Space Parking Reduction** - The Commission may, by **Special Permit**, permit parking spaces not less than 8 feet by 18 feet in cases where:
  - a. the parking spaces are for the exclusive use of employees,
  - b. all vehicles are parked by an attendant, or
  - c. the parking spaces are within a garage.
  
5. **Temporary Parking Installation Reduction** - The Commission may, by **Special Permit**, waive the immediate installation of up to 25% of the required parking spaces where sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use provided that:
  - a. The **Special Permit** shall be applicable only to the particular use or occupancy of land, buildings, or other structures specified in the application, and such **Special Permit** and Zoning / Building Permit issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy.
  - b. Before the Commission waives the immediate installation of spaces, the applicant shall show upon the site development plan the complete layout for the full parking requirements and the design of the complete stormwater management system designed to handle the deferred parking pavement.
  - c. Upon approval by the Commission, the owner shall file the plan approved by the Commission in the Office of the Town Clerk, stipulating that:
    - the complete stormwater management system shall be installed at the time of initial development, and
    - the owner, or the successor and assigns of the owner, will install as many of the waived parking spaces as the Commission deems necessary within six months of the Commission's request, when, in the opinion of the Commission, such installation is needed.

**D. Location of Parking**

3. In industrial zones, if there are special and unusual circumstances that make it impractical to provide all required parking within 500 feet of the principal use, other provisions may be made for the location of parking provided parking is a permitted use in the zone in which it is to be located and subject to **Special Permit** approval and Site Plan approval by the Commission.

**E. Size of Spaces**

1. Off-street parking space shall be 9 feet in width by 20 feet in length except that the Commission may, by **Special Permit**, permit the following parking space configuration where the location and distribution of spaces and overall circulation is appropriate:
  - a. At least 60 percent of the spaces shall be 9 feet in width by 18 feet in length;
  - b. Up to 20 percent of the spaces may be 8 feet in width by 16 feet in length and be marked as "compact spaces"; and
  - c. Up to 20 percent of the spaces shall

**J. Surface / Lighting / Landscaping Requirements**

5. All parking areas shall be landscaped in accordance with the requirements below:
  - d. A planting area with a minimum width of three (3) feet shall be provided between the parking area and the required setback line on any parcel, except in the Industrial / Technology (IT) or Technology Campus (TC) zones, where:
    - A Site Plan approval or **Special Permit** is required, and
    - The parking area faces a street or property line.

## 7.2 Sign Regulations

### D. Signs Permitted in Residence Zones

The following signs are permitted in all Residence Zones, including the R-12 and WBR Zones.

1. One identification sign for each separate street line of an approved **Special Permit Use** subject to the following standards:
  - a. The square foot area of such sign shall not be greater than one-half the linear foot distance it is located from any lot line and, in any case, shall not exceed 9 square feet in area;
  - b. The height of such sign shall not be greater than the distance it is located from any lot line and, in any case, shall not exceed 8 feet in height;
  - c. The sign shall only be non-illuminated or indirectly illuminated;
  - d. The sign shall comply with the applicable side and rear yard setback requirements for principal buildings; and
  - e. The sign shall be set back a minimum of 50% of the applicable front yard setback requirement for principal buildings.

### F. Commercial Advertising Signs in Non-Residential Zones

Indirectly illuminated commercial advertising signs are permitted in the General Commercial, Industrial / Technology, and Technology Campus Zones subject to **Special Permit** approval and Site Plan approval and the following conditions:

1. Not more than one commercial advertising sign shall be permitted on a lot and the sign area of such sign shall not exceed a length of 48 feet nor a vertical dimension of 14 feet. All such commercial advertising signs shall be ground signs.
2. Such signs shall be located only where the applicable zone extends at least 250 feet in all directions from the proposed sign and shall not be placed closer than 750 feet apart, measured along the center-line of the street to any other such sign.
3. Such signs shall comply with all yard setback requirements for principal building in the applicable zone, but in no case shall such yard setback be less than 20 feet from any lot line.
4. The maximum height of the structure shall not exceed the maximum height for principal buildings in the applicable zone, nor shall it exceed a height of 40 feet above the ground level nor 24 feet above the curb level of the street to which it is oriented.
5. When such signs are visible from the main traveled way of a limited access highway and are located within 500 feet of such highway, they shall not be placed closer than 3,500 feet apart measured along the center-line of such highway to any other such sign.
6. When pre-existing commercial advertising signs exist, the owner may apply to the Planning and Zoning Commission to remove and relocate such sign with a new commercial advertising sign of equivalent size which conforms to this Section in all respects; except that the Commission may allow such relocation 50% closer to other commercial signs than otherwise required.

## 7.6 Outdoor Lighting

### D. Exemptions and Modifications

3. The Commission may, by **Special Permit**, allow lighting that does not comply with the requirements of this Section provided the Commission determines, in its sole

discretion, that such proposed lighting is consistent with the purpose of these Regulations. The following considerations are provided as guidance:

- a. That an extraordinary need for security exists because of a history of vandalism or other objective means;
- b. That in traveled ways or areas, conditions hazardous to the public exists, such as steep embankments or stairs;
- c. That it would be unreasonable to require replacement of an entire lighting installation because a minor change is proposed to an existing non-conforming lighting installation;
- d. Special lighting is indicated for historic buildings;
- e. That ornamental up-lighting of sculpture, buildings or landscape features end enhance the character of the area; and
- f. Such lighting is necessary for special outdoor events and playing fields.

## 7.7 Stormwater Management

### B. Applicability

The provisions of this Section of the Regulations shall apply to any development within the City of Groton which requires approval of a Site Plan in accordance with Section 9.3 of these Regulations or approval of a **Special Permit** in accordance with Section 9.4 of these Regulations.

### D. Modifications

The Commission may, by **Special Permit**, reduce the requirements as specified in Section 7.7.C provided that adequate information has been submitted by the applicant for the Commission to evaluate the request and:

1. The City Engineer has provided a recommendation such requirements cannot reasonably be attained at the subject property and/or such requirements would be of limited practical benefit at the subject property; or
2. The Commission has received a report from a professional engineer hired by the Commission, at the applicant's expense, providing a positive recommendation regarding the modification.

## 7.8. Performance Standards

### A. Applicability

1. The performance standards of this Section shall apply to all lands, buildings, structures, and uses in all zones, whether a permitted use, a **Special Permit** use, an accessory use or a non-conforming use.

### C. Standards for Dangerous or Objectionable Elements

5. **Noise** – The maximum sound pressure level radiated at the lot or street line by any use or facility shall not exceed the values tolerable in a specifically affected residential neighborhood, unless such levels are specifically authorized as an integral part of a **Special Permit** approval and Site Plan approval.
9. **Waste materials** - Waste materials used for the purpose of fill may be permitted only in areas designated by the Commission, subject to **Special Permit** approval and Site Plan approval in accordance with Section 7.3, herein.



#### D. Administration and Enforcement

1. **Written Statement May Be Required** - As a part of any application for a **Special Permit** or Building Permit, the Commission, City Planner, or Zoning and Building Official, respectively, may require that the applicant submit a written statement of the proposed use of the building, structure or use for which the application is made, together with a certificate by a registered professional engineer, qualified scientist, or other recognized authority as to his/her best estimate as to the impact of the proposed use from the standpoint of the standards set forth in Section 7.8.C of these Regulations, and what, if any, environmental protection measures will be taken.

### 8.3 Non-Conforming Uses, Structures and Lots

#### A. Non-Conforming Uses

2. **Alteration Or Enlargement** - A non-conforming use shall not be extended or enlarged and no structure containing a non-conforming use shall be structurally altered except:
  - a. To make it a conforming structure;
  - b. To comply with requirements of health and safety laws or ordinances; and/or
  - c. Subject to **Special Permit** approval and Site Plan approval by the Commission, to result in a situation with a lesser impact upon the surrounding area than the existing use.
3. **Relocation** - A pre-existing non-conforming use may, subject to **Special Permit** approval and Site Plan approval by the Commission, be moved or relocated provided that such moving or relocation will:
  - a. Reduce or eliminate the non-conformity; or
  - b. Result, in the opinion of the Commission, in a situation with a lesser impact upon the surrounding area than the existing use.
4. **Change Of Use** - The Commission may, subject to **Special Permit** approval and Site Plan approval, allow a change from a pre-existing non-conforming use to another non-conforming use provided that:
  - a. The proposed use is similar in intensity to the existing use or lower in intensity than the existing use; and
  - b. The proposed use will have a lesser impact upon the surrounding area than the existing use.

#### B. Non-Conforming Structures

3. **Alteration Or Enlargement** - A non-conforming structure shall not be extended, enlarged, or altered except:
  - a. To make it a conforming structure;
  - b. To comply with requirements of health and safety laws or ordinances;
  - c. Subject to Site Plan approval by the Commission, changes to the exterior appearance of the non-conforming structure may be permitted when the Commission determines that such change is more compatible with the surrounding neighborhood; and/or
  - d. Subject to **Special Permit** approval and Site Plan approval by the Commission, to result in a situation with a lesser impact upon the surrounding area than the existing structure.

4. **Relocation** - A pre-existing non-conforming structure may, subject to **Special Permit** approval and Site Plan approval by the Commission, be moved or relocated provided that such moving or relocation will:
  - a. Reduce or eliminate the non-conformity; or
  - b. Result, in the opinion of the Commission, in a situation with a lesser impact upon the surrounding area than the existing structure.

## 8.4 Design Considerations

### A. Purpose

Since the architectural design, scale and mass of the buildings and other structures are important in determining the visual character of an area, the considerations listed in this Section are recommended in certain areas (such as the Waterfront Business Residence District and the Five Corners District) so as to ensure that new buildings harmonize with and will be compatible with the neighborhood, to protect property values and to preserve and improve the appearance and the beauty of the community.

[Additional text intentionally omitted. See Section]

These design considerations may also be used as part of development reviews in other areas of Groton, particularly as part of the **Special Permit** process.

## 9.3. Site Plan Application

### A. Purpose

A Site Plan is intended to provide the Commission with information that will enable it to determine that the proposed building, use or structure is consistent with the requirements of these Regulations.

### B. Applicability

1. Unless exempted by Section 9.3.B.2, a Site Plan application shall be submitted:
  - a. For any activity designated in the Regulations as requiring Site Plan approval.
  - b. For any activity designated in the Regulations as requiring **Special Permit** approval.

### D. Proceedings

5. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a **Special Permit** application or a Zone Change application):
  - a. The time period for acting on the Site Plan application shall coincide with the time period for acting on the related application; and
  - b. A decision on the application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.

## 9.4. Special Permit Application

This section should be referred to for all **Special Permit** application and procedural requirements, regardless if the **Special Permit** is for a use or modification to the zoning standards.

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