SECTION 52 – SPECIAL EXCEPTIONS

52.1 Purpose

The purpose of the Special Exception regulations is to provide a comprehensive review of the proposed plan for the layout of the building(s), structure(s) or use(s) in relationship to the topographical, geological and other natural features of the land, and of the impact of the use(s) upon the environment, health, safety, welfare and convenience of the members of the community. It is intended to ensure that the design and layout of the site and the proposed use(s) will constitute suitable and appropriate development in character with the neighborhood and will not result in a decrease in property values or a detriment to the present and potential use of the area in which it is to be located. Special exception procedures are also intended to assure that proposed buildings, structures and uses will provide for the maintenance of air, surface water and groundwater quality and will not be detrimental to existing sources of potable water or other natural or historic resources.

52.2 When Required

A special exception must be issued by the Commission before any person may establish or change any land use, or use, erect, construct, move, enlarge or alter any building or structure, in whole or in part, if the use, structure, or building resulting from such activity is listed as a use requiring a special permit under Articles II, III, IV, and VI of these Regulations for the zone in which it would be located.

52.3 Application

Applications for special exceptions shall be filed with the Commission on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The application shall contain a written statement by the owner of the property or his/her authorized agent giving consent for the Commission and its agent(s) to inspect the property. Two (2) copies of each application shall be submitted, accompanied by five (5) copies of the special exception plan, which shall be based upon and include a Class A-2 survey prepared by a Connecticut-licensed surveyor and shall contain the embossed seal and original signature of the land surveyor, showing all revision dates and necessary definitions and legends, and a scale of one inch (1”) equal to no more than forty feet (40’), and also showing:

52.3.1 All the information specified for a site plan under Section 8 of these Regulations.

52.3.2 A key map and a scale of one inch (1”) equal to not more than one thousand feet (1,000’) to assist in locating the property.

52.3.3 The direction of true North.

52.3.4 The location of all required setback and yard lines and all easements.

52.3.5 The names and addresses of all owners of record of both the lot and all land abutting or within one hundred (100) feet of the lot.

52.3.6 The location in names of the Town or State streets, roads or highways that adjoin or pass through the lot.

52.3.7 The location of all flood prone areas.

52.3.8 The location of all zone boundaries within, abutting or within one hundred (100) feet of the lot.

52.3.9 The location of all soil test pits and test borings and a description of the soils encountered in such pits or borings.

52.3.10 The location of all existing lighting or signs.

52.3.11 The nature an amount of all hazardous materials or wastes to be produced, used, stored or disposed of on the lot, and the manner in which such production, use, storage or disposal will be carried out.

52.3.12 The nature of existing land uses on abutting properties.

52.3.13 The location of all slopes in excess of fifteen (15) percent, rock outcroppings and forested areas on the lot.

52.3.14 The location and a description of all measures to be used to prevent soil erosion and sedimentation.

52.3.15 Spaces on each sheet for the signature of the Commission chairman, the date of the chairman’s signature, and the date on which of the special exception approval will expire.

52.3.16 Each application for a special exception show also be accompanied by five (5) copies of:

A. A written statement describing the proposed use in sufficient detail to determine compliance with these Regulations.

B. A written analysis of the ability of the proposed building, structure or use to meet the Performance Standards set forth in Section 61 and to provide groundwater protection.

C. A traffic report prepared by a traffic engineer indicating existing traffic conditions at normal and peak travel times for, at a minimum, all streets abutting or passing through the property affected by the application and all streets within three miles of such property, and also indicating the projected impact of the proposed use on such traffic conditions.

D. The schedule for all construction or other development activities, including, but not limited to, erection of or other work on any buildings or structures, grading, removal of vegetation, landscaping, drainage and other improvements.

E. A statement as to whether the lot is within the watershed of a water company, as defined in Section 16-1 of the General Statutes. When an application, petition, request or plan is filed concerning any project on any sight within the watershed of a water company, the applicant shall mail written notice of such projects, including a copy of the application and a full set of plans, to the water company by certified mail, return receipt requested, within seven (7) days after the date of the submission of the application

F. A report from the Fire Marshall attesting as to the safety of the proposed location, site plan, buildings and facilities.

G. A report from the Director of Health of the Town attesting to the adequacy of the proposed location, site plan, buildings and facilities for its intended use.

52.3.17 All the information specified for architectural plans under Section 8 of these Regulations.

52.4 <u>Waiver of Certain Requirements for Special Exception</u>

52.4.1 The commission may waive any of the requirements for special exception plans

under Subsections 52.3.1 through 52.3.14 of these Regulations if, and only if, the following conditions exist or are met:

A. The proposed activity does not involve the construction, erection, alteration, enlargement, removal or other modification of a principle building or structure; and

B. The proposed activity will not require the use of new wells or new or larger private sewage disposal facilities.

52.4.2 The Commission may waive any of the requirements of Subsection 52.3.16 of these Regulations if, and only if, the Commission determines that the requirements sought to be waived are not a reasonably necessary to a proper disposition of the application.

52.4.3 No waiver under this section shall be granted unless the applicant submits to the Commission, in writing, at the time of and together with the submission of the application, a request for a waiver specifying the requirements the applicant seeks to have waived and the reasons why the applicant believes those requirements should be waived. The Commission shall render a decision on any timely filed request for waiver within 35 days after the day of receipt of the application to which it pertains. If the Commission fails to act on any request for a waiver within such 35 days, the request waiver shall be deemed to be denied.

52.5 <u>Additional Requirements for Application</u>

The Commission may require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed buildings, structures or uses conform to these Regulations. Such information may include, but is not limited to, the following:

52.5.1 Chemical analyses of existing surface water and groundwater;

52.5.2 Hydrological analyses of runoff and peak flows, both before and after development;

52.5.3 Analyses of local air quality, both before and after development;

52.5.4 Depths to seasonal high groundwater levels and bedrock;

52.5.5 Analyses of wildlife habitats on and near the site and the impact of the proposed use on such use on such habitats;

52.5.6 A description of vegetation types, including any rare or endangered species on the lot to be used under the application;

52.5.7 A list of all other federal, state or municipal permits or licenses the applicant will need to implement the uses applied for and the status of any application for such permits or licenses;

52.5.8 Architectural or engineered drawings of any proposed buildings or structures;

52.5.9 Existing and proposed (finished grade) contours at intervals of not less than two (2) feet;

52.6 Standards for Special Exceptions

All buildings, structures and uses for which a special exception is required under these Regulations must meet the applicable standards set forth throughout these Regulations and, in addition, the following standards:

52.6.1 Preservation of Landscape

A landscape shall be preserved in its natural state insofar as practicable by minimizing grading and the removal of vegetation and soil. Where the vegetative covered does not exist or has been removed, new plantings may be required. Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.

52.6.2 Relation of Buildings to Environment

The signs, intensity and design of the proposed project of development shall be related harmoniously to the terrain and to the use, scale and siding of existing buildings in the vicinity of the site. All buildings and other structures shall be sited to minimize disruption of the topography and the character of the neighborhood. Strict attention shall be given to the proper functional, visual and spatial relationships of all structures, buildings, and landscape elements and paved areas. The use shall not create a nuisance to neighboring properties, whether by noise, air or water pollution, offensive odors, dust, smoke, vibrations, lighting or other effects.

52.6.3 Buffer Areas

All buffered and/or screened areas, including setback areas (landscaped and the usable), shall be so designed as to be consistent and compatible with residential uses.

52.6.4 Circulation

With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to location and number of access points to the public streets, width of the interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, accessibility of emergency vehicles, access to community or public facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

52.6.5 Surface Water Drainage

Special attention shall be given to proper surface drainage so that surface waters will not adversely affect neighboring properties or public storm drainage facilities, will not obstruct the flow of vehicular or pedestrian traffic and will not create standing water in paved or pedestrian areas. All surface water drained from roofs, streets, parking lots and other site features shall be disposed of in a safe and efficient manner that will not create problems of water runoff or erosion on the site or on neighboring sites or pollution of surface water or groundwater. Insofar as possible, natural drainage courses and swales shall be properly stabilized and drainage-impounding areas shall be utilized to dispose of water on the site through natural percolation to what degree equivalent to that prior to development. Also, appropriate erosion control measures shall be employed, including slope of stabilization measures and seeding of exposed areas to replace a vegetative cover.

52.6.6 Preservation of Water Quality and Quantity

The proposed use shall be designed to minimize any risk of surface water or groundwater pollution, soil erosion and sedimentation and water diversion. Groundwater recharge shall be maximized to an extent consistent with the protection of groundwater quality. Where groundwater elevations are close to the surface, extra site grading precautions may be required to maintain the protective function of the overburdened.

52.6.7 Utilities

The placement of the electric, telephone or other utility lines and equipment shall

be underground where possible, so located as to provide no adverse impact on groundwater levels and coordinated with other utilities.

52.6.8 Other Site Features

Exposed storage or utility areas, exposed machinery installations and service areas shall be designed with screen plantings, fencing or other screening methods to be compatible with the environment in the surrounding properties.

52.6.9 Safety

All open and enclosed spaces shall be designed to facilitate evacuation and to maximize accessibility by fire, police and other emergency personnel and equipment.

52.6.10 Neighboring Properties

The proposed uses shall not adversely affect the value of properties in the general vicinity thereof, or cause undue concentration of population or structures.

52.6.11 Natural and Historical Resources

The proposed uses shall not unreasonably destroy, damage or threaten locally significant natural or historical resources.

52.7 Conditions

The Commission may place on any special exception whatever conditions the Commission may reasonably deem necessary to assure that any proposed building, structure or use (1) will conform to the standards and limitations set forth in these Regulations, including, but not limited to, the Performance Standards in Section 61; (2) will protect the rights of individuals and their health, safety, welfare and convenience of local residents and the community; (3) will protect local property values; and (4) will meet the specific standards set forth in Subsection 52.6 and other applicable sections of these regulations. The conditions may relate to, without limitation, the architectural in spatial design and layout of buildings, structures and uses; provisions for lighting, parking, loading, surface and subsurface drainage, sanitary facilities, waste disposal, vehicle and pedestrian circulation, landscaping, screening, and protection of the environment and of natural and historic resources; construction or other development schedules; and hours of operation of the proposed building, structure, or use. The Commission may also condition the issuance of any special exception on the posting of a bond or other security, in an amount and with surety satisfaction to the Commission, to secure the performance of all conditions in the completion of all improvements required under such special exception.

52.8 Special Exception Procedure

52.8.1 Public Hearing

Within sixty-five (65) and days after the day of receipt of an application for a special exception, the Commission shall commence a public hearing on the application. For the purposes of this Section, the day of receipt of an application shall be deemed to be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Commission or its authorized agent, or thirty-five (35) days after such submission, whichever is sooner. The hearing may be continued one or more times, but it must be concluded not later than thirty (30) days after the date of commencement.

52.8.2 Notice of Public Hearing

Notice of the time and place of the commencement of the public hearing shall be published at least twice in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Middlebury, at intervals of not less than two (2) days, the first notice to be published not more than fifteen (15) days nor less than ten (10) days, at the last not less than two (2) days before the date of commencement of the hearing.

52.8.3 Decision

Within sixty-five (65) days after the completion of the public hearing, the Commission shall either: (1) approve the special exception and the special exception plans as submitted; (2) approve the special exception and a special exception plan with conditions or modifications, as provided under these Regulations; or (3) deny the special exception and special exception plan. The Commission shall state the reasons for its decision on its records. Notice of the decision shall be published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Middlebury, and also sent by certified mail to the applicant within fifteen (15) days after the decision has been rendered.

52.8.4 Extension of Time

The applicant may consent to extensions of the time periods for (1) commencing a public hearing after the receipt of an application, (2) concluding a public hearing, and (3) rendering the decision. The total extension of any such period shall be no longer than the original period as specified in these Regulations.

52.8.5 Final Special Exception Plan

A. Any special exception plan approved by the Commission without modifications or conditions shall become the final special exception plan upon the signature of the Commission chairman. If the Commission approves a special exception plan with modifications or conditions, a final special exception plan that incorporates such modifications or conditions must be submitted to the Commission by the applicant within sixty-five (65) days after the date of approval. For good cause shown, the Commission may extend the time for filing the final special exception plan. If a final special exception plan is not filed within such sixty-five (65) day period or within any period of extension, the approval of the special exception plan shall be void.

B. The Commission approval shall state that the approval will automatically expire five years from the date of approval, or at such other time as is provided by state law, and shall specify such expiration date. The applicant shall file the final special exception plan in the office of the Middlebury Town Clerk and shall pay all required filing fees. No special exception permit shall be effective until the special exception plan has been filed in the office of the Middlebury Town Clerk.

52.8.6

of the special permit, (3) state the regulation under which the special permit is issued, and (4) state the names of all owners of record of the premises. The applicant or record owner shall be responsible for filing and recording the special exception permits and shall pay all filing and recording fees.

52.8.7 Re-application

No special exception permit shall be granted to any applicant for a building, structure or use if a previous application by the applicant, or by a different applicant on behalf of the same party in interest, for substantially the same building, structure or use on the same property has previously been denied by the Commission on its merits within two (2) years prior to the submission of the new application to the Commission.

52.8.8 Expiration

All special exceptions will expire five (5) years from the date of approval. A renewal for a special exception must be applied for in a timely manner.

A renewal may not require an additional public hearing. The Commission, in review of the application for renewal may take into account the compliance with or failure to comply with the criteria of the special permit during the preceding five (5) years.

52.9 **(Reserved)**

52.10 **Special Standards**

52.10.1 Roadside Stands

Roadside stands shall be established only for the display and sale of farm products grown on the premises where the stand is located, shall not exceed a maximum ground coverage of 400 square feet, shall observe all setbacks required for buildings and other structures and shall be provided with at least one (1) off-street parking space for each 50 square feet of ground coverage.

52.10.2 Day Nurseries

Day nurseries shall conform to the following Special Standards:

A. The use shall be limited to daytime group care programs for children or adults.

B. The application shall be accompanied by a report from the Director of Health of the Town attesting that the proposed location, site plan, buildings and facilities complying in all respects with applicable Town and State health laws and regulations and will be adequate, safe and suitable for the intended use;

C. The Special Exception shall be granted for a limited period of time not to exceed five (5) years.

D. Day nurseries which care for more than six children shall be located on a lot having at least 40,000 square feet, unless the day nursery cares for more than forty children, in which case, it shall be located on a lot having at least 80,000 square feet.

E. A day nursery located in a Commercial, Professional Office and Light Industrial Zone (presently CA-40, PO-40, LI-80 and LI-200, but including any other commercial, professional or industrial zone, hereafter enacted) shall conform to the following additional Special Standards.

1. Access shall not require children to cross large parking lots or busy driveways (except driveways with crossing lights or crossing guards).

2. For Children Day Nurseries only, there shall be a grass play area at least one half acre in size immediately adjacent to the day nursery, suitable for play by the children.

3. The day nursery shall not be located where it is subject to noise, odors or fumes from other businesses located in the immediate area.

4. The Commission shall not grant a SPECIAL EXCEPTION in such zones if it reasonably believes that the use of the property for a day nursery will conflict with the planned development for the area or will not further the Town Plan or be an unreasonable impediment to anticipated development in the area.

52.10.3 Convalescent Homes and Hospitals:
Convalescent homes, private hospitals and sanitariums shall be licensed by the State of Connecticut and shall conform to the following Special Standards:

A. The use shall be located on a lot having a minimum area of 10 acres, and there shall be no more than one (1) patient bed for each 10,000 square feet of lot area.

B. No building or other structure established in connection with such use shall extend within less than 100 feet of any property or street line.

C. The use shall comply in all respects with applicable laws and regulations of the State of Connecticut.

52.10.4 Clubs:
Golf, tennis, swimming or other similar clubs shall be located on a lot of not less than 10 acres, and no building, structure or recreation facility established in connection with such use shall extend within less than 100 feet of any property or street line.

52.10.5 Commercial Kennels and Stables:
Commercial kennels, livery and boarding stables and riding academies shall be located on a lot of not less than ten (10) acres. Dogs shall be kept in buildings, enclosures or runs located not less than 200 feet from any property or street line. Any building in which livestock are kept shall be located not less than 100 feet from any property or street line.

52.10.6 Public Utility Substations:

Public utility substations and telephone equipment buildings shall conform to the following Special Standards:

A. Any equipment or utility facilities not located in a building shall be enclosed on all sides by evergreen shrubs or trees or by buildings, fences, walls or embankments so as to be screened from view from any other lot or from any street

52.10.7 Supportive Rental Housing for Persons with Physical Disabilities:

A. The use shill be located on a lot having a minimum area of 40,000 square feet and there shall be no more than one rental dwelling unit per 8,000 square feet of lot area.

B. The minimum lot frontage on a street shall be 150 feet and the lot shall be of such a shape that a square of 160 feet on each side will fit on the lot.

C. The use shall be on a lot adjacent to or across the street from a CA-40 district.

D. All utilities shall be located underground. Each such dwelling and all dwelling units shall be served by public sanitary sewer and by adequate water supply as determined by State of Connecticut standards.

E. The building height shall not exceed one story and necessary roof structure with total height not to exceed 35 feet.

F. There shall be a buffer having a minimum width of 20 feet landscaped to provide limited screening from adjoining properties to the satisfaction of the Commission.

G. All exterior lighting shall be located and arranged so as not to cause off-site glare and shall be residential in character.

H. Driveway and parking areas shall be bituminous concrete.

I. The site plan and architectural plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.

J. Passive interior recreation space shall be provided at a minimum of 40 square feet per dwelling unit.

K. Passive exterior recreation space shall be provided at a minimum of 200 square feet per dwelling unit.

52.10.8 <u>An outdoor dining area as an accessory use to a full-service restaurant.</u>

An outdoor dining area as an accessory use to a full-service restaurant described above as a permitted use under this Section and which, as to said outdoor area, meets the following special criteria:

A. The area shall not have a permanent roof covering but may be shaded by a fabric awning or tables may be shaded by umbrellas.

B. Outdoor dining shall be in an area adjacent to an existing building and surrounded on three sides by such building or a wall no less than 30" in height.

C. The outdoor dining area shall not be located in any required front, rear or side yard setback areas.

D. The outdoor dining area shall not be located in any parking area.

E. The outdoor dining area shall not extend closer than eight (8) feet to any parking area traveled way.

F. The outdoor dining area shall not interfere with any required means of egress or ingress to the adjacent building.

G. The outdoor dining area shall have a floor surface of impervious material such as concrete or brick pavers, that may be washed and swept easily and such floor shall be maintained daily; asphalt may not be utilized.

H. Food and beverages shall be served by waiters and/or waitresses and the area shall not be utilized for takeout food.

I. Alcoholic beverages may be served only with meals.

J. All waste materials emanating from usage of the outdoor dining area shall be picked up and disposed of by the waiters and/or waitresses at the end of each seating and disposed of with the interior dining service. In no event shall waste material be deposited or stored at any time in outdoor receptacles.

K. Disposable dishes, cups, glasses and tableware shall not be used. All such items shall be of materials designed for repeated re-use indefinitely.

L. The seating capacity for any outdoor dining area shall not exceed 50% of the seating capacity for the indoor customer of the restaurant.

M. Adequate parking for the outdoor dining area determined in accordance with the standard for restaurants under Section 62 of these regulations shall be available during those hours of the day when the outdoor dining area is to be in operation; and the Commission may, in its discretion, designate limited hours of operation as part of the granting of a special exception.

52.10.9 Motor Vehicle Dealerships:

A. A motor vehicle dealership may be located on a lot, which has not less than 200 feet frontage on Straits Turnpike (Rt. 63) and abuts the Watertown town line. For the purpose hereof, the term "lot" shall mean one or more parcels of property, which are contiguous, under unified ownership or control and designed and developed as a coherent group. The portion of the lot to be used for a motor vehicle dealership purpose may not extend further than 570 feet south of the Watertown town line and further than 400 feet east or west of Straits Turnpike, said delineation line to be perpendicular to said Straits Turnpike.

B. A motor vehicle dealership may have outside storage of motor vehicles in excess of the area set forth in Section 8 of these Regulations; provided, however, that such outside storage area for motor vehicles for sale by the motor vehicle dealership shall not exceed sixty percent (60%) of the area of the lot and provided that the outside storage area shall be effectively screened from adjoining property by fencing, landscaping or other ornamental screening.

C. For purposes hereof the setback requirements shall not apply to fencing, landscaping or other ornamental screening necessary to screen effectively any motor vehicle outside storage area from adjoining property.

52.10.10 Signs:

A. Purpose: Signs permitted by SPECIAL. EXCEPTION are those unusual as to size, location, number or content but which under favorable circumstances will be appropriate and harmonious in their location provided they are considered on an individual basis.

B. Criteria: The Commission must find that there are one or more special circumstances or conditions which are unique to the premises and are not shared by a majority of other premises in the neighborhood. These circumstances or conditions must include one of the following items:

1. Location of the building on the lot;

2. Location of buildings on adjacent lots in relation to the applicant's building;

3. Front yard visual barrier or landscaping;

4. Topography of the lot;

5. Configuration or size of the lot.

C. The Commission must determine that one or more of the above circumstances or conditions:

1. Substantially diminish recognition of the principal business conducted thereon;

2. Substantially limit easy identification of a group of stores or a shopping center.

D. The Commission shall determine that the material of construction, the design and location of the sign will be in harmony with the architecture of the building, the design of the site and the character of the area. The major elements of detached signs shall be constructed of natural material unless other materials are specifically approved by the Commission, and the signs shall be located within a landscaped area,

52.10.11 Employee Stores:

Employee stores shall conform to the following Special Standards:

A. The employee store shall be located in a plant, warehouse or office building occupied by the employer, which is more than 500 feet from any town line.

B. The employee store shall sell only products manufactured, assembled or sold by the employer.

C. Such store may be opened to the public primarily to conduct market research, to test inventoried control systems, to gather sales information and/or to test product presentation and display alternatives, or similar employer business related matters.

D. If the employee store is open to the public it shall provide adequate parking in accordance with Section 62 and may have signage provided such signage conforms to Section 63, but in no event shall any sign exceed 16 square feet in area.

52.10.12 The Sale of Alcoholic Beverages in a Family Restaurant:
The sale of alcoholic beverages in a family restaurant, as defined hereafter, shall conform to the following Special Standards:

A. A family restaurant use shall be limited to no more than two (2) such uses within a 1,500 foot radius of any other family restaurants or situated within a 500 foot radius of any other parcel of land which is used for public or private school, a public park, place of worship, charitable institution, a hospital or library.

B. Such use shall be at least 200 feet from any establishment selling all classes of alcoholic beverages by the glass, as measured from entrance to entrance.

C. For the purpose of this section, "family restaurant" is defined as a restaurant serving indoor, sit down meals, maintaining hours opening in no later than 11:00 AM and closing by 11:00 PM, having no stand up bar, no live entertainment and serving of alcoholic beverages only to patrons being served meals on the premises.

52.10.13 Assisted Living Facilities:
Assisted living facilities shall conform to the following Special Standards:

A. Occupancy for Assisted Living Facilities is open to an individual fifty-five years of age or older, or a household in which one member must be fifty-five years of age or older or to individuals meeting the requirements of "Section 811, Supportive Housing for Persons with Disabilities", Handbook 4571.2 June 19, 1997 by the U.S. Department of Housing and Urban Development.

B. The maximum density shall be 6 dwelling units per 40,000 square feet of land; and no off-street parking shall be permitted within 30 feet of any street.

C. The maximum size lot for an Assisted Living Facility is 15 contiguous acres.

D. The minimum floor area for units shall be 360 square feet per assisted living unit, except that units to be occupied by persons afflicted with Alzheimer's or

other forms of dementia may have a minimum floor area of 308 square feet per unit and shall not exceed approximately 40% of all units in the total development. The average floor area for units shall be 425 square feet per assisted living unit.

E. The maximum height shall be limited to 2 ½ stories or 35 feet. Accessory buildings shall be limited to 1 ½ stories or 25 feet.

F. All building shall be of good quality design and appearance so as to blend harmoniously with the site and the neighborhood. Such design shall convey an impression in feeling to persons familiar with architecture that these dwellings units are of quality in substance and the Assisted Living Facility is a desirable place to live. All structures shall be of a single consistent architectural style to create a harmonious appearance.

G. All utilities shall be underground, and all above grade electric or telephone utility boxes and other apparatus shall be suitably screened with plant material or by an architectural screen compatible with the exterior materials of the dwelling units.

H. Not less than two parking spaces per three assisted living units and any accessory convalescent unit shall be provided for resident, employee and visitor parking. The Commission may also require reasonable additional parking in its discretion. All parking shall comply with the relevant provisions of Section 62.

I. Visitor parking spaces shall be located within 200 feet from the farthest dwelling unit to be served if the average typographical grade between the parking spaces and the dwelling units is less than five percent. In the case of buildings with one or more community entrances, said 200 feet shall be measured from the nearest entrance.

J. The Commission at its discretion may require perimeter buffering depending upon the location of industrial structures on adjacent lots, natural buffers and proposed physical improvements or buffers.

K. Assisted Living Facility maybe constructed utilizing good quality wood siding such a cedar or redwood.

L. In addition to information required by Section 42 and Section 52 of these Regulations, the following shall be submitted with each application.

1. A written report by a qualified traffic engineer evaluating the impact of the Assisted Living Facility on the transportation system, including the amount of traffic projected for the proposed facility and the adequacy of the surrounding streets and traffic controls to accommodate existing traffic, projected traffic from the proposed facility and a projected traffic from other approved developments in the area.

2. Information on land areas adjacent to the proposed facility to indicate the relationship between existing and proposed utilization of surrounding properties, including land uses, zoning, densities, height of structures, circulation systems, public facilities and unique natural or historic features.

3. Proposed types, quantities and general location of residential units, including square footage and number of bedrooms and densities for the facility.

4. Examples of proposed property types for the residential units, typical lot and/or building layouts and elevations of all buildings (front, back and both sides) showing proposed textures, materials and colors. Identical buildings will not require multiple evaluations.

5. A map showing all wetland areas, water courses and slopes above twenty-five percent.

6. A summary table indicating compliance with the development standards. The table will show proposed phasing (if any), the number and type of buildings and units, number of parking spaces required and provided, square footage and percentage of lot area coverage by pavement and buildings, lot area frontage and landscape requirements and amount of open space provided.

7. Any other information the Commission deems appropriate for a proper in complete review of the application.

M. In approving an application, the Commission shall meet the following findings:

1. The need exists in the community for Assisted Living Facilities and the need further exists for the number of such facilities proposed.

2. The development and design of the Assisted Living Facilities will not have an adverse effect on surrounding properties, will be in harmony with the immediate neighborhood, and will not have an adverse effect on property values in the area.

N. A Special Exception granted from an Assisted Living Facility shall be valid for a period of five years from the date of granting such Special Exception and the proposed facility and related improvements must be completed within said time period otherwise the Special Exception will expire, unless extended for one or more years in the discretion of the Commission.