

SECTION 7.05 - SPECIAL PERMITS

- A. Intent.** A special permit use is a use that has been identified in these Regulations as being potentially appropriate in a particular district, but only when the proposed structures and uses are found by the Commission to:
1. Be arranged and constructed in a manner that protects the health, safety, and welfare of the citizens of Sterling;
 2. Be of such character as to harmonize with the neighborhood;
 3. Allow for free flowing traffic;
 4. Preserve and protect natural resources, historic and culturally significant landscapes, and the appearance and beauty of the community.
 5. Be consistent with future development as identified and envisioned in these Regulations and the Sterling Plan of Conservation and Development.
- B. Applicability.** For any activity requiring a special permit as set forth in these Regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor structures or premises erected, altered, enlarged, or used until the Commission grants a special permit or amends a previously granted special permit.
- C. Appropriateness of Use.** The proposed use shall be appropriate for the designated location with regard to
1. the size and intensity of the proposed use and its relation to existing land uses;
 2. the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and any special traffic characteristics of the proposed use;
 3. the impact of the proposal on public access to light and air; the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions;
 4. the overall impact on neighborhood property values;
 5. the preservation of the neighborhood in terms of scale, density, intensity of use, architectural character, and similar factors;
 6. the ability of existing municipal, state, or other services and infrastructure to provide for the needs of the proposed use, including but not limited to fire and police protection, transportation, water, sewerage, utilities, storm water drainage, schools, and open space.
- D. Uses Adjacent to, or Impacting Residential Areas.** Before granting any special permit, the Commission must find that the location, size, nature, and intensity of the proposed use will not be detrimental to the character of any residential district or conflict with the vehicular or traffic characteristics of the neighborhood; and that the location, size, and nature of structures and the extent of site development is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

E. General Procedures. Special permits are reviewed and approved by the Planning and Zoning Commission. Any application for a special permit must include a site plan in accordance with Section 7.04. After a special permit and accompanying site plan are approved, the Zoning Enforcement Officer shall be authorized to issue a zoning permit.

1. Submission and Receipt of Application.

An application, consisting of:

- a. A complete application form.
- b. Fee paid in full.
- c. A plan that includes a 1:1000-scale location map, property and zone boundaries; the location and height of all existing and proposed buildings and uses; the location of all existing and proposed parking and loading areas; the location and description of all proposed open spaces, screening and buffers; and the names of all owners of abutting parcels.
- d. A site plan per Section 7.04 of the Regulations.
- e. Renderings and elevations of proposed buildings [All side of building(s) and/or structure(s)].
- f. Additional information as the Commission may require to demonstrate conformity to these Regulations.

Applications shall be submitted to the Zoning Enforcement Officer for receipt by the Planning and Zoning Commission. It is the responsibility of the applicant to provide a complete application, and incompleteness of an application may be grounds for denial.

The procedures specified in the Connecticut General Statutes shall govern the handling of such application with regard to time frames for submission, receipt, and action on such application.

Special permit applications may be submitted by the owner(s) of the subject property; the prospective purchasers of such property, provided consent of the current owner of record accompanies the application; or the lessee of the current owner of record, provided the consent of the owner accompanies the application.

- 2. Review and Decision.** The Commission shall review each proposed special permit use according to the requirements of this section and other applicable regulations. The Commission shall seek to determine the impact of the proposed building or use on the site and surrounding areas, and it may establish any appropriate conditions of approval, including but not limited to modifications of the accompanying site plans, the Commission finds may be necessary to ensure compliance with the Regulations and to accomplish the purposes of this Section 7.05. The Commission shall consider the impact of the proposed use upon neighboring properties and the Town as a whole. Such uses shall be approved only if the applicant can demonstrate that the proposed activity will conform to these Regulations.
- 3. Notification of Abutters by Applicant.** Before a public hearing is held on any application for a special permit, the applicant shall present proof that notice has been mailed to each of the property owners of abutting parcels, including parcels across the street. Such ownership and mailing addresses shall be based on current records of the Tax Assessor,

and the notices shall be mailed by certified mail, return receipt requested, not less than 10 nor more than 30 days before the public hearing.

4. **Endorsement and Filing.** Within 90 days after the Commission's approval of a special permit and site plan, the applicant shall submit to the Zoning Enforcement Officer two sets of final plans, one on Mylar and one on paper. Such plans shall be identical to those approved by the Commission, except that they shall incorporate any conditions or modifications required in the Commission's approval. Such plans shall be signed and sealed by the surveyor, engineer or other professional who has participated in the preparation of such plans.

If such plans are found to be in accordance with the final approval, the Chairman shall endorse such plans. The endorsed Mylar plans shall be filed by the applicant in the land records no later than 90 days after the approval by the Commission, except that the Commission may act to extend this filing period for an additional 90 day period upon the request of the applicant.

No special permit shall be effective until a notice of approval, endorsed by the Chairman of the Commission, containing identification of the subject property and description of the approved activity, including conditions attached to such approval; the section of these Regulations authorizing such activity; and the name of the property owners of record has been filed in the land records of the Town of Sterling. Prior to filing the notice, any legal documents required as a part of the approval shall be filed in the land records. part of the approval shall be filed in the land records.