

Town of Union, Connecticut
Zoning Regulation Supplements



Effective May 7, 2012

SUPPLEMENT A

Land Use Guidelines Commercial, Industrial and Retail Design and Appearance

Purpose

(A) The general appearance, style, and design of commercial, industrial and retail buildings, landscapes, streetscapes, and developments are of prime importance to the Town of Union and its citizens. Union is a small New England community that has traditionally depended upon a forest and agriculture based economy. Residents, in large part, are attracted to the natural environment, scenic beauty, and aesthetic character of the community. The guidelines contained herein are intended to ensure that the rural character for which Union is known will be maintained and perpetuated. The purposes of these guidelines are as follows:

- (1) To create a balance between the need for new development and the desire to maintain a safe, healthful, and attractive community environment.
- (2) To enhance the general welfare of the community by protecting property values and preserving the natural environment, the unique character, and the aesthetic integrity of the community.
- (3) To provide proper guidelines to ensure a high level of quality in the appearance of Union without discouraging good design by setting rigid standards that stifle a developer's or property owner's individuality, creativity, or artistic expressions at a particular site.
- (4) To aid in the preservation of natural resources by contributing to air purification, oxygen regeneration, groundwater recharge, energy conservation, and storm water runoff abatement, while reducing noise, glare, and heat.
- (5) To ensure adequate light and air and to prevent the overcrowding of land.
- (6) To preserve and improve property values and to protect public and private investment through the preservation of open space.
- (7) To preserve and protect the quality and character of Union, and to enhance the business economy attracted to the community by such factors.

Applicability

(A) The design guidelines outlined are suggested for all new non-single-family development or redevelopment in Union. Non-single-family development or redevelopment includes duplexes, townhouses, condominiums, multi-family apartments, commercial buildings, industrial buildings, churches, schools, hospital buildings, all other buildings not specifically designed and used for single-family purposes, and accessory buildings associated with all these types of non-single-family developments. For the purposes of these guidelines, the expansion, alteration, or reconstruction of an existing development shall not be considered "redevelopment" unless the value of the expansion, alteration, or reconstruction is greater than 30% of the value of the existing development prior to the expansion, alteration, or reconstruction. The value of the existing development shall be based on "tax value".

In the absence of tax value, the Assessor shall estimate the value based upon the best information reasonably available. The value of the expansion, alteration, or reconstruction shall be based on “construction cost”.

Criteria for Design

- (A) The following criteria have been used in developing the items contained in this article and shall serve as guidelines for development in Union:
 - (1) Livability. Buildings and outdoor spaces should be designed to fit human scale, to harmonize with the immediate environment , and to accommodate pedestrian traffic.
 - (2) Visual Impact. New public and private projects should be visually appealing, compatible with a rural New England setting, and compatible with other development in the surrounding area.
 - (3) Vegetation. Landscape design should preserve existing trees and vegetation and incorporate new trees and shrubbery. Landscaping should be used to screen and soften the impact of development
 - (4) Mobility. Land development should provide a network of roads, bicycle paths, and sidewalks that give consideration to the safety of motorists, cyclists, joggers, and walkers.
 - (5) Views. Streets, buildings, and parking lots should enhance the environment by preserving and providing pleasant views and appropriate geographic orientations.
 - (6) Energy Conservation. Whenever possible buildings should be oriented so that they facilitate the construction of alternative energy installations.

Exterior Walls and Facades of Commercial Buildings.

- (A) The exterior walls of commercial buildings should be designed to reflect, enhance, and promote the desired image of a New England village
- (B) Except to the extent prohibited by the State building codes, the wall area on the first floor of a building fronting a street should have at least 30 percent windows and doors.
- (C) Solid walls and blank exteriors are discouraged.
- (D) Buildings should be oriented so that a principal or primary facade faces each street on which the building fronts.
- (E) Special attention should be given to the design of windows. Reflective glass is not recommended. Windows should not be flush with the building facade and should add variety to the streetscape.

Roof Lines

- (A) Pitched roofs with a minimum slope of 6:12 or greater are recommended. They should blend well with the terrain. Flat roofs are discouraged.
- (B) Wood or asphalt shingles, slate (natural or synthetic), steel or tile are considered appropriate roof materials.
- (C) All rooftop mechanical and electrical equipment (except for alternative energy installations) should be screened from the view of streets and adjacent property.

Color

Colors of paint, stains, and other finishes or materials should be “nature blending” with generally no more than three colors per building.

Topography

- (A) Proposed development and buildings to be situated on sloping sites should be planned and designed to minimize the grading of the site, the removal of trees and natural vegetation, and the disruption of natural water courses. Proper erosion control should be observed. Trees that are to remain on the site should be protected to safeguard the root structure.
- (B) Grading should blend gently with contours of adjacent properties, with smooth gradations around all cut-and-fill slopes, both horizontally and vertically. On sites containing slopes in excess of 12 percent, mass grading approaches should be avoided.
- (C) Developments should be designed so that they do not exceed the capacity of existing topography, natural drainage ways, soils, geology, and other natural site conditions. Areas whose physical site characteristics make them unsuitable for development should be set aside as open space.
- (D) Wooded perimeters or the most desirable natural site features should be protected to retain the visual character of the site. Isolated pockets of trees should be protected and used to soften the visual impact of the site.

Lighting

Please see Section 2.1 of the Town of Union Zoning Regulations.

General Landscaping

- (A) Natural appearing landscape forms are strongly encouraged. The scale of the proposed landscaping should be in proportion to the building.

Sidewalks

See section 4.66 of the Union Subdivision regulations

Utility Lines.

- (A) All new utility lines, with the exception of major transmission lines, should be placed underground.
- (B) Utility poles (other than wooden poles erected by a public utility company) and supports should be painted neutral in color.

Parking Areas

- (A) Parking lots should not be focal points of development. Parking areas should be located away from streets, preferably behind buildings. Parking areas should be screened by berms, trees, shrubs, walls, or fences.
- (B) Storage and loading areas should be screened with planted buffers at least six feet in height, or rising two feet above the material or equipment being stored, whichever is greater.
- (C) Twenty-five percent of the paved vehicle accommodation area should be shaded by new or existing trees.

Mechanical, Utility, and Trash Containment Areas

- (A) Mechanical and Utility Equipment. Conventional Heating, ventilation, air conditioning, and other mechanical and utility equipment, including but not limited to vents, fans, compressors, pumps, and heating and cooling units, which are located on, beside, or adjacent to any building or development, should be screened from the view of streets and adjacent property. The screen should exceed the height of the equipment, shall not interfere with the operation of the equipment, and should use building materials and design that are compatible with those used for the exterior of the principal building.
- (B) Suitable plant materials should be used at the base and corners of any screening wall to soften the wall's appearance.
- (C) Trash Containment Areas. All trash containment devices, including compactors and dumpsters, should be located, designed, and screened so as not to be visible from the view of adjacent streets, parking lots, and other properties.
- (D) All trash containment areas and devices should meet the following standards:
 - (1) All trash containment areas should be enclosed to contain windblown litter.
 - (2) The enclosure should exceed the height of the compactor or dumpster and should effectively screen the equipment from the view of adjacent streets and property.
 - (3) The enclosure should be made of a solid material that is compatible with the design and materials of the principal building.
 - (4) All compactors and dumpsters should be placed on a concrete pad that is large enough to provide adequate support, allows for positive drainage, and conforms to health department regulations.
 - (5) The enclosure should contain gates to allow for access and to provide security and screening.
 - (6) The owner or occupant of the premises should maintain the solid waste containment area in good repair at all times.

Fences and Walls

- (A) Walls of natural rock material are a part of the community's history. Use of stone walls constructed of local stone materials is strongly encouraged.
- (B) Retaining walls should be covered with natural stone found in the area or other suitable material.
- (C) Long, solid fences or walls should contain offsets or other architectural features to break up the appearance of a continuous mass.

SUPPLEMENT B

To The Zoning Regulations Effective 5/7/12

Definitions: For the purposes of Zoning Regulations for Section 3.14, ADULT ORIENTED BUSINESS OR ESTABLISHMENT, the following definitions shall apply:

- a. Adult Arcade means any establishment where one or more still or motion picture projectors, slide projectors or similar machines, or other image-producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.
- b. Adult Cabaret means any nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
 - (1) Persons who appear nude or seminude; or
 - (2) Live performances that are characterized by the exposure of specified anatomical areas.
- c. Adult Books means any books, magazines, periodicals, pamphlets, or other printed materials that depict, display or describe anatomical areas or specified sexual activities.
- d. Adult Entertainment means:
 - (1) Any live performance, display or dance of any type that has as a significant or substantial portion of such performance any performance or simulation of specified sexual activities or exhibition and viewing of specified anatomical areas, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect; or for
 - (2) Any amusement machine that is regularly used for presenting material that is characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons thereof.
- e. Adult Motel means a commercial establishment which offers public accommodations, for any form of consideration or gratuity, and provides patrons with closed circuit television transmissions, images transmitted by computer, films, videocassettes, slides or other photographic reproductions which are characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas and which advertises the availability of this type of material by means or a sign(s) visible from a public right of way or by means of off-premises advertising in newspapers, magazines, leaflets, radio or television; offers a sleeping room for rent for a period of time less than ten hours or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten hours; or defines itself as such by advertising as an adult-oriented business to the general public.
- f. Adult Motion Picture Theater means any enclosed building regularly used for showing films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

- g. Adult Novelties means: (a) instruments, devices, toys or paraphernalia that are designed for or marketed primarily for stimulating human genital organs, sexual arousal or sadomasochistic use; (b) instruments, devices, gag gifts, toys or paraphernalia that depict, display or are shaped in the form of specified anatomical areas; (c) oils, lotions, gels or creams that are designed for or marketed primarily for use upon specified anatomical areas and intended for stimulating human genital organs, sexual arousal or as an aid to enhance or promote specified sexual activities; and (d) supplements, vitamins or similar products designed or marketed for enlarging, extending or otherwise enhancing human male genitals or for stimulating, enhancing or extending male or female sexual arousal or libido.
- h. Adult-Oriented Business means:
- (1) An adult arcade, adult-oriented store, adult cabaret, adult motion picture theater, adult motel, adult theater, escort agency, massage parlor, nude model studio, or sexual-encounter establishment;
 - (2) Any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides adult entertainment, or which premises are so physically arranged as to provide booths, cubicles, studios, rooms, compartments or stalls separate from the common areas or the premises for the purposes of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect;
 - (3) Any adult-entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as such; or
 - (4) Any establishment that advertises itself as an adult-oriented business to the general public.
- i. Adult-Oriented Store means any establishment having:
- (1) A substantial or significant portion of its stock in trade in Adult Books, Adult Videos, or Adult Novelties or any combination thereof;
 - (2) Any portion of its stock in trade in Adult Books, Adult Videos or Adult Novelties and in conjunction therewith has rooms, designated areas or facilities for the presentation, observation or use by patrons of any item sold or rented in such establishment.
- For the purpose of this definition, factors indicating that a "substantial or significant" portion of a business is devoted to the sale or rental of such items include without limitations any one or more of the following criteria:
- (1) Twenty percent or more of all inventory consists of such items at any time;
 - (2) Twenty percent or more of the merchandise displayed for sale consists of such items at any time;
 - (3) Twenty percent or more of the stock in trade consists of such items at any time;
 - (4) Twenty percent or more of the floor area of the business (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) is devoted to such items at any time;

- (5) Twenty percent or more of the sales, measured in dollars over any consecutive ninety-day period, is derived from such items;
 - (6) Twenty percent or more of the number of sales transactions, measured over any consecutive ninety-day period, is of such items; or,
 - (7) Twenty percent or more of the dollar value of all merchandise displayed at any time is attributable to such items.
- j. Adult Theater means any theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear nude or seminude or who appear in live performances that are characterized by the depiction, simulation or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.
 - k. Adult Videos means films, motion pictures, videocassettes, DVDs, software, slides or other photographic reproductions that depict, display or describe specified anatomical areas or specified sexual activities.
 - l. Employee means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented business.
 - m. Entertainer means any person who provides adult entertainment within an adult-oriented business, whether or not a fee is charged or accepted for such entertainment and whether or not such entertainment is provided as an employee or independent contractor.
 - n. Escort means any person who, for any form of consideration, agrees or offers to act as a social companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
 - o. Escort Agency means an person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
 - p. Live Adult Entertainment means any live performance by a person who appears nude or seminude or any live performance that is characterized by the exposure of specified anatomical areas or by the depiction or simulation of specified sexual activities.
 - q. Massage Parlor means any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electric apparatus or appliance with or without any supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. The definition of massage parlor shall not include the practice of massage:
 - (1) In any state-licensed hospital, nursing home, clinic, medical office or rehabilitation facility,
 - (2) By a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist;
 - (3) By any registered nurse, licensed practical nurse or technician working under the supervision of a state-licensed physician, surgeon,

chiropractor, osteopath, physical therapist, or certified massage therapist who shall be present on the licensed premises during the time the service is rendered;

(4) By trainers for any amateur or professional athlete or athletic team or school athletic program; or

(5) By any state-licensed barber or beautician with regard to the massaging or the neck, face, scalp and hair for cosmetic or beautifying purposes.

- r. Masseur means any person who, for any form or consideration, performs massage activities as described in the previous definition of this section.
- s. Nude Model Studio means any place where a person, for any form of consideration, regularly appears nude or seminude or displays specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other person(s). A nude model studio shall not include a modeling class operated by an accredited public or private school or college.
- t. Nudity means:
 - (1) The appearance of human bare buttocks, anus, genitals, pubic region or the areola or nipple of the female breast; or
 - (2) A state of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region or areola or nipple of the female breast.
- u. Seminude means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- v. Sexual Encounter Establishment means a business or commercial establishment that, for any form of consideration, offers a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas. A sexual encounter establishment shall not include an establishment where a state-licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medically approved and recognized sexual therapy.
- w. Specified Anatomical Areas means:
 - (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
 - (2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.
- x. Specified Sexual Activities means:
 - (1) Showing of human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus;
 - (3) Fondling or touching of another person's genitals, pubic region, buttocks, or female breasts;
 - (4) Lap dancing; or
 - (5) Excretory functions as part of or in connection with any of such activities.