

Section 28

Accessory Uses

28.1 Accessory Uses:

- 28.1.1 An accessory use as defined in Section 3 of these Regulations, may be permitted by right, by Zoning Permit, or by the Planning and Zoning Commission, as specified in this section.
- 28.1.2 An accessory use shall be accessory only to a permitted use. An accessory use shall not be allowed without establishment of a permitted use.
- 28.1.3 The accessory use shall be located on the same lot with the permitted use to which it is accessory.
- 28.1.4 Accessory uses may include the following and shall be subject to all applicable Regulations and the additional specific standards set forth below:
- (a) Off-street parking for non-commercial vehicles is permitted as-of right.
 - (b) Off-street parking for up to 2 (two) trailers having beds under 12 (twelve) feet in length is permitted as-of-right.
 - (c) In non-residential zones, accessory storage of one commercial vehicle exceeding one and one-half (1½) tons gross vehicle weight is permitted by right.
 - (d) In residential zones, off-street parking space for commercial vehicles may be permitted, provided:
 - (1) No more than one commercial vehicle may be allowed by Zoning Permit subject to the following criteria:
 - (i) No more than two axles except that adjacent rear dual axles are permitted; and
 - (ii) No more than ten wheels; and
 - (iii) A wheelbase that does not exceed 180 inches, and a total vehicle length as measured horizontally from the front to rear bumper of 25 feet or less; and
 - (iv) Tanker trucks designed to carry any type of liquid or any truck registered to carry hazardous waste are not permitted.
 - (2) More than one commercial vehicle may be allowed by Special Exception subject to the following criteria:
 - (i) No more than two axles except that adjacent rear dual axles are permitted; and
 - (ii) No more than ten wheels; and
 - (iii) A wheelbase that does not exceed 180 inches, and a total vehicle length as measured horizontally from the front to rear bumper of 25 feet or less; and

- (iv) Tanker trucks designed to carry any type of liquid or any truck registered to carry hazardous waste are not permitted.
- (3) Any such commercial vehicle shall be parked in an existing off-street driveway or shall be placed outside of any setback area on any lot.
- (e) A kennel for three (3) or more dogs owned by the occupant of the dwelling unit and not used for boarding or other commercial services is permitted by right provided that any run, building, or enclosures connected therewith shall not be less than fifty feet (50') from any property or street line.
- (f) Fruit, vegetable or farm stands with a footprint of less than one hundred square feet (100 sq. ft.) for the seasonal sale of merchandise produced on the premises are permitted by right.
- (g) Livestock: The keeping of livestock as an accessory use is permitted by Zoning Permit, subject to the following criteria:
 - (1) All livestock shall be kept in a building, stable or enclosure, not less than the legal setback for the appropriate zone for any abutting residential or Village Zone property and one hundred feet (100') from any well or water body from which water is taken for human consumption.
 - (2) Manure shall be kept in a covered, watertight pit or chamber and shall be removed at least once a week during the period from May 1 to October 1 and during such other months at intervals sufficiently frequent to maintain sanitary conditions satisfactory to the Director of Health.
 - (3) There shall be no more than one horse, pony, sheep, cow, goat, pig, burro, donkey, mule, llama or other similar animal for personal or family purposes as a pet per forty thousand square feet (40,000 sq. ft.) of land, except that up to two animals may be permitted provided:
 - (i) Each animal is of a breed or variety that will not reach more than 24 inches in height at the top of the animal's front shoulders at maturity. Such breed or variety may include Pygmy Goats, provided that animals may be female pygmy goats or neutered male pygmy goats, Old English Babydoll Sheep, or similar animals. Unneutered male pygmy goats are prohibited.
 - (4) All chickens and other small animals shall be confined to an enclosure or building, not less than the legal setback for the appropriate zone for any abutting residential or Village Zone property.
- (h) Swimming pools, in-ground and above ground are permitted by Zoning Permit and are subject to the following conditions, in addition to the requirements

of Section 26. Where a conflict between this section and Section 26 exists, this section shall govern.

- (1) The water surface area for pools shall not be included in calculations for maximum ground coverage in residential zone districts listed in Section 26.11.
- (2) In residential zones listed in Section 26.11, a pool may be permitted subject to the following setbacks (in feet):

Side Setbacks for Pools in Residential Zone Districts							
Zone	R-80	R-60	R-40	R-30	R-20	R-15	R-10
Setback	20	20	20	10	10	10	10

Rear Setbacks for Pools in Residential Zone Districts							
Zone	R-80	R-60	R-40	R-30	R-20	R-15	R-10
Setback	35	35	30	20	20	20	20

- (3) An application for approval of a Zoning Permit for a pool location shall include:
 - (i) a written review from the Connecticut River Area Health District (CHRAD) confirming compliance of with applicable health codes; and
 - (ii) If applicable, documentation of compliance with Inland Wetland Regulations.
- (i) The storage of travel trailers, campers, boats, and trailered recreational vehicles, which are for personal recreational use and not commercial use, is permitted by right, provided that storage shall not be permitted in any front yard or within five feet of any other lot line on any lot within the town of Clinton.
 - (1) No travel trailer/camper vehicle may be occupied as an accessory use for more than fourteen (14) days in any one (1) calendar year.
- (j) Storage trailers are permitted by Zoning Permit subject to the following conditions:
 - (1) The storage trailer must be structurally sound and pose no detriment to public health or safety.
 - (2) The storage trailer must meet the same bulk standards as a conventional accessory structure.

- (3) The storage trailer shall be located so that it does not take up parking spaces required for other uses on the site and does not obstruct emergency access or other essential circulation patterns.
 - (4) Any landscaping or natural vegetation disturbed by the placement of a storage trailer shall be restored immediately upon removal of the trailer.
 - (5) The ZEO may require that storage trailers be screened from the public right-of-way and adjacent properties and that appropriate landscaping, fencing or other screening be provided.
 - (6) The aggregate area covered by storage trailers shall not exceed ten percent (10%) of the total floor area of all buildings on the site.
 - (7) Storage trailers shall only be permitted in residential zones for up to one month in any calendar year. A trailer may be permitted to support work associated with an active building permit on the premises, provided that the storage trailer shall be removed within 14 (fourteen) calendar days of the completion of work or upon the expiration of the building permit.
- (k) Incidental retail and/or office use in approved warehouses is allowed subject to a Zoning Permit, provided that no more than 10% or 2,500 sq. ft., whichever is less, of the total floor area is used for retail and/or office use.
- (l) By Site Plan approval, accessory outside storage areas, including the outside storage or display of merchandise, supplies, and machinery, but not including areas used for parking of registered motor vehicles in daily use, shall not extend into the areas required for setbacks from a property line or Residential District boundary line. Outside storage areas are subject to the following standards:
- (1) Any outside storage area shall be enclosed except for necessary access drive, by building and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot or from any street. Outside storage areas shall be limited in extent on any lot as follows:

<u>District</u>	<u>Percentage of Lot Area</u>
B-1, B-2, B-3, IP, VZ	10%
B-4, M	75%
I-1, I-2	25%

- (2) In areas that have been approved for outside storage, there shall be no servicing of vehicles, machinery or other items stored outside, except in Marine Zones.
- (m) Outdoor Entertainment: Outdoor entertainment, limited to musical concerts, performing arts recitals, exhibitions, fairs/festivals and arts and crafts shows, are permitted subject to the following:
 - (1) Outdoor entertainment events shall be held only in the Business, Industrial, Marine and Village Zone Districts, or as specified within any approved floating or overlay zone.
 - (2) Outdoor entertainment events shall end prior to 10:00 p.m. There shall be no more than two events, which may last up to three days, per property, per calendar year.
 - (i) Any property owned by a philanthropic, governmental, educational or religious entity is exempted from the number of events provision.
 - (3) The facilitators of outdoor entertainment events shall obtain a Zoning Permit from the ZEO at least two weeks prior to the event. The ZEO may refer any application for an outdoor entertainment event to other entities, including but not limited to: Police Chief, Fire Marshal, Fire Chief, Building Official, and the Connecticut River Area Health District (CRAHD) for comment. The applicant shall provide the following information to the ZEO:
 - (i) A plot plan showing the location of all event vendors, tents, temporary structures, generators or other power supply, parking, and emergency access to the event; a narrative describing the event; a statement describing any proposed alcohol service.
- (n) Temporary Health Care Structures:

(Added 1/1/2018)

 - (1) Definitions: As used in this subsection, the following terms are defined as follows:
 - (i) "Caregiver" means a relative, legal guardian or health care agent who is responsible for the unpaid care of a mentally or physically impaired person.
 - (ii) "Mentally or physically impaired person" means a person who requires assistance, as certified in writing by a physician licensed in this state, with two or more activities of daily living, including, but not limited to, bathing, dressing, grooming, eating, meal preparation, shopping, housekeeping, transfers, bowel and bladder care, laundry, communication, self-administration of medication and ambulation.

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- (iii) "Temporary health care structure" means a transportable residential structure that provides an environment in which a caregiver may provide care for a mentally or physically impaired person and that (1) is primarily assembled at a location other than the site of installation; (2) has one occupant who is the mentally or physically impaired person; (3) is not larger than five hundred (500 sq. ft.) gross square feet; (4) is not placed on or attached to a permanent foundation; and (5) compliances with the applicable provisions

of the State Building Code, Fire Safety Code and Public Health Code.

- (2) A temporary health care structure shall be allowed as an accessory use in the following Zoning Districts: all residential and village zone districts.
- (3) The temporary health care structure must be placed in conformance with all setback requirements, coverage limits and maximum floor area ratio limitations that apply to accessory structures as of October 1, 2017.
- (4) No person shall install a temporary health care structure without first obtaining a zoning permit from the ZEO.
 - (i) A permit may only be obtained for property which is owned by the caregiver or the mentally or physically impaired person and used as his or her primary residence.
 - (ii) The applicant shall be required to send notice of the permit application, by certified or registered mail, to each person appearing of record as an owner of a property which abuts the property upon which the temporary health care structure is proposed to be installed. The notice shall be sent not later than three (3) business days after the permit application is submitted to the ZEO by the applicant.
- (5) Each temporary health care structure must be accessible to emergency vehicles and be connected to private water or septic systems, or to water, sewer and electric utilities that serve the primary residence.
 - (i) Approval for these systems must be obtained from the regional health district.
- (6) Not more than one (1) temporary health care structure shall be installed on a lot.
- (7) No signage, advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the structure or elsewhere on the lot.
- (8) On each April 1st following the installation of the temporary health care structure and each year thereafter, the applicant shall provide written evidence of compliance with this Section, as long as the temporary health care structure remains on the property.
 - (i) The ZEO reserves the right to inspect the temporary health care structure at reasonable time convenient to the caregiver.

- (9) Any temporary health care structure installed pursuant to this Subsection shall be removed not later than one hundred and twenty (120) days after the mentally or physically impaired person no longer occupies the structure or no longer qualifies as a mentally or physically impaired person.
- (10) The ZEO may revoke any zoning permit issued pursuant to this Subsection upon a finding that the provisions of this Subsection are being violated by the permit holder.

28.1.5 In addition to the requirements of Section 4 of these Regulations for a Zoning Permit, the following information shall be submitted:

- (a) A Statement of Use describing the accessory use and stated the permitted use to which it is accessory.

28.2 Home Occupations

28.2.1 Purpose and Authority

The goal of this section is to encourage/support the use of private residences for limited business purposes, allow for the incubation of small business and entrepreneurship, and to safeguard the fundamental residential nature of Clinton's neighborhoods. Activities as defined in this Section are permitted in residential districts provided a permit has been obtained prior to commencement of the activity.

28.2.2 Permits

A permit may be obtained either from the zoning official (Tier 1), by Site Plan approval (Tier 2), or by Special Exception (Tier 3) from the Commission. If the resident is not the owner, a letter identifying and authorizing the proposed home business shall be submitted by the owner as part of the permit application.

- a) Approval by Zoning Official. The zoning official may issue a permit for Tier 1 activities which: 1) are conducted entirely within the dwelling; 2) require no change in the outside appearance of the property, except for a sign, and 3) generate no more activity than typical residential use.
- b) Site Plan approval by the Commission. Tier 2 Home Business activities must receive Site Plan approval from the Commission following procedures and requirements of Section 6.19 of these Regulations.
- c) Special Exception approval by the Commission. Tier 3 Home Business activities must receive Special Exception approval from the Commission following procedures and requirements of Section 6.18 of these Regulations.

28.2.3 Standards

Approval of a home business shall be granted only under the following general conditions:

- a) The activity is clearly secondary to the use of the premises for residential purposes.

- b) The activity does not change the residential/agricultural character of the property or neighborhood. The Commission may require screening and buffers to achieve this standard.
- c) The activity shall not result in offensive noise, lights, odors, vibrations, obnoxious or unsightly conditions noticeable from off the premises, or interfere with radio or television reception.
- d) The activity shall not create a health or safety hazard. Approval of such activity by the Connecticut River Area Health District, Fire Marshal, and Building Official shall be submitted in writing as part of the permit application.
- e) Sufficient off-street parking shall be provided that is safe, does not interfere with the flow of traffic, and does not interfere with the residential character of the property or neighborhood.
- f) Tier-specific requirements are reflected in the table below:

Permit Level	Tier 1	Tier 2	Tier 3
Permit Type	Staff Registration/Review	PZC Site Plan	PZC Special Exception
Renewal	None	None	None
Eligibility Areas	All Residential Districts except properties within the East Main Street Village District (See Tier 2)	All Residential Districts	R-80, R-60, R-40, R-30, and R-20 Residential Districts
Baseline Prohibitions	Offensive noise, lights, odor, vibrations, radiation, obnoxious or unsightly conditions noticeable from off-premises (See Section 31 Performance Standards)	Offensive noise, lights, odor, vibrations, radiation, obnoxious or unsightly conditions noticeable from off-premises (See Section 31 Performance Standards)	Offensive noise, lights, odor, vibrations, radiation, obnoxious or unsightly conditions noticeable from off-premises (See Section 31 Performance Standards)
Allowable Uses	Home office/computer-based uses; professional offices and other activities entirely internal to the existing structure.	Tier 1 uses plus personal services; artisan/craft with gallery/sales. No outside display space.	Tier 2 uses plus small-scale on-site retail sales with limited outside display.
Exterior Changes Allowable	None, other than signage	Signage; off-street parking improvements; new building entrance/exit	New freestanding building; appropriate architectural character as determined by Commission
Percent of Building Use for Occupation	Up to 25% of livable building area	Up to 35% of livable building area	Up to 50% of livable building area
Percent of Property Use for Occupation	10% of usable property area	10% of usable property area	15% of usable property area
New Accessory Structures	None	Allowed up to 1200 square feet and subject to building and lot percentage caps	Allowed via Special Exception, subject to building and lot percentage caps
On-site Employees, Largest Shift	Maximum two non-resident employees	Maximum three non-resident employees	Maximum three non-resident employees
Vehicles	Max. one commercially-registered	Max. two commercially-registered	Max. three commercially-registered

Traffic Generated by Business Use	Not above residential baseline	Not above residential baseline	May allow some increase via Special Exception for a limited number of special events
Parking Required	Off-street, safe	Off-street, safe	Parking above residential baseline is screened from public way
Signage Allowed	Maximum of 5 square feet, non illuminated. See Section 34.5.2	Maximum of 8 square feet, non illuminated. See Section 34.5.2	Maximum of 8 square feet, non illuminated. See Section 34.5.2
Outdoor Storage for Business Use	None allowed	None allowed	Outdoor storage of materials shall be fully screened/enclosed
Special Events	Six events/year	Six events/year	Up to 12 events/year

- g) Property Use percentage to be based on usable land (non-wetlands, steep slopes, easements, etc.)
- h) Applicant shall demonstrate that projected trip generation for the home business (Tiers 1 and 2) will be comparable to or lower than residential baseline. Traffic generation for Tier 3 uses shall be demonstrated by applicant to not create any traffic or public safety conditions that would fundamentally alter the neighborhood character.

(Amended 6/1/2014)

28.3 Alternate Energy Systems: Solar collectors, wind generators, or other alternate energy systems are an additional accessory use for which a Zoning Permit is required.

28.3.1 The applicant shall demonstrate to the ZEO that this alternate energy system complies with the lot standards specified in the Schedules.

28.3.2 For wind generators, the applicant shall demonstrate that the tower and rotor are engineered and commercially available.

- (a) For those that are designed by a professional registered in the State of Connecticut, the applicant shall demonstrate that the system is designed to prevent over-speeding and excessive pressure on the tower structure.

28.4 Accessory Dwelling Units: In order to foster affordable housing alternatives in the Town of Clinton, to increase residential densities in established neighborhoods, an accessory dwelling unit shall be permitted, via a Zoning Permit procedure per Section 4 of these Regulations, in all Residential Zoning Districts, provided that:

- (a) Only one accessory dwelling unit shall be permitted for each lot and no accessory dwelling unit shall be approved as part of a two-family dwelling or any multi-family use;
- (b) The accessory dwelling unit may be contained within the principal dwelling unit or may be contained within an existing or new accessory structure;
- (c) The lot shall conform to the minimum lot area requirement for the zone in which the property is located or be legally nonconforming;

- (d) The accessory dwelling unit shall:
 - (i) Shall not exceed 1,000 square feet or 30% of the floor area of the principle dwelling, whichever is less;
 - (ii) Have a maximum of two (2) bedrooms;
 - (iii) Be self-contained, with separate cooking, sanitary, and sleeping facilities for the exclusive use of the occupant(s);
- (e) Both the accessory dwelling unit and the principal building/unit shall meet the requirements of the Building, Fire, and Public Health Codes and any other applicable Zoning Regulation.
- (f) Parking and access from the public right-of-way shall serve both the principal and accessory units, and shall not be distinguishable as separate facilities;
 - (i) No additional curb cut shall be created to serve an accessory dwelling unit;
 - (ii) Adequate off-street parking as required by these Regulations shall be provided for both uses and such parking shall not be located in the front yard;
- (g) If the proposed accessory dwelling unit is in the East Main Street Village District or other Village or Overlay District, and has any exterior changes made to it, an application and review by the Design Review Board is required prior to issuance of a Zoning Permit.