

Section 6.0 SPECIAL EXCEPTIONS

6.1 Affordable Housing

6.1.1 Affordable Housing Special Exception Requirements

- A. For each dwelling unit or lot proposed in excess of the number of units or lots permitted by the applicable density limit, the applicant shall construct a unit of affordable housing.
- B. In multi-family residence projects, the maximum density including the density bonus and the affordable units shall be as follows.

R-6	18 units per acre
R-10	10 units per acre
R-15	8 units per acre
R-25	6 units per acre
L.B.	10 units per acre
D.D.	18 units per acre
- C. In subdivisions, the applicant shall be required to cluster the lots as provided for in **Section 5.6**. The maximum density including the density bonus and the affordable units shall not exceed 15% of the applicable density limit.
- D. The affordable housing units shall be of comparable quality to the other units in the project.
- E. The affordable housing units shall be evenly distributed throughout the project.
- F. In the case of subdivisions, the affordable units must be on lots that are of comparable size and quality as the other lots in the subdivision.
- G. The affordable housing units approved by the special exception shall be offered for sale, rent, lease, or conversion to common interest ownership only to households having income less than or equal to 80% of the area median income for the City as determined by the United States Department of Housing and Urban Development.
- H. The affordable housing units approved by special exception shall not be sold, resold, rented, or converted to common interest ownership and subsequently sold for a price which exceeds the amount specified for such unit in the contract between the City and the developer.
- I. Affordable housing units approved by special exception shall be conveyed by deeds containing covenants incorporating the terms and conditions contained in the contract between the City of Torrington and the applicant. The covenants shall be enforceable by the City until released by the City. Such deed restrictions shall be in effect for each unit for no less than thirty years from the date of issuance of the certificate of occupancy.

6.1.2 **Application**

In addition to any other requirements, the applicant shall provide along with the special exception application the following information:

- A. the density limit for the parcel;
- B. the number and location of the affordable units;
- C. the sales prices or rents of all units;
- D. the total number of units or lots to be developed;
- E. a description of the units types including the square footage and the number of bedrooms;
- F. a schedule for the completion of the units;
- G. a contract between the City and the applicant which includes:
 - 1. the terms of the special exception;
 - 2. establishment of maximum income for occupants of the affordable housing;
 - 3. provision for reasonable periodic increases of the specified income, sale price, or rent;
 - 4. covenants in favor of the City or an appropriate non-profit agency;

6.1.3 **Additional Considerations for Affordable Housing Special Exception**

In addition to the other factors pertaining to special exceptions as described in Section 8, the Commission shall consider the following:

- A. the need for the project as determined by the percentage of the City's housing that is:
 - 1. government assisted (including Connecticut Housing Financing Authority financed mortgages); or
 - 2. housing subject to deeds containing covenants or restrictions which require that such housing be sold or rented at, or below, prices which will preserve the units as affordable housing;
- B. the provision of unit types to meet identified needs;
- C. the percentage of affordable housing units to be built;
- D. the covenants and restrictions that are meant to assure the long term affordability of the housing units;
- E. the number of years that the units will remain affordable;
- F. the schedule for completion of the affordable units;
- G. the contract terms between the developer of the affordable units and the City; and
- H. the quality of the plan for the development of the site.

6.2 Automobile Establishments - Motor Vehicle Dealer, Vehicle Repairer, Junk Yards & Gasoline Sales

6.2.1 Location Approval

- A. Automobile establishments requiring Motor vehicle dealer's licenses, new car dealer, used car dealer and motor vehicle repairer's licenses, as per the Connecticut General Statutes shall obtain location approval from the Planning and Zoning Commission. Junk yards requiring a motor vehicle recycler's yard or motor vehicle recycler's business license, as per the Connecticut General Statutes, shall obtain location approval from the Planning and Zoning Commission. Location approval shall be obtained from the Planning and Zoning Commission for establishments selling or offering gasoline or other products intended for use in propelling motor vehicles using combustion type engines. (Rev. 2/1/06)
- B. Automobile establishments shall have a minimum of 150 linear feet of frontage on a street.

6.2.2 Parking for Automobile Establishment

- A. To improve traffic circulation, automobile establishments must separate the areas used for either vehicle storage or display from the areas used for customer or employee parking. This separation is to be accomplished by means of landscaping, barriers or other means as determined by the Commission.
- B. In an automobile establishment with storage or display areas exceeding 10,000 square feet, the Commission may require the storage or display area to be landscaped in a manner similar to that required for parking lots in **Section 5.11**. The intent is to avoid extensive paved areas devoid of landscaping.

6.3 Child Day Care Center

Child Day Care Centers requiring a special exception must meet all of the following conditions:

- 6.3.1 The minimum lot size is 30,000 square feet;
- 6.3.2 There shall be a minimum of 500 square feet of lot area per child for the first 60 children plus 200 square feet of lot area per child for each additional child.
- 6.3.3 The outside play area must be adjacent to the facility.
- 6.3.4 The outside play area must be completely fenced.
- 6.3.5 The fence around the outside play area must be at least four feet high and constructed to prevent the passage of children through it.

- 6.3.6 There must be a buffer of at least ten feet between the play area fence and the side and rear property lines.
- 6.3.7 The buffer area between the property lines and the play area fence must be planted with non-deciduous trees, minimum height of 6 feet, at a maximum of eight feet off-center. Existing vegetation may be used in place of the non-deciduous trees if, in the opinion of the Commission, the existing vegetation provides the same buffering as would be obtained by planting the non-deciduous trees.

6.4 Excavations

6.4.1 Excavation

Excavations shall conform to the following regulations. The placement of more than 100 cubic yards of earthen material or clean fill on a lot shall be subject to the same regulations as an excavation. The only exceptions to these regulations shall be as follows:

- A. Excavation necessary for the construction of a building or other structure that has a valid building permit.
- B. Excavation necessary for the development of a parking area for which site plan approval has been obtained.
- C. Excavation necessary for the development of the roads, utilities, and building lots in accordance with an approved subdivision plan.

6.4.2 Setbacks

No excavation shall take place within 50 feet of a property line except where the Commission determines that such excavation would:

- A. improve sight lines on existing roadways;
- B. provide a more appropriate system of stormwater drainage; or
- C. provide a more usable area for future development when excavation is

6.4.3 Screening

Where necessary to protect the surrounding properties, the Commission may require a landscape buffer and/or an earthen berm. Existing vegetation and natural topography shall be preserved where feasible.

6.4.4 Slopes

Finished slopes shall not exceed a one foot vertical to two foot horizontal slope. Fences, guardrails, or embankments shall be provided where necessary for the protection and safety of vehicular and pedestrian traffic.

6.4.5 Restoration

The area disturbed by the excavation is to be restored by the spreading of topsoil and the planting of trees and suitable ground cover including perennial grasses, shrubs, and legumes. Restoration shall be a continuous operation. Only a limited area is to be excavated before restoration begins. The following regulations shall govern all restoration.

- A. Topsoil shall be stored on the property for spreading to a minimum depth of 3 inches over the excavated area. The area for the storage of topsoil shall be shown on the plans approved by the Commission. All stockpiled topsoil shall be seeded with appropriate perennial grasses and surrounded by appropriate erosion controls.
- B. Following the spreading of topsoil, the area is to be seeded with a suitable ground cover and maintained until the area is stabilized. The area is to be limed and fertilized as appropriate. Seeding is to be done between April 15 and June 30 or August 15 and September 30.
- C. Following the spreading of topsoil, the area is to be planted with one tree per 10,000 square feet of excavated area. Deciduous trees shall be a minimum caliper of 2.5 inches at the time of planting. Non-deciduous trees shall be a minimum of 6 feet high at time of planting. No more than fifty per cent of the trees may be non-deciduous. To the extent practical, the trees shall be hardy native species and compatible with the post excavation site characteristics.
- D. No sharp declivities, pits, or depressions shall remain after restoration. No accumulation of boulders or debris shall remain on the surface after restoration.
- E. Restoration is to occur so that no more than five (5) acres are actively being excavated, used, or without topsoil at any one time. The Commission may increase the five acre maximum if the Commission determines that the five acre maximum does not provide sufficient space for the excavating operations.
- F. An applicant shall provide a bond for the estimated cost of restoring the area to be disturbed during the two year period of the special exception. The bond shall cover all aspects of the restoration. It shall be in the form of a certified check, passbook account, letter of credit or bond from a company licensed by the State of Connecticut. It shall be in a form acceptable to the Corporation Counsel.

6.4.6 Information

- A. In addition to any other information required for a special exception, the applicant shall provide, at a minimum, the following information:
 - 1. the proposed days and hours of operation;
 - 2. any sorting, crushing, reducing, refining, or other processing proposed for the site;
 - 3. the location of the excavation;
 - 4. the methods of excavation proposed for the site;
 - 5. the location and frequency of any proposed blasting;
 - 6. the location of proposed driveways, roads, fences, gates and topsoil storage areas;
 - 7. the proposed location of any large scale machinery, trailers or other operations on the site;
 - 8. an estimate of the number of trucks that are proposed to enter or leave the site each day; and

9. the approximate number of acres to be excavated per year, the cubic yards of earthen material to be removed per year, the estimated duration of the operation, and the estimated depth of excavation below the existing grade.
- B. A plan for the restoration of the site shall be provided. This plan shall include a restoration schedule and a landscaping plan showing the location, species (Latin and common names), number and size of the trees, shrubs and grasses to be planted. The landscaping plan shall be signed by a landscape architect or a landscape gardener.

6.4.7 Issuance of Special Exception

- A. In order to protect the character of the existing neighborhood or the environment, the Commission may:
 1. restrict the hours of operation, the type of operation, the types and location of equipment, the use of explosives or any other aspect of the operation which may have adverse impacts on the surrounding properties; and
 2. provide for increased buffering of surrounding properties.
- B. Special exceptions must be renewed by the applicant every two years from the date of issuance. The special exception shall not be renewed unless the excavation completed to date conforms to the approved special exception.
- C. In renewing a special exception for an existing, legally non-conforming excavation, the Commission may impose such conditions as would bring the excavation more nearly into conformance with these regulations.

6.4.8 Retail as an Accessory Use (Rev. 4/21/06)

The applicant may incorporate retail use into its application for a special exception under 6.4 so long as the following conditions are met:

1. The retail use is clearly incidental and subordinate to the principal use. The principal use and the retail use shall be owned by the same individual, partnership, Limited Liability Company or corporation. The retail use shall be renewed every two years in conjunction with the special exception approval for earth excavation.
2. The products sold on a retail basis shall be similar in nature or accessory to the products made on the property, or distributed on a wholesale basis from the property. For purposes of this subsection, "made on" shall include earth products extracted from the property. Accessory products shall include masonry and piping products which are closely aligned to the products made on the property.
3. The area of the retail use shall occupy no more than 10% of the area of the property approved for the earth excavation. The parking for the retail use shall be included within this area.
4. The applicant shall demonstrate how the safety of its retail customers has been taken into account.
5. There shall be no additional signage allowed for the retail use.

6. Parking requirements, in addition to what is required for the excavation operations, shall be in accordance with **Section 5.13** of these regulations with calculations based on the area of the property used for retail use.

6.5 Hospitals, Nursing Homes, Congregate Care Facilities & Group Care Facilities

6.5.1 Hospitals

Hospitals shall be located on lots of five acres or more.

6.5.2 Nursing Homes, Congregate Care Facilities and Group Care Facilities

- A. Nursing homes, congregate care facilities and group care facilities with more than 12 residents shall be located on lots of one acre or more.
- B. Nursing homes, congregate care facilities and group care facilities with more than 12 residents shall have a density of no more than 40 beds (or residents) per acre.

6.5.3 Elderly Retirement Housing and Assisted Living Facilities, and Group Care Facilities

Elderly Retirement Housing and Assisted Living Facilities shall be located on lots of 15 acres or more, shall have a maximum height of 50 feet and shall not consist of more than 65 percent independent living units. (Eff. 10/18/08) (Rev. eff. 12/18/13)

6.6 Junk Yards

- 6.6.1 An unregistered motor vehicle not stored within a completely enclosed structure is classified as junk. The only exception to this shall be motor vehicles or other equipment - in operating condition - that are actively being used on a farm.

- 6.6.2 All junk is to be placed in a junk yard. The sole exception is that junk used as a raw material in manufacturing may be stored on the same lot where the manufacturing occurs. All junk yards shall conform to the following conditions.

- A. The minimum area of a parcel to be used for a junk yard shall be five acres.
- B. The section of the junk yard on which junk is to be placed shall be completely surrounded by an opaque fence. The fence shall be a minimum of eight feet high. No junk shall be placed outside the fenced area. No junk shall be placed higher than the fence if that junk will be visible from a public right of way.
- C. No section of the junk yard on which junk is to be placed shall be:
 1. within 100 feet of any property line abutting a residential zone;
 2. within 20 feet of any property line abutting a non-residential zone.
- D. The area between the opaque fence and the property lines shall be planted with non-deciduous trees. These trees shall have a minimum height of six feet and be planted at a maximum of eight feet off-center.

Existing vegetation may be used in place of the non-deciduous trees if, in the opinion of the Commission, existing vegetation provides the same buffering as would be obtained by planting the non-deciduous trees.

- E. The Commission may require additional landscaping or fencing if, in the opinion of the Commission, the landscaping or fencing is necessary to limit visibility of the junk from a street or residentially zoned property.

6.6.3 In legally non-conforming junk yards, the area of the parcel on which junk is placed may not be increased unless a special exception is obtained for the increase.

6.6.4 Every two years, all junk yards, whether conforming or legally non-conforming, shall obtain from the Zoning Enforcement Officer a certificate of compliance. The certificate of compliance shall only be issued after an inspection of the junk yard and a determination that the junk yard is in compliance with these regulations.

(Rev 8/2/99)

6.7 Mobile Homes and Recreational Vehicles (Rev. 12/19/98)

6.7.1 Mobile Homes

- A. A mobile home may be used as a temporary office incidental to the development of the parcel on which the mobile home is located.
- B. Where a dwelling unit has been destroyed by a fire or other natural disaster, a mobile home may be placed on the property and used as the property owner's temporary residence for a period not to exceed one year. A Zoning Permit is required for the mobile home. Within thirty days after the issuance of a certificate of occupancy for the permanent dwelling unit on the property, the mobile home shall be removed from the property. A performance bond as specified in **Section 8.4.5** shall be posted prior to the issuance of the certificate of occupancy to ensure the removal of the mobile home.

6.7.2 Recreational Vehicles

- A. Except in a recreational vehicle park, no recreational vehicle shall be occupied for more than two weeks in any calendar year. (Rev. 2/1/06)

6.7.3 Mobile Home Parks and Recreational Vehicle Parks

The minimum requirements in this section shall apply to both mobile home parks and recreational vehicle parks. The term "park" shall mean both mobile home parks and recreational vehicle parks.

- A. Mobile homes shall not be permitted in recreational vehicle parks. Recreational vehicles shall not be permitted in mobile home parks.
- B. Camping tents shall be permitted in recreational vehicle parks. Such tents shall be treated as recreational vehicles.
- C. A park shall have a minimum of 25 acres.
- D. The park density shall not exceed one home site per 40,000 square feet.

- E. Each mobile home shall be certified under the federal Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.).
- F. No more than one mobile home or recreational vehicle may be placed on a home site, except that up to three tents may be placed on a tent site in recreational vehicle parks.
- G. A home site shall have a minimum area of 6,000 square feet. Each home site shall be of sufficient size to contain a 60 foot by 100 foot rectangle. The boundaries of each home site shall be marked with permanent markers.
- H. Each home site shall have at least 60 feet of frontage on an interior road.
- I. All mobile homes, recreational vehicles and accessory structures shall be at least 10 feet from an interior road.
- J. All mobile homes, recreational vehicles and accessory structures shall be at least 20 feet from any other mobile home or recreational vehicle.
- K. No home site shall be within 100 feet of a property boundary.
- L. There shall be a 100 foot buffer along all property lines. The intent of the buffer is to provide a visual barrier between the park and the surrounding properties. Except for the interior road running roughly perpendicular to the buffer, there shall be no roads, home sites, parking spaces or structures placed in the buffer. Existing vegetation shall be preserved wherever possible. The Commission may require fencing or plantings to supplement or replace existing vegetation.
- M. The parking spaces for each mobile home or recreational vehicle shall be on or within 100 feet of the home site it is meant to serve.
- N. Interior roads shall be at least 22 feet wide for two way interior roads and 12 feet wide for one way interior roads. Such roads shall be constructed to specifications approved by the Commission. The Commission may require the lighting of interior roads.
- O. Each home site shall have provision for connection to adequate water and sanitary services.
- P. No mobile home or recreational vehicle in the park may be occupied until all required improvements in the park are completed. The Commission may approve the development of a park in phases. However, no home site shall be occupied in a phase until all required improvements in the phase are completed.
- Q. Parks may designate an area for the temporary storage of mobile homes and recreational vehicles. This storage area shall be shown on the plans. No mobile home or recreational vehicle shall be stored outside of the approved storage area. No mobile home or recreational vehicle in a storage area shall be occupied.
- R. Recreational vehicle parks are not intended to be a place of permanent residence. A recreational vehicle shall not remain on a home site for more than 179 consecutive days. At the end of the 179 day period, the recreational vehicle shall be either removed from the park for a period of at least 90 consecutive days or placed in an approved storage area. The only exception to this requirement is for one recreational vehicle or

- permanent dwelling, per every 100 home sites in the park, used by the park owner or by employees responsible for the operation of the park.
- S. Parks shall contain a minimum of 150 square feet of common recreation area per home site. The maximum slope of the recreation area shall be 2.5%. The recreation area shall be a cleared, open grassed area. Play equipment, basketball courts, tennis courts, pools, community buildings and other recreational facilities may be placed in the recreation area.
 - T. The owner of the park shall be responsible for maintaining in good repair all interior roads, lawns, utilities, refuse collection, recreation areas and structures in the park.
 - U. Accessory uses and accessory structures may be allowed provided they are for the exclusive use of the occupants of the park. Such accessory uses and accessory structures include, but are not limited to, the following:
 - 1. park offices;
 - 2. maintenance structures;
 - 3. restaurant;
 - 4. retail store;
 - 5. laundry facilities;
 - 6. bathroom facilities; and
 - 7. recreational facilities.
 - V. Up to 25% of the home sites in a recreational vehicle park, or in a phase of a recreational vehicle park, may be designated as tent sites. Such sites shall not be subject to the provisions of **Sections 6.7.3.H, 6.7.3.M, and 6.7.3.O**. Sanitary facilities and water supplies shall be provided for such sites in accordance with the health code requirements of the State and the Torrington Area Health District. Tent sites shall be designated as such on the plans required for special exception and site plan applications.

6.8 Multi-Family Residences

- 6.8.1 The building of multi-family residences in R-6, R-10, R-15, R-25, R-40, L.B. and D.D. zones is permitted only by Special Exception. The Torrington Design Guidelines for Downtown Historic District provide guidance for new construction and additions to existing buildings in the D.D. Zones. Infill development should match or complement the density, height, scale and character of the existing buildings in the downtown core blocks. Sections 6.8.2 and 6.8.3 do not apply to multi-family residences in a Restricted Residential District. *(revised 6-19-19)*

Sections 6.8.2 and 6.8.3 do not apply to multi-family residences in a Restricted Residential District.

6.8.2 Density

- A. The maximum number of dwelling units per net acre is as follows:

R-6: 15 units per net acre

R-10:	8 units per net acre
R-15:	6 units per net acre
R-25:	4 units per net acre
R-40:	2 units per net acre
L.B.:	8 units per net acre
D.D.:	20 units per net acre <i>(revised 6-19-19)</i>

- B. The net acreage is computed by subtracting from the gross area of the site:
1. 50% of the area with soils classified as inland wetland type soils;
 2. 50% of the area with naturally occurring slopes greater than 25%;
 3. except in D.D. districts, 100% of the area used for non-residential purposes; and
 4. 100% of the area used for existing utility easements.

6.8.3 Minimum Gross Area

The minimum gross area shall be as follows:

R-6:	9,000 feet square
R-10:	5 acres
R-15:	8 acres
R-25:	8 acres
R-40:	8 acres
L.B.:	3 acres
D.D.:	6,000 square feet <i>(revised 6-19-19)</i>

6.8.4 Lot Width

The minimum lot width shall be as follows:

R-6:	90 feet
R-10:	160 feet
R-15:	200 feet
R-25:	400 feet
R-40:	500 feet
L.B.:	160 feet
D.D.:	no minimum <i>(revised 6-19-19)</i>
RRC:	160 feet

6.8.5 Front Yard Setback

The minimum front yard setback shall be as follows:

R-6:	25 feet	
R-10:	40 feet	
R-15:	50 feet	
R-25:	75 feet	
R-40:	100 feet	
L.B.:	25 feet	
D.D.:	no minimum – maximum front yard setback 5 feet	<i>(revised 6-19-19)</i>
RRC:	75 feet	

6.8.6 Side and Rear Yard Setback

The minimum setbacks from all property boundaries except the boundary fronting on a public street (e.g. front yard setback) shall be as follows:

R-6:	30 feet
R-10:	50 feet
R-15:	50 feet
R-25:	75 feet
R-40:	100 feet
L.B.:	30 feet
D.D.:	no minimum – 20 feet only if adjacent to a residential zone <i>(revised 6-19-19)</i>
RRC:	50 feet

6.8.7 Building Height

The maximum building height shall be as follows:

R-6:	45 feet
R-10:	35 feet
R-15:	35 feet
R-25:	35 feet
R-40:	40 feet
L.B.:	35 feet
D.D.:	60 feet <i>(revised 6-19-19)</i>
RRC:	35 feet

6.8.8 Building Separation

The distance between the exterior walls of any two buildings shall be a minimum of 20 feet except in the D.D. District. *(revised 6-19-19)*

6.8.9 Building Length

The maximum building length shall be 150 feet. (Rev. 7/23/03)

6.8.10 Buffers

- A. In all districts except the R-6 and the D.D. districts a landscaped buffer at least twenty five feet wide shall be provided along the entire perimeter of the property. In the R-6 district a landscaped buffer at least 15 feet wide shall be provided along the entire perimeter of the property. There shall be no parking spaces, aisles, buildings, dumpsters, or other structures or fixtures within this buffer area. Driveways and sidewalks needed to access the property shall be approximately perpendicular to the buffer.
- B. Within this buffer, there shall be planted a minimum of one deciduous tree, minimum caliper of 2.5 inches, or one non-deciduous tree, minimum height of 6 feet, and five shrubs, minimum height of 24 inches, for every forty feet of perimeter. The trees shall be planted at least thirty feet apart but no more than fifty feet apart. Existing vegetation may be used to satisfy this requirement provided there are the same number of trees as

would be required with new plantings. Trees meeting the minimum size requirements may be planted to augment existing vegetation.

6.8.11 Sidewalks

A system of paved sidewalks at least four feet wide shall be provided to allow for access from all residential buildings to a public street.

6.8.12 Recreation Area

- A. In all districts except in R-6 and D.D., a minimum of 300 square feet of common recreational area shall be provided per dwelling unit. This requirement shall not apply to projects with less than five dwelling units.
- B. The maximum slope of the recreation area shall be 2.5%. The recreation area shall be a cleared, open grassed area. Play equipment, basketball courts, tennis courts, pools, community buildings and other recreational facilities may be placed in the recreation area. The recreation area does not have to be contiguous provided that:
 - 1. no individual recreation area is less than 40% of the required total recreation area; and
 - 2. the dimensions of each recreation area are not less than a 50 foot by 40 foot rectangle.
- C. The recreation area cannot be placed within the buffer area. Areas used for storm water detention or retention cannot be used to meet this requirement. Areas with inland wetland soils cannot be used to meet this requirement. Areas with existing utility easements cannot be used to meet this requirement.

6.8.13 Lighting

Outdoor lighting shall conform to **Section 5.17** Lighting Regulations. *(revised 6-19-19)*

6.8.14 Parking

Parking spaces shall be no more than 100 feet from the entrance to the dwelling units that are to be served with exception of multi-family dwellings in the D.D. District. *(revised 6-19-19)*

6.8.15 Dumpsters

Dumpsters must be screened from view on at least three sides by an opaque fence at least 5 foot high or by non-deciduous shrubs or trees. The trees or shrubs must be at least three feet high and planted no more than 5 feet off center.

6.8.16 Landscaping

- A. Except in R-6 and D.D. districts, at least two trees and five shrubs per dwelling unit must be planted within 50 feet of the exterior wall of each dwelling unit. Deciduous trees must be at least 2.5 inches in caliper; non-deciduous trees must be at least 6 feet high; shrubs must be at least 18 inches high.

- B. Existing vegetation at a ratio of fifty square feet of existing vegetation per tree and fifty square feet per five shrubs may be used to meet the requirement in Section A above. The existing vegetation must have the same number of trees as would be required with new plantings. Trees meeting the minimum size requirements may be planted to augment existing vegetation.
- C. Trees and shrubs used to meet the landscaping requirements in the twenty five foot buffer area or the landscaping requirements of the parking regulations cannot be used to meet this requirement.

6.9 Adult Day Care Center (Rev. 12/19/98)

Adult Day Care Centers requiring a special exception shall conform to all of the following requirements.

- 6.9.1 The minimum lot size shall be 30,000 square feet.
- 6.9.2 There shall be a minimum of 500 square feet of lot area per individual for the first sixty individuals plus 200 square feet of lot area per individual for each additional individual.
- 6.9.3 There shall be a buffer of at least ten feet along the rear and side property lines. This buffer area must be planted with non-deciduous trees, minimum height of eight feet, at a maximum of eight feet off-center. Existing vegetation may be used if, in the opinion of the Commission, the existing vegetation provides the same visual screening as would be obtained by planting the non-deciduous trees.

Section 6.10 Bed and Breakfast (Rev. 10/22/09)

Bed and Breakfast facilities allowed by special exception shall conform to the following requirements.

- 6.10.1 In the R-60, R-40 and R-25 zoning districts, the following conditions shall be met.
 - A. The minimum lot size shall be 120,000 square feet.
 - B. There shall be a twenty-five foot wide buffer along the side and rear property lines. This buffer shall conform to the standards established in **Section 5.11**.
- 6.10.1(A) In the R-15s zoning district the following conditions shall be met:(add 10/22/09)
 - A. The minimum lot size shall be 22,500 square feet.
 - B. There shall be a fifteen foot wide buffer along the side property lines and a fifty foot wide buffer along the rear property line. This buffer shall conform to the standards established in **Section 5.11**.
 - C. The lot shall have a minimum of 145 feet frontage on a state highway.

- D. The Bed and Breakfast must be located within a dwelling in existence as of the effective date of this regulation.
- 6.10.1(B) In the R-10s zoning district the following conditions shall be met: (added 2/11/12)
- A. The minimum lot size shall be 22,500 square feet.
 - B. There shall be a buffer along the side property lines of a minimum of 8 feet on one side: total of 20 feet and a fifty foot wide buffer along the rear property line. This buffer shall conform to the standards established in **Section 5.11.**
 - C. The lot shall have a minimum of 145 feet frontage on a state highway.
 - D. The Bed and Breakfast must be located within a dwelling in existence as of the effective date of this regulation.
- 6.10.2 The parking lot shall be screened from all adjoining properties and from the public right of way by fencing, berms, and/or landscaping
- 6.10.3 As seen from a public right of way, the building and property shall have the appearance of a single family residence.
- 6.10.4 Food service and all other accessory uses shall be used only by overnight customers of the facility.
- 6.10.5 A maximum of eight guest rooms shall be permitted on one lot in the R-60, R-40 and R-25 zoning districts. In the R-15s and R-10s zoning district a maximum of four guest rooms shall be permitted on one lot. (added 2/11/12)
- 6.10.6 The maximum length of stay for any guest shall be fourteen days in any thirty day period.
- 6.11 WAREHOUSES**
- 6.11 Warehouse providing interior access allowed by special exception shall conform to the following requirements:
- 6.11.1 No single warehouse shall exceed 25,000 sq.ft. in size.
- 6.11.2 No such warehouse shall be located so that its public entrance is within a 1,200 foot radius of the public entrance to any other such warehouse.
- 6.12 ACTIVE ADULT HOUSING** (effective 2/2/05)
- 6.12.1 The building of active adult residences in an R-15 zone is permitted only by Special Exception.

6.12.2 **Density**

- A. There shall be a maximum of 6 dwelling units per net acre.
- B. The net acreage shall be computed as provided for in **Section 6.8.2** of the Zoning Regulations.

6.12.3 The minimum gross area shall be 4 acres.

6.12.4 **Design Requirements**

All building of active adult residences shall conform to all requirements within **Sections 6.8.8 through 6.8.16** of the Zoning Regulations.

6.12.5 **Age Restrictions**

All residences and their occupants shall comply with the requirements of the “55 and over Housing” exemption as set forth in the *Fair Housing Amendments Act* (42 U.S.C., Sec. 3601 et Seq.), the *Housing for Older Persons Act of 1955*, and in accordance with Federal Law. There shall be a governing document or restrictive covenant that shall be binding upon all occupants of all dwellings in the development parcel that requires that no children under the age of eighteen years shall be permitted to reside in any dwelling, except by hardship exception granted by the Board of Directors or other governing body of the community. Such hardship exemption shall be granted only for children of an existing occupant, provided that the visitor occupants of any age shall be permitted to visit for up to four weeks of any calendar year. The restrictive language in the governing documents and in the restrictive covenant shall be approved by City Counsel and shall not be subject to revocation.

END OF SECTION 6