

SECTION 700 – SPECIAL PERMITS

700.1 – Purpose

A use that, because of specific requirements or characteristics, may be allowed in a particular zoning district only after review by the Commission and granting of a special use permit imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

The special permit process is intended to ensure that additional standards as required by these regulations are conformed to, in addition to all other requirements of these regulations. Uses requiring a special permit are declared to possess characteristics of such unique and special form that each specific use shall be considered on its individual merits on a case-by-case basis.

700.2 – Interchangeable Terms Used Within This Zoning Regulation Section

- a. Planning and Zoning Commission shall be referred to as “Commission.”
- b. Planning and Development Staff shall be referred to as “Staff” and shall include but not be limited to the director, Planner, and Assistant Planner.

700.3 – Authority

- a. The Connecticut General Statutes (“CGS”) under the following Sections 8-2(a)(3) (Regulations), Section 8-3c (Special permits, exceptions and exemptions, Hearings. Filing requirements. Expiration and Extensions), Section 8-3d (governs recording of decisions), Section 8-31 (Notice to Water Company), Section 8-3k (Expirations and extensions), Section 8-7d (Hearings and decisions, etc.) manage various aspects of a special permitted use application, and should any part of these zoning regulations be in conflict with the CGS then the CGS shall take precedence over the particular zoning regulations that is in conflict. Said conflict shall not adversely affect any of the other zoning regulations.

700.4 – Pre-Application Technical Meeting

As stipulated by CGS Section 7-159b (Pre-application review of use of property), any comments or suggestion on the pre-application plan by the Commission or Staff shall not be construed as a form of approval and shall not be binding upon the Commission should a subsequent formal application for the site be officially filed.

- a. Pre-Application Technical Meeting – Prior to submission of a formal special permit application, the applicant shall meet with Staff to discuss the application requirements and review pre-application plans.
- b. Pre-Application Plan – A pre-application plan may also be submitted to the Commission for the purpose of preliminary discussion. The plan may be general in nature but should be sufficiently clear to indicate all proposals; however, the applicant may choose to only complete the pre-application technical review meeting with Staff prior to submitting their formal application.

700.5 – Application Submittal Requirements

- a. A Special Permit application shall be submitted in accordance with this Section for any activity designated in the regulations as requiring a Special Permit. The application shall be submitted in writing, and in a format prescribed by the Commission, to the Planning and Development Office. The Commission shall adopt administrative procedures, including but not limited to application forms, site plan map requirements, number of copies, and filing deadlines. Failure on the applicant's part to comply with the application submission requirements of these Regulations may be grounds for the Commission to deny such application.
- b. The application and any additional reports (such as Stormwater Drainage Reports) must be completed, and payment is received in full at the time of submittal.
- c. Number of Plan Copies Required – The applicant shall submit four (4) full size (24" x 36"), and four (4) ledger size (11" x 17") paper copies of the proposed plans (See Site Plan Review Section 470, etc.).
- d. Electronic / Digital Copies – In addition to the submission requirements above, the applicant shall submit in digital format (PDF or JPEG, as deemed appropriate by Staff) all application materials, and any supplemental information requested by the Commission through and to the final action by the Commission. These materials shall include, but not be limited to, the application form, cover letter, written narrative of application, site plans, architectural plans, reports, easement or deeds to roads, and any other information submitted to support the application throughout the process.
- e. Written Narratives Required - Each application for a Special Permit shall be accompanied by written narratives or reports to show how the zoning regulations are being met, and that address all off-site and on-site impacts, requirements, improvements, and considerations including but not limited to building location, traffic, storm drainage, sanitary sewerage, water supply, parking and circulation, landscaping, and environmental and aesthetic considerations. Sufficient information to address these major impacts shall be provided by the applicant. Detailed plans for facilities, structures and improvements shall not be required at this time.
- f. Site Plan Required – Each application for a Special Permit shall be accompanied by a Site Plan conforming to the requirements of Section 470 of these regulations unless Staff finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan application is not necessary for the Commission to evaluate the proposal.
- g. Additional Information – At any time during its consideration of an application, and in accordance with the requirements of these regulations, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance with these regulations, including but not limited to

information regarding soils, storm drainage, sanitary sewerage, water supply, streets, or traffic circulation.

- h. Submittal Date – A complete Special Permit application, fee included, must be submitted a minimum of seven (7) calendar days before a regularly scheduled meeting to be received by the Commission at that meeting. Nothing in this section shall be construed to extend the time limits for action as specified in the CGS.
- i. Received Date - Not to be confused with a submittal date, the date of receipt is the earlier of the following:
 - 1. The day of the next regularly scheduled meeting of the Commission immediately following the day the petition was submitted; or
 - 2. thirty-five (35) days after the day the petition was submitted. It is the date of receipt which commences the statutory time frames.
- j. Amendment / Modification of Application – The Commission may choose not to accept any amendments / modifications to an application after it has been received and may determine that modifications are so significant that a new application is required.
- k. Nothing in this section shall prohibit an applicant from submitting “reply” reports in response to documents submitted by the public, staff, consultants, or other sources during the public hearing process.
- l. The Commission may deny an application without prejudice where application information or revisions have been received so late in the process as to deny or curtail the opportunity for thorough review and comment by the public, staff, or other public agencies.

700.6 – Procedural Timelines

Procedural Timelines are governed by the Connecticut General Statutes Section 8-3c (Special Permits), Section 8-3 d (governs recording of decisions), Section 8-3i (Notice Water Company), Section 8-3k (Expirations and extension), Section 8-7d (Hearings and decisions, etc.). Please see Appendix ____ for an outline of same.

700.7. – Miscellaneous

Various other sections of the Killingly Zoning Regulations shall apply in consideration of a Special Permit Application, such as, but not limited to parking, signage, soil erosion and sediment control. It is up to the applicant to verify that all zoning regulations that apply are complied with.

700.8 – Referrals and Expert Consultants

To assist with its consideration of an application for a Special Permit, the Commission may refer said application to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

- a. The Commission may engage the services of an outside third-party consultant to assist in its review of a Special Permit application. If such services are engaged, the Commission will

provide an estimate for those services and the applicant shall submit a deposit for the full amount of the estimated fee to the Town of Killingly prior to opening of a public hearing on the application.

- b. The Commission should decide at the time of receiving an application if an outside consultant will be required prior to scheduling future reviews, hearings, or other actions.
- c. An application will be denied as incomplete if the payment for the third-party consultant is

700.9 – Standards for Approval

Except as otherwise provided herein, a use allowed by Special Permit shall conform to all requirements of the zoning district in which it is proposed to be located and the standards contained herein. The Commission may grant a Special Permit after considering whether the use and associated site plan are appropriate for the proposed site based on the following factors:

- a. Plan of Conservation and Development – The general conformity of the Special Permit with the intent of the Plan of Conservation and Development; however, the Plan of Conservation and Development shall not take precedence over specific provisions of these regulations. *The Plan of Conservation & Development is advisory and not regulatory.*
- b. Purposes of Regulations – The proposed use or activity is consistent with the purposes of the Regulations.
- c. Environmental Protection and Conservation – Appropriate consideration shall be given to the protection, preservation, and/or enrichment of natural, scenic, historic, and unique and environmental resources and features.
- d. Suitable Location for Use – with respect to:
 - 1. The size of the lot,
 - 2. The nature and intensity of the activities involved in or conducted in connection with the use,
 - 3. The streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the neighborhood in which it is located; and,
 - 4. The impact on neighboring properties and residences or the development of the district.
- e. Appropriate Improvements
 - 1. The design elements shall be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future density of development and intensity of uses of the neighborhood.
 - 2. The location, nature and height of buildings, walls, fences, planned uses, and the nature and extent of landscaping on the lot shall not hinder or discourage the

appropriate development and use of land and buildings in the neighborhood or impair the value thereof.

3. The proposed use shall have no material adverse impact upon the neighborhood.

f. Suitable Transportation Conditions

1. The design, location, and specific details of the proposed use or activity shall not:
 - a. adversely affect safety in the streets,
 - b. unreasonably increase traffic congestion in the area,
 - c. interfere with the pattern of vehicular circulation in such a manner as to create or increase unsafe traffic conditions.
2. Parking area or areas shall:
 - a. be of adequate size for the particular use,
 - b. be suitably screened from adjoining residential uses, and
 - c. have entrance and exit drives laid out to prevent traffic hazards and nuisances.
 - d. Applicant should refer to Section 530 (Off Street Parking and Loading) of these zoning regulations.
3. Streets and other rights-of-way shall be of such size, condition, capacity, width, grade, alignment, and visibility to adequately accommodate the traffic to be generated by the proposed use.

g. Adequate Public Utilities and Services

1. The provisions for water supply, sewage disposal, and storm water drainage shall:
 - a. conform to accepted engineering practices,
 - b. comply with all standards of the appropriate regulatory authority; and
 - c. not unduly burden the capacity of such facilities.
2. The proposed use, or activity, shall:
 - a. provide ready accessibility for fire apparatus, rescue, and police protection, and
 - b. be laid out and equipped to further the provision of emergency services.

h. Neighborhood Impacts

The use shall be appropriate for the area, shall not create a nuisance, and shall not hinder property values of nearby properties.

i. Long Term Viability

Adequate provision shall be made for the sustained maintenance of the proposed development including structures, streets, and other improvements.

700.10 – Decision Considerations

- a. On a Special Permit application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45 (Inland Wetlands and Watercourses Act), inclusive, the Commission shall:
 - 1. Wait to render its decision until the Inland Wetlands and Watercourses Agency has submitted a report with its final decision; and
 - 2. Give due consideration to any report by the Inland Wetlands and Watercourses Agency when making its decision.
- b. On a Special Permit application involving notice to adjoining municipalities or notice to water companies, the Commission shall give due consideration to any report or testimony received.
- c. Before the Commission approves a Special Permit application, the Commission shall determine in its sole discretion that the application:
 - 1. Has satisfied the Special Permit criteria in Section 700.9 of these regulations,
 - 2. Conforms with all other applicable provisions of these regulations; and
 - 3. It is in harmony with the purposes and intent of these regulations.
- d. Before approving a Special Permit, the Commission shall determine that any accompanying Site Plan application is in conformance with the applicable provisions of these regulations. In approving a Special Permit, the Commission may stipulate such conditions as are reasonable and necessary to protect or promote:
 - 1. Public health, safety, or welfare,
 - 2. The environment,
 - 3. Improved land use, site planning and land development, and sound planning and zoning principles,
 - 4. Property values; or
 - 5. Better overall neighborhood compatibility.
- e. Any condition or safeguard attached to the approval of a Special Permit shall:
 - 1. Continue in full force and effect regardless of any change in ownership of the lot; and
 - 2. May only be modified through approval by the Commission of an application to modify the Special Permit.

700.11 – Conditions and Safeguards

In granting a Special Permit, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety, and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:

- a. Hours of operation,
- b. Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith,
- c. A date of expiration of a Special Permit associated with a Site Plan that is consistent with the Site Plan expiration date,
- d. Conservation restrictions necessary to protect and permanently preserve unique natural site features,
- e. Soil erosion and sediment control measures in accordance with the provisions of Section 590; or,
- f. A bond in accordance with the provisions of Section 470.16.

700.12 – Limit of Special Permit

A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

700.13 – Effective Date

No Special Permit shall become effective until it has been filed in the Town land records in accordance with the provisions of the Connecticut General Statutes.

700.14 – Duration of Special Permit

Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property.

700.15 – 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. Seasonal conditions cause a delay to landscaping, seeding, etc.

Non-compliance within that stated time shall make the approval null and void unless further extended for compelling cause.

700.16 – Non-Compliance with Special Permit

Failure to strictly comply with the documents, plans, terms, conditions, and/or safeguards approved by the Commission as a part of the Special Permit shall be a violation of these Regulations. The Zoning Enforcement Officer shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time for compliance therewith. Unless there is full compliance within such time, the Commission may, following a duly advertised public hearing, rescind, and revoke such Special Permit.

No special permit application for which a public hearing has been held and the permit denied by the Commission cannot be resubmitted unless the Commission finds that substantial change has taken place in the proposed use or other circumstances which were the basis for denial.

700.18 – Amendments or Modifications

An approved Special Permit may be amended or modified if the application is made in the same manner as the original application and subject to the same procedures for approval. Amendments to the Special Permit which would substantially alter the Special Permit, increase the existing building coverage, or gross floor area of the use by 10% or more may be approved by the Commission only after a public hearing.

Refer to Section 470.16 – Amendments or Modifications for a minor amendment verse a major amendment.

700.19 Bonding / Financial Guarantee

The requirements for a financial guarantee (bonding) are described under the Site Plan Section 470.15.