

TOWN OF BETHEL, CT
ZONING REGULATIONS – I & IP

The I and IP Industrial Zones are intended to permit industrial uses, except certain basic manufacturing uses not consistent with the character of the Town, with adequate standards and restrictions to protect the citizens of the Town and adjacent properties.

Permitted uses (all permitted uses must conform to performance standards as defined in § 118-38F). Provided that the proposed building or use does not exceed 1,000 square feet in useable floor space, the following uses are permitted:

[Amended 5-28-2002]

- (1) Public services, including ambulance service, fire station, library, police station, post office and terminal for public vehicles (including repair or storage).
- (2) Animal hospital or pet store.
- (3) Bank or savings and loan association (state or federally chartered).
- (4) Blueprinting.
- (5) Clinic, dental or medical.
- (6) Contractor yard for vehicles, equipment, materials and/or supplies which complies with all of the following conditions:
 - (a) Is properly graded for drainage, surfaced with concrete, asphaltic concrete, asphalt, oil or any other dust-free surfacing and maintained in good condition, free of weeds, dust, trash and debris.
 - (b) Is provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night, by the movement of vehicles, machinery, equipment or supplies.
 - (c) Is provided with entrances and exits so located as to minimize traffic congestion.
 - (d) Is provided with barriers of such type and so located that no part of parked vehicles will extend beyond the yard space or into the setback space from a zone lot line abutting a residential zone lot or separated therefrom by a street.
 - (e) Lighting facilities are so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.
- (7) Utilities, including electric substations, gas regulation stations, telephone exchanges, pumping stations, aboveground water storage tank, water reservoirs and satellite and cable television facilities.
- (8) Laboratory.
- (9) Landing or takeoff area for rotorcraft, not including maintenance, repair, fueling or hangar facilities.
- (10) Licensed medical professional.
- (11) Manufacturing (as defined in § 118-2), excluding those uses enumerated in § 118-38D, provided that uses must meet the performance standards as set forth in § 118-38G.
- (12) (Reserved)
- (13) (Reserved)
- (14) Motel, not including a trailer camp or trailer court.
- (15) Motor vehicle service or gasoline filling station which complies with all of the following conditions, provided that a public hearing has been held before the Zoning Board of Appeals as required by law:
 - (a) Is contained in a structure the gross floor area of which may not exceed 1/4 the area of the lot on which the structure is located.
 - (b) Does not sell motor vehicles and does not provide tire recapping or auto dismantling. Trailer rentals are permitted as an accessory use, subject to the following limitations:
 - [1] One trailer shall be permitted on the lot for each 4,000 square feet of land area in the lot, not, however, exceeding five trailers at any one time.
 - [2] Each trailer shall not exceed eight feet in height, length and width.
 - (c) Parks no vehicles being serviced or stored for customers on streets, alleys, public sidewalks or public park strips.

(d) Is provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles, and light facilities are so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.

(e) Extinguishes all floodlights at close of business or 11:00 p.m., whichever is earlier. Fuel pumps and trailer storage need not be enclosed.

(16) Newspaper distribution station.

(17) Office.

(18) Parking and/or commercial storage of vehicles: need not be enclosed, provided that any part of such use conducted outside a completely enclosed structure shall comply with all specifications for maintenance hereinafter required for off-street parking spaces.

(19) Plant husbandry and sale of produce and plants raised on the premises; need not be enclosed.

(20) Railroad facilities, but not including shops.

(21) Repair, rental and servicing: the repair, rental and servicing of any commodity, the manufacture, processing fabrication, warehousing or sale of which commodity is permitted in the district.

(22) Repair shop for automobile bodies.

(23) Restaurant, excluding fast-food restaurant (as defined in § 118-2).

(24) (Reserved)

(25) Sale at retail: the sale at retail of the following:

(a) Hardware.

(b) Any commodity manufactured, processed or fabricated only on the premises.

(c) Any commodity warehoused only on the premises, but only to the extent that the total floor area devoted to retail sales of all such warehoused commodities shall not exceed 20% of the gross floor area of the warehouse.

(d) Equipment, supplies and materials, except commercial explosives, designed especially for use in agriculture, mining, industry, business, transportation, building and other construction.

(26) Sale at wholesale or storage: the sale at wholesale, the warehousing and/or storage of any commodity except the following: live animals and commercial explosives.

(27) School for training in occupational skills. Enrollment may be open to the public or limited; may include dormitories for students and instructors.

(28) Trucking freight terminal.

(29) The aboveground bulk storage of flammable liquids or gases shall not be permitted in any zone unless and only to the extent that the storage of such liquids or gases is directly connected with energy or heating devices on the premises or to service railroad locomotives.

(30) Day-care center.

(31) Adult day care (as defined in § 118-2).

(32) Light industrial (as defined in § 118-2).

B. Special permit uses. Uses and buildings in excess of 1,000 square feet listed in Subsection A above as well as the following uses are permitted subject to the granting of a special permit by the Commission after a public hearing pursuant to the requirements of § 118-21 of these regulations, unless exempted from these requirements under § 118-21B:

[Amended 2-26-2002; 5-28-2002]

(1) Commercial kennel.

(2) Recreational facility, including but not limited to athletic clubs, tennis facilities, ice-skating facilities and golf driving ranges.

(3) Fast-food restaurant, as defined in § 118-2, with the following conditions:

(a) A minimum lot size of 50,000 square feet is required.

(b) Accessory playgrounds are prohibited.

(c) A minimum twenty-five-foot landscaped area is required in the front yard.

(d) There shall be no parking in the front yard.

(4) Drive-up window service, as defined in § 118-2.

C. Special requirements for special permit uses. Complete site plans in accordance with § 118-34 of this regulation must be submitted and approved by the Commission prior to the issuance of a special permit. The Commission, in granting a special permit, shall require conformance with all requirements and restrictions as specified in this regulation.

D. Manufacturing.

(1) Uses in § 118-38A(11) shall not include the basic manufacture, processing or fabrication of the following commodities:

- (a) Abrasives.
- (b) Alcohol distillation.
- (c) Animal by-products.
- (d) Bone black.
- (e) Brewery.
- (f) Carbon black and lampblack.
- (g) Charcoal.
- (h) Cinder and cinder blocks.
- (i) Clay and clay products.
- (j) Coal or coke.
- (k) Detergents, soaps and by-products using animal fat.
- (l) Electric power generator station.
- (m) Fermented fruits and vegetable products.
- (n) Fertilizers.
- (o) Fungicides.
- (p) Gases (other than nitrogen and oxygen).
- (q) Glass.
- (r) Glue and size.
- (s) Grain milling.
- (t) Graphite.
- (u) Gypsum and other forms of plaster base.
- (v) Insecticides.
- (w) Insulation (flammable types).
- (x) Junk.
- (y) Matches.
- (z) Meat slaughtering or packing.
- (aa) Metals.
- (bb) Metal ingots, pigs castings, sheets or bars.
- (cc) Oils and fats (animal and vegetable).
- (dd) Paints, pigments, enamels, japans, lacquers, putty, varnishes, whiting and wood fillers.
- (ee) Paper pulp and cellulose.
- (ff) Paraffin.
- (gg) Petroleum and petroleum products.
- (hh) Portland and similar cements.
- (ii) Rubber.
- (jj) Sawmill or planing mill.
- (kk) Serums, toxins or viruses.
- (ll) Sugars and starches.
- (mm) Tannery.
- (nn) Turpentine.
- (oo) Wax and wax products.
- (pp) Wood preserving by creosoting or other pressure impregnation of wood by preservatives.
- (qq) Asphalt, bituminous and cement-based concrete, stone or gravel.

Provided, however, that any manufacturing process hereby excluded may be operated as and subject to the limitations of an accessory use as outlined below and as such the products are not manufactured as a final product for sale:
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(2) Limitation on accessory uses when such use is a nonpermitted use. Any use which is a nonpermitted use except where it is incidental only to permitted uses on the same site and which complies with § 118-38G,

Performance standards, and all of the following conditions may be operated as an accessory use, which shall be subject to site plan review. An accessory use may not survive the primary use.

- (a) Relationship. Is clearly incidental and customary to and commonly associated with the operation of the permitted uses, however uses that are not related to the primary function but solely established to serve the employees, including but not limited to cafeterias and day-care facilities, shall be allowed.
 - (b) Ownership. Is operated and maintained under the same ownership and on the same lot as the permitted uses.
 - (c) Consistency. Does not include structures or structural features inconsistent with permitted uses.
 - (d) Residential occupancy. Does not include residential occupancy.
 - (e) Detached structures. If operated partially or entirely in detached structures separate from the principal structure, the gross floor area of such detached structures shall not exceed 5% of the area of the lot.
 - (f) Attached structures. If operated partially or entirely within the principal structure containing the permitted uses, the gross floor area within such structures utilized by accessory uses (except garages and off-street loading facilities) shall not be greater than 10% of the gross floor area.
 - (g) Outside storage of material. All outside storage of material shall be fully screened from any street, highway or residential district. No material shall be stored at a height greater than 50% of the height of the main building on the lot or 24 feet, whichever is less. The area covered by such storage shall not exceed 25% of the area of building coverage of primary buildings for the use to which the storage is accessory except if authorized by the Commission at the time of site plan approval. For purposes of computation of building height and building coverage area, the building(s) shall be located on the same lot or contiguous lot under the same ownership.
- E. Density, area, height and yard requirements.

	Zone	
	I	IP
Minimum lot area (sq. ft.)	20,000	80,000
Minimum lot frontage (ft.)	140	180
Maximum lot coverage by building	50% ¹	30% ¹
Minimum yard: ²		
Front (ft.)	25	25
Side (ft.)	20	20
Rear (ft.)	25	25
Maximum building height the lesser of	2 1/2 stories or 35 ft.	2 1/2 stories or 35 ft.
Yard abutting residential zone (ft.)	503	1504
Maximum floor area	Equal to lot area	Equal to lot area
NOTES:		
1 Provided that requirements of § 118-42 regarding off-street parking are satisfied.		
2 No yard is required where a lot line adjoins a railroad property line.		

	3 Provided that the 25 feet abutting the residential property line contain the required screen, landscaped buffer or natural buffer, the remainder of the required yard may be used for the off-street parking of cars in conformance with the provisions of § 118-42.
	4 Provided that this yard contains the required screen, landscaped buffer or natural buffer; must be maintained as landscaped area; shall not include parking or storage.

F. Density, area, height and yard requirements applying only to Zone I. Minimum frontage requirements may be omitted, and side and rear yards may be omitted only along common property lines where two or more lots, all being zoned Industrial I, make use of a single joint entry from and single joint exit to a public street, provided that:

- (1) Such entry- and exitways are located entirely within an I Zone.
- (2) Adequate provision is made, in the judgment of the Commission, that present and future access is guaranteed to properties not having the required frontage.
- (3) Adequate provision is made for access by emergency vehicles to all properties.
- (4) All properties are, in the judgment of the Commission, of such proportions as to be usable for the intended permitted use.

G. Performance standards.

(1) Purpose. It is the intent of this section to ensure that research, manufacturing and related activities in the I and IP Zones are established and maintained in a manner not detrimental to the public health, safety and welfare and in a manner beneficial to the use, enjoyment and value of neighboring properties. The use of performance standards is necessary to measure potential nuisances and hazards objectively, thereby protecting industries from arbitrary control and at the same time affording the neighboring properties and the general public necessary protection against hazards and nuisance.

(2) Performance standards. The following conditions are imposed as standards to be met in order that a manufacturing or related activity be in compliance with the Bethel Zoning Regulations:

(a) Noise. The sound level (a frequency-weighted sound measure level as measured with a sound-level meter, using the A-weighting network = dBA) of any operation or activity, other than noise created as a result of or relating to an emergency, including but not limited to sirens, alarms, etc.; construction or demolition activity during the daytime, as herein defined; noise created by blasting, other than that conducted with construction activity, which shall be exempt, provided that the blasting is conducted between 7:00 a.m. and 5:00 p.m.; noise created by on site recreational activities sanctioned by the state or local government, including but not limited to parades, sporting events, concerts, fireworks, etc.; noise generated by maintenance equipment for landscaping and snow removal, i.e., plows, mowers, etc.; farming activity; noise generated by transmission or distribution facilities and substations of public utilities; and noise that is directly caused by flight operations specifically preempted by the Federal Aviation Administration, shall not exceed the noise zone standards of the General Statutes of the State of Connecticut (Section 22a-69) as currently in force or subsequently amended with current standards stated at: 70 dBA for an emitter in an industrial zone. Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's property within the receptor's property.

(b) Vibration. No vibration shall be transmitted and therefore felt outside the lot from which it originates.

(c) Air pollution.

[1] Provisions shall be made to control emissions of air pollutants (dust, fumes, smoke, vapor, gas, odorous substances, etc.) into the outdoor atmosphere. Such provisions shall be in compliance with the following standards and all applicable federal (i.e., Clean Air Act) and state (i.e., Air Pollution Control, § 22a-174) regulations as presently in force or subsequently amended.

[2] Odor from any use, except agricultural activities conducted in a manner as to minimize odors and except mobile sources, shall not be discernible to any objectionable degree at the property line. An odor will be deemed objectionable when the Department of Environmental Protection Air Compliance Unit determines such, according to guidelines and standards provided by the General Statutes of Connecticut as presently in force or subsequently amended.

(d) Glare and heat. All uses shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of 0.5 footcandle in any residential zone. Any form of heat shall not be perceptible outside the lot where it originates.

(e) Electromagnetic radiation. No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiations and to any other applicable regulation.

(f) Dangerous materials and hazardous wastes.

[1] Materials which are dangerous due to the possibility of explosion, fire, radioactivity, corrosion, toxicity or contamination must be secured and maintained in a manner approved by federal, state and Town agencies against such dangers as:

[a] Groundwater contamination via leachate and direct discharge.

[b] Surface water contamination via runoff, overflow or direct discharge.

[c] Air pollution via open burning, evaporation, sublimation and wind erosion.

[2] Any activity whether the generation, treatment, storage, transportation of hazardous waste (is defined and controlled by Section 3001 of the Federal Resource Conservation and Recovery Act, Connecticut General Statutes Chapter 445, Hazardous Waste, Section 22a-114 and amendments or subsequent federal, state or Town regulations) is restricted to approved and confirmed Environmental Protection Agency and Department of Environmental Protection registrants and security methods, and prior to commencement, such activity is to be reported to and must be approved by appropriate Town officials.

[3] Any discharge of wastewater into the waters of Bethel (surface or ground) or into public disposal system must comply (either by its nature or pretreatment) with all federal (i.e., National Pollutant Discharge Elimination System) and state (i.e., Water Quality Standards and Criteria) standards.

(3) Standards. In addition to these standards, all relevant provisions of any other federal, state and Town laws and regulations shall also apply. Where such standards, controls or regulations are not in agreement, the more restrictive shall apply.

(4) Administration.

(a) The occupant/applicant of a parcel within an I or IP Zone will be solely responsible for the maintenance of the performance standards. Where the occupant requests an analysis or investigation by a competent technical expert after having been informed in writing of an alleged violation, the officer charged with enforcement shall engage competent technical experts to study the alleged violation. The report of the officer charged with enforcement, charging that a violation has occurred, shall have sufficient ground for invoking the provisions of law to enforce compliance hereunder.

(b) Where technical experts have been engaged at the request of the Planning and Zoning Commission, either by the Commission or the occupant/applicant, the occupant/applicant shall bear the cost of such technical investigation if he is thereafter found to be in violation of the foregoing standards. Where technical investigation reveals that no violation has occurred, the cost of the technical investigation shall be borne by the Town.

(c) The occupant/applicant shall, at his own expense, furnish in writing, together with the application for a building permit, sufficient evidence to the Commission that the proposed use will not produce any nuisance in excess of the measurable performance standards listed in this section. In many cases the relation of the prospective use to the established performance standards cannot be judged properly during a permit processing period or prior to operation. In such cases, the recipient of zoning and building permits should note that these performance standards are continuing obligations and that all land uses in Town are expected to operate in compliance with these standards. Any existing use, which does not comply with these performance standards, shall not be varied or changed in such a way as to increase the degree of such violation. All land use activities must also comply with all other applicable sections of these regulations as well as the permit requirements of other local, state or federal agencies having permit jurisdiction.

H. The occupant/applicant shall, at his own expense, furnish in writing, together with the application for a building permit, sufficient evidence to the Commission that the proposed use will not produce any nuisance in excess of the measurable performance standards listed in § 118-38G.

I. (Reserved)

J. Site plan requirements. Site plan requirements for Industrial Zones shall be as specified in § 118-34 of this regulation.

K. Landscape requirements.

(1) All required landscaping shall be indicated on the required site plan as outlined in § 118-35 of this regulation.

(2) Required front yards shall be provided with a landscaped area in their entirety except for permitted driveways. Where an industrial use adjoins a Residence Zone, all yards adjoining such residential use shall include a screen or landscaped buffer or natural buffer at least 25 feet in width as specified and approved by the Commission.

(3) Required parking areas shall be landscaped as specified in § 118-35A of this regulation.

L. Parking and loading requirements. Each industrial use shall provide parking and loading facilities in accord with Article VIII of this regulation. No off-street parking shall be permitted in the required front yard.