



**RPC
Representatives**

Bethany:
Sharon Huxley

Branford:
Charles Andres

East Haven:
David Anderson

Guilford:
Vacant

Hamden:
Joseph McDonagh

Madison:
Christopher Traugh
(Secretary)

Meriden:
William Lake

Milford:
Susan Shaw

New Haven:
Karyn Gilvarg

North Branford:
Vacant

North Haven:
Brian Cummings
(Vice-chair)

Orange:
Paul Kaplan

Wallingford:
James Fitzsimmons

West Haven:
John Panza

Woodbridge:
Peggy Rubens-Duhl
(Chair)

AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, September 16, 2010 RPC Meeting, 5:15pm @ SCRCOG Conference Room; 127 Washington Ave, 4th Floor West, North Haven, CT 06473

1. Administration

1.1. Minutes of the August 12, 2010 RPC Meeting

2. Statutory Referrals – September Action Items

2.1. Town of Orange: Proposed Zoning Regulation Amendments to delete regulations which prohibit car hop service in the C-1 and C-2 Districts, propose regulations which would permit car hop service in the C-1 and C-2 District by special Permit and to add Section 383-443.4 – Special Standards for carhop service. Submitted by: Town of Orange. Received: August 9, 2010. Public Hearing: September 21, 2010

2.2. Town of Cheshire: Proposed Zoning Regulation Amendment to Section 41.5 – Revisions and Extensions and 41.6 – Condition of Approval. Submitted by: Town of Cheshire. Received: August 11, 2010. Public Hearing: September 27, 2010

2.3. City of New Haven: Proposed Zoning Regulation Amendments to Section 29 - Parking, Section 45 – Regulations for Parking, Loading, Automotive and Drive-In Establishments, Section 55 – Coastal Management District, Section 58 – Soil Erosion and Sediment Control, Section 60 – Stormwater Management Plans and Section 64 – City Plan Commission. Submitted by: City of New Haven. Received: August 12, 2010. Public Hearing: September 22, 2010

2.4. Town of Southington: Proposed Zoning Regulation Amendments to Section 13-10-4C (new text on electronic signs), Section 5-03 (new I-3 industrial regulations), Section 3-01.2F (new text on private horse stables). Submitted by: Town of Southington. Received: August 12, 2010. Public Hearing: September 21, 2010

2.5. Town of Berlin: Proposed Zoning Regulation Amendment to Section IV.C.4 – Non-Conforming Structures. Submitted by: Private Applicant. Received: August 13, 2010. Public Hearing: September 23, 2010

3. Other Business

3.1.



DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, August 12, 2010 Meeting

Present: Brian Cummings, Christopher Traugh, Charles Andres, David Anderson, William Lake, Carl Amento, Eugene Livshits.

1 Administration

- 1.1 Minutes of the July 8, 2010 RPC meeting. Motion to accept the minutes as presented: Christopher Traugh. Second: David Anderson. Vote: Unanimous. Abstain: Charles Andres

2 Statutory Referrals

- 2.1 City of New Haven: Proposed Zoning Regulation Amendments to Section 56 of the Zoning Ordinance entitled Flood Damage Prevention District and the City's Flood Damage Prevention Ordinance in order to bring the ordinances into compliance with the National Flood Insurance Program Standards

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments does not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Christopher Traugh. Second: Charles Andres. Vote: Unanimous.

- 2.2 Town of Hamden: Proposed Zoning Regulation Amendment to Prohibit Outdoor Wood-Burning Furnaces

By resolution, the RPC has determined that the proposed Zoning Regulation Amendment does not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Charles Andres. Second: William Lake. Vote: Unanimous.

- 2.3 City of Shelton: Proposed Zoning Regulation Amendments to Section 44: Signs

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat



or ecosystem of the Long Island Sound. Motion: David Anderson. Second: Christopher Traugh. Vote: Unanimous.

3 Other Business

An update on the status of the Sustainability Fact Sheets and an overview of the topics that are covered discussed. The topics included the following:

Renewable Energy Resources, Transit Oriented Development, Sustainable Housing, Complete Streets, and Low Impact Development.

Motion to Adjourn: Charles Andres. Second: Christopher Traugh. Vote: Unanimous.

Referral 2.1: Town of Orange

Subject: Proposed Zoning Regulation Amendments to delete regulations which prohibit car hop service in the C-1 and C-2 Districts, propose regulations which would permit car hop service in the C-1 and C-2 District by special Permit and to add Section 383-443.4 – Special Standards for carhop service

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns in the South Central Region nor do there appear to be negative impacts to the habitat or ecosystem of the Long Island Sound.

Background: The Town of Orange has proposed Zoning Regulation Amendments, which would allow Car Hop Restaurant Service by Special Permit in the Commercial (C1 and C2) Districts. Orange has proposed Special Standards for the use as well; the parking areas designated for carhop restaurant service shall not have direct access to any public road; the service must be separated from other parking areas by curbing or an island, design of the service area must maximize pedestrian and vehicular safety; lighting must be provided in the carhop service area at a level sufficient to provide adequate vehicular and pedestrian safety, must be in compliance with Section 383-123.1 – Lighting.

Communication: In researching this proposal, I spoke to the Planning Staff for Orange and notified the adjacent municipalities in the South Central Region (Milford, New Haven, West Haven, Woodbridge).



Town of Orange, Connecticut

Zoning Department

TOWN HALL
617 ORANGE CENTER ROAD
ORANGE, CONNECTICUT 06477-2499

PHONE: (203) 891-2122, ext. 743
FAX: (203) 891-2185
www.orange-ct.gov

August 6, 2010
CERTIFIED MAIL

Mr. Carl Amento, Executive Director
Council of Governments
127 Washington Avenue
4th Floor - West
North Haven, CT 06473-1715

REFERRAL OF PETITION TO AMEND
THE ORANGE ZONING REGULATIONS
-UPON THE INITIATIVE OF THE ORANGE TOWN PLAN & ZONING COMMISSION

- 1. To Delete regulations which would prohibit car hop service in the Commercial C-1 and Commercial C-2 Districts.*
- 2. To Propose regulations which would permit car hop service in the Commercial C-1 and Commercial C-2 Districts by special permit.*

Dear Mr. Amento:

In accordance with the Connecticut General Statutes, enclosed for your review are proposed changes to the Orange Zoning Regulations and Orange Zoning Map. A public hearing on this matter is tentatively scheduled for September 21, 2010.

If you have any questions, please contact me at 203-891-4743.

Very truly yours,

Paul Dinice, Zoning Administrator
& Enforcement Officer

enclosures (2)
cc: TPZC Members
V. Marino, Esq.
J. Zeoli, First Selectman
B. Miller, Consultant Planner

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COUNCIL OF GOVERNMENTS

***August 6, 2010 Draft**

To Delete:

383-42 E (2) Establishments where customers are served in motor vehicles by restaurant "car hop" employees outside of the enclosed structure.

And

383-50 F (2) Establishments where customers are served in motor vehicles by restaurant "car hop" employees outside of the enclosed structure.

To Add:

(Commercial C-1)

383-42

- F. Car Hop Restaurant Service where food is brought and served in motor vehicles parked in a specially designed and designated area.

(Commercial C-2)

383-50

- G. Car Hop Restaurant Service where food is brought and served in motor vehicles parked in a specially designed and designated area.

To Add the following:

383-143.4. Special standards for carhop restaurant service.

As provided for in § 383-42 F & § 383-50 G, carhop restaurant service in the Commercial C-1 & Commercial C-2 districts shall conform to the following additional standards:

- A. Parking areas designated for carhop restaurant service shall not have direct access to any public road.
- B. Designated carhop service areas must be separated from other parking areas by curbing or an island. The design of the carhop service area must maximize pedestrian and vehicular safety.
- C. Lighting must be provided in the carhop service area at a level sufficient to provide adequate vehicular and pedestrian safety. Provided lighting must be in compliance with Section § 383-123.1. Lighting.

Referral 2.2: Town of Cheshire

Subject: Proposed Zoning Regulation Amendment to Section 41.5 – Revisions and Extensions and 41.6 – Condition of Approval.

Staff Recommendation: The proposed Zoning Regulation Amendment does not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background: The Town of Cheshire has proposed Zoning Text Amendments to Sections 41.5 and 41.6 of the Cheshire Zoning Code. The amendment to Section 41.5 amends the title from “Revisions and Extensions” to “Revisions”. The title of Section 41.6 is proposed to be amended from “Conditions of Approval” to “Conditions of Approval and Extensions of Expiration Date”.

Further proposed amendments to Section 41.6 extend the expiration date of the site plan if approved during the period between July 1, 2006 and July 1, 2009 to six years. The existing regulations have an expiration date of five years or within such a later period as set forth in the Connecticut General Statutes (CGS) 8-3 for large-scale residential, commercial, industrial, or retail projects.

The proposed amendments introduce text to this section permitting one or more extensions. The expiration date of the approval including all extensions is 11 years from the date the site plan was approved. Section 41.6 will now include an expiration date for the large-scale residential, commercial, industrial, or retail projects as defined in the CGS 8-3 of ten years after the date the site plan was approved.

Communication: In researching this proposal, I spoke to the Planning Staff in Cheshire and notified the adjacent municipalities in the South Central Region (Bethany, Hamden, Meriden, Wallingford).

RPC Referral Submission Form

South Central CT Regional Planning Commission

Please mail to:

Re: RPC Referral
South Central Regional COG
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

1.) General Information:

Date Sent: 8/10/10

Subject: Amendments per P.A. 09-181

Applicant Name: Town of Cheshire

Property Address (if applicable): 84 South Main Street

Town/City: Cheshire

☐

Referral is from a private individual

☒

Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: _____

2.) Statutory Responsibility:

☐

Application involves a subdivision of land within 500 feet of a town/city border

☒

Application involves a proposed change to a town/city zoning regulation

☐

If neither, applicant requests a voluntary RPC review for informational purposes

☐

Material is for informational purposes only; an RPC resolution is not necessary

☐

Other: _____

3.) Process:

☒

Material sent "Return Receipt Requested" (as required by law)

☒

Information on proposed change included

☒

Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: William S. Voelker, AICP

Telephone Number: (203) 271-6670

E-mail Address: wvoelker@cheshirect.org

Comments: Tentative Public Hearing date September 27, 2010

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrkog.org>

TOWN OF CHESHIRE
MEMORANDUM

Phone 203-271-6670 - Fax 203-271-6688

Date: August 10, 2010

FROM: William S. Voelker, AICP, Town Planner

SUBJECT: Regional Referrals

The Cheshire Planning Office is amending the following Per P.A. 09-181 and we are forwarding such for regional referral:

:
TYPE OF APPLICATION

Zoning Regulations:
Revise the title of Section 41.5 to state
"Revisions:"

Revise Section 41.6
Conditions of Approval and Extensions of
Expiration Date

SUBDIVISION REGULATIONS:

To add Section 3.3 titled:
3.3 Expiration of Approved Subdivision and
Extension of Expiration Date

Existing and Proposed Text Attached

If further information is required, please contact me at the Planning Office at (203) 271-6670. We look forward to receiving your comments.

Distribution List:
COG Central Naugatuck Valley
Central CT Regional Planning Agency
✓ South Central CT RPA

SCHEDULED DATE OF PUBLIC
HEARING IF APPLICABLE

TBA
Public Hearing Date: 9/27/10
Cheshire Town Hall – 7:30
p.m.

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IN CENTRAL REGIONAL
GOVERNMENT

Town of Cheshire – Proposed Changes per P.A. 09-181

EXISTING:

41.5 Revisions and Extensions. Any substantial revision of an approved Site Plan application and any reconstruction, enlargement, extension, moving or structural alteration of an approved Site Plan use or any building or structure in connection therewith shall require submission of a Site Plan application as for the original application.

41.6 Condition of Approval. Any person, firm or corporation having obtained approval of a Site Plan application under this section shall complete all work and comply with all conditions of approval of said Site Plan approval within five years after said approval, or within such later period as set forth in Connecticut General Statutes 8-3 for large-scale residential, commercial, industrial or retail projects.

In the event all such work and/or all such conditions are not completed within said time, the approval granted shall become null and void.^{1,2}

PROPOSED

41.5 Revisions.³ Any substantial revision of an approved Site Plan application and any reconstruction, enlargement, extension, moving or structural alteration of an approved Site Plan use or any building or structure in connection therewith shall require submission of a Site Plan application as for the original application.

41.6 Conditions of Approval and Extensions of Expiration Date.³ Excluding certain large-scale projects described below, any person, firm or corporation having obtained approval of a Site Plan application under this section shall complete all work and comply with all conditions of approval of said Site Plan approval within five years after said approval, except that any Site Plan approved during the period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval. The Commission may grant one or more extensions of time to complete all or part of the work in connection with such Site Plan, provided no approval, including all extensions, shall be valid for more than eleven years from the date the Site Plan was approved.

For large-scale residential, commercial, industrial or retail projects as described in Connecticut General Statutes 8-3, the commission shall set a deadline for completion of all work in connection with such Site Plan in accordance therewith but in no event shall such date be later than ten years after the date of approval of the Site Plan.

In the event all such work and/or conditions are not completed by the appropriate deadline, the approval granted shall become null and void.

¹ Amendment effective April 29, 1976.

² Amendment effective February 8, 1991.

³

TOWN OF CHESHIRE

Planning & Zoning Commission
84 South Main Street
Cheshire, Connecticut 06410
203-271-6670 • Fax 203-271-6688



TOWN OF CHESHIRE SUBDIVISION REGULATIONS Proposed changes as amended per P.A. 09-181

EXISTING: None

PROPOSED:

3.3 Expiration of Approved Subdivision and Extension of Expiration Date

All work in connection any approved subdivision must be completed within the time limits set forth in the Connecticut General Statutes §§ 8-26c and 8-26g, as amended, including any extensions of time granted pursuant thereto. Failure to complete all work within the permitted time limit shall render the subdivision approval null and void.²



Referral 2.3: City of New Haven

Subject: Proposed Zoning Regulation Amendments to Section 29 - Parking, Section 45 – Regulations for Parking, Loading, Automotive and Drive-In Establishments, Section 55 – Coastal Management District, Section 58 – Soil Erosion and Sediment Control, Section 60 – Stormwater Management Plans and Section 64 – City Plan Commission

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background: The City of New Haven has proposed Zoning Regulation Amendments that promote “sustainable and environmentally sound development practices.” The amendments are applicable to Section 29 – Parking, Section 45 – Regulations for Parking, Loading, Automotive and Drive-In Establishments, Section 55 – Coastal Management District, Section 58 – Soil Erosion and Sediment Control, Section 60 – Stormwater Management Plans and Section 64 – City Plan Commission.

Section 29: The amendments in this section require that all parking spaces of at least 180 feet have direct access to a circulation aisle...All parking areas containing three or more parking spaces shall include a turnaround designed and located so that vehicles can enter and exit the area without backing into the public right of way.

A use in a residence district requiring ten or more parking spaces shall provide two bicycle parking spaces and one additional bicycle parking space for each additional ten parking spaces or fraction thereof. Bicycle spaces shall comply with designs approved by the City of New Haven and at minimum must provide a bicycle rack that permits the locking of a bicycle frame and one wheel while supporting the bicycle in a stable condition that will not damage it or interfere with pedestrian access to the sidewalk and ingress and egress to buildings or facilities.

All artificial lighting used to illuminate any parking space shall comply with the requirements of Section 60.1 of these regulations regarding exterior lighting.

Section 45: The amendment in this section includes a similar provision as proposed in Section 29 pertaining to bicycle parking, but is applicable to business and industrial districts.

The phrase “sufficient vehicle stacking capacity” is proposed to be added to subsection (c) (1), which states “The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(b) (4) above shall apply. Compliance with such provisions shall be assured by adequate design of the establishment, with particular attention to.....

Section 55: The amendments (deletions and additions) in this section are administrative and apply to the submittal, review, duration of approval and the provision applicable to renewal is proposed to be deleted.

Section 58: This amendment revises the Soil Erosion and Sediment Control section in the New Haven Zoning Ordinance. A subsections on Definitions, SESC Plan requirements, Minimum Acceptable Control Standard, Issuance of Finding and Conditions of Approval have now been added to this section. The situations in which an application is required has been expended to include sites that contain slopes of greater than 15 percent within 50 feet of the disturbed area; the application pertains to any site within the coastal boundary as defined in Section 22A-94 of the Connecticut General Statutes. The exempt activities include single family dwellings not part of a subdivision or larger development, excavation or grading does not exceed four feet beyond the perimeter, does not contain slopes greater than 15% within 50 feet of the disturbed area. There are certain agriculture activities that are proposed to be exempt from the regulations and any regulated activity legally existing as of the effect date of this section (other constraints to these exemptions have been proposed as well).

Section 60: This is a new section that has been proposed to be added to the New Haven Zoning Ordinance, which outlines the requirements for Stormwater Management plans. The following subsections have been included: purpose and authority; definitions; application requirements; contents of stormwater management plan; standards and criteria for decision. In addition Section 60.1 – Exterior Lighting and Section 60.2 Reflective Heat Impact from hardscape or paved surfaces are proposed to be added to the New Haven Zoning Ordinance.

Section 64: Proposed addition of Subsection (5) (T) - exterior lighting plans required by Section 60.1; Subsection (5) (CC) – stormwater management plans as required by Section 60; Subsection (5) (DD) – reflective heat impact calculations as required by Section 60.2 as part of the Site Plan contents. A section the duration of approval; lapse of approval; renewal; transferability and revocation is proposed to be added.

The individual sections can be reviewed in depth in the documentation included in the Agenda Packet.

Communication: In researching this proposal, I spoke to the Planning Staff in New Haven and notified the adjacent municipalities in the South Central Region (Orange, West Haven, East Haven, North Haven, Hamden, Woodbridge).



CITY OF NEW HAVEN

BOARD OF ALDERMEN
Office of Legislative Services

165 CHURCH STREET
NEW HAVEN, CONNECTICUT 06510
Tel. (203) 946-8371 - Fax. (203) 946-7476

August 10, 2010

Emeline Harrigan, Reg. Land Use Planner
S.C.C.T. Council of Governments
Regional Planning Comm.
127 Washington Avenue
North Haven, CT 06473-1715

Dear Ms. Harrigan:

I write pursuant to Sec. 8-3h of the Connecticut General Statutes to inform you that the following item was received by the Board of Aldermen sitting as the Zoning Commission for the City of New Haven:

"From the Executive Director, City Plan Department submitting an Ordinance Amendment to Sections: 29: Parking, 45: Regulations for Parking, Loading, Automotive And Drive-In Establishments, 55: Coastal Management District, 58: Soil Erosion And Sediment Control, And 64: City Plan Commission, Of The Zoning Ordinance to promote sustainable and environmentally sound developmental practices."

Enclosed for your convenience is a copy of this proposal.

Sincerely,

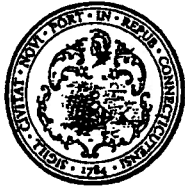
Al Lucas
Albert Lucas, Director
Office of Legislative Services

AL/cp

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SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS



NEW HAVEN CITY PLAN DEPARTMENT
165 CHURCH STREET, NEW HAVEN, CT 06510
TEL (203) 946-6378 FAX (203) 946-7815

July 23, 2010

Board of Aldermen
City Hall
165 Church Street
New Haven, CT 06510

Honorable Board of Aldermen:

Before your honorable Board are amended **Zoning Ordinance Sections 29: Parking, 45: Regulations for Parking, Loading, Automotive and Drive-in Establishments, 55: Coastal Management District, 58: Soil Erosion and Sediment Control, and 64: City Plan Commission**. The amendments promote sustainable and environmentally sound developmental practices in the City of New Haven.

To be a livable and sustainable city, New Haven must continue to implement requirements for developmental practices that respect the environment and encourage "green" behaviors. The amendments proposed above are presented to this Board in furtherance of such practices.

For the Board's convenience, proposed deletions of text in the attached annotated copy of Sections 29, 45, 55, 58, and 64 of the Zoning Ordinance are shown in [parentheses in lower case bold face type]. Proposed additions to text are shown in **UPPER CASE BOLD FACE TYPE**.

I urge your prompt and favorable action on this matter.

Sincerely,

Karyn M. Gilvarg, Executive Director
City Plan Department

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SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

ORDINANCE AMENDMENT TO SECTIONS 29: PARKING, 45: REGULATIONS FOR PARKING, LOADING, AUTOMOTIVE AND DRIVE-IN ESTABLISHMENTS, 55: COASTAL MANAGEMENT DISTRICT, 58: SOIL EROSION AND SEDIMENT CONTROL, AND 64: CITY PLAN COMMISSION OF THE ZONING ORDINANCE TO PROMOTE SUSTAINABLE AND ENVIRONMENTALLY SOUND DEVELOPMENTAL PRACTICES

WHEREAS: The City of New Haven recognizes that the continued successful growth of the City is dependent on sustainable developmental practices; and

WHEREAS: It is recognized that such practices include the effective management of parking and automobiles, coastal management areas, soil erosion, and sediment control; and

WHEREAS: It is the role of the City Plan Commission to ensure that the best and most current management practices are incorporated into the Zoning Ordinance of the City of New Haven; and

WHEREAS: These Amendments to the Zoning Ordinance are part of the City's larger effort to develop a built environment that promotes physical safety, social connectivity, and a general awareness of environmental well-being.

The New Haven Zoning Ordinance, except as amended herein, shall remain in full force and effect.

If a court of competent jurisdiction finds any provision of this amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision, and all other provisions of this amendment shall continue to be separately and fully effective.

Enacted by the Board of Aldermen, _____, 2010, by a roll call vote of ___ Ayes and ___ Nōes.

Approved by the Mayor, _____, 2010.

Operative and in Effect, _____, 2010.

Attest: _____

Ron Smith
City Clerk

(05/14/10) Proposed Draft Zoning Ordinance Amendments Re: Stormwater, SESC, Ext. Lighting,
Shading and Bicycle Parking:
Additions in **UPPERCASE BOLD FACE TYPE**
Deletions in **[parentheses lowercase bold face type]**

SECTION 29. PARKING.

(a) In any residence district, *parking spaces* shall be provided in the amount and location specified by the regulations of that district. Where parking requirements are expressed as a ratio to beds, employees, floor area, etc., any fraction of the stated amount of beds, employees, floor area, etc., shall require one *parking space*, but after the first such *parking space*, only a fraction of 1/2 or greater shall require an additional *parking space*.

(b) All *parking spaces* shall have an area of at least 180 square feet exclusive of adequate driveways and aisles, have direct access to a **CIRCULATION AISLE**, alley or street, be suitably surfaced and drained, and be provided with bumper or wheel guards where needed. **ALL PARKING AREAS CONTAINING THREE OR MORE PARKING SPACES SHALL INCLUDE A TURNAROUND DESIGNED AND LOCATED SO THAT VEHICLES CAN ENTER AND EXIT THE AREA WITHOUT BACKING INTO THE PUBLIC RIGHT OF WAY.**

(c) No *parking space* shall be located within any required *front yard*, except that: *parking spaces* (whether enclosed or not) may be permitted to be located within a required *front yard* by special exception under subsection 63(d) of this Ordinance upon finding, among other things, that such *parking spaces* are necessary to the use with which they are connected, that they cannot be practically located elsewhere on the lot, that their location within a required *front yard* will not depreciate property values or cause vehicular or pedestrian traffic hazards or substantially decrease the open aspect of the street, and that such *parking spaces* are properly screened and otherwise arranged in accordance with the requirements of this ordinance.

A *parking space* may be located within a required *side yard* or *rear yard*, provided that no such *parking space* shall extend within two feet of any side of any *side lot line* or *rear lot line*; but a *parking space* within an accessory building shall follow the requirements of section 25 as to location within required *side* and *rear yards*.

(d) **IN ANY CASE OF A USE IN A RESIDENCE DISTRICT FOR WHICH 10 OR MORE PARKING SPACES ARE REQUIRED, THE OWNER SHALL PROVIDE TWO BICYCLE PARKING SPACES AND ONE ADDITIONAL BICYCLE PARKING SPACE FOR EACH ADDITIONAL TEN PARKING SPACES OR FRACTION THEREOF.**

BICYCLE PARKING SPACES SHALL COMPLY WITH DESIGNS APPROVED BY THE CITY OF NEW HAVEN DEPARTMENT OF TRANSPORTATION, TRAFFIC AND PARKING AND AT A MINIMUM MUST PROVIDE A BICYCLE RACK THAT PERMITS THE LOCKING OF A BICYCLE FRAME AND ONE WHEEL WHILE SUPPORTING THE BICYCLE IN A STABLE POSITION THAT WILL NOT DAMAGE THE BICYCLE OR ITS COMPONENTS OR INTERFERE WITH PEDESTRIAN

ACCESS TO THE SIDEWALK AND INGRESS AND EGRESS TO BUILDINGS OR FACILITIES.

(e) In the case of any *use* in a residence district for which three or more *parking spaces* are required, all *parking spaces* not within a *building* shall be provided with a suitable fence, wall or evergreen planting at least five feet in height, designed to screen noise, odors, visibility and headlight glare, and located between such *parking spaces* and any other *lot* in a residence district that abuts directly or across a street or alley.

(f) All artificial lighting used to illuminate any *parking space* or *spaces* shall be so arranged that all direct rays from such lighting fall entirely within such *parking space* or *spaces* **AND SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 60.1 OF THESE REGULATIONS REGARDING EXTERIOR LIGHTING.**

SECTION 45. REGULATIONS FOR PARKING, LOADING, AUTOMOTIVE AND DRIVE-IN ESTABLISHMENTS.

(a)(1)a. **7. IN ANY CASE OF A USE IN A BUSINESS OR INDUSTRIAL DISTRICT FOR WHICH 10 OR MORE PARKING SPACES ARE REQUIRED, THE OWNER SHALL PROVIDE TWO BICYCLE PARKING SPACES AND ONE ADDITIONAL BICYCLE PARKING SPACE FOR EACH ADDITIONAL TEN PARKING SPACES OR FRACTION THEREAFTER.**

BICYCLE PARKING SPACES SHALL COMPLY WITH DESIGNS APPROVED BY THE CITY OF NEW HAVEN DEPARTMENT OF TRANSPORTATION, TRAFFIC AND PARKING AND AT A MINIMUM MUST PROVIDE A BICYCLE RACK THAT PERMITS THE LOCKING OF A BICYCLE FRAME AND ONE WHEEL WHILE SUPPORTING THE BICYCLE IN A STABLE POSITION THAT WILL NOT DAMAGE THE BICYCLE OR ITS COMPONENT OR INTERFERE WITH PEDESTRIAN ACCESS TO THE SIDEWALK AND INGRESS AND EGRESS TO BUILDINGS OR FACILITIES.

(b)(4) *Car or truck wash [(a/k/a Auto laundries).]*

(05/14/10) **Proposed Draft Zoning Ordinance Amendments Re: Stormwater, SESC, Ext. Lighting,
Shading and Bicycle Parking:**
Additions in **UPPERCASE BOLD FACE TYPE**
Deletions in **[parentheses lowercase bold face type]**

(c) *Drive-in establishments.* The following requirements shall apply to drive-in restaurants, drive-in banks, drive-in laundries, customer pick-ups, drive-in vending machines, and other facilities serving customers either sitting in their vehicles or stepping out briefly to pick up or deliver goods or conduct other business.

- (1) The provisions for free flow of traffic and protection of pedestrian areas in paragraph 45(b)(4) above shall apply. Compliance with such provisions shall be assured by adequate design of the establishment, with particular attention to provision of **SUFFICIENT VEHICLE STACKING CAPACITY.**

SECTION 55. COASTAL MANAGEMENT DISTRICT

(b)(2)) *Application for coastal site plan review:* Whenever a nonexempt building, use or activity is to be located within this district, **AN APPLICATION FOR COASTAL SITE PLAN REVIEW AND SITE PLAN APPROVAL SHALL BE SUBMITTED TO THE CITY PLAN COMMISSION PURSUANT TO SUBSECTION 64(F)(2)(G) OF THIS ZONING ORDINANCE** ~~[the application for a building permit submitted pursuant to the State Building Code, the application for a variance or special exception submitted pursuant to subsections 63.C and D of this zoning ordinance, and application and general plan and detail plans of planned development districts pursuant to section 65 of the zoning ordinance, shall be accompanied by an application for coastal site plan review upon the forms provided by the zoning enforcement officer].~~ The application shall include:

(b)(3) *Review.* **[The board or official receiving the application for coastal site plan review shall refer the application to the city plan commission for a written report.]** The commission shall review the application in accordance with the Connecticut Coastal Management Act, as amended; to determine whether the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities are acceptable.

(c)(2) *Duration of approval; lapse of approval; renewal; transferability; and revocation.*

(a) **DURATION OF APPROVAL.** PURSUANT TO SECTION 8-3(i) OF THE CONNECTICUT GENERAL STATUTES, AN APPROVED PLAN IS VALID FOR A PERIOD OF FIVE (5) YEARS AFTER THE DATE OF DECISION. UPON PETITION OF THE APPLICANT, THE COMMISSION MAY, AT ITS DISCRETION, MAY GRANT EXTENSIONS TOTALING NO MORE THAN AN

ADDITIONAL FIVE (5) YEARS TO COMPLETE ALL WORK CONNECTED TO THE ORIGINAL APPROVAL. APPLICATIONS FOR EXTENSIONS SHALL BE MADE IN WRITING BETWEEN NOT LESS THAN THIRTY (30) NOR MORE THAN SIXTY (60) DAYS PRIOR TO THE LAPSE OF THE ORIGINAL APPROVAL.

(b) Lapse of approval. Consistent with Section 62, the zoning enforcement officer shall determine the status of an approval and make a determination if the approval is valid or if approval has lapsed.

[(c) Renewal. An approved plan may be renewed by the City Plan Commission if it is determined that findings made and conditions imposed on the original approval still apply. Applications for renewal shall be made in writing between not less than 30 nor more than 60 days prior to the lapse of the original approval. Upon timely application, a renewal may be granted after the expiration. An extension under this section shall be granted one time only and for a period of time of up to a maximum of one year.]

(c) Transferability. The validity of an approval shall not be affected by changes in ownership **[unless made a condition of approval]**.

SECTION 58. SOIL EROSION AND SEDIMENT CONTROL.

(A) PURPOSE: THE PURPOSE OF SOIL EROSION AND SEDIMENT CONTROL IS TO MINIMIZE LAND FORM CHANGE THAT OCCURS AS A RESULT OF DEVELOPMENT; TO PRESERVE THE NATURE OF A SITE; TO SUSTAIN AESTHETIC, RECREATIONAL AND FISH AND WILDLIFE HABITAT AND VALUES; TO MAINTAIN THE CAPABILITY OF SOIL TO SUPPORT VEGETATION; TO REDUCE SEDIMENT ENTERING WATER BODIES AND SEWERS; AND TO CONSERVE AND PROTECT THE WATER, LAND, AIR, AND OTHER ENVIRONMENTAL RESOURCES OF THE CITY.

(B) AUTHORITY: THE PROVISIONS OF PUBLIC ACT 83-388, ENTITLED "AN ACT CONCERNING SOIL EROSION AND SEDIMENT CONTROL", AND SECTIONS 8-2 AND 8-25 OF THE CONNECTICUT GENERAL STATUTES, AS AMENDED.

(C) DEFINITIONS: FOR THE PURPOSES OF THIS SECTION, CERTAIN WORDS, TERMS, AND PHRASES SHALL HAVE THE MEANINGS PRESENTED IN THIS SUBSECTION. ALL WORDS USED IN THE PRESENT TENSE INCLUDE THE

FUTURE TENSE, AND THE WORD "USED" SHALL BE DEEMED TO INCLUDE "DESIGNED, INTENDED, OR ARRANGED TO BE USED". WORDS NOT DEFINED IN THIS SECTION SHALL BE AS DEFINED IN THE MOST CURRENT EDITION OF WEBSTER'S NEW WORLD DICTIONARY, COLLEGE EDITION.

AGRICULTURAL ACTIVITIES - CULTIVATION OF THE SOIL, DAIRYING, FORESTRY, RAISING OR HARVESTING ANY AGRICULTURAL OR HORTICULTURAL COMMODITY, INCLUDING LIVESTOCK, OR THE OPERATION, MANAGEMENT, CONSERVATION, IMPROVEMENT, OR MAINTENANCE OF A FARM AND ITS BUILDINGS, TOOLS, AND EQUIPMENT.

APPROVAL - A SIGNED, WRITTEN DOCUMENT CONSTITUTING A FINDING BY THE CITY PLAN COMMISSION THAT A SOIL EROSION AND SEDIMENT CONTROL (SESC) PLAN COMPLIES WITH THE APPLICABLE REQUIREMENTS OF THIS SECTION.

COMMISSION - THE CITY PLAN COMMISSION OF NEW HAVEN, CONNECTICUT, OR ITS DESIGNATED AGENT.

COUNTY SOIL AND WATER CONSERVATION DISTRICT - THE NEW HAVEN- COUNTY SOIL AND WATER CONSERVATION DISTRICT ESTABLISHED UNDER SECTION 22A-315(A) OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT.

DATE OF RECEIPT - THE DAY OF THE NEXT REGULARLY SCHEDULED MEETING OF THE COMMISSION IMMEDIATELY FOLLOWING THE DAY OF SUBMISSION OF AN APPLICATION TO THE COMMISSION, PROVIDED SUCH MEETING IS NO EARLIER THAN THREE (3) BUSINESS DAYS AFTER SUBMISSION, OR THIRTY-FIVE (35) CALENDAR DAYS AFTER SUCH SUBMISSION, WHICHEVER IS SOONER.

DEVELOPMENT - INCLUDES, BUT SHALL NOT BE LIMITED TO, ANY CONSTRUCTION OR GRADING ACTIVITIES TO IMPROVED OR UNIMPROVED REAL PROPERTY.

DISTURBED AREA - AN AREA WHERE THE GROUND COVER IS DESTROYED OR REMOVED LEAVING THE LAND SUBJECT TO ACCELERATED EROSION.

EROSION - THE DETACHMENT AND MOVEMENT OF SOIL OR ROCK FRAGMENTS BY WATER, WIND, ICE OR GRAVITY.

FORESTRY - AN ON-GOING COMMERCIAL FORESTRY OPERATION.

GRADING - ANY EXCAVATING, GRUBBING, FILLING (INCLUDING HYDRAULIC FILL), REMOVAL, OR STOCKPILING OF EARTH MATERIALS OR ANY COMBINATION THEREOF INCLUDING THE LAND IN ITS EXCAVATED OR FILLED CONDITION.

INSPECTION - THE PERIODIC REVIEW OF SEDIMENT AND EROSION CONTROL MEASURES REQUIRED BY THE APPROVED SESC PLAN.

SEDIMENT - SOLID MATERIAL, EITHER MINERAL OR ORGANIC, THAT IS IN SUSPENSION, IS TRANSPORTED, OR HAS BEEN MOVED FROM ITS SITE OF ORIGIN BY EROSION.

SOIL - ANY UNCONSOLIDATED MINERAL OR ORGANIC MATERIAL OF ANY ORIGIN.

SOIL EROSION AND SEDIMENT CONTROL (SESC) PLAN - A CLEAR DELINEATION OF SPECIFIC MEASURES THAT MINIMIZE OR ELIMINATE SOIL EROSION AND SEDIMENTATION RESULTING FROM DEVELOPMENT. SUCH PLAN SHALL INCLUDE, BUT IS NOT LIMITED TO, AN APPLICATION FORM, A NARRATIVE, AND A MAP OR MAPS. THE NARRATIVE SHALL DESCRIBE THE PROJECT, THE SCHEDULE OF MAJOR ACTIVITIES ON THE LAND, THE APPLICATION OF CONSERVATION PRACTICES, DESIGN CRITERIA, CONSTRUCTION DETAILS AND THE MAINTENANCE PROGRAM FOR ANY EROSION AND SEDIMENT CONTROL FACILITIES THAT ARE INSTALLED. THE MAP(S) SHALL SHOW TOPOGRAPHY, CLEARED AND GRADED AREAS, PROPOSED AREA ALTERATIONS MAP(S) AND THE LOCATION OF AND DETAILED INFORMATION CONCERNING EROSION AND SEDIMENT MEASURES AND FACILITIES.

(D) WHEN AN APPLICATION IS REQUIRED:

(1) NO SESC PERMIT SHALL BE ISSUED FOR A BUILDING, USE OR STRUCTURE UNLESS THE BUILDING, USE OR STRUCTURE IS EXEMPTED IN ACCORD WITH THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION, OR HAS BEEN REVIEWED AND APPROVED IN WRITING BY THE COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. PROJECTS THAT DO NOT REQUIRE A SESC PLAN OR ARE EXEMPT UNDER SUBSECTION (D) BELOW MUST STILL CONDUCT SOIL AND EROSION CONTROL MEASURES CONSISTENT WITH THE CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL (2002 OR LATEST EDITION).

(2) ~~A SOIL EROSION AND SEDIMENT CONTROL PLAN (HEREAFTER SESC PLAN) SHALL BE SUBMITTED WITH ANY APPLICATION FOR DEVELOPMENT WHEN (I) THE SITE OF SUCH DEVELOPMENT IS 1/2 ACRE OR MORE, UNLESS EXEMPTED IN SECTION 58(E) BELOW; OR (II) MORE THAN 30% THE TOTAL LOT AREA WILL BE REGRADED BY MORE THAN TWO FEET; OR (III) MORE THAN 800 CUBIC YARDS OF SOIL AND/OR ROCK WILL BE MOVED, REMOVED OR ADDED; OR (IV) THE SITE CONTAINS SLOPES OF GREATER THAN 15 PERCENT; OR (V) THE APPLICATION PERTAINS TO ANY SITE WITHIN THE COASTAL BOUNDARY AS DEFINED IN SECTION 22A-94 OF THE GENERAL STATUTES.~~

(E) EXEMPT ACTIVITIES:

(1) ~~SINGLE FAMILY DWELLING EXEMPT. CONSTRUCTION OF A SINGLE FAMILY DETACHED DWELLING THAT IS NOT PART OF A SUBDIVISION OR LARGER DEVELOPMENT OF LAND SHALL BE EXEMPT, PROVIDED THAT THERE IS NO GRADING OR EXCAVATION ON THE LOT MORE THAN FOUR (4) FEET BEYOND THE PERIMETER OF THE DWELLING ITSELF AND THE SITE DOES NOT CONTAIN SLOPES OF GREATER THAN 15 PERCENT WITHIN 50 FEET OF THE DISTURBED AREA. IT IS THE INTENT OF THIS ORDINANCE NOT TO ALLOW A FRAGMENTED PARCEL-BY-PARCEL DEVELOPMENT OF A SUBDIVISION WITHOUT REQUIRED EROSION AND SEDIMENT CONTROL PROVISIONS.~~

(2) ~~EXISTING ACTIVITIES EXEMPT. ANY REGULATED ACTIVITY LEGALLY EXISTING AS OF THE EFFECTIVE DATE OF THIS SECTION SHALL BE EXEMPT THEREFROM AND PERMITTED TO CONTINUE WITHIN ANY TIME LIMITS PREVIOUSLY ESTABLISHED PROVIDED THAT NO NEW OR ADDITIONAL REGULATED ACTIVITY REQUIRING APPROVAL UNDER IS CONDUCTED AFTER THE EFFECTIVE DATE WITHOUT SUCH APPROVAL. IF ORIGINALLY APPROVED TIME LIMITS EXPIRE BEFORE COMPLETION (NOT INCLUDING ANY EXTENSIONS OF SUCH TIME LIMITS), APPROVAL SHALL BE REQUIRED FOR REMAINING WORK UNLESS SUCH EXTENSIONS WERE APPROVED PRIOR TO THE EFFECTIVE DATE.~~

(3) ~~DEFINED AGRICULTURAL ACTIVITIES EXEMPT. THE FOLLOWING AGRICULTURAL ACTIVITIES ARE EXEMPT FROM THIS SECTION: (I) CULTIVATION OF THE SOIL, DAIRYING, FORESTRY, RAISING OR HARVESTING ANY AGRICULTURAL OR HORTICULTURAL~~

COMMODITY, INCLUDING LIVESTOCK; OR (II) OPERATION, MAINTENANCE, CONSERVATION, IMPROVEMENT, OR MANAGEMENT OF A FARM AND ITS BUILDINGS, TOOLS, AND EQUIPMENT.

THE COMMISSION WHICH HAS JURISDICTION OR A DESIGNATED AGENT THEREOF SHALL HAVE THE POWER TO DETERMINE IF AN ACTIVITY IS EXEMPT FROM THIS SECTION. SUCH DETERMINATION SHALL BE IN WRITING AND A FILE OF EXEMPTIONS SHALL BE MAINTAINED. FOR THE CONVENIENCE OF AN APPLICANT, LENDER, SELLER, BUYER, OR OTHER INTERESTED PARTY, A WRITTEN DETERMINATION OF EXEMPT ACTIVITY MAY BE REQUESTED. SUCH WRITTEN REQUEST SHALL BE ACCOMPANIED BY A FEE PAYABLE TO THE CITY OF NEW HAVEN IN ACCORD WITH SECTION 17-22 OF THE CODE OF ORDINANCES.

(F) SESC PLAN REQUIREMENTS:

(1) SESC PLAN. WHEN ANY PERSON INTENDS TO CONDUCT AN ACTIVITY THAT IS NOT SPECIFICALLY EXEMPTED IN THESE REGULATIONS A SESC PLAN SHALL BE FILED. THE SESC PLAN SHALL INCLUDE AN APPLICATION FORM, A NARRATIVE, AND A MAP, AS DESCRIBED BELOW.

(2) CLASSIFICATION AND FILING FEES. EACH SESC PLAN SUBMITTED TO THE COMMISSION FOR APPROVAL SHALL BE ACCOMPANIED BY A FILING FEE PAYABLE TO THE CITY IN ACCORD WITH SECTION 17-22 OF THE CODE OF ORDINANCES OF THE CITY OF NEW HAVEN. STAFF SHALL DETERMINE THE FILING FEE BASED ON THE ANTICIPATED LEVEL OF DISTURBANCE FROM A PRELIMINARY REVIEW OF SUBMITTED MATERIALS. A SESC PLAN SHALL BE CLASSIFIED AS:

- CLASS A (MINIMAL IMPACT)**
- CLASS B (SIGNIFICANT IMPACT)**
- CLASS C (SIGNIFICANT PUBLIC EFFECT, PUBLIC HEARING REQUIRED)**

THE APPLICANT MAY APPEAL THE CLASSIFICATION TO THE COMMISSION, WHICH SHALL MAKE A FINAL DETERMINATION AS IT MAY DEEM APPROPRIATE UPON A REVIEW OF THE SUBMITTED MATERIALS, AND MAY ADJUST THE FEE IN ACCORD WITH THE SCHEDULE OF FEES OF SECTION 17-22 OF THE CODE OF ORDINANCES.

(3) APPLICATION FORM. THE APPLICATION FOR SESC PLAN REVIEW SHALL BE ON A FORM PROVIDED BY THE COMMISSION. THE COMMISSION MAY PRESCRIBE SUCH FORMS, CONTENTS, AND RULES AS IT DEEMS NECESSARY FOR THE FILING OF SESC PLANS AND OTHER MATTERS NOT SPECIFIED IN THIS SECTION. ALL ALL APPLICATION FORMS SHALL INCLUDE THE FOLLOWING INFORMATION:

(1) THE APPLICANT'S NAME, ADDRESS AND TELEPHONE NUMBER; AND

(2) THE OWNER'S NAME (IF APPLICANT IS NOT PROPERTY OWNER), HOME AND BUSINESS ADDRESS, TELEPHONE NUMBER(S) AND WRITTEN CONSENT TO THE PROPOSED ACTIVITY SET FORTH IN THE APPLICATION; AND

(3) APPLICANT'S LEGAL INTEREST IN THE LAND (I.E., OWNER, OPTION HOLDER); AND

(4) THE GEOGRAPHICAL LOCATION OF THE PROPERTY WHICH IS TO BE AFFECTED BY THE PROPOSED ACTIVITY (TAX ASSESSOR'S MAP(S), BLOCK(S) AND PARCEL NUMBER(S) OF THE SUBJECT PROPERTY OR PROPERTIES).

(5) CERTIFICATION THAT THE APPLICANT IS FAMILIAR WITH ALL THE INFORMATION PROVIDED IN THE APPLICATION AND IS AWARE OF THE PENALTIES FOR OBTAINING A PERMIT THROUGH DECEPTION OR THROUGH INACCURATE OR MISLEADING INFORMATION;

(6) AUTHORIZATION FOR THE MEMBERS AND AGENTS OF THE COMMISSION, THE CITY ENGINEER AND THE BUILDING DEPARTMENT TO INSPECT THE PROPERTY AT REASONABLE TIMES, BOTH BEFORE AND AFTER A FINDING HAS BEEN ISSUED.

(4) NARRATIVE. A NARRATIVE SHALL BE FILED WHICH DESCRIBES PROVISIONS TO ADEQUATELY CONTROL EROSION AND SEDIMENTATION AND REDUCE THE DANGER FROM STORM WATER RUNOFF, BOTH ON AND OFF SITE DURING AND AFTER CONSTRUCTION BASED ON THE BEST AVAILABLE TECHNOLOGY. SUCH PRINCIPLES, METHODS AND PRACTICES NECESSARY FOR APPROVAL ARE FOUND IN THE CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT

CONTROL (2002 OR LATEST EDITION). ALTERNATIVE PRINCIPLES, METHODS AND PRACTICES MAY BE USED WITH PRIOR COMMISSION APPROVAL, IF RECOMMENDED BY THE CITY ENGINEER. EMPHASIS SHALL BE PLACED ON PREVENTION OF EROSION AND VEGETATIVE OR NON-STRUCTURAL CONTROL MEASURES. THE NARRATIVE MAY BE INCLUDED ON THE SITE PLAN MAP(S), AND SHALL DESCRIBE THE DEVELOPMENT, INCLUDING THE SCHEDULE FOR GRADING AND CONSTRUCTION ACTIVITIES, WITH:

- (1) START AND COMPLETION DATES; AND**
- (2) SEQUENCE OF GRADING AND CONSTRUCTION ACTIVITIES; AND**
- (3) PHASING OF PROJECT, IF APPLICABLE; AND**
- (4) SEQUENCE FOR INSTALLATION AND/OR APPLICATION OF SESC MEASURES; AND**
- (5) SEQUENCE FOR FINAL STABILIZATION OF THE PROJECT SITE.**
- (6) THE CONSTRUCTION DETAILS FOR PROPOSED SESC MEASURES AND STORM WATER MANAGEMENT FACILITIES.**
- (7) THE INSTALLATION AND/OR APPLICATION PROCEDURES FOR PROPOSED SESC MEASURES AND STORM WATER MANAGEMENT FACILITIES.**
- (8) THE OPERATIONS AND DAILY MAINTENANCE PROGRAM FOR PROPOSED SESC MEASURES AND STORM WATER MANAGEMENT FACILITIES.**
- (9) THE INDIVIDUAL RESPONSIBLE FOR MONITORING CONTROL MEASURES, WITH OFFICE ADDRESS AND TELEPHONE NUMBER(S) FOR 24 HOUR A DAY CONTACT.**
- (10) PROVISIONS FOR CONTINGENCY PLANS IF UNFORESEEN EROSION OR SEDIMENTATION PROBLEMS ARISE, INCLUDING EMERGENCY SITUATIONS CAUSED BY STORMS.**
- (11) ANY FEATURES OF THE SITE WHICH MAY BE PARTICULARLY VULNERABLE TO EROSION, SUCH AS RIDGE TOPS, SWALES, AND SOIL TYPES AND CONTROL MEASURES SPECIFIC TO THESE**

**FEATURES SHALL BE NOTED (SOIL TYPES MAY BE FOUND IN THE
SOIL SURVEY OF NEW HAVEN COUNTY).**

**(5) MAP. A MAP OR MAPS SHALL BE FILED TO ACCOMPANY THE
APPLICATION REQUIRED IN THE SESC REGULATIONS. NO MAP SHALL
BE DEEMED COMPLETE UNLESS IT SHALL BE IN SUCH FORM AND
CONTAIN SUCH INFORMATION AS THE COMMISSION DEEMS
NECESSARY FOR A FAIR AND FULL DETERMINATION OF THE ISSUES. A
SITE VISIT AND FIELD REPORT MAY BE DEEMED NECESSARY. THE
MAP(S) SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING
INFORMATION:**

**(1) A SITE PLAN MAP(S). THE SUGGESTED SCALE OF THE MAP IS 1
INCH = 40 FEET WITH 1 FOOT CONTOUR INTERVALS, BUT MAY BE
MORE OR LESS DETAILED TO MEET SPECIFIC SITE NEEDS.**

**(2) A NORTH ARROW, STREET NAMES, SCALE, DATE PREPARED,
AND NAME OF PREPARER.**

**(3) LOCATION OF THE PROPOSED DEVELOPMENT AND ADJACENT
PROPERTIES, INCLUDING ALL BUILDINGS WITHIN 25 FEET OF
THE PROPERTY LINE.**

**(4) EXISTING AND PROPOSED TOPOGRAPHY SHOWING 1 FOOT
CONTOURS, INCLUDING FLOOD ZONES, WETLANDS,
WATERCOURSES, WATER BODIES, AND SOIL TYPES IF
PERTINENT.**

**(5) EXISTING VEGETATION AND NATURAL RESOURCES ON THE
SITE INCLUDING MAJOR TREES AND PROPOSED CHANGES.**

**(6) EXISTING STRUCTURES ON THE PROJECT SITE, INCLUDING
BUT NOT LIMITED TO PAVING, FENCING, BUILDINGS, AND
ARCHAEOLOGICAL SITES.**

**(7) PROPOSED ALTERATIONS INCLUDING CLEARED, EXCAVATED,
FILLED OR GRADED AREAS AND PROPOSED STRUCTURES,
UTILITIES, ROADS AND, IF APPLICABLE, NEW PROPERTY LINES.**

**(8) LOCATION OF AND DESIGN DETAILS FOR ALL PROPOSED SESC
MEASURES AND STORM WATER MANAGEMENT FACILITIES OVER
THE PERIOD OF CONSTRUCTION.**

(05/14/10) Proposed Draft Zoning Ordinance Amendments Re: Stormwater, SESC, Ext. Lighting,
Shading and Bicycle Parking:
Additions in **UPPERCASE BOLD FACE TYPE**
Deletions in **[parentheses lowercase bold face type]**

(9) THE CONSTRUCTION DETAILS FOR PROPOSED SESC MEASURES AND STORM WATER MANAGEMENT FACILITIES.

(10) THE COMMISSION MAY REQUIRE MAP PREPARATION BY A CONNECTICUT LICENSED ENGINEER

(6) A-2 SURVEY MAY BE REQUIRED. THE COMMISSION MAY REQUIRE A TYPE A-2 SURVEY.

(7) ADDITIONAL INFORMATION MAY BE REQUIRED. ANY OTHER INFORMATION DEEMED NECESSARY AND APPROPRIATE BY THE APPLICANT OR REQUESTED BY THE COMMISSION OR ITS DESIGNATED AGENT SHALL BE INCLUDED IN THE SESC PLAN.

(8) INFORMATION BINDING. ALL INFORMATION SUBMITTED FOR REVIEW IN THE SESC PLAN SHALL BE CONSIDERED FACTUAL, OR IN THE CASE OF AN ANTICIPATED ACTIVITY, BINDING. A FAILURE OF THE APPLICANT OR ANY AGENTS THEREOF TO PROVIDE CORRECT INFORMATION OR TO CONDUCT DEVELOPMENT ACTIVITIES WITHIN THE LEVELS ANTICIPATED IN THE APPROVED SESC PLAN SHALL BE SUFFICIENT GROUNDS FOR PENALTIES TO BE IMPOSED. EACH DAY OF VIOLATION OR DECEPTION SHALL BE CONSIDERED AS A SEPARATE OFFENSE.

(G) MINIMUM ACCEPTABLE CONTROL STANDARDS

(1) MINIMUM STANDARDS FOR INDIVIDUAL CONTROL MEASURES. THE CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL (2002 OR LATEST EDITION) SHALL BE THE STANDARD. THE COMMISSION MAY GRANT EXCEPTIONS WHEN REQUESTED BY THE APPLICANT, IF THE CITY ENGINEER PRESENTS AND RECOMMENDS TECHNICALLY SOUND REASONS. SESC PLANS SHALL RESULT IN A DEVELOPMENT THAT MINIMIZES EROSION AND SEDIMENTATION DURING CONSTRUCTION; IS STABILIZED AND PROTECTED FROM EROSION WHEN COMPLETED; AND DOES NOT CAUSE OFF-SITE EROSION AND/OR SEDIMENTATION.

(2) DETERMINATION OF PEAK FLOW RATES AND VOLUMES OF RUNOFF. THE APPROPRIATE METHOD FROM THE CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL (2002 OR LATEST EDITION) SHALL BE USED UNLESS AN ALTERNATIVE METHOD IS

**APPROVED BY THE COMMISSION, FOLLOWING THE FAVORABLE
RECOMMENDATION OF THE CITY ENGINEER.**

(H) ISSUANCE OF FINDING

(1) ISSUANCE OF FINDING REQUIRED. THE COMMISSION WHICH HAS JURISDICTION SHALL MAKE A FINDING OF APPROVAL IF THE SESC PLAN AS FILED, OR WITH CONDITIONS OF APPROVAL IT MAY IMPOSE, COMPLIES WITH THE REQUIREMENTS AND OBJECTIVES OF THIS SECTION, OR DENIAL IF THE DEVELOPMENT PROPOSAL DOES NOT COMPLY WITH THIS SECTION. A FINDING OF APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL SHALL BE MADE IN WRITING WITHIN SIXTY-FIVE (65) DAYS OF THE DATE OF COMMISSION RECEIPT OF THE COMPLETED SESC PLAN OR WITHIN 65 DAYS OF THE CLOSE OF THE PUBLIC HEARING IF ONE IS HELD.

(2) EXTENSION OF TIME FOR APPROVAL. THE APPLICANT MAY CONSENT TO ONE OR MORE EXTENSIONS OF ANY PERIOD SPECIFIED HEREIN, PROVIDED THAT THE TOTAL EXTENSION OF ALL SUCH PERIODS SHALL NOT BE FOR LONGER THAN SIXTY-FIVE (65) DAYS, OR MAY WITHDRAW THE APPLICATION.

(3) REFERRAL TO COUNTY SOIL AND WATER CONSERVATION DISTRICT. FOLLOWING RECEIPT OF AN APPLICATION A COPY OF ANY SESC PLAN SUBMITTED TO THE MUNICIPALITY MAY BE REFERRED TO THE COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR REVIEW. THE DISTRICT MAY MAKE RECOMMENDATIONS CONCERNING SUCH PLAN, PROVIDED SUCH REVIEW SHALL BE COMPLETED WITHIN FIFTEEN (15) DAYS OF THE RECEIPT OF THE PLAN.

(4) REFERRAL TO CITY ENGINEER. FOLLOWING RECEIPT OF AN APPLICATION A COPY OF THE SESC PLAN MAY BE REFERRED TO THE CITY ENGINEER, WHO MAY RETURN COMMENTS ON THE PLAN TO THE COMMISSION WITHIN FIFTEEN (15) DAYS OF RECEIPT OF THE PLAN. SUCH COMMENTS SHALL BE ADVISORY ONLY.

(5) OPTIONAL REFERRALS. THE COMMISSION MAY FORWARD A COPY OF THE DEVELOPMENT PROPOSAL TO ANY OTHER COMMISSION OR REVIEW AGENCY OR CONSULTANT FOR REVIEW AND COMMENT.

(6) PUBLIC HEARING MAY BE REQUIRED. THE COMMISSION MAY, AT ITS DISCRETION, HOLD PUBLIC HEARINGS.

(7) NOTICE IF PUBLIC HEARING REQUIRED. NOTICE OF A PUBLIC HEARING SHALL BE PUBLISHED AT INTERVALS OF NOT LESS THAN TWO (2) DAYS, THE FIRST NOT MORE THAN FIFTEEN (15) DAYS AND NOT FEWER THAN TEN (10) DAYS, AND THE LAST NOT LESS THAN TWO (2) DAYS BEFORE THE DATE SET FOR THE HEARING IN A NEWSPAPER HAVING A SUBSTANTIAL CIRCULATION IN THE TOWN WHERE THE SITE IS LOCATED. NOTICES OF HEARINGS SHALL BE SENT TO THE APPLICANT AT THE ADDRESS PROVIDED.

(8) NOTICES BY APPLICANT IF PUBLIC HEARING REQUIRED. THE COMMISSION SHALL GIVE WRITTEN NOTICE TO ADJACENT OWNERS OF RECORD WITHIN 200 FEET, NOT LESS THAN SEVEN (7) WORK DAYS PRIOR TO THE PUBLIC HEARING. A COPY OF THE MAILING LIST AND NOTICE SHALL BE FILED WITH THE CITY PLAN DEPARTMENT.

(9) PUBLIC INSPECTION OF DOCUMENTS. ALL APPLICATIONS, MAPS, AND DOCUMENTS RELATING TO A PUBLIC HEARING SHALL BE OPEN FOR PUBLIC INSPECTION IN THE CITY PLAN DEPARTMENT NOT LESS THAN FIFTEEN (15) DAYS PRIOR TO THE DAY OF THE PUBLIC HEARING.

(10) HEARING CONTINUATION. WHERE POSSIBLE, PUBLIC HEARINGS SHALL BE COMPLETED IN A SINGLE SESSION. HOWEVER, THE PUBLIC HEARING MAY, CONSISTENT WITH THE LEGAL DEADLINES FOR CONDUCTING A HEARING, BE CONTINUED (TO A DATE CERTAIN) WHERE NECESSARY FOR THE FULL DEVELOPMENT OF THE EVIDENCE, OR FOR THE FULL AND ADEQUATE PARTICIPATION OF THE PARTIES, OR FOR SUCH OTHER SUBSTANTIAL PURPOSES. IN NO CASE SHALL CONTINUANCES BE USED AS A DEVICE FOR DELAY.

(11) COMPLETION OF HEARING. THE PUBLIC HEARING MUST BE SCHEDULED WITHIN SIXTY-FIVE (65) DAYS OF RECEIPT OF THE APPLICATION AND SHALL BE COMPLETED WITHIN THIRTY-FIVE (35) DAYS OF ITS COMMENCEMENT. ACTION SHALL BE TAKEN ON APPLICATIONS WITHIN SIXTY-FIVE (65) DAYS AFTER COMPLETION OF THE PUBLIC HEARING.

(I) CONDITIONS OF PLAN APPROVAL

(1) STANDARD AND OPTIONAL CONDITIONS OF APPROVAL. THE COMMISSION WITH JURISDICTION MAY ESTABLISH SUCH CONDITIONS OF APPROVAL AS BINDING REQUIREMENTS FOR AN SESC PLAN AS IT DEEMS NECESSARY TO FULFILL THE PURPOSES OF THIS ORDINANCE. IN ADDITION THE FOLLOWING CONDITIONS SHALL APPLY TO ALL APPROVED SESC PLANS.

A. PERFORMANCE SURETIES. THE COMMISSION MAY REQUIRE A PERFORMANCE BOND WITH SURETIES OR OTHER BINDING FINANCIAL INSTRUMENT IN AN AMOUNT AND IN A FORM APPROVED BY THE COMMISSION AS A CONDITION OF APPROVAL OF THE PLAN, AND MAY COVER CORRECTIVE MEASURES, IF REQUIRED. THE BOND AND SURETIES SHALL BE CONDITIONED ON COMPLIANCE WITH ALL PROVISIONS OF THIS ORDINANCE AND CONDITIONS OF APPROVAL OF THE PLAN.

B. PUBLIC LIABILITY INSURANCE CERTIFICATION. THE APPLICANT MAY BE REQUIRED TO CERTIFY THAT HE OR SHE HAS PUBLIC INSURANCE AGAINST LIABILITY WHICH MIGHT RESULT FROM THE PROPOSED OPERATION OR USE COVERING ANY AND ALL DAMAGES WHICH MIGHT OCCUR WITHIN ONE (1) YEAR OF COMPLETION OF SUCH OPERATIONS, IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION COMMENSURATE WITH PROJECTED OPERATION AND THE POTENTIAL FOR DAMAGE ON OR OFF SITE.

C. CITY HELD HARMLESS. THE APPLICANT SHALL HOLD THE CITY OF NEW HAVEN HARMLESS FROM DAMAGES ARISING OUT OF THE REGULATED ACTIVITIES.

D. START OF WORK. SITE DEVELOPMENT SHALL NOT BEGIN UNLESS THE SESC PLAN IS APPROVED AND THOSE CONTROL MEASURES AND FACILITIES IN THE SESC PLAN SCHEDULED FOR INSTALLATION PRIOR TO SITE DEVELOPMENT ARE INSTALLED AND ANY REQUIRED BOND IS POSTED.

E. CONTRACTORS TO BE INFORMED. THE APPROVED SESC PLAN SOIL EROSION AND SEDIMENT CONTROL MEASURES AND FACILITIES SHALL BE INSTALLED AS SCHEDULED AND ALL CONTRACTORS SHALL BE MADE AWARE OF THE REQUIREMENTS OF THE APPROVED SESC PLAN AND SHALL WORK IN ACCORDANCE WITH ITS PROVISIONS.

F. MEASURES REQUIRED TO BE MAINTAINED. ALL CONTROL MEASURES AND FACILITIES SHALL BE MAINTAINED IN EFFECTIVE CONDITION TO ENSURE COMPLIANCE WITH THE APPROVED SESC PLAN.

(J) INSPECTION

(1) SITE INSPECTION MAY BE REQUIRED FOR APPROVED SESC PLAN. SITE INSPECTIONS MAY BE MADE BY THE COMMISSION DURING DEVELOPMENT TO ENSURE COMPLIANCE WITH THE APPROVED SESC PLAN. A SITE INSPECTOR SHALL DETERMINE THAT CONTROL MEASURES AND FACILITIES ARE PROPERLY PERFORMED OR INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. THE APPLICANT, OR AN AGENT THEREOF, SHALL HAVE THE APPROVED SESC PLAN DOCUMENT READILY AVAILABLE AT THE JOB SITE AND SHALL MAKE THE DOCUMENT AVAILABLE FOR INSPECTION UPON REQUEST.

(2) APPLICANT REPORT. THE COMMISSION MAY REQUIRE THE APPLICANT TO VERIFY THROUGH PROGRESS REPORTS THAT SOIL EROSION AND SEDIMENT CONTROL MEASURES AND FACILITIES HAVE BEEN PERFORMED OR INSTALLED ACCORDING TO THE APPROVED SESC PLAN AND ARE BEING OPERATED AND MAINTAINED.

(3) ADDITIONAL CONTROL MEASURES. IF, UPON INSPECTION OF THE SITE, THE SITE INSPECTOR DETERMINES THAT THE CONTROL MEASURES IN PLACE ARE NOT ADEQUATE TO CONTROL EROSION, ADDITIONAL MEASURES MAY BE REQUIRED TO BE IMMEDIATELY INSTALLED BY THE INSPECTOR. ANY SUCH REQUEST FOR ADDITIONAL CONTROL MEASURES SHALL BE MADE IN WRITING AND SHALL BE BROUGHT TO THE ATTENTION OF THE COMMISSION WITHIN FIVE (5) WORKING DAYS OF THE INSPECTION.

(K) ENFORCEMENT

(1) DELEGATION OF ENFORCEMENT. THE COMMISSION OR A DESIGNATED AGENT THEREOF, SUCH AS THE ZONING ENFORCEMENT OFFICER OR STAFF OF THE CITY PLAN DEPARTMENT OR CITY ENGINEER, SHALL HAVE THE POWER TO ENFORCE THESE REGULATIONS.

(05/14/10) Proposed Draft Zoning Ordinance Amendments Re: Stormwater, SESC, Ext. Lighting,
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(2) VIOLATION IF PLAN NOT FILED. ANY PERSON ENGAGED IN DEVELOPMENT ACTIVITIES WHO FAILS TO FILE A SESC PLAN IN ACCORDANCE WITH THIS SECTION, OR WHO CONDUCTS A DEVELOPMENT ACTIVITY EXCEPT IN ACCORDANCE WITH PROVISIONS OF AN APPROVED SESC PLAN SHALL BE DEEMED IN VIOLATION OF THIS SECTION.

(3) VIOLATION PENALTIES. SHOULD ANY PERSON BE FOUND TO BE IN VIOLATION OF THIS SECTION, A WRITTEN ORDER MAY BE ISSUED BY CERTIFIED MAIL TO THAT PERSON TO IMMEDIATELY CORRECT THE CONDITION CAUSING THE VIOLATION. THE SUPERIOR COURT OF THE STATE OF CONNECTICUT, IN ANY ACTION BROUGHT BY THE COMMISSION, THE CITY OF NEW HAVEN, OR ANY PERSON, SHALL HAVE JURISDICTION TO RESTRAIN A CONTINUING VIOLATION OF THIS SECTION OR TO ISSUE ORDERS DIRECTING THAT THE VIOLATION BE CORRECTED OR REMOVED.

(L) DURATION OF APPROVAL; LAPSE OF APPROVAL; RENEWAL; TRANSFERABILITY; AND REVOCATION.

(1) DURATION OF APPROVAL. PURSUANT TO SECTION 8-3(i) OF THE CONNECTICUT GENERAL STATUTES, AN APPROVED PLAN IS VALID FOR A PERIOD OF FIVE (5) YEARS AFTER THE DATE OF DECISION. UPON PETITION OF THE APPLICANT, THE COMMISSION MAY, AT ITS DISCRETION, MAY GRANT EXTENSIONS TOTALING NO MORE THAN AN ADDITIONAL FIVE (5) YEARS TO COMPLETE ALL WORK CONNECTED TO THE ORIGINAL APPROVAL. APPLICATIONS FOR EXTENSIONS SHALL BE MADE IN WRITING BETWEEN NOT LESS THAN THIRTY (30) NOR MORE THAN SIXTY (60) DAYS PRIOR TO THE LAPSE OF THE ORIGINAL APPROVAL. UPON TIMELY APPLICATION, A RENEWAL MAY BE GRANTED AFTER THE EXPIRATION.

(2) LAPSE OF APPROVAL. CONSISTENT WITH SECTION 62.D., THE ZONING ENFORCEMENT OFFICER SHALL DETERMINE THE STATUS OF AN APPROVAL AND MAKE A DETERMINATION IF THE APPROVAL IS VALID OR IF APPROVAL HAS LAPSED.

(3) TRANSFERABILITY. THE VALIDITY OF AN APPROVAL SHALL NOT BE AFFECTED BY CHANGES IN OWNERSHIP .

SECTION 60. STORMWATER MANAGEMENT PLANS.

(A) PURPOSE AND AUTHORITY. INCREASED DEVELOPMENT WITHOUT PROPER CONSIDERATION OF STORMWATER IMPACTS CAN BE A SIGNIFICANT SOURCE OF POLLUTION TO LONG ISLAND SOUND, ITS TRIBUTARIES, AND OTHER WATERS OF THE STATE. THE STATE'S WATER RESOURCES ARE VALUABLE NATURAL, ECONOMIC, RECREATIONAL, CULTURAL, AND AESTHETIC RESOURCES. THE PROTECTION AND PRESERVATION OF THESE WATERS IS IN THE PUBLIC INTEREST AND IS ESSENTIAL TO THE HEALTH, WELFARE, AND SAFETY OF THE CITIZENS OF THE CITY OF NEW HAVEN. IT IS, THEREFORE, THE PURPOSE OF THIS ORDINANCE TO PROTECT AND PRESERVE THE WATERS WITHIN NEW HAVEN FROM NONPOINT SOURCES OF POLLUTION THROUGH THE PROPER MANAGEMENT OF STORMWATER FLOWS AND MINIMIZATION OF INPUTS OF SUSPENDED SOLID, PATHOGENS, TOXIC CONTAMINANTS, NITROGEN, AND FLOATABLE DEBRIS TO THESE FLOWS.

(B) DEFINITIONS.

AQUIFER – GEOLOGIC FORMATION, GROUP OF FORMATIONS, OR PART OF A FORMATION THAT CONTAINS SUFFICIENT SATURATED, PERMEABLE MATERIALS TO YIELD SIGNIFICANT QUANTITIES OF WATER TO WELLS AND SPRINGS.

BMPS – BEST MANAGEMENT PRACTICES – TECHNIQUES OR STRUCTURAL DEVICES THAT ARE EFFECTIVE PRACTICAL WAYS OF PREVENTING OR REDUCING POLLUTION.

FIRST INCH OF RAIN – THE FIRST INCH OF RAINFALL DURING A SINGLE EVENT.

GROUNDWATER – WATER FOUND BENEATH THE GROUND SURFACE THAT COMPLETELY FILLS THE OPEN SPACES BETWEEN PARTICLES OF SEDIMENT AND WITHIN ROCK FORMATIONS.

IMPERVIOUS SURFACE – MATERIAL OR STRUCTURE ON, ABOVE, OR BELOW THE GROUND THAT DOES NOT ALLOW PRECIPITATION OR SURFACE WATER TO PENETRATE DIRECTLY INTO THE SOIL.

SITE – A SINGLE PARCEL, TOGETHER WITH ANY ADJACENT WATERS, WHICH IS THE SUBJECT OF AN APPLICATION FOR ZONING APPROVAL, COASTAL SITE PLAN REVIEW, OR AN INLAND WETLANDS PERMIT.

SEDIMENT – SOLID MATERIAL, EITHER MINERAL OR ORGANIC, THAT IS IN SUSPENSION, IS TRANSPORTED, OR HAS BEEN MOVED FROM ITS SITE OR ORIGIN BY EROSION.

TRASH HOOD – FEATURE IN A CATCH BASIN WHICH TRAPS DEBRIS SUCH AS LITTER AND KEEPS IT FROM BEING DISCHARGED FROM THE CATCH BASIN.

URBAN STORMWATER RUNOFF – PRECIPITATION THAT FALLS ONTO THE SURFACES OF ROOFS, STREETS, PARKING LOTS, ROADS, AND THE GROUNDS OF DEVELOPED AREAS. URBAN PRECIPITATION IS NOT ABSORBED BY THE GROUND OR RETAINED IN ITS SURFACE, BUT COLLECTS AND RUNS OFF, CARRYING A WIDE VARIETY OF POLLUTANTS SUCH AS OIL-BASED CONTAMINANTS, HEAVY METALS (COPPER AND LEAD), NUTRIENTS, AND BACTERIA.

(C) APPLICATION REQUIREMENTS. A STORMWATER MANAGEMENT PLAN SHALL BE INCLUDED AS A PART OF ANY APPLICATION FOR ZONING APPROVAL (INCLUDING BUT NOT LIMITED TO SPECIAL PERMIT AND SPECIAL EXCEPTION), COASTAL SITE PLAN REVIEW, OR AN INLAND WETLANDS PERMIT WHERE:

- (1) THE APPLICATION PERTAINS TO A DEVELOPMENT OR CONSTRUCTION DISTURBING ONE-HALF OR MORE ACRES OF TOTAL LAND AREA ON A SITE; OR**
- (2) THE APPLICATION PERTAINS TO ANY SITE WITH ONE-HALF ACRE OR MORE OF EXISTING AND/OR PROPOSED IMPERVIOUS COVER; OR**
- (3) THE APPLICATION PROPOSES NEW RESIDENTIAL DEVELOPMENT OF THREE OR MORE UNITS; OR**
- (4) THE APPLICATION PERTAINS TO ANY NEW OR EXPANDING INDUSTRIAL OR COMMERCIAL USE WHICH INCREASES THE AMOUNT OF ON-SITE IMPERVIOUS SURFACE BY MORE THAN 500 SQUARE FEET; OR**
- (5) THE APPLICATION PERTAINS TO ANY SITE WITHIN THE COASTAL BOUNDARY AS DEFINED IN SECTION 22A-94 OF THE GENERAL STATUTES; OR**
- (6) THE COMMISSION WHICH HAS JURISDICTION OVER THE APPLICATION HAS REQUIRED SUBMISSION OF A STORMWATER**

MANAGEMENT PLAN PURSUANT TO WRITTEN FINDINGS BY THAT COMMISSION THAT THE ACTIVITY PROPOSED IN THE APPLICATION HAS THE POTENTIAL TO CAUSE SIGNIFICANT NONPOINT SOURCE POLLUTION TO GROUNDWATER OR SURFACE WATER DRINKING SUPPLIES, OR TO LONG ISLAND SOUND, OR ANY OTHER WATERS OF THE STATE.

IF THE COMMISSION WHICH HAS JURISDICTION DETERMINES THAT THE ACTIVITY PROPOSED IN AN APPLICATION MAY RESULT IN SIGNIFICANT NONPOINT SOURCE POLLUTION TO GROUNDWATER OR SURFACE WATER DRINKING SUPPLIES, OR TO LONG ISLAND SOUND OR ANY OTHER WATERS OF THE STATE, IT MAY REFER THE APPLICATION, INCLUDING THE STORMWATER MANAGEMENT PLAN, TO THE COMMISSIONER OF ENVIRONMENTAL PROTECTION FOR A DETERMINATION AS TO WHETHER A DISCHARGE PERMIT UNDER SECTION 22A-130 OF THE GENERAL STATUTES, OR OTHER STATE AUTHORIZATION, IS REQUIRED.

THE COMMISSION WHICH HAS JURISDICTION OVER THE APPLICATION MAY, UPON REQUEST, WAIVE SOME OR ALL OF THE REQUIREMENTS OF THIS SECTION IF IT MAKES A FINDING BASED ON THE PROPOSED PROJECT THAT SUCH REQUIREMENTS ARE NOT NECESSARY TO DETERMINE THE IMPACT OF THE PROPOSED PROJECT ON THE SURFACE OR GROUNDWATER OF THE STATE.

(D) CONTENTS OF STORMWATER MANAGEMENT PLAN. WHERE A STORMWATER MANAGEMENT PLAN IS REQUIRED, SUCH PLAN SHALL PROVIDE, AT A MINIMUM, THE FOLLOWING INFORMATION:

(1) SOIL CHARACTERISTICS OF THE SITE.

(2) LOCATION OF THE CLOSEST SURFACE WATER BODIES AND WETLANDS TO THE SITE, AND THE DEPTH TO ANY GROUNDWATER OR AQUIFER AREAS ON OR ADJACENT TO THE SITE. IN THE CASE OF TIDAL WATERS, PROVIDE THE MEAN HIGH WATER AND HIGH TIDE ELEVATIONS.

(3) DEP GROUND AND SURFACE WATER QUALITY CLASSIFICATION OF WATERBODIES ON AND ADJACENT TO THE SITE.

(4) IDENTIFICATION OF ANY WATERBODIES ON AND ADJACENT TO THE SITE DOCUMENTED BY DEP AS NOT MEETING WATER QUALITY STANDARDS.

(5) LOCATION AND DESCRIPTION OF ALL PROPOSED STORMWATER CONTROL BMPS FOR BOTH CONSTRUCTION ACTIVITIES AND POST-CONSTRUCTION, LONG-TERM STORMWATER CONTROL.

(6) PROPOSED OPERATION AND MAINTENANCE MANUAL AND A SCHEDULE FOR MAINTAINING ANY TRASH HOODS, CATCH BASINS, OR OTHER BMP DEVICES USED TO PREVENT RUNOFF, FACILITATE SHEET FLOW OR INFILTRATION, OR TREAT STORMWATER.

(7) CALCULATIONS OF STORMWATER RUNOFF RATES, SUSPENDED SOLIDS REMOVAL RATES, AND SOIL INFILTRATION RATES BEFORE AND AFTER COMPLETION OF THE ACTIVITY PROPOSED IN THE APPLICATION.

(8) A HYDROLOGIC STUDY OF PRE-DEVELOPMENT SITE CONDITIONS. HYDROLOGY STUDIES SHALL BE CONDUCTED AT A LEVEL OF DETAIL COMMENSURATE WITH THE PROBABLE IMPACT OF THE PROPOSED ACTIVITY AND SHOULD EXTEND DOWNSTREAM TO THE POINT WHERE THE PROPOSED ACTIVITY CAUSES LESS THAN A FIVE PERCENT CHANGE IN THE PEAK FLOW RATES.

(E) STANDARDS AND CRITERIA FOR DECISION. IN ORDER TO APPROVE ANY APPLICATION FOR WHICH A STORMWATER MANAGEMENT PLAN IS REQUIRED, THE COMMISSION SHALL FIND THE STORMWATER MANAGEMENT PLAN CONSISTENT WITH THE FOLLOWING CRITERIA;

(1) DIRECT CHANNELING OF UNTREATED SURFACE WATER RUNOFF INTO ADJACENT GROUND AND SURFACE WATERS SHALL BE PROHIBITED.

(2) NO NET INCREASE IN THE PEAK RATE OR TOTAL VOLUME OF STORMWATER RUNOFF FROM THE SITE, TO THE MAXIMUM EXTENT POSSIBLE, SHALL RESULT FROM THE PROPOSED ACTIVITY.

(3) DESIGN AND PLANNING FOR SITE DEVELOPMENT SHALL PROVIDE FOR MINIMAL DISTURBANCE OF PRE-DEVELOPMENT NATURAL HYDROLOGIC CONDITIONS, AND SHALL REPRODUCE SUCH CONDITIONS AFTER COMPLETION OF THE PROPOSED ACTIVITY, TO THE MAXIMUM EXTENT FEASIBLE.

(4) POLLUTANTS SHALL BE CONTROLLED AT THEIR SOURCE TO THE MAXIMUM EXTENT FEASIBLE IN ORDER TO CONTAIN AND MINIMIZE CONTAMINATION.

(5) STORMWATER MANAGEMENT SYSTEMS SHALL BE DESIGNED AND MAINTAINED TO MANAGE SITE RUNOFF IN ORDER TO REDUCE SURFACE AND GROUNDWATER POLLUTION, PREVENT FLOODING, AND CONTROL PEAK DISCHARGES AND PROVIDE POLLUTION TREATMENT.

(6) STORMWATER MANAGEMENT SYSTEMS SHALL BE DESIGNED TO COLLECT, RETAIN, AND TREAT THE FIRST INCH OF RAIN ON-SITE, SO AS TO TRAP FLOATING MATERIAL, OIL, AND LITTER.

(7) ON-SITE INFILTRATION AND ON-SITE STORAGE OF STORMWATER SHALL BE EMPLOYED TO THE MAXIMUM EXTENT FEASIBLE.

(8) POST-DEVELOPMENT RUNOFF RATES AND VOLUMES SHALL NOT EXCEED PRE-DEVELOPMENT RATES AND VOLUMES. STORMWATER RUNOFF RATES AND VOLUMES SHALL BE CONTROLLED BY SLOWING RUNOFF VELOCITIES AND ENCOURAGING INFILTRATION.

(9) STORMWATER TREATMENT SYSTEMS SHALL BE EMPLOYED WHERE NECESSARY TO ENSURE THAT THE AVERAGE ANNUAL LOADINGS OF TOTAL SUSPENDED SOLIDS (TSS) FOLLOWING THE COMPLETION OF THE PROPOSED ACTIVITY AT THE SITE ARE NO GREATER THAN SUCH LOADINGS PRIOR TO THE PROPOSED ACTIVITY. ALTERNATIVELY, STORMWATER TREATMENT SYSTEMS SHALL REMOVE 80 PERCENT TSS FROM THE SITE ON AN AVERAGE ANNUAL BASIS.

(10) USE OF AVAILABLE BMPS TO MINIMIZE OR MITIGATE THE VOLUME, RATE, AND IMPACT OF STORMWATER TO GROUND OR SURFACE WATERS.

SECTION 60.1. EXTERIOR LIGHTING.

(A) PURPOSE. THE PURPOSE OF EXTERIOR LIGHTING STANDARDS IS TO MAXIMIZE THE EFFECTIVENESS OF SITE LIGHTING, ENHANCE PUBLIC SAFETY AND WELFARE AND CONSERVE ENERGY, WHILE DISCOURAGING THE INSTALLATION OF LIGHTING FIXTURES THAT EMIT OBJECTIONABLE ILLUMINATION, AVOID UNNECESSARY UPWARD ILLUMINATION OR

UNWANTED ILLUMINATION OF ADJACENT PROPERTIES AND TO REDUCE GLARE.

(B) APPLICABILITY. A LIGHTING PLAN SHALL BE INCLUDED AS A PART OF ANY APPLICATION FOR ZONING-APPROVAL (INCLUDING BUT NOT LIMITED TO SITE PLAN, SPECIAL PERMIT, SPECIAL EXCEPTION AND PLANNED DEVELOPMENTS).

(C) PLAN CONTENTS. A LIGHTING PLAN SHALL INCLUDE A PLAN SHEET IDENTIFYING THE LOCATION OF ALL EXTERIOR LIGHTS AND THE TYPE OF FIXTURE AND ELEVATION OF SUCH LIGHTS. THE LIGHTING PLAN SHALL ALSO INCLUDE MANUFACTURER SPECIFICATIONS OR CUT SHEETS FOR EACH EXTERIOR LIGHTING FIXTURE. THE CITY PLAN COMMISSION MAY REQUIRE ADDITIONAL INFORMATION INCLUDING A PHOTOMETRIC PLAN.

(D) STANDARDS. ALL EXTERIOR LIGHTING SHALL BE DESIGNED, LOCATED INSTALLED AND DIRECTED IN THE FOLLOWING MANNER UNLESS OTHERWISE EXEMPT AS PROVIDED IN SUBSECTION (E) BELOW:

(1) PREVENT OR MINIMIZE DIRECT GLARE AND LIGHT TRESPASS;

(2) ALL PARKING AREA LIGHTING SHALL BE FULL CUT-OFF TYPE FIXTURES AND SHALL NOT EXCEED TWENTY (20) FEET IN HEIGHT FROM THE GROUND TO THE HIGHEST POINT ON THE FIXTURE.

(3) UPLIGHTING AND HIGH PRESSURE SODIUM LIGHT SOURCES ARE PROHIBITED. EXTERNALLY LIT SIGNS, DISPLAY, BUILDING AND AESTHETIC LIGHTING MUST BE LIT FROM THE TOP AND SHINE DOWNWARD AND NOT SIDEWARD OR UPWARD. THE LIGHTING MUST BE SHIELDED TO PREVENT DIRECT GLARE AND/OR LIGHT TRESPASS. THE LIGHTING MUST ALSO BE, AS MUCH AS PHYSICALLY POSSIBLE, CONTAINED WITHIN THE TARGET AREA.

(4) ALL BUILDING LIGHTING FOR SECURITY OR AESTHETICS SHALL BE FULL CUT-OFF OR A SHIELDED TYPE, NOT ALLOWING ANY UPWARD DISTRIBUTION OF LIGHT. FLOODLIGHTING IS DISCOURAGED, AND IF USED, MUST BE SHIELDED TO PREVENT: (A) DISABILITY GLARE FOR DRIVERS OR PEDESTRIANS, (B) LIGHT TRESPASS BEYOND THE PROPERTY LINE, AND (C) LIGHT ABOVE A HORIZONTAL PLANE.

(5) WHERE NON-RESIDENTIAL DEVELOPMENT IS ADJACENT TO RESIDENTIAL PROPERTY, NO DIRECT LIGHT SOURCE SHALL BE

VISIBLE AT THE PROPERTY LINE AT GROUND LEVEL OR ABOVE.

(6) HIGH PRESSURE SODIUM AND FLICKERING OR FLASHING LIGHTS ARE PROHIBITED.

(E) EXEMPTIONS. THE FOLLOWING EXTERIOR LIGHTING SHALL BE EXEMPT FROM THE PROVISIONS OF THIS SECTION:

- (1) LIGHTING REQUIRED BY THE FEDERAL AVIATION AUTHORITY;**
- (2) TEMPORARY LIGHTING ASSOCIATED WITH AN EVENT AUTHORIZED BY THE CITY OF NEW HAVEN WITH DURATION OF LESS THAN 15 DAYS;**
- (3) TEMPORARY TRADITIONAL SEASONAL LIGHTING;**
- (4) TEMPORARY LIGHTING USED FOR EMERGENCY PURPOSES BY THE NEW HAVEN POLICE DEPARTMENT OR NEW HAVEN FIRE DEPARTMENT;**
- (5) NATIONAL, STATE AND MUNICIPAL FLAG LIGHTING;**
- (6) MONUMENT LIGHTING; AND**
- (7) SPORT STADIUM AND ATHLETIC FIELD LIGHTING, NOT INCLUDING TENNIS COURT, BASKETBALL COURT AND SIMILAR COURT GAMES NOT LOCATED IN A STADIUM, PROVIDED STADIUM AND ATHLETIC FIELD LIGHTING APPLICATIONS MUST SUBMIT A PHOTOMETRIC PLAN DEMONSTRATING NO LIGHT TRESPASS TO NEIGHBORING PROPERTIES.**

SECTION 60.2. REFLECTIVE HEAT IMPACT FROM HARDSCAPE OR PAVED SURFACES.

(A) PURPOSE. THE PURPOSE OF THIS SECTION IS TO REDUCE THE AMOUNT OF HEAT REFLECTED BY HARDSCAPED OR PAVED SURFACES, REDUCE THE TEMPERATURE DIFFERENCE BETWEEN DEVELOPED AND UNDEVELOPED AREAS AND MINIMIZE THE IMPACT FROM SUCH DIFFERENCES.

(B) REDUCTION IN REFLECTED HEAT. AN APPLICANT SHALL BE REQUIRED

TO SATISFY THE CONDITIONS OF THIS SECTION WHERE:

- (1) THE APPLICATION PERTAINS TO ANY SITE WITH ONE-HALF ACRE OR MORE OF IMPERVIOUS COVER;**
- (2) THE APPLICATION PROPOSES NEW RESIDENTIAL DEVELOPMENT OF THREE OR MORE UNITS; OR**
- (3) THE APPLICATION PERTAINS TO ANY NEW INDUSTRIAL OR COMMERCIAL USE OR EXPANSION OF AN EXISTING INDUSTRIAL OR COMMERCIAL USE WHICH EXPANDS THE AMOUNT OF IMPERVIOUS SURFACE BY MORE THAN 500 SQUARE FEET;.**

(C) STANDARDS.

(1) APPLICANTS SHALL PROVIDE THAT AT LEAST 50 PERCENT OF ALL ON SITE NON-ROOF HARDSCAPE OR PAVED AREAS WILL BE EITHER (I) SHADED (BASED ON A FIVE YEAR GROW OUT PERIOD FOR ALL PLANNED AND EXISTING VEGETATION) OR (II) BE CONSTRUCTED USING A MATERIAL WITH A SOLAR REFLECTIVE INDEX OF AT LEAST 29 AND CALCULATED CONSISTENT WITH ASTM E 408 OR ASTM C 1371 AND ASTM E 903, ASTM E 1918 OR ASTM C 1549.

(2) SHADE COVERAGE SHALL BE THE AVERAGE VALUE BASED ON SHADING CALCULATED FOR 10 AM, 12 PM AND 3 PM ON THE SUMMER SOLSTICE.

(3) THE REQUIREMENTS OF THIS SECTION MAY BE WAIVED BY THE COMMISSION WITH JURISDICTION BASED ON A SHOWING THAT THE APPLICANT CANNOT ACHIEVE THE 50 PERCENT LEVEL USING REASONABLE METHODS BUT HAS OTHERWISE MAXIMIZE THE PERCENTAGE ACHIEVED AND PROVIDED THAT THE APPLICANT CANNOT REACH THE EQUIVALENT LEVEL OF REDUCTION USING HIGH SR VALUE MATERIAL ON FLAT ROOF SURFACES.

SECTION 64. CITY PLAN COMMISSION.

(a) *Continuous ordinance review.* The City Plan Commission and its staff shall carry on a continuous review of the effectiveness and appropriateness of the zoning ordinance, and recommend such changes as they see fit.

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(b) *Advice to other agencies.* The City Plan Commission and its staff shall give such technical advice as they deem appropriate to the zoning enforcement officer, the Board of Zoning Appeals, and other agencies.

(c) *Maintenance of zoning map.* The City Plan Commission and its staff shall keep up to date the official zoning map, and shall keep the zoning enforcement officer and the City Clerk supplied with a current copy of such map.

(d) *Amendment of the ordinance.*

(1) Petitions for amendment of the text of the zoning ordinance or the zoning map shall be filed with the City Clerk for transmission to the Board of Aldermen, and shall thereafter be referred and acted upon by the City Plan Commission and the Board of Aldermen as provided in sections 183 and 184 of the New Haven Charter. All such petitions may also be referred to any Neighborhood Planning Agency (NPA) of jurisdiction as defined in section 1 of this Ordinance which may issue an advisory report on the proposed zoning amendment to the Board of Aldermen prior to final aldermanic action. Any such petition shall contain sufficient information, including maps where necessary, to indicate the exact change or changes which are sought. The zoning enforcement officer shall be kept informed by the City Clerk of pending petitions.

(2) In passing upon any such petition, the City Plan Commission shall take into account the various factors favoring and disfavoring a change, such as, but not limited to, the following:

- a. Errors in the existing ordinance, changes that have taken place in the city and in patterns of construction and land use, the supply of land and its peculiar suitability for various purposes, the effect of a map change on the surrounding area, the purposes of zoning and the comprehensive plan of the City of New Haven;
- b. Whether some other method or procedure under the zoning ordinance is more appropriate; and
- c. In the case of a map change, the size of the area involved. As a general policy, the City Plan Commission shall not consider favorably any petition which would result in a total contiguous area (separated only by streets, and excluding the area of streets) of less than two acres in the case of a residence district, less than one acre in the case of a Business District, or less than four acres in the case of an Industrial District.

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(e) *Special permits--Statement of purpose.* The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the *use* of land and *structures* and the bulk and location of *structures* in relation to the land are substantially uniform. It is recognized, however, that there are certain *uses* and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such *uses* and features upon neighboring *uses* and the surrounding area, compared with the public need for them at particular locations. Such *uses* and features are therefore treated as special permits.

(1) *Special permit defined.* A land use permitted when the City Plan Commission finds that the standards for the use as contained within this Ordinance have been met. Only those uses designated as needing a special permit in section 42: Use Table and in Table 1: Permitted Uses in Residential Districts may be permitted by special permit.

(2) *Finding required.* Special permits shall be granted only where the City Plan Commission finds that the proposed use or feature or the proposed extension or substantial alteration of an existing use or feature is in accord with the public convenience and welfare after taking into account, where appropriate:

a. *Burden of proof.* A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.

b. *Ordinance compliance.* The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance. Any accessory use to a special permit must receive express authorization from the commission.

c. *Comprehensive Plan of Conservation and Development.* The commission shall determine if the proposed special permit's use and improvements comply with the City's development plans.

d. *Natural features.* Special permits must preserve trees and other natural site features to the greatest extent possible so as to minimize their impact upon surrounding properties and the district, and must not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat.

e. *Hazard protection.* The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties as a result of vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare, hazardous material use, storage, transportation or disposal, or similar conditions.

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f. *Historic preservation.* Features of historic significance shall not be significantly adversely affected by the granting of any special permit. If the subject property is within or abuts a historic district, the Commission may request a report from the Historic District Commission regarding those features essential to preserve the historical integrity of a building, district, or site or historical significance.

g. *Design and architectural compatibility.* The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access and circulation, building style and height, bulk scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features exterior materials and colors.

h. *Property values.* The use and site design shall not have a detrimental effect on the property values in the surrounding area.

i. *Traffic impact.* The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. The commission may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.

(3) *Notice required.* Public notice and hearing shall be furnished in accordance with the Connecticut General Statutes.

(4) *Filing fee.* Each application for a special permit shall be accompanied by such fee as may be stipulated by the Commission of Aldermen from time to time in Section 17-22 of the City of New Haven Code of Ordinances.

(f) *Site plan standards and procedures:*

(1) *Purpose.* A site plan application is required to aid the City in determining the conformity of a proposed building, use, or structure with specific provisions of the Zoning Ordinance as adopted by the Board of Aldermen.

(2) *Applicability.* Site plan approval shall be required for the following:

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- a. All variance, special permit and special exception applications when required as a condition of approval;
- b. Any new construction or change in an existing use for three or more dwelling units, whether in a single structure or in multiple structures, whether in new structures or converted space;
- c. Any new construction or change in an existing use involving 5,000 or more square feet of gross building area;
- d. Any new construction or change in an existing use involving ten or more parking spaces;
- e. Any use involving a drive up service window or facility;
- f. Other uses and applications as specified in these regulations.
- g. Applications for coastal site plan review, inland wetlands review, and soil erosion and sediment control plan review shall meet the submission requirements of this section. Additional data as required by section 55, coastal management district, section 57, inland wetlands and watercourses, and section 58 soil erosion and sediment control shall be noted on submitted site plans as applicable.

(3) *Application submission requirements.* Applications for site plan approval shall include the following:

- a. Completed application form and fee in accord with section 17-22 of the Code of Ordinances. Checks shall be made payable to Treasurer, City of New Haven.
- b. A written narrative describing the proposed use or development in sufficient detail to determine zoning compliance.
- c. A site development plan complying with section 64(f)(5) of these Regulations.

(4) *Standards for site plans--General.* Site plans shall be prepared by appropriate design professionals (surveyor, engineer, architect, and or landscape architect) licensed to practice in the state and shall bear appropriate registration stamps. All drawings shall be at a scale of not less than one inch equals 40 feet. All site plan drawings shall be in sufficient detail and accuracy, (generally A-2), to enable the construction of all site improvements shown and approved on the drawings. Four copies of the site plan, application, narrative and all supporting materials shall be submitted. One copy of the site plan at 8.5 by 11 inches shall also be submitted.

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Deletions in **[parentheses lowercase bold face type]**

(5) *Site plan contents.* Site plans shall include the following:

- a. Title Block in the lower right hand corner with project name, address of property, name and address of developer, property owner, and applicant; north arrow, scale of not more than 1":40', plan date with revision dates, seals and signatures, names and addresses of all appropriate design professionals;
- b. A location map at the scale of not less than 1" to 600' showing the proposed project and the nearest street intersection;
- c. Boundary survey of site including distances with angles or bearings, building/setback lines, and street lines; and right of way lines;
- d. Locations and descriptions of all existing and proposed easements and rights-of-way;
- e. Zoning classification of property;
- f. Area of lot;
- g. Buildings and improvements on abutting parcels within 25 feet of property lines to include the name of adjacent owners and zoning classification of their property;
- h. Existing and proposed contours or spot grades at no more than 2 foot intervals;
- i. Locations of existing and proposed buildings with dimensions, area, elevations and number of stories and distances between all buildings and property lines;
- j. Locations of other improvements and structures to include signs, fences, and walls;
- k. Existing and proposed sanitary and storm water drainage facilities with elevations;
- l. Existing and proposed water lines and hydrants;
- m. Existing and proposed sidewalks, curbs and curb cuts, and adjacent streets;
- n. Soil erosion and sedimentation control measures as required by section 58;
- o. Coastal zone management areas and/or flood zones as applicable;

(05/14/10) Proposed Draft Zoning Ordinance Amendments Re: Stormwater, SESC, Ext. Lighting,
Shading and Bicycle Parking:

Additions in **UPPERCASE BOLD FACE TYPE**

Deletions in **[parentheses lowercase bold face type]**

- p. Inland wetland and watercourse areas as applicable;
- q. Drainage design for roof area, parking lot and driveways;
- r. Existing and proposed landscaping including a listing of all trees and shrubs to be planted, by common and botanical names, size (caliper, height, time until maturity) at planting, and height and spread at maturity;
- s. Layout of all off street parking areas showing details and dimensions of aisles, driveways, each parking space, all loading and unloading areas, pavement markings, location of directional signs and ADA-compliant spaces;

T. EXTERIOR LIGHTING PLAN AS REQUIRED BY SECTION 60.1;

- u. Fire lanes and traffic control signs as required by government authorities;
- v. Outside storage areas with proposed screening;
- w. Location of outside recycling and refuse storage area and proposed screening;
- x. A construction staging plan indicating the site logistics for all phases and the estimated time for construction of each stage and staging-related site improvements together with any public right-of-way encroachments;
- y. A table denoting and comparing the density, bulk and yard, parking, and loading standards required by the Zoning Regulations with the density, bulk, parking, and loading standards proposed in the site plan;
- z. Plan certification: Notation on site plan that plan's preparer certifies to the best of his/her knowledge, belief, and ability, and after research and inquiry, that the proposed plan meets all of the standards of the New Haven Zoning Ordinance except as might be otherwise noted in such certification;
- aa. Copy of preliminary application for access to state highways, to state-owned storm drainage facilities, and for DEP Coastal Permits where such state permits are required;

- bb. Copy of Board of Zoning Appeals decision letter with proof of recording, if zoning relief has been granted;

CC. STORMWATER MANAGEMENT PLANS AS REQUIRED BY SECTION 60;

**DD. REFLECTIVE HEAT IMPACT CALCULATIONS AS REQUIRED BY
SECTION 60.2.**

(6) Other site plan requirements.

a. Engineering data:

1. Any improvements which are proposed to become owned, operated, or maintained by the city shall have documentation that such improvements have been designed in accordance with accepted engineering practices and will be in compliance with all applicable City Codes and regulations governing such areas as pipe size, flow lines, invert and top-of grate elevations, existing and proposed elevations, and construction practices and materials.

2. Applications must document appropriate storm water system designs. Quantity and velocity calculations, profiles, cross-sections, and other engineering documentation may be required for the City Engineer's review.

b. Structural plans:

1. One copy of the plan of all proposed buildings, structures, signs, including floor plans and exterior elevations

c. Other information or exhibits:

1. Applicants may submit such other information or exhibits which the applicant believes address material site plan issues. All such submissions become the property of the city and are public information unless exempted by the laws of the State of Connecticut.

2. Other requested information and exhibits submitted under this section shall be submitted no later than five working days prior to the meeting scheduled for the application. Such information and exhibits shall be open for public inspection.

(7) Administration.

a. The Commission may, upon application of the applicant, waive or limit the requirement to provide information on any specific site plan when, in its opinion, the information is not necessary to reach a decision. Such waiver shall be based upon the particular character or limited nature of the proposal or due to special conditions peculiar to a site. The Commission may also request additional information that it determines is necessary for proper administration and enforcement.

(05/14/10) **Proposed Draft Zoning Ordinance Amendments** Re: Stormwater, SESC, Ext. Lighting,
Shading and Bicycle Parking:
Additions in **UPPERCASE BOLD FACE TYPE**
Deletions in **[parentheses lowercase bold face type]**

b. It is strongly recommended that for large projects or for projects with significant site constraints, a pre-application review of the submission be undertaken with the City Engineer and/or the City Plan Department.

c. The Commission may hold a public hearing regarding any site proposal if, in its judgment, the specific circumstances require such action. Notice of public hearings and procedures shall be as prescribed by statute.

d. All abutting property owners and other property owners within 200 feet of the property borders shall be notified by the applicant of the date, place, and time of the public hearing along with a summary of the proposal being considered at the hearing. That notification shall be on a form provided by the City Plan Department and shall be mailed to said property owners by regular mail no more than 14 nor less than seven days prior to the date of the Public Hearing. The applicant shall provide the Department with a copy of mailing labels of all property owners within 200 feet and certify that notification has been given in accordance with this section.

e. The plan may be forwarded to any city or state agency or department for comment.

f. When minor changes to approved site plans are requested which do not require revised vehicle/pedestrian access, do not require additional parking spaces, do not impact on necessary landscaping, or which may be required by field conditions, Site Plan approval may be granted by the City Plan Staff. An application, fee and plans shall be filed in the City Plan Department and Staff shall report all such approvals to the Commission at its next meeting.

g. City Plan Department staff may determine that a proposed site plan does not meet threshold requirements of site plan review and may therefore be approved administratively, without formal Commission review. See Section 64(f)(10).

(8) *Decision procedures.*

a. The Commission shall receive complete Site Plan applications at the next meeting after submission or within 35 days of filing with the City Plan Department, whichever is shorter. The Commission shall render a decision upon the plan within 65 days of an application's receipt unless the site plan accompanies an application that requires a public hearing. Applicant may grant an extension of up to 65 days within which to act upon a site plan.

(05/14/10) **Proposed Draft Zoning Ordinance Amendments** Re: Stormwater, SESC, Ext. Lighting,
Shading and Bicycle Parking:
Additions in **UPPERCASE BOLD FACE TYPE**
Deletions in **[parentheses lowercase bold face type]**

b. The Commission's failure to render a decision on a completed site plan within the time limitations set above shall indicate approval of said site plan.

c. Denial or modification of any site plan must be based upon Zoning Ordinance or other city standards. All denials or modifications of a site plan shall state specifically the reasons for said action.

d. A copy of a final decision shall be mailed by certified mail to the applicant and property owner within 15 working days of the decision and a notice of said decision shall be published within 15 days of the decision in a newspaper with general circulation in New Haven.

e. The applicant shall record a final decision on the City's Land Records, and shall present proof of such recording the City Plan staff, prior to issuance of building permit.

f. Prior to the issuance of a building permit, a site restoration bond, if required by the City Plan Commission, shall be posted.

(9) *Maintenance and enforcement.*

a. The maintenance of the site before and after issuance of a certificate of occupancy shall be the sole responsibility of the owner.

b. Lack of maintenance in a proper, neat and habitable condition shall be construed to be a violation of these regulations and subject to enforcement pursuant to section 62 of this ordinance and other penalties as provided by law.

(10) *Administrative site plan review.* For proposed activities which do not meet the threshold for site plan review by the City Plan Commission as contained in section 64(f)(2) of this Ordinance, but still require a building permit and/or staff level zoning review, an administrative site plan review by the City of New Haven is required. Prior to commencement of any site activity, including but not limited to clearing and grubbing, grading, footings and/or foundations work, the applicant shall submit a site plan for review and approval consistent with guidelines approved by the City Plan Commission.

(11) *Effective date.* This subsection (f) shall govern development activity initiated or proposed on vacant property, improved property or as otherwise applicable following enactment of Ord. No. 1416, as established by the effective date.

(05/14/10) Proposed Draft Zoning Ordinance Amendments Re: Stormwater, SESC, Ext. Lighting,
Shading and Bicycle Parking:
Additions in **UPPERCASE BOLD FACE TYPE**
Deletions in **[parentheses lowercase bold face type]**

- (g) *Motor vehicle uses.* The City Plan Commission shall hear and determine applications for certificate's of approval of location (CALs) for vehicle uses as provided for by the General Statutes of Connecticut. In passing upon any such application, the Commission shall be strictly cognizant of the provisions of the zoning ordinance, and may appropriate conditions and safeguards. Failure to comply with any such condition or safeguard shall constitute a violation of this ordinance.

**(h) DURATION OF APPROVAL; LAPSE OF APPROVAL; RENEWAL;
TRANSFERABILITY; AND REVOCATION.**

(1) DURATION OF APPROVAL. PURSUANT TO SECTION 8-3(i) OF THE CONNECTICUT GENERAL STATUTES, AN APPROVED PLAN IS VALID FOR A PERIOD OF FIVE (5) YEARS AFTER THE DATE OF DECISION. UPON PETITION OF THE APPLICANT, THE COMMISSION MAY, AT ITS DISCRETION, MAY GRANT EXTENSIONS TOTALING NO MORE THAN AN ADDITIONAL FIVE (5) YEARS TO COMPLETE ALL WORK CONNECTED TO THE ORIGINAL APPROVAL. APPLICATIONS FOR EXTENSIONS SHALL BE MADE IN WRITING BETWEEN NOT LESS THAN THIRTY (30) NOR MORE THAN SIXTY (60) DAYS PRIOR TO THE LAPSE OF THE ORIGINAL APPROVAL. UPON TIMELY APPLICATION, A RENEWAL MAY BE GRANTED AFTER THE EXPIRATION.

(2) LAPSE OF APPROVAL. CONSISTENT WITH SECTION 62.D., THE ZONING ENFORCEMENT OFFICER SHALL DETERMINE THE STATUS OF AN APPROVAL AND MAKE A DETERMINATION IF THE APPROVAL IS VALID OR IF APPROVAL HAS LAPSED.

(3) TRANSFERABILITY. THE VALIDITY OF AN APPROVAL SHALL NOT BE AFFECTED BY CHANGES IN OWNERSHIP .

(05/14/10) **Proposed Draft Zoning Ordinance Amendments** Re: Stormwater, SESC, Ext. Lighting,
Shading and Bicycle Parking:
Additions in **UPPERCASE BOLD FACE TYPE**
Deletions in **[parentheses lowercase bold face type]**

(h)

Referral 2.4: Town of Southington

Subject: Proposed Zoning Regulation Amendments to Section 13-10-4C (new text on electronic signs), Section 5-03 (new I-3 industrial regulations), Section 3-01.2F (new text on private horse stables)

Staff Recommendation:

Background: The Town of Southington has proposed Zoning Regulation Amendments to Section 13-10-4c (new text on electronic signs), Section 5-03 (new I-3 industrial regulations), Section 3-01.2F (new text on private horse stables).

Section 13-10-4C is proposed to be amended to exclude signs advertising the numerical price of gasoline providing said sign does not revolve, rotate or flash, and does not change more than once in a 24 hour time period from being prohibited in Southington.

Amendments to Section 3-01.2F are applicable to the R-80 and R-40 Residential Zones and would allow private horse stables provided that the appropriate fencing is provided, that the stable or barn is of appropriate size to house the number of horses proposed, and that the stable is more than 100' from any property line.

Proposed Section 5-03 pertains to a new industrial zone titled I-3. The intention of the proposed zone is to allow outside storage of equipment, construction materials and other items as the principal use without the requirement for a structure. The zone would need to be approved by a supermajority vote (2/3) and a conceptual development plan, which demonstrates the suitability of the site for intensive heavy industrial use and outside storage with very little screening, utilities or structures associated with it. The development on the land would need to be approved by a super-majority vote of the Commission provided specific criteria are met. Parcel/parcels comprising the proposed development shall have access from a public right of way and may not be accessed over land used or zoned for residential or business purposes; neighboring uses cannot see the proposed use; access and frontage on a town right of way and must have public water for fire protection; the plan must meet the stormwater management regulations; there may be a requirement for oil/water separators or impervious surfaces for the storage of certain

type of material, assemblage of two or more acres of land zoned I-3 must also meet I-2 regulations and have a principal structure.

The permitted uses require the submittal of site plan in accordance with Section 9 of the Zoning Regulations. The uses are: wood splitting, cutting or storage; storage of equipment, materials and or vehicles associated with landscapers, construction companies, masonry services, plumbing companies, utility contractors or subcontractors or utility companies; storage of well drilling or other specialized equipment; storage of trailers; storage of large equipment including, but not limited to, cranes, bull dozers or excavators. The Special permit uses in accordance with Section 8 and 9 of the Zoning Regulations includes the following: transfer stations; bus/truck depots; any other proposed use not listed under permitted uses.

Communication: In researching this proposal, I spoke to the Planning Staff in Southington and notified the adjacent municipalities in the South Central Region (Meriden).

PLANNING AND ZONING DEPARTMENT

P.O. BOX 610 SOUTHTON, CONNECTICUT 06489

Phone: (860)276-6248 / Fax: (860)628-3511

Certified Mail, Return Receipt Requested #7009 1410 0001 0226 8124

August 11, 2010

RPC Referral
South Central Regional COG
127 Washington St., 4th Fl
North Haven, CT 06473

RE: Proposed Zoning Regulation Amendments – Sections 3-01.2F, 5-03, 13-10.4C
(ZA #554, 555 and 556)

Dear Sir or Madam:

In accordance with the provisions of the Connecticut General Statutes, attached are copies of proposed Zoning text revisions:

- ZA #554 – New text on electronic signs – Section 13-10-4C;
- ZA #555 – New I-3 industrial regulations – Section 5-03;
- ZA #556 – New text on private horse stables – Section 3-01.2F

The Planning and Zoning Commission anticipates opening the public hearings on these items on September 21, 2010. The complete files are available for review in the Planning Department, the Town Clerk's office and on the web page. If you have any questions regarding this proposal, please feel free to contact me at (860) 276-6248.

Respectfully,


Mary F. Savage-Dunham, AICP
Town Planner

enclosures

P:\REFERRALS\ZA 554, 555, 556\referral letter.doc

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AUG 12 2010

SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

ZA# 556

Please mail to:

RPC Referral Submission Form

South Central CT Regional Planning Commission

Re: RPC Referral
South Central Regional COG
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

1.) General Information:

Date Sent: 8-11-10

Subject: Zoning text Amendment - private horse Stables

Applicant Name: Town of Southington

Property Address (if applicable): _____

Town/City: Southington

☐

Referral is from a private individual

☒

Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: 9-21-10

2.) Statutory Responsibility:

☐

Application involves a subdivision of land within 500 feet of a town/city border

☒

Application involves a proposed change to a town/city zoning regulation

☐

If neither, applicant requests a voluntary RPC review for informational purposes

☐

Material is for informational purposes only; an RPC resolution is not necessary

☐

Other: _____

3.) Process:

☒

Material sent "Return Receipt Requested" (as required by law)

☒

Information on proposed change included

☒

Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: Mary F Savage-Dunham

Telephone Number: 860-276-6248

E-mail Address: Savage m@Southington.org

Comments: _____

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrkog.org>

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AUG 12 2010

SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS

ZA# 555

Please mail to:

RPC Referral Submission Form

South Central CT Regional Planning Commission

Re: RPC Referral
South Central Regional COG
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

1.) General Information:

Date Sent: 8-11-10

Subject: Zoning text amendment - New Industrial Reg S

Applicant Name: Town of Southington

Property Address (if applicable):

Town/City: Southington

☐

Referral is from a private individual

☒

Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: 9-21-10

2.) Statutory Responsibility:

☐

Application involves a subdivision of land within 500 feet of a town/city border

☒

Application involves a proposed change to a town/city zoning regulation

☐

If neither, applicant requests a voluntary RPC review for informational purposes

☐

Material is for informational purposes only; an RPC resolution is not necessary

☐

Other:

3.) Process:

☒

Material sent "Return Receipt Requested" (as required by law)

☒

Information on proposed change included

☒

Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: Mary F Savage Dunham

Telephone Number: 860-276-6248

E-mail Address: savagem@southington.org

Comments:

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrkog.org>

ZA# 554

Please mail to:

RPC Referral Submission Form

South Central CT Regional Planning Commission

Re: RPC Referral
South Central Regional COG
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

1.) General Information:

Date Sent: 8-11-10

Subject: Zoning Text Amendment - Signs

Applicant Name: Town of Southington

Property Address (if applicable): _____

Town/City: Southington, CT

☐

Referral is from a private individual

☒

Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: 9-21-10

2.) Statutory Responsibility:

☐

Application involves a subdivision of land within 500 feet of a town/city border

☒

Application involves a proposed change to a town/city zoning regulation

☐

If neither, applicant requests a voluntary RPC review for informational purposes

☐

Material is for informational purposes only; an RPC resolution is not necessary

☐

Other: _____

3.) Process:

☒

Material sent "Return Receipt Requested" (as required by law)

☒

Information on proposed change included

☒

Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: Mary F. Savage-Dunham

Telephone Number: 860-276-6248

E-mail Address: SavageM@Southington.org

Comments: _____

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrkog.org>

13-10 Prohibited Signs

The following signs shall be prohibited for the reasons of,

1. Protecting the public health, safety and welfare;
2. Reducing traffic and pedestrian hazard;
3. Protecting property values by minimizing possible adverse effects and visual blight caused by the signs; and
4. Furthering the objectives of the town's plan of development:
 - A. Billboards.
 - B. Off premises signs, except directional signs as otherwise provided for in these regulations.
 - C. Signs which revolve, rotate, flash, or involve the electronic or automatic switching of lamps or illuminated tubes, except for time and temperature signs, ***and signs advertising the numerical price of gasoline providing said sign does not revolve, rotate or flash, and does not change more than once in a 24 hour time period.***
 - D. Advertising flags, banners, strings of pennants, festoons of lights, twirlers, propellers, streamers or similar devices of carnival character, unless otherwise permitted.
 - E. Signs orientated to a road which does not legally provide access to the property, except within Executive Parks; as specifically approved by the Commission.
 - F. Portable trailer signs.
 - G. No sign attached to a structure shall project above the top of the main exterior wall of such structure, except that in an industrial zone, a sign may project up to 10 feet above the top of the exterior wall of such structure provided the sign is not within 500 feet of the boundary of a residential zone or street.
 - H. Internally illuminated signs are not permitted in the CB zone.

PROPOSED NEW TEXT = BOLD ITALICS
PROPOSED DELETIONS = [ITALICS]

5-03 – INDUSTRIAL ZONE I-3

5-03.1 Purpose: To allow the creation of small lots for outside storage of equipment, construction materials and other items as the principal use without the requirement for a structure.

5-03.2 Process: The Commission may rezone land to I-3 through a supermajority vote providing the applicant provides a conceptual development plan that demonstrates the suitability of the site for intensive heavy industrial use and outside storage with very little screening, utilities or structures associated with it, meeting the criteria in 5-03.3. This zone may be considered more appropriate on property that is heavily impacted by other environmental or locational influences, and as such is less desirable as a location for other uses.

5-03.3 The Commission may, by supermajority vote of the entire Commission, approve an Industrial Park or development on land or a parcel currently zoned I-3 providing a conceptual development plan is submitted that demonstrates the site meets the specific criteria, as follows:

- 1. Parcel or parcels comprising the proposed industrial park shall have access from a public right of way and may not be accessed over land used or zoned for residential or business purposes.***
- 2. All lots to be created must have existing or proposed topography such that neighboring uses will not be able to see the proposed use.***
- 3. Access and frontage on a town right of way and must have public water for fire protection.***

PROPOSED NEW TEXT = BOLD ITALICS
PROPOSED DELETIONS = [ITALICS]

4. ***Plan for industrial park or parcel must meet the stormwater management requirements.***
5. ***Individual site plans may require oil/water separators or impervious surfaces for the storage of certain types of materials.***
6. ***Applicant must demonstrate that development is designed in concert with or enhancing existing topography to reduce views of and impacts from outside storage uses in relation to adjacent development.***
7. ***Any proposed assemblage of two or more acres of land zoned I-3 must also meet I-2 regulations and have a principal structure.***

5-03.4 Permitted Uses

The following uses are permitted following the submittal of a site plan in accordance with Section 9 of the Zoning Regulations:

1. ***Wood splitting, cutting or storage***
2. ***Storage of equipment, materials and/or vehicles associated with landscapers, construction companies, masonry services, plumbing companies, utility contractors or subcontractors or utility companies.***
3. ***Storage of well drilling or other specialized equipment***
4. ***Storage of trailers***
5. ***Storage of large equipment including, but not limited to, cranes, bull dozers or excavators***

PROPOSED NEW TEXT = BOLD ITALICS
PROPOSED DELETIONS = [ITALICS]

5-03.5 Special Permit Uses

The following uses are permitted pursuant to the approval of a Special Permit and Site Plan application in accordance with Sections 8 & 9 of the Zoning Regulations:

- 1. Transfer Stations***
- 2. Bus/Truck Depots***
- 3. Any other proposed use not listed under permitted uses***

Section 3-01.2 F

F. The following special permit uses may be granted by the Planning and Zoning Commission, after public hearing and subject to the satisfaction of requirements and standards as set forth in Section 8-00.

1. Permanent adult or child day-care services or nursery schools in which care is provided for 13 or more clients and subject to the following:
 - A. Compliance with State licensing requirements.
 - B. If located in a dwelling unit as an accessory use. No more than 20 clients shall be accommodated at one time. The maximum number of clients may be waived by a two-thirds vote by the Commission.
 - C. If located in a building in a business zone no more than 25 clients shall be accommodated at one time. The maximum number of clients may be waived by a two-thirds vote by the Commission.
 - D. Except in an R-80 zone where 80,000 square feet shall be required, any children's facility in any other zone shall be on a lot having a minimum area of 40,000 square feet.
2. Private or public playfields that promote retention of open space including playgrounds, golf courses, ski areas, riding academies and similar recreational areas operated on either a profit or non-profit basis. ***Also, private horse stables provided that the appropriate fencing is provided, that the stable or barn is of appropriate size to house the number of horses proposed, and that the stable is more than 100' from any property line.***
3. Community theater buildings of a duly incorporated non-profit body; or private clubs, restricted to members only, and operated not for profit.

Referral 2.5: Town of Berlin

Subject: Proposed Zoning Regulation Amendment to Section IV.C.4 – Non-Conforming Structures

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background: A private applicant has proposed Zoning Regulation Amendments to Section IV.C.4 of the Berlin Zoning Code. The proposed amendments are applicable to non-conforming structures (subsection b.) and would allow a non-conforming two family home to be repaired or replaced if damaged regardless of the extent; the provision already applies to single family homes. For all other uses if a non-conforming structure is damaged by any means not exceeding 50% of its assessed value as of the latest grand list as determined by the Building Inspector before such damage, it may be repaired or replaced to an extent which does not increase the non-conformity.

There are two other provisions that are applicable to non-conforming structures: *subsection a.* Such non-conforming structure shall not be enlarged or altered in a manner which extends or increases the non-conformity but may be altered to reduce the non-conformity.

Subsection b. If such a structure is moved for any reason for any distance whatsoever, it shall thereafter conform to the requirement of the district in which it is located after it is moved, unless such a move is approved by the commission.

Communication: In researching this proposal, I spoke to the Planning Staff in Berlin and notified the adjacent municipalities in the South Central Region (Meriden).

RPC Referral Submission Form

South Central CT Regional Planning Commission

Re: RPC Referral
South Central Regional COG
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

1.) General Information:

Date Sent: August 11, 2010

Subject: Proposed Amendment to Berlin Zoning Regulations

Applicant Name: Dennis Kern, Esq.

Property Address (if applicable): _____

Town/City: Berlin, CT

☒ Referral is from a private individual

☐ Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: September 23, 2010

2.) Statutory Responsibility:

☐ Application involves a subdivision of land within 500 feet of a town/city border

☒ Application involves a proposed change to a town/city zoning regulation

☐ If neither, applicant requests a voluntary RPC review for informational purposes

☐ Material is for informational purposes only; an RPC resolution is not necessary

☐ Other: _____

3.) Process:

☒ Material sent "Return Receipt Requested" (as required by law)

☒ Information on proposed change included

☒ Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: Hellyn Riggins, Director of Development Services

Telephone Number: 860.828.7060

E-mail Address: hriggins@town.berlin.ct.us

Comments: _____

RECEIVED

AUG 13 2010

SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrkog.org>

attachment in this transmission

Certified Mail (Return Receipt Requested): 7010 1060 0000 0409 5038
Please mail to:

RPC Referral Submission Form

South Central CT Regional Planning Commission

Re: RPC Referral
South Central Regional COG
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

1.) General Information:

Date Sent: August 11, 2010

Subject: Proposed Amendment to Berlin Zoning Regulations

Applicant Name: Dennis Kern, Esq.

Property Address (if applicable): _____

Town/City: Berlin, CT

☒

Referral is from a private individual

☐

Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: September 23, 2010

2.) Statutory Responsibility:

☐

Application involves a subdivision of land within 500 feet of a town/city border

☒

Application involves a proposed change to a town/city zoning regulation

☐

If neither, applicant requests a voluntary RPC review for informational purposes

☐

Material is for informational purposes only; an RPC resolution is not necessary

☐

Other: _____

3.) Process:

☒

Material sent "Return Receipt Requested" (as required by law)

☒

Information on proposed change included

☒

Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: Hallyn Higgins, Director of Development Services

Telephone Number: 860.828.7060

E-mail Address: hriggins@town.berlin.ct.us

Comments: _____

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrco.org>

Law Offices
Kern & Kern, LLC
33 KENSINGTON ROAD
KENSINGTON, CONNECTICUT 06037

DENNIS L. KERN

LAURA KERN*

*ALSO ADMITTED IN NEW YORK

TELEPHONE
(860) 828-9950

TELECOPIER
(860) 828-4367

August 6, 2010

Hellyn R. Riggins, AICP
Director, Department of Development Services
240 Kensington Road
Kensington, CT 06037

RE: Proposed Amendment
Town of Berlin
Zoning Regulation IV.C.4.

Dear Ms. Riggins:

Presently, the Berlin Zoning Regulations IV.C.4. allows single family homes which are situated in non-residential zones to be rebuilt in the event damages from fire or other losses exceed 50% of its assessed value. Therefore, an owner of a two-family dwelling which sustains a loss greater than the 50% threshold, would be required to seek a variance from that regulation. As you know, the granting of any variance is at the discretion of the Berlin Zoning Board of Appeals. The discretion to deny a variance means that a bank or other mortgagee could suffer a potential loss in the event a non-conforming two-family home is damaged beyond 50% and the owner is refused a variance. This then becomes a serious underwriting issue.

As the Administrator of the Estate of the late David W. Stavnitzky, I am applying to the Berlin Planning and Zoning Commission for a change in Berlin Zoning Regulations IV.C.4. Essentially, I request that the protection afforded non-conforming single-family homes in the event of a loss greater than 50% be extended to two-family homes.

The Estate of David W. Stavnitzky owns 261 Christian Lane, Berlin, Connecticut. This property is a non-conforming two-family dwelling. I have been attempting to sell this property for three months. The real estate agent Elaine Pavasaris has informed me that prospective buyers are not offering to purchase the property in part because of their concern that they will be denied a mortgage by a bank unwilling to accept the risk of a variance in the event that the dwelling sustains a loss greater than 50%. For this reason, then, I am requesting that Berlin Zoning

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Regulation IV.C.4. be amended as aforesaid in order that this major impediment to the sale of 261 Christian Lane or any other non-conforming two-family residential dwelling be removed.

A check in the amount of \$280.00 is attached to pay the fee for this request to amend the Berlin Zoning Regulations.

Also, attached is the proposed change in Berlin Zoning Regulations IV.C.4. The change sought is simple. The phrase "or two-family homes" is added twice.

In advance, I thank you, Chairman Bruce Moore and the other members of the Berlin Planning and Zoning Commission for your and their kind consideration of this proposal.

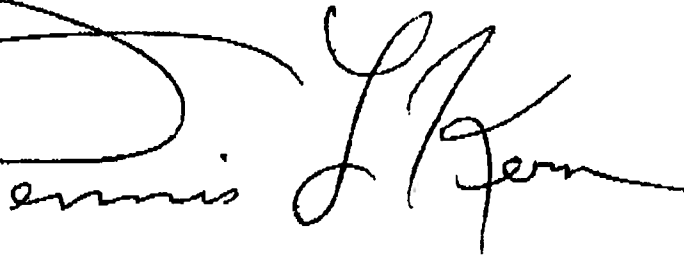
Thank you.

Very truly yours,

Dennis L. Kern

DLK/ca

Enclosures

A large, stylized handwritten signature in black ink, which appears to read "Dennis L. Kern". The signature is written over the typed name and extends across the middle of the page.

Zoning Regulation IV.C.4

Non-Conforming Structures: Where a lawful structure exists at the effective date of adoption of amendment of these Regulations which could not be built under the provisions of these Regulations as enacted or amended by reason of restrictions on floor area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. Such non-conforming structure shall not be enlarged or altered in a manner which extends or increases the non-conformity but may be altered to decrease the non-conformity.
- b. For all uses other than SINGLE FAMILY HOMES or TWO FAMILY HOMES if such non-conforming structure is damaged by any means not exceeding 50% of its assessed value as of the latest Grand List as determined by the Building Inspector before such damage, it may be repaired or replaced to an extent which does not increase the non-conformity. SINGLE FAMILY or TWO FAMILY HOMES may be repaired or replaced regardless of the extent of damage. Such repair or replacement shall commence within six months after the damage or destruction occurs, and shall be completed within 18 months after commencement. If such repair or replacement is not accomplished within such time periods, the structure shall be reconstructed in conformity with the requirements of the district in which it is located, or demolished.
- c. If such structure is moved for any reason for any distance whatsoever, it shall thereafter conform to the requirement of the district in which it is located after it is moved, unless such move is approved by the Commission.