SECTION 42 – LIGHT INDUSTRIAL – 200 DISTRICT

42.1 <u>Permitted Uses</u>:

Land, buildings and other structures shall be used for one (1) or more of the following uses and no other when in compliance with Section 61 and 8-12 of these regulations.

42.1.1 Executive offices.

42.1.2 Business offices.

42.1.3 Research laboratories.

42.1.4 Light manufacture, processing or assembly of products and the packaging of foods, beverages, toilet supplies, pharmaceuticals, perfumes and similar products.

42.1.5 Warehousing.

42.1.6 Public utility substations, company electric, gas and telephone substations and public utility company water storage facilities, treatment facilities and pump stations and Town facilities.

42.1.7 Open space and farms, including truck gardens, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.

42.1.8 The following accessory uses, when clearly subordinate and subsidiary to the uses permitted in Subsection 42.1.1, 42.1.2, 42.1.3, 42.1.4 and 42.1.5 of this Section.

A. Off-street parking and loading, as provided in Section 62;

B. Garages for the storage of company, employee or visitor vehicles;

C. Dining facilities, clinics, recreational facilities and transient guest Lodges, which shall be used only by those actually employed by the Concern or by business visitors on the premises;

D. Storage within a permanent structure;

E. Outdoor storage enclosed by buildings, fences or walls so as to effectively screen the storage area from any other lot or from any street; and shall not extend into the area required for set back from

a property line or residence district boundary line and shall not exceed 5% (five percent) of the lot area or 4,000 (four thousand) square feet whichever is greater.

F. Vehicular access;

G. Electric, telephone, gas, water, sanitary sewer, sewage treatment facilities, storm drains, other utilities and outdoor lighting;

H. Landscape material and features permanently maintained and any area not covered by a building or structure, or paved, shall be landscaped with trees, shrubs, lawns or left in a natural state if already wooded. Site development shall preserve major trees and existing landscape features wherever possible. Along and adjacent to any Residential District boundary line, not less than one hundred (100) feet in width in an Industrial District shall be landscaped with trees and shrubs to effectively screen the commercial or industrial development from the Residential District;

I. Outdoor recreational facilities used only by those employed on the premises or by business visitors on the premises;

J. Signs, as provide in Section 63;

K. Direct sales of catalogue products to customers, provided that such use occupies no more than twenty-five percent (25%) of the total square feet of floor area of the permitted use.

42.2 <u>Height, Area and Yard Requirements</u>

The height area and yard requirements set forth in Section 11 for Light Industrial-80 Districts shall apply in all LI-200 Districts, except as follows:

42.2.1 <u>Parcel Size and Setbacks:</u>
Each lot, including rear lots, shall have a minimum area of 5 acres.

42.2.2 <u>Setbacks:</u>
No building or structure shall extend closer than 100 feet from any street Line or other property lines; and no building or structure shall extend within fifty (50) feet of any wetland or watercourse.

42.2.3 <u>Intensity of Development:</u>
The aggregate lot coverage of all buildings and structures shall not exceed 20 percent (20%) of the lot area; and the total floor area of all buildings

and structures shall not exceed 30 percent (30%) of the area of the lot. The ground coverage of all buildings, structures, outdoor storage area and off street parking and loading areas on any lot shall aggregate no more than 60 percent (60%) of the area of the lot.

42.2.4 Height of Buildings:
The Commission may grant a Special Exception, under Section 52 of these Regulations to permit an increase in the height of executive offices, business offices, water storage facilities, communications facilities, elevator penthouses, and heating and cooling facilities.

42.3 Site Plan:

Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under this section, a SITE PLAN shall be submitted and approved in accordance with the provisions in Section 51.

42.4 Special Exception Uses:

42.4.1 Day Nurseries, subject to the Special Standards of Section 52 and site plan approved as required above.

42.4.2 Metal finishing limited to lacquering or anodizing.

42.4.3 Museums.

42.4.4 Commercial Health Club Facility – including exercise room(s) containing exercise apparatus, tennis courts and swimming pool facilities which may be located indoors and/or outdoors, together with accessory uses thereto. Permitted accessory uses shall include bath houses with lockers, dressing rooms, showers and restrooms, retail sale of apparel, accessories and supplies applicable to the permitted uses; snack bars which are intended for the preparation and sale of food and beverages on site; picnic shelters and tables, on-site parking and incidental buildings for the storage of supplies and housing of mechanical equipment. No off-street parking shall be permitted within thirty (30) feet of any street. Notwithstanding the other regulations for street and side-yard setbacks as required in the LI-200 Zone, the minimum setback for tennis courts and ancillary fencing shall be thirty-five (35) feet from the sideline. A landscaped buffer shall be required along such fencing and/or tennis courts to substantially screen the fencing and tennis courts from the street and adjacent property.

To be eligible for this use in this zone, parcels shall contain a minimum of ten (10) acres; have immediate access to existing sanitary sewer lines and

to any existing public water system provided that both the Water Pollution Control Authority and the Water Commission have determined that sufficient sewer capacity and an adequate water supply exist to service the facility.

42.4.5 Accessory uses customary with the incidental to any aforesaid Special Exception.

42.5 <u>Special Standards</u>:

In addition to the requirements and standards set forth in Section 8 (Additional Standards), Section 51 (Site Plans), Section 61 (Performance Standards), Section 62 (Parking and Loading) and Section 63 (Signs) of the Regulations, the following special standards shall apply and shall prevail over any conflicting standards contained in any of said Sections.

42.5.1 <u>Public Utilities:</u>
All electrical and telephone utilities on an industrial lot shall be located underground.

42.5.2 <u>Parking:</u>
Off-street parking and loading spaces shall be provided in accordance with Section 62 of these Regulations. Where such off-street parking or loading spaces are inadequate, additional off-street parking or loading spaces shall be provided to meet the requirements of the use.

Off-street parking in front of principal buildings or structures shall be limited to one aisle and adjoining parking stalls for handicapped, visitor and reserved parking.

No part of any setback adjacent to a residential zoning district shall be used for off-street parking or loading. Notwithstanding the foregoing, for properties zoned LI-200 as of May 1, 2001 which are adjacent to property subsequently changed from LI-200 to R-40/PRD, the minimum setback for parking shall be ten (10) feet.

No off-street parking shall be permitted within fifty (50) feet of any street.

Loading areas shall be located to the rear of side of all buildings and structures and shall be enclosed except for necessary access, by buildings and/or by walks, landscaped embankments or evergreen shrubs or trees so as to screen the loading area from any street or abutting properties.

All off-street parking areas shall be graded, stabilized and paved with

bituminous concrete or armor coat and maintained so as to cause no nuisance or danger. Curbs, walls or embankments shall be provided so that vehicles will not overhang sidewalks or pedestrian areas.

All commercial vehicles shall be kept within designated storage or parking areas, except for brief periods required for loading or unloading.

42.5.3 Traffic:

Driveways shall be designed in such a manner that any vehicles, including trucks, can execute normal turning movements onto the street without resorting to wide turns or hazardous maneuvers.

Nothing shall be placed at the entrance of the driveway which would obstruct the view of anyone entering or exiting the street or driveway.

No parking, loading, deliveries or standing will be allowed on any public street. Owners and occupants are required to exercise their full authority to enforce this restriction.

42.5.4 Signs:

The lettering and graphics of a sign on one façade may consist of one line of a maximum letter height of one foot and one line of a maximum letter height of nine inches. Lettering and graphics must be parallel to the building face and must not protrude more than twelve inches from building face. The aggregate area of all lettering and graphics on a façade, of which the lettering or graphics shall be a part, or 120 square feet, whichever is less.

One free standing sign, supported by one or more columns or uprights which are firmly embedded in the ground, shall not exceed 10 feet in height or an area of 50 square feet; and shall be set back from any street line not less than 10 feet.

Private warning and traffic control signs, each not exceeding three square feet in area, shall be located and intended only for warning and traffic control purposes.

All lighting of signs shall be indirect, with the source of illumination not visible beyond any street or property line.

Any exterior sign, except for warning and traffic control signs, shall pertain to or identify the business conducted within the property.

42.5.5 Outdoor Lighting

All outdoor lighting shall be directed so that the source of illumination is not visible beyond the property line or lot.

All areas subject to pedestrian and vehicular traffic during hours of darkness shall be lighted.

42.5.6 Architecture:

Choice of building facing materials, particularly for facades visible from a street, shall be permanent, durable materials, such as natural brick, quarry tile, poured in place or pre-cast concrete, stone and architectural metal panels and siding, if the surfaces are dull and the finish is factory applied, in earth tone colors.

Buildings and structures shall be designed to screen or hide any large air conditioning, ventilations, water storage or duct work that can be seen from a street or a residential zoning district.

42.5.7 Accessory Buildings:

All accessory buildings or structures shall have the same architectural character as the principal building.

42.5.8 Performance Standards:

Garbage and waste materials stored or placed outdoors shall be kept in covered waterproof and sanitary containers or dumpsters. Garbage and waste materials shall not be allowed to accumulate.

Except in areas designated for clean fill, free from unsuitable and unstable material, in connection with a site plan approved in conformance with the Zoning regulations of the Town of Middlebury, no dumping of any material is allowed.

42.5.9 Landscaping:

Any area not paved or covered by a building or structure shall be maintained in ground cover, landscaping or natural plant materials.

In front of all exposed building foundations or masonry walls visible from any street or abutting property, evergreens shall be planted in good soil and in sufficient quantity to have, at the time of planting, a silhouette area equal to 20 percent (20%) of the visible foundation or wall.

All lawns and plant material are to be kept in neat and good appearance. Such maintenance shall include fertilizing, watering, pruning, mowing, re-seeding and replacement of dead plant material.

To the maximum extent possible, existing healthy shade trees having a caliber of five (5) or more inches and flowering trees having a caliber of one (1) or more inches shall be retained.

All landscape materials and plants shall be provided in accordance with good landscaping practice. All plant materials shall be clearly located and identified on the Site Plan submitted under Section 8 of the Zoning Regulations of the Town of Middlebury; and a plant listing shall be included giving the botanical name, common name, height and/or caliper, quantity and spacing where appropriate.

42.5.10 Outside Storage:

All outside storage areas, including sanitary containers and dumpsters, shall be enclosed, except for necessary access, by buildings and/or by walls, landscaped embankments or evergreen shrubs or trees so as to screen the storage area from view from any street or abutting property.

Outside storage of corrosive, combustible, hazardous, malodorous or poisonous materials shall not be permitted.

Outside storage areas shall not extend into any area required for setback or within fifty (50) feet of any wetland, watercourse or other environmentally sensitive areas.

Outside storage shall not exceed 5 percent (5%) of the lot area or 4,000 (four thousand) square feet whichever is greater.

42.5.11 Erosion Control:

Both short term and permanent erosion control practices, recommended by the Soil Conservation Services of the U.S. Department of Agriculture, shall be provided and properly maintained. The Site Plan submitted under Section 8 of these Regulations shall specify the individual responsible for erosion control during construction.

42.5.12 Maintenance:

All exterior surfaces of buildings and other structures requiring periodic maintenance shall be painted, cleaned, repaired or restored as appropriate on a regular and thorough basis so as to maintain a neat and clean appearance at all times. Changes in color are subject to the approval of the Commission.

Snow removal from walks, driveways, parking areas, drainage structures, loading docks, etc., are the responsibility of the owner or occupant. All

such areas shall be cleared promptly and neatly and in such a manner so as not to interfere with the public traffic or private access for employees.

All buildings and appurtenances shall be maintained at all times. This includes, but is not limited to, the prompt repair of paved areas, soil erosion measures, curbs, gutters, downspouts, windows, awnings, signs, walls, terraces, fountains, sculptured material, benches and lighting.

All private storm drains, culverts, catch basins and gutters are to be kept free of debris, snow or other obstructions at all times.

42.6 <u>Special Procedures</u>:

In obtaining Site Plan approval, the following special procedures shall be adhered to by the Applicant and the Commission:

42.6.1 Copies of the Site Plan and Architectural Plans required by Section 8 and Section 51 of these Regulations shall also be submitted to the Middlebury Economic and Industrial Development Commission for review by said Commission, in sufficient detail and completeness to show that the proposed improvements will be in accordance with the controls, restrictions and standards contained in this Section 42.

42.6.2 A report, identifying the amount and composition of all industrial wastes and the proposed method and location of disposal of such wastes, shall be submitted to the Economic and Industrial Development Commission, concurrently with copies of the Site Plan and Architectural Plans, for review and recommendation. Any changes in the type of industrial waste, the method and location of disposal shall be reported to the Economic and Industrial Development Commission for review and recommendation.

42.6.3 The Middlebury Economic and Industrial Development Commission shall review the Site Plan and Architectural Plans, and issue a written report to the Planning & Zoning Commission, within forty (40) days after official receipt of all of said plans, stating their recommendations and reasons thereof. Neither failure to issue such report nor an adverse report shall preclude approval by the Commission.

42.6.4 An “as-built” or “record drawing” of all required improvements, prepared, signed and sealed by a land surveyor, licensed to practice in the State of Connecticut, shall be submitted to the Planning & Zoning Commission and Economic and Industrial Development Commission prior to issuance of a Certificate of Occupancy.

42.6.5 With respect to the application of Section 10 of these regulations to non-conforming lots located in a LI-200 Zone, the Five (5) year limitation contained in Subsection 10.5.3 of these regulations (as presently printed) shall not apply and in its place there shall be substituted a ten (10) year limitation solely for purposes of this Section 42.

42.7 <u>Prohibited Uses</u>:

Any use not specified above as permitted is prohibited. To assist in the interpretation of permitted uses in Light Industrail-200 District, the following uses, the listing of which is not intended to be exhaustive, are specifically prohibited:

42.7.1 The prohibited uses specified in Section 4, Section 6, and Section 31 and 8.12.

42.7.2 Metal plating and finishing other than lacquering or anodizing.

42.7.3 Manufacturing and processing of food and kindred products.

42.7.4 The use of polychlorinated biphenyls or hydrocarbon mixtures containing polychlorinated biphenyls in concentrations greater than two (2) parts per million, including the storage thereof.