

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

**RPC
Representatives**

Bethany:
Mary Shurtleff
(Secretary)

Branford:
Charles Andres

East Haven:
Vacant

Guilford:
Peter Goletz

Hamden:
Richard Szczepke

Madison:
Christopher Traugh
(Chair)

Meriden:
David White

Milford:
Mark Bender

New Haven:
Kevin DiAdamo
(Vice Chair)

North Branford:
Douglas Combs

North Haven:
James Giulietti

Orange:
Paul Kaplan

Wallingford:
Vacant

West Haven:
Christopher Suggs

Woodbridge:
Peggy Rubens-Duhl

AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, July 11, 2013 RPC Meeting, 5:15pm @ SCRCOG
Offices: 127 Washington Avenue, North Haven, CT 06473

1. Administration

- 1.1. Minutes of the June 13, 2013 RPC Meeting 1

2. Statutory Referrals – July Action Items

- 2.1. Town of Southington: Proposed Zoning Regulation Amendment to add new section 18.2 B.3 of ROD Regulations. Submitted by: Private Applicant. Received: June 3, 2013. Public Hearing: July 16, 2013. 3
- 2.2. City of Shelton: Proposed Zoning Regulation Amendment to re-write – Section 42, *Off-Street Parking and Loading*. Submitted by: City of Shelton. Received: June 17, 2013. Public Hearing: August 13, 2013. 8
- 2.3. Town of Guilford: Proposed Zoning Map Amendment to change a parcel from R-7 to TS2. Submitted by: Private Applicant. Received: June 20, 2013. Public Hearing: August 7, 2013. 26
- 2.4. City of Meriden: Proposed Zoning Regulation Amendments to Sections 213-7 - Definitions and 213.56E – Non-Conforming Accessory Signs and Billboards. Submitted by: City of Meriden. Received: June 24, 2013. Public Hearing: July 16, 2013. 30
- 2.5. City of New Haven: Proposed Zoning Map Amendment to change approximately 27,810 square feet of land in a portion of 49 Brookside Avenue from PDD #119, *Planned Development District 119*, to RM-1, *Low-Middle Density District*. Submitted by: Private Applicant. Received: July 1, 2013. Public Hearing: July 18, 2013. 39
- 2.6. Town of Seymour: Proposed Zoning Regulation Amendment to create a Mixed Use Zoning District. Submitted by: Town of Seymour. Received: July 2, 2013. Public Hearing: August 8, 2013. 60

3. Other Business

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, June 13, 2013 Meeting

Present: Christopher Traugh (2.2), Mary Shurtleff, Kevin DiAdamo (2.3), Peggy Rubens-Duhl, Charles Andres, Christopher Suggs, Douglas Combs, James Giulietti, David White, Richard Szczypek, Eugene Livshits

1 Administration

1.1 Minutes of the May 9, 2013 RPC meeting.

Motion to accept the minutes as presented: Christopher Suggs. Second: Peggy Rubens-Duhl. Vote: Unanimous

2 Statutory Referrals

2.1 City of Derby: Proposed Zoning Map Amendment to rezone a parcel on New Haven Avenue from R-3 to B-1

By resolution, the RPC has determined that the Proposed Zoning Map 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 impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Richard Szczypek. Second: Douglas Combs. Vote: Unanimous.

2.2 Town of North Haven: Proposed Zoning Regulation Amendment to add Section 5.2.2.61 – Recycling Center – Transfer Station

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 in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Christopher Traugh. Second: Richard Szczypek. Vote: Unanimous. Recuse: James Giulietti

2.3 *Town of Southington: Proposed Zoning Regulation Amendment to add Section 3-08.22 to Housing Opportunity District Regulations*

The Staff recommendation was amended to include a section on clarifying whether subsections B through E are applicable only if the requirements of subsection A are met. The second amendment was to include a sentence pertaining to the proposed parking requirement not being sufficient for the proposed use.

By resolution, the RPC has determined that the Proposed Zoning Regulation Amendments include a brief statement in the draft heading that the new section is standards for HOD developments restricted to occupants 62 and older. There is no description of the above intent in the amendments to the HOD Section. Additional information is needed as to how the age restriction will be incorporated into the proposed regulations. Clarification should be provided if subsections B through E apply only to HODs that meet the requirements of Subsection A or to any HOD. Lastly, the proposed parking requirement may not be sufficient for the proposed use.

Motion to accept as amended: Charles Andres. Second: James Giulietti. Vote: Unanimous.

Motion to Adjourn: Peggy Rubens-Duhl. Second: Mary Shurtleff. Vote: Unanimous.

Referral 2.1: Town of Southington

Subject:

Proposed Zoning Regulation Amendment to add new section 18.2 B.3 of ROD Regulations

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 impacts to the habitat or ecosystem of the Long Island Sound.

Background:

A private applicant in the Town of Southington has proposed an amendment to Section 18.2 B – Redevelopment Overlay District (ROD). The proposed amendment would allow the planning and zoning commission by super majority vote to add a parcel or assemblage of parcels to the areas designated within the POCD for consideration of approval under the qualifying provisions of the ROD. A public hearing would be required.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.

PLANNING AND ZONING DEPARTMENT

MUNICIPAL CENTER - 196 NORTH MAIN STREET
SOUTHINGTON, CONNECTICUT 06489

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

via email

June 3, 2013

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



RE: Proposed Zoning Regulation Amendment – New Section 18.2 B.3 of R.O.D reg. (ZA #574)

Dear Sir or Madam:

In accordance with the provisions of the Connecticut General Statutes, attached is a copy of a proposed zoning text revision submitted by Stavo Properties, Inc., proposing to add a new section (18.2.B.3) to the R.O.D. regulations of the Zoning Regulations.

The Planning and Zoning Commission anticipates opening the public hearing on this item on July 16, 2013. The complete file is 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,

David Lavallee
Acting Town Planner

enclosures

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: 6/3/13

Subject: ZA #574- New Section 18.2.B.3

Applicant Name: STAVO Properties, Inc.

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: July 16, 2013

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: Davio Lavallee

Telephone Number: 860-276-6203

E-mail Address: LAVALLEE D @ southington. org

Comments: _____

Questions: (203) 234-7555

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

5/30/13
CK # 513
\$ 260.00

PLANNING AND ZONING DEPARTMENT

MUNICIPAL CENTER, 196 NORTH MAIN STREET
SOUTHINGTON, CONNECTICUT 06489
PHONE (860) 276-6248 - FAX (860) 628-3511



FEE: See fee schedule

Date: 5/29/13

Z.A. # 574

PETITION TO ENACT A ZONING REGULATION AMENDMENT OF TEXT

The undersigned respectfully petitions the Southington Planning and Zoning Commission to consider granting a change in the text of the Zoning Regulations.

Description of proposed amendment with all related subsection numbers. Show existing text in upper and lower case and show proposed additions in all upper case letters or underlined numbers. Proposed deletions should be enclosed within double parentheses.

 Add Language to Section 18.2.B (R.O.D. Regs)

 18.2.B.(3)

 By a Super Majority vote, the Planning and Zoning Commission may add a parcel or assemblage of
 parcels to the areas designated within the Plan of Development for consideration of approval under the
 qualifying provisions of the Redevelopment Overlay District (R.O.D.). Application for such inclusion shall
 require a public hearing

Is any zoning district potentially impacted by this proposed amendment within 500 feet of a Town boundary?
 X yes no

Reason for desired amendment: HIGHEST & BEST USE OF A FORMER
INDUSTRIAL, CONTAMINATED PROPERTY.

Applicant:

STAYO PROPERTIES, INC.

Name

4 SEVENINGSIDE DR

mailing address

MILFORD CT 06460

203-615-4746

phone #

fax #

APIFARM@AOL.COM

email

applicant signature: [Signature]

P:\P & Z forms\zone regulation amendment application form.doc

Agent:

RICHARD BLACKWELL

Name

4 SEVENINGSIDE DRIVE

mailing address

MILFORD, CT 06460

203-615-4746

phone #

fax #

APIFARM@AOL.COM

email

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

- 18.2 B. Procedure – A ROD is created in two steps with an approval of a conceptual plan vesting rights in bulk, density, dimension and use, followed by a final site plan authorizing development. Approval of the Conceptual Plan is at the sole discretion of the Commission.
1. Conceptual Plan – A ROD Conceptual Plan application shall include:
 - a. A completed application including demonstration of conformance with ROD criteria and evidence of ownership or intent to control the property within 30 days of Conceptual Plan application;
 - b. A depiction of existing site conditions and improvements including public or private rights of way, utilities, topography, floodplain, wetlands and watercourses;
 - c. A schematic plan, architectural drawings; development timetable; proposed improvements, including parking and circulation, and schedule of uses;
 - d. A preliminary traffic analysis;
 - e. An engineering analysis of storm water drainage, sanitary sewers, floodplains,
 - f. Statement of anticipated compliance with Design Guidelines in Section 11-19.5.
 2. Final Site Plan – A ROD final site plan shall require a Special Use Permit in accordance with Section 8-00 and conform to the site plan requirements of Section 9-00 of the Regulations.
 3. ***By a Super Majority vote, the Planning and Zoning Commission may add a parcel or assemblage of parcels to the areas designated within the Plan of Development for consideration of approval under the qualifying provisions of the Redevelopment Overlay District (R.O.D). Application for such inclusion shall require a public hearing.***

Referral 2.2: City of Shelton

Subject:

Proposed Zoning Regulation Amendment to re-write – Section 42, *Off-Street Parking and Loading*

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 impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The City of Shelton has proposed zoning regulation amendments, which are a re-write of Section 42, *Off-Street Parking and Loading*. The goal of this section is that “parking and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of all persons normally using or visiting a use, building, or other structure at any one time.” Below are highlights of the section. Further details can be found in the background section of this agenda packet.

Parking Spaces

The Section provides the minimum number of parking spaces per use classification (Section 42.2). In Section 42.2, uses are divided into three sections – (1) Residential, Public, and Semi-Public Uses, (2) Commercial and Industrial Sales, Service, and Manufacturing Uses, and (3) Handicapped Parking Spaces. Parking spaces cannot be located more than 500 feet from the entrance to the use they serve. In the event two or more uses are present, the standard requiring the larger number of parking spaces shall apply. However, if separate parts of a building are used for different uses (thus requiring a different number of parking spaces), the number of required spaces shall be calculated by adding the number of spaces required for each use.

Loading Spaces

One off-street loading space is required for each 40,000 square feet of gross floor area or fraction thereof for the relevant uses listed in Section 42.3.

Shared Parking

The Commission may allow a credit for shared parking with respect to mixed-use developments. Eligible developments are those involving multi-family residential uses in combination with appropriate non-residential uses. A maximum credit of 0.5 space per dwelling unit shall apply to studio and one-bedroom apartment, while a maximum credit of 1.0 space per dwelling unit shall apply to two or more bedroom apartments.

Modification of Standards

The Commission may authorize a lesser number of off-street parking or loading spaces or allow parking to be located on a lot other than that where the use is located if the following standards and conditions are met:

1. The number of spaces provided on the Site Plan are sufficient to accommodate the vehicles of all persons using and visiting the particular use specified in the Application for a Certificate of Zoning Compliance.
2. There is sufficient area on the lot to provide, in the future, the total number of spaces specified in Section 42.2 or Section 42.3.
3. Any spaces located on another lot are accessible to persons normally visiting or using the use and traffic congestion and on-street parking and loading will not occur.
4. The authorization shall only apply to the use or occupancy specified in the Application for a Certificate of Zoning Compliance. Any authorization shall become null and void if there is a change in the use or occupancy.

The Section also describes design and construction standards (including dimensions, access, improvement, layout, driveways, location, and landscaping). Additionally, all off-street parking and loading spaces shall conform to any standards and conditions for approval of a Site Plan or Special Exception.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.

PLANNING AND ZONING COMMISSION, CITY OF SHELTON

54 Hill Street, Shelton, CT 06484 (203) 924-1555

Ruth Parkins – Chairman

Richard D. Schultz, AICP – Planning and Zoning Administrator



ZONING/PLANNING REFERRAL TRANSMITTAL

Date: 6/12/13

TO: Carl Amento, Exec. Director SCRCOG

FROM: SHELTON PLANNING AND ZONING COMMISSION

BY: Richard D. Schultz, AICP

PROPOSAL/PROJECT: Proposal of Shelton PZC: Re-write of Section 42: Off-Street
Parking and Loading Regulations

The subject proposal/project is referred to you by the Shelton Planning and Zoning Commission in accordance with the indicated provisions of the Connecticut General Statutes. A general description of the proposal/project is enclosed, but should you require additional information, please contact this office at 924-1555, extension 361.

- (X) Section 8-3b Zoning modifications affecting land use within 500 feet of the City Line.
- () Section 8-3h Applications for projects within 500 feet of the City Line or with significant impacts on adjacent Town (traffic, drainage, etc.).
- () Section 8-23f Plan of Conservation and Development.
- () Section 8-26b Subdivisions abutting the City Line.
- () Section 8-26f Projects within 500 feet of the City Line or with significant impacts on adjacent Town.
- () Section 22a-104e Zoning Regulations, Plan of Conservation and Development and other changes within the designated Coastal Area.
- () Section 22a-105 Coastal Site Plan Reviews

A public hearing/meeting on the subject proposal/project has been scheduled for 8/13/13 at 7:00 P.M. at the Shelton City Hall.

Attachments: Final Draft of Proposed Zoning Regulations

SHELTON PLANNING AND ZONING COMMISSION

PROPOSED ZONING REGULATIONS AMENDMENT (FINAL DRAFT prepared by the Zoning Subcommittee)

Dated: Sept. 18, 2012; Rev. 10/10/12, 10/30/12, 5/23/13 and 6/6/13

Complete rewrite **SECTION 42 – OFF-STREET PARKING AND LOADING** to read as follows:

42.1 General: It is the purpose and intent of this **Section** to assure that parking spaces and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of all persons normally using or visiting a use, building or other structure at any one time. Off-street parking and loading spaces required to be provided by this **Section** shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. If any existing use of land, building or other structure is changed to a use requiring additional off-street parking and loading spaces to comply with this **Section**, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. Any use already existing shall conform to these standards to the extent that it conforms at the time of adoption of these Regulations. Any existing use which does not conform to the standards of this **Section** shall not be changed to a use which would need additional off-street parking and loading spaces to comply with the standards herein unless there is available off-street parking and loading spaces for such new use as required by this **Section**. All off-street parking and loading spaces hereafter established, whether required to be provided by this **Section** or not, shall conform to the design and construction standards hereinafter specified as well as to any standards and conditions for approval of a **Site Plan** or **Special Exception** under these Regulations.

42.2 Parking Space Standards: Off-street parking spaces shall be provided in accordance with the following minimum standards. Parking must be located on the same lot as the use it serves unless the Commission approves parking on another lot as authorized herein as part of a **Site Plan** or **Special Exception** approval. In no case shall required spaces be located more than 500 feet from the entrance to the use they serve. As required by the Americans With Disabilities Act (ADA), designated parking for disabled persons shall be provided for all uses. Each such space shall be marked with one international accessibility symbol and posted with a sign in accordance with the ADA. Said space shall be located as close as practical to an accessible entrance to the use it serves. Striping specifications for said spaces shall comply with the ADA and its sign must be placed so that it is not obscured by a vehicle parked in that space. All offstreet parking requirements shall not be subject to a variance by the Zoning Board of Appeals without the consent of the Commission.

USE CLASSIFICATION

MINIMUM SPACES REQUIRED

Residential, Public and Semi-Public Uses

- | | |
|---|--|
| 1. Dwellings containing one or two dwelling units (DUs): | Two (2) spaces per dwelling unit |
| 2. Dwellings containing three (3) or more owner-occupied (condominium) DUs: | Two (2) spaces per dwelling unit plus 0.5 visitor spaces per unit |
| 3. Dwellings containing three or more rental apartment DUs: | |
| a. Efficiency/Studio DUs: | One and one quarter (1.25) parking spaces per rental apartment unit |
| b. One & two bedroom DUs: | Two (2) parking spaces per rental apt. unit for the first five (5) DUs. After the first five (5) DUs, one and one half (1.5) spaces per rental apartment DU. |

- c. Three or more bedroom DUs: Two and one half (2.5) parking spaces per rental apartment DU.
- d. Visitor parking: In addition to the above, one (1) visitor space per two (2) rental apartment units.
- 4. Community residence, rooming houses, or rooms to let in a dwelling unit: One (1) parking space for each guest room, bedroom or rooming unit.
- 5. Customary Home Occupation: One (1) space for each non- resident employed and one (1) additional space.
- 6. Professional Office in a DU: One (1) space for each non-resident employed and one (1) additional space.
- 7. Places of worship, clubs & lodges: One ((1) space per 10 linear feet of pew/bench and/or four (4) fixed seats in the main assembly room or one (1) space for each twenty (20) square feet in the main assembly room.
- 8. Country clubs, swim clubs and similar recreational uses: One (1) space per each three (3) persons, based on the maximum capacity of all facilities capable of simultaneous use, as determined by the Manager and agreed upon by the Commission.
- 9. Hospitals, convalescent homes, nursing homes and similar facilities: One (1) space for each three (3) patient beds one (1) space for each 1.5 employees.

Commercial and Industrial Sales, Service and Manufacturing Uses

- 1. Art gallery: One (1) space for each three hundred fifty (350) square feet of gross floor area.
- 2. New and used automobile, boat, camper or similar vehicle sales or rental business: One (1) parking space for each one thousand (1,000) square feet of gross land area used for sales and display purposes.

- | | |
|---|---|
| 3. Barber or beauty shop: | One and one half (1.5) parking spaces for each work station. |
| 4. Bank, financial institution, public or private utility office: | One (1) parking space for each two hundred (200) square feet of gross floor area. |
| 5. Bed and breakfast establishment: | One (1) parking space for each guest unit in addition to parking requirements for the owner/occupant. |
| 6. Billiard parlors: | One (1) parking space per one and one half (1.5) billiard tables. |
| 7. Bowling alleys: | Four (4) parking spaces for each bowling lane. |
| 8. Bus depots: | One (1) parking space for each one hundred (100) square feet of waiting room space. |
| 9. Business or professional offices: | One (1) parking space for each two hundred fifty (250) square feet of gross floor area. |
| 10. Carwash: | Parking spaces or parking equal to five (5) times the capacity of the carwash. |
| 11. Self service cleaning or laundry use or similar personal service use | One (1) parking space for each cleaning/washing machine. |
| 12. Cleaning Plant | One (1) parking space for each three hundred (300) square feet of gross floor area. |
| 13. Automotive services, repair shops, garages, wholesale uses: | One (1) parking space for each two hundred (200) square feet of gross floor area (including display). |
| 14. Convenience markets: | One (1) parking space for each two hundred (200) square feet of gross floor area. |
| 15. Day nursery or nursery school: | One (1) parking space for each staff member plus one (1) space for each ten (10) students. |
| 16. Dry cleaner's store | One (1) parking space for each two hundred (200) square feet of gross floor area. |
| 17. Drive-through uses: | |
| a. Bank or financial: | Vehicle stacking for five (5) vehicles for each drive-thru teller station. |
| b. Food Establishments for the sale or consumption of food or beverage on the premises with more than sixteen (16) seats. | Vehicle stacking for four (4) spaces before the ordering area shall be required. |

- c. Food Establishments for the sale of food and beverages off premises with sixteen (16) seats or less: Vehicle stacking for four (4) spaces before the ordering area shall be required.
 - d. Convenience markets: A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window.
 - e. Dry cleaning store: A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window.
 - f. Pharmacies: A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window.
 - g. Other: A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window.
- 18. Food store, supermarket: One (1) parking space for each two hundred (200) square feet of gross floor area for buildings over 10,000 square feet gross area.
One (1) space for each two hundred (200) square feet for buildings less than or equal to ten thousand (10,000) square feet of gross floor area.
 - 19. Furniture and/or appliance stores: One (1) parking space for each seven hundred fifty (750) square feet of sales display area.
 - 20. Gas service stations: One (1) stacking space per two (2) pumps, plus two (2) parking spaces per service bay.
 - 21. Golf courses (private and public): Six (6) parking spaces per green.
 - 22. Gymnasiums and health studios: One (1) parking space per three hundred (300) square feet of exercise area.
 - 23. Hotels, motels: One and one quarter (1.25) parking space per guest unit.
 - 24. Manufacturing or industrial uses, including office or other incidental operation on the site: One (1) parking space for each 1.5 employees but not less than 1 parking space per 750 sq. ft. of gross floor area.
 - 25. Medical or dental offices: One (1) parking space per two hundred (200) square feet of gross floor area.

- | | |
|--|--|
| 26. Miniature golf courses: | Two and one half (2.5) parking spaces for each hole of the course. |
| 27. Mortuaries, funeral homes: | One (1) parking space per three (3) fixed seats or one (1) parking space per twenty (20) square feet of assembly room area, plus one (1) per each commercial funeral vehicle. |
| 28. Heavy equipment and machinery sales: | One (1) parking space per one thousand (1,000) square feet of land area and/or 1 space for each 750 sq. ft. of gross floor area. |
| 29. Planned shopping centers | Four (4) parking spaces per 1,000 sq. ft. or as approved by the P&Z Commission. |
| 30. Plant nursery, garden shop: | Five (5) parking spaces plus one (1) additional parking space for each two thousand (2,000) square feet of sales or display area. |
| 31. a. Restaurant, cocktail lounge or similar use for sale or consumption of food or beverage on the premises with more than sixteen (16) seats: | One (1) parking space for each one hundred (100) square feet of gross floor area plus one (1) additional space for each 50 square feet of patron bar and/or cocktail lounge area. |
| b. Restaurant primarily for sale of food and beverages off premises with sixteen (16) seats or less: | One (1) parking space for each two hundred (200) square feet of gross floor area. |
| 32. Retail, general: | One (1) parking space for each two hundred (200) square feet of gross floor area. |
| 33. Skating rinks, dance halls/dance studios: | One (1) parking space per two hundred fifty (250) square feet of gross floor area. |
| 34. Theater or auditorium | One (1) parking space for each three (3) seats in the main assembly room. |
| 35. Warehouse and distribution industry | One (1) parking space for each two thousand (2,000) square feet for the first twenty thousand (20,000) square feet; one (1) parking space for each four thousand (4,000) square feet of floor area of the remaining building area. |
| 36. Wholesale: | One (1) parking space for each five hundred (500) square feet of gross floor area. |

Handicapped Parking Spaces

Use

1. Designated parking for disabled persons shall be provided for all uses as designated by the Americans With Disabilities Act.

Minimum Off-Street Parking Requirements

Each handicapped space shall be marked with an international accessibility symbol and posted by a sign in accordance with the Americans With Disabilities Act and located as close as practical to an accessible entrance to the building. The sign must be placed so that it is not obscured by a vehicle parked in that space. The striping specifications for handicapped spaces shall comply with the Americans With Disabilities Act. The total number of required parking spaces shall be determined by the Building Official.

42.3 Loading Space Standards: Each hospital, hotel, motel, retail store building, undertaker's establishment, restaurant, tavern, bar, nightclub, warehouse, wholesale business, trucking terminal, contractor's business, research laboratory and establishment for the manufacture, processing or assembling of goods, having a ground floor area in excess of 4,000 square feet, shall have one (1) off-street loading space for each 40,000 square feet of gross floor area or fraction thereof, excluding basements, and located on the same lot with the building.

42.4 Classification of Uses: Whenever two or more classifications provided in Paragraph 42.2 shall apply to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each type of use.

42.4.1 Municipal Parking Facilities: In the Central Business Core Area(CBCA)/Central Business District overlay zone, a significant supply of municipal off-street parking

is available under the direction of the Shelton Parking Authority. Therefore any required parking not available on-site may be satisfied in part through an agreement with said Shelton Parking Authority to provide all or a portion of said required parking. In lieu thereof, under the provisions of the Connecticut General Statutes and in accordance with policies and procedures of the City of Shelton, an applicant may enter into an agreement with the City for payment in lieu of providing all or a portion of said required parking and reserving said spaces in available, municipal off-street parking facilities, provided said facilities are in close proximity to the area of need.

42.4.2 Shared Parking: For mixed-use developments involving multi-family residential uses in combination with other appropriate non-residential uses, the Commission may allow a credit for shared parking. For studio and one-bedroom apartments, said credit shall not exceed 0.5 spaces per dwelling unit and for two or more bedroom apartments, said credit shall not exceed 1.0 spaces per dwelling unit. The Commission at its sole discretion may deny such credits where the peak demand of the non-residential use occurs in the evening hours.

42.5 Joint Use: Except where the required parking must be located on the same lot with the building, joint parking areas and loading spaces may be established by the owners of separate lots in order to provide the total number of off-street parking and loading spaces required. Acceptable evidence as to the permanency of jointly-provided parking spaces shall be provided by the applicant.

42.6 Modification of Standards: The Commission may, in connection with the approval of a **Site Plan** or the granting of a **Special Exception**, authorize a lesser number of off-street parking and/or loading spaces than specified in **Par. 42.2** and **42.3** or authorize such spaces to be located on a lot other than the lot where the use is located, if the Commission determines that the following standards and conditions are met:

42.6.1 The number of spaces provided on the **Site Plan** are sufficient in number to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the Application for a **Certificate of Zoning Compliance**;

42.6.2 There is sufficient and suitable area on the lot to provide in the future the full number of spaces specified in **Par. 42.2** and **42.3**;

42.6.3 That any spaces located on another lot are conveniently accessible to persons normally using or visiting the use and that traffic congestion and on-street parking and loading will not result; and

42.6.4 The authorization shall be applicable only to the particular use or occupancy of land, buildings and other structures specified in the **Application for a Certificate of Zoning Compliance** and approved by the Commission. Such authorization shall become null and void upon any change in the use or occupancy to another use or occupancy.

42.7 Design and Construction Standards: All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:

42.7.1 Dimensions: Each parking space shall constitute an area of such shape as to contain a rectangle of not less than nine (9) feet by 20 feet, with vertical clearance, access and slope as to accommodate one (1) automobile. For spaces located in or on a building or structure, said rectangle may be reduced to an area of 160 square feet. When the end of a parking space is adjacent to and capable of overhanging a curbed, sidewalk, landscaped area or island, the length of the space may be reduced to 18 feet by allowing the curbing to function as a wheel stop. Each loading space shall constitute an area with such shape, vertical clearance, access

and slope as to accommodate trucks of the type servicing the lot; at a minimum, such space shall be not less than 12 feet in width and 30 feet in length with a vertical clearance of 15 feet.

42.7.2 Access: Each parking space shall be provided with adequate area for aisles and access lanes, so that an automobile having an overall length of 18 feet, can approach the space and execute any necessary backing and turning movements without need to use any part of a public street right-of-way and can exit onto the street in a front forward direction; the front forward exit requirement shall not apply to parking spaces provided in connection with a dwelling containing one (1) or two (2) dwelling units, an office in a dwelling and rooms to let in a dwelling when the sole driveway access to such spaces does not connect to a State Highway. No off-street loading space, including any truck loading bay, ramp or dock, shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way to back into such space. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. Off-street parking facilities shall be designed in accordance with acceptable standards of layout and design and as necessary to satisfy the Connecticut Building Code for handicapped spaces.

42.7.3 Improvement: All off-street parking and loading spaces shall be suitably improved, graded, stabilized, drained and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street or adjacent property. Except as may be otherwise authorized at the sole discretion of the Commission, the entire parking area, including parking spaces and maneuvering lanes, shall be surfaced with bituminous concrete or portland cement concrete in accordance with specifications approved by the City Engineer. The Commission may authorize an alternative pavement and/or surface treatment or may defer the installation of all or some portion of final pavement and/or curbing provided suitable arrangements are made to assure completion of such pavement/curbing when so ordered. In commercial and industrial districts, when recommended by

the City Engineer and approved by the Commission, curbing shall be constructed of portland cement concrete.

42.7.4 Layout: All off-street parking and loading areas shall be provided with spaces of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such spaces as to allow safe and convenient use of each parking space. A "parking bay" consists of two (2) parallel rows of parking stalls, separated by an aisle for access and maneuvering into said stalls. All proposed uses and changes of use shall be provided with sufficient handicapped parking spaces as required by the Connecticut State Building code. Location, design standards and identification signage for such spaces shall comply with said Code. Provision shall be made for safe and convenient use of all parking spaces and for circulation within parking areas as follows:

- a. By provision of suitable circulation driveways giving access to parking aisles and spaces;
- b. By provision for safe pedestrian circulation within parking areas;
- c. By providing for channelized traffic flow within parking areas, including provision of curbed, raised and landscaped linear islands to separate any two (2) parking bays from any other bay; and
- d. By suitable markings, curbs, end islands, fences or other devices to encourage proper and efficient use of each parking space, providing that not more than 16 parking spaces shall be permitted in any continuous row without being interrupted by a curbed, raised and landscaped island having a minimum width of nine (9) feet.

- e. No loading space shall be arranged in such manner as to obstruct use of required parking spaces or traffic circulation within the parking areas.

42.7.5 Driveways: There shall be no more than two (2) driveways entering any lot from any one street, except that there may be one (1) additional driveway for each additional 300 feet of lot frontage in excess of 300 feet. Driveways shall be not less than 15 feet in width for one-way travel and not less than 24 feet in width for two-way travel, measured at the street line. Driveways shall have a maximum grade of ten percent (10%). However, limited portions of driveways may have a grade of up to 12% over a length of 100 feet provided that multiple 12% lengths of driveway are separated from each other by not less than 100 feet of driveway at grades less than 10%. Where the driveway pavement intersects with the street pavement, it shall be provided with a minimum inside radius of 15 feet unless a larger radius is required by the Town or State. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by Town Ordinance or by the State of Connecticut.

42.7.6 Location - Loading: No off-street loading spaces or access aisles in connection therewith shall be located in the area required for setback from a street line or Residence District boundary line or within 10 feet of any side line; in Residence Districts no such space shall be located in any required yard area.

42.7.7 Location - Parking: Except for parking spaces provided in connection with a single family dwelling, an office in a dwelling and rooms to let in a dwelling, all off-street parking spaces and/or access aisles in connection therewith, located within 10 feet of any street line shall be separated from such right-of-way by a concrete curb, a fence or by an embankment not less than 24 inches in height and shall be provided with such curb, fence, wall barrier or embankment in such a manner that cars will not overhang the street line. No parking space or access aisle in connection therewith shall extend within five (5) feet of any side property line,

except for permitted driveway entrances, and approved interconnections with adjoining properties. In Residence Districts, off-street parking shall also conform to the following minimum standards:

- a. No off-street parking spaces shall extend to within less than five (5) feet of any dwelling;
- b. Not more than 50% of the area required for setback from a street line shall be used for driveways and off-street parking and except for necessary driveway entrances, any parking spaces and their access drives located within the area required for setback from a street line shall be separated from such street line by a landscaped planting strip having a minimum width of six (6) feet; and
- c. The aggregate lot coverage of all buildings, other structures and off-street parking and loading spaces, including driveways, shall not exceed the maximum total impervious lot coverage allowed under **SCHEDULE B** of these Regulations.

42.7.8 Landscaping: Except for parking spaces provided in connection with a single family dwelling, an office in a dwelling and rooms to let in a dwelling, and except for permitted driveway entrances, parking spaces and sidewalks, the area required for setback from a street line and side property line shall be suitably landscaped with trees and/or shrubs, lawn, washed gravel or other appropriate ground cover. In other than Residence Districts, when parking spaces and access drives are located within 20 feet of a street line, said areas shall be separated from such street line by appropriate landscaping and/or berming in such a manner as to soften the visual impact of said areas. A strip of land not less than 12 feet in width along and adjacent to any Residence District boundary and five (5) feet in width along any property line the opposite side of which is devoted to single family residential use, shall be landscaped and planted with an effective buffer to a height of not less than

four (4) feet above the parking surface for screening headlight glare. Such buffer shall consist of evergreen trees or shrubs planted not more than four (4) feet apart or a combination of evergreen plantings and berms or appropriate screen fencing.

In addition to the above, for parking facilities exceeding 30 spaces, interior landscaping area shall be provided as follows:

- a. Within the interior of the parking facility, landscaped areas shall be provided at the ratio of one square foot of landscaped area for each 20 square feet of parking lot, and shall be located in a manner that breaks up the expanse of pavement throughout the lot.
- b. Each interior landscape area shall have a minimum area of 150 square feet.
- c. There shall be at least one (1) deciduous tree for each 100 square feet of interior landscape area and each interior landscaped area shall contain at least one (1) tree.

42.8 Waiver of Immediate Installation: With respect to the installation of parking spaces required by this Section, the Commission may, upon the request of any property owner or other applicant, waive the immediate installation of not more than 25 % of the required number of parking spaces upon the following conditions:

- a. that the parking plan submitted to the Commission show the layout for the full parking requirement and identify those spaces for which waiver of immediate installation is requested;
- b. that the Commission find the reduced number of parking proposed to be installed will adequately serve the proposed development;

- c. that the owner file with the Commission and note on the parking plan an agreement obligating the owner, his heirs or successors and assigns to install such remaining parking spaces within six (6) months after the date of any request by the Commission to do so;
- d. that the Commission at its sole discretion may require posting of appropriate bonding to assure the installation of said deferred spaces, which bonding shall be maintained in effect for a maximum period of two (2) years.; and
- e. that the agreement herein referred to be incorporated by reference as a covenant in any **Special Exception** approval, the parking for which is affected by this subparagraph, and shall be so recited in the document evidencing such **Special Exception** approval recorded on the land records.

Referral 2.3: Town of Guilford

Subject:

Proposed Zoning Map Amendment to change a parcel from R-7 to TS2

Staff Recommendation:

The Proposed Zoning Map 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 impacts to the habitat or ecosystem of the Long Island Sound.

Background:

A private applicant in the Town of Guilford has proposed a Zoning Map amendment which will rezone a 35 acre parcel from R-7 to TS2. TS2 is a commercial district intended to create an environment consistent with street edge, high quality landscaping, reduced curb cuts, shared parking and mixed use. The mixture of uses would blend with adjacent residential districts and the natural landscape. The proposed zone change is within 500 feet of the Town of North Branford.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.



THE OLD STONE HOUSE

TOWN OF GUILFORD

TOWN PLANNER
TOWN HALL SOUTH - 50 BOSTON STREET
GUILFORD, CONNECTICUT 06437
SETTLED IN 1639

E-MAIL: kralg@ci.guilford.ct.us
WEBSITE: www.ci.guilford.ct.us

TELEPHONE: (203) 453-8032
FAX: (203) 453-8034

June 19, 2013

To; Gene Lipshits, RPA of South Central Connecticut
Carol Zebb, Town of North Branford
Shirley Rasmussen, Town of Branford

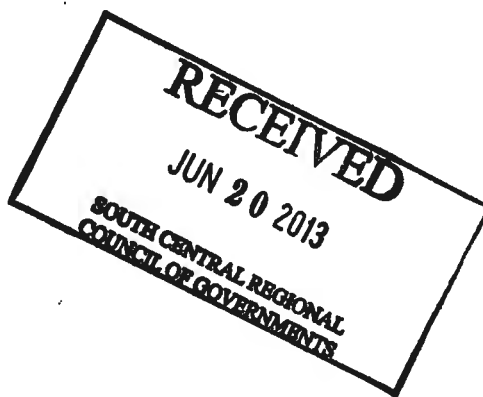
From; George Kral

G.K.R.

Re; Zoning Map Amendment, Town of Guilford

Please see the attached. This is scheduled for a Public Hearing on ~~July 17~~:

Aug. 7



**Sullivan Farm North, LLC
2995 Boston Post Rd
Guilford, CT 06443**

June 17, 2013

Planning and Zoning Commission
Town of Guilford, CT 06437
Attn: George Kral, Town Planner

Re: Zone Change Request: Property of Sullivan Farm, LLC

Ladies and Gentlemen:

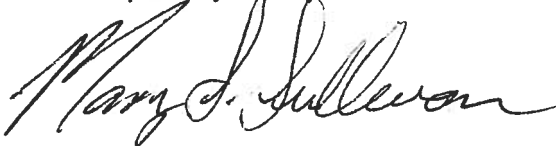
The applicant wishes to request a change in zoning classification for the property under my ownership in the R-7 zone to TS2 zone to facilitate the commercial development of this parcel. The parcel is located on (Map 83 Lot 5) and is contiguous to property currently owned by the applicant. Applicant believes this approximately 35 acre parcel, which is currently zoned for single-family residences, would better serve the needs of the town of Guilford if changed to TS2

§273-192. Purpose.

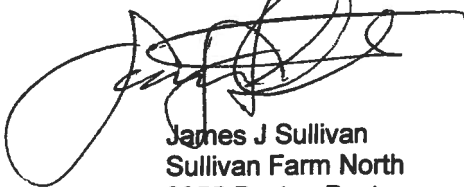
The TS2 District is a commercial zoning district designed to permit a wide variety of commercial uses to better serve the local community. It is intended to be an attractive, coherent environment with a consistent street edge, high quality and sufficient landscaping, reduced curb cuts and shared parking, and a mixture of types of land uses that blend with the adjacent residential and natural landscape.

Enclosed is a highlighted map of the parcel where the zoning change is requested, Also enclosed is a list of adjoining property owners within 500' of the parcel. We request that you target the mandatory hearing for August 2013

Respectfully submitted,



Mary S. Sullivan
2995 Boston Post Rd
Guilford, CT 06443



James J Sullivan
Sullivan Farm North
2955 Boston Post

RECEIVED

JUN 18 2013

GUILFORD PLANNING & ZONING
COMMISSION

**List of Adjacent Property owners within 500 feet to parcel owned by
Sullivan Farm North**

Al Carmvan Property LLC - 3080 Boston Post Rd Guilford, CT 06437

Janet Riesman - 3061 Boston Post Rd Guilford, CT 06437

Dianne Mott - 2960 Boston Post Rd Guilford, CT 06437

Joyce Narey - 3049 Boston Post Rd Guilford, CT 06437

2935 – 2941 Boston Post Rd LLC – 8 Sunnybrook Lane Clinton, CT 06413

Ann ad Alex - Seseske 2939 Boston Post Rd Guilford, CT 06437

Glen and Kirsten Seseske – 2845 Boston Post Rd Guilford, CT 06437

Elizabeth Corey Revocable Trust – 10 South Westwoods Rd Ansonia, CT 06401

Marietta Daddio - 15 Notch Hill Rd No. Branford, CT 06471

RECEIVED

JUN 18 2013

**GUILFORD PLANNING & ZONING
COMMISSION**

Referral 2.4: City of Meriden

Subject:

Proposed Zoning Regulation Amendments to Sections 213-7 - Definitions and 213.56E – Non-Conforming Accessory Signs and Billboards

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 impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The City of Meriden has proposed revisions to Section 213-7 – Definitions and 213-56E – non-conforming accessory signs and billboards. The following definition has been proposed for a billboard: A sign including any support structures displaying a message not related to the use of the property which it is located on. Definitions have been added for Conventional Billboard, Digital Billboard and Billboard Overlay District. The specific definitions can be reviewed within your agenda packet.

Revisions to Section 213.56E involve replacing subsections 2 and 3 with Subsection 2 – Billboard. The subsections include a statement of purpose, definition and several standards for location, size, height, spacing luminance and frequency of image change. The specific requirements are listed within the agenda packet.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.



City of Meriden, Connecticut
Office of the City Council

142 EAST MAIN STREET
MERIDEN, CONNECTICUT 06450-8022
TELEPHONE: (203)630-4125
FAX: (203)639-7008

June 21, 2013
South Central Regional Council
127 Washington Avenue, 4th Floor West
New Haven, CT 06473

Dear Regional Planning Agency:

Per State Statutes, the City of Meriden hereby refers the following proposed zoning amendment for your review and comment. Enclosed please find the legal notice and resolution for the following:

1. Item #6 of 6/17/13: Res. re: Amendment of Section 213-7 "Definitions" and 213-56E "Non-Accessory Signs and Billboards" of the City Code.

Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink that reads "Brian P. Daniels".

Brian P. Daniels
Chairman, Economic Development, Housing & Zoning

BPD/Inc

Enc.

cc: Dominick Caruso, Director of Development & Enforcement

LEGAL NOTICE

**Economic Development, Housing & Zoning Committee
Meriden City Council**

The Economic Development, Housing & Zoning Committee of the Meriden City Council will hold a public hearing on Tuesday, July 16, 2013 at 5:30 p.m. at City Hall in the City Council Chambers, Room 206, 142 East Main Street, Meriden, CT to consider the following:

1. Item #6 of 6/17/13: Res. re: Amendment of Section 213-7 "Definitions" and 213-56E "Non-Accessory Signs and Billboards" of the City Code.

At this hearing, all interested parties may appear and be heard and written communications will be received. The text of the resolution is on file for public review in the City Clerk's Office, Room 214, City Hall.


Brian P. Daniels, Chairman

TO BE PUBLISHED: JULY 5TH AND JULY 12TH, 2013

Item # 6
Date 6/17/13

RESOLUTION

Presented by _____
Brian Daniels

Whereas, the Plan of Conservation and Development (POCD) calls for the City to increase the non-residential tax base by various means including enhancing the commercial corridors;

Whereas, the Plan of Conservation and Development (POCD) sets the objective of “review existing applicable regulations, such as signage and landscaping requirements, to gauge their impact on the physical design and appearance of Meridens’ economic generation areas. Make appropriate changes of these regulations where necessary”;

Whereas, the sign regulations, especially “Billboards” need to be updated to account for the latest technological signs, such as “Digital Billboards”;

Whereas, “Digital Billboards” when properly controlled are a legitimate economic development tool for the City;

NOW THEREFORE BE IT RESOLVED THAT: section 213-7 “Definitions” and section 213-56E “Non-Accessory Signs and Billboards” be amended per attached “Billboard Standards/Regulations (June 2013)” to permit and regulate Billboards;

BE IT FURTHER RESOLVED THAT: the zoning map be amended to overlay the “Billboard District” as shown on maps entitled “Proposed Billboard Overlay District” dated, June 2013.

BILLBOARD STANDARDS/REGULATIONS

June 2013 (Revised)

I. Revise Section 213-7: Definitions “Under the “sign” Definitions:

- (2) BILLBOARD – change from “See nonaccessory sign” to ‘A sign including any support structures displaying a message not related to the use of the property on which it is located:

Add the following definitions:

“Conventional Billboard: A billboard displaying a static message or copy which cannot be changed mechanically (for example, a tri-vision billboard) or electronically.

Digital Billboards: A billboard utilizing digital message technology capable of changing the static message or copy electronically, but not displaying any movement, or the appearance or optical illusion of movement, or any flashing, scintillating or varying of light intensity during the static display periods.

Billboard Overlay District: Billboards must be oriented to limited access highways and are further restricted to the “Billboard Overlay District” as shown on the City’s Zoning Map.”

II. Revise Section 213.56E: Nonaccessory signs and billboards, to replace the existing subsections (2) and (3) with the following:

(2) Billboard

(a) Statement of Purpose:

Billboards are elements of the urban landscape identifying businesses, relaying messages and advertising. In order to promote, preserve, enhance and protect the public health, safety and welfare of the city, these standards/regulations intend to diminish the distraction hazards to traffic, minimize visual blight and ensure urban design fundamentals to preserve Meriden’s landscape. The following standards/regulations control billboard location, size, height, spacing, luminance and frequency of image change.

(b) Definitions:

Billboard : A sign including any support structures, advertising a product or service or displaying a message not related to the use of the property on which it is located.

Conventional Billboard: A billboard displaying a static message or copy which cannot be changed mechanically (for example, a tri-vision billboard) or electronically.

Digital Billboards: A billboard utilizing digital message technology capable of changing the static message or copy electronically, but not displaying any movement, or the appearance or optical illusion of movement, or any flashing, scintillating or varying of light intensity during the static display periods .

Billboard Overlay District: Billboards must be oriented to limited access highways and are further restricted to the "Billboard Overlay District" as shown on the City's Zoning Map.

(c) Development Standards:

- **Maximum Height: 35'*** - The vertical distance from the grade of the closest lane of the limited access highway to the top of the highest component of the billboard.

*In no cases shall the top be higher than forty-five (45') above grade at the base of the billboard.

- **Maximum Sign Area: 672 Sq. Ft.**
- **Clearance: 9'** - Billboards shall have a minimum clearance of nine (9') feet between the lowest component of the billboard and the land grade.

(d) Location & Orientation:

- **Billboard Overlay District:** Conventional and Digital Billboards are restricted to Billboard Overlay District.
- **Lot (size, frontage & use):** Billboards are considered principal uses and therefore per Section 213-12.2 "Number of principal uses per lot" it is the only use allowed on the lot. A building lot for a non-accessory sign or billboard must have the lot area required for the underlying zone, and have 75' frontage on the limited access highway that the billboard is oriented.
- **Orientation:** All billboards consisting of back to back or parallel design shall be no greater than eight (8') feet apart. All billboards shall be oriented with faces at an

angle no greater than thirty-five (35) degrees perpendicular to the limited access highway. All such signs must be oriented to a limited access highway and not to face a residential zoning district.

(e) Spacing:

- Conventional billboard shall be spaced at a horizontal distance of not less than seven hundred and fifty feet (750') from other conventional or digital billboards on the same side of the limited access highway.
- Digital Billboards shall be spaced at a horizontal distance of not less than one thousand five hundred (1,500') feet from any other digital billboard on the same side of the limited access highway.
- These spacing requirements can be reduced on City owned property with the condition that public service messages, copy and timing approved by the City, are included in the lease agreement with the City. The spacing requirements can be reduced to:
 - 250' between conventional billboards and any other billboard.
 - 500' between digital billboards.

(f) Digital Billboards:

- Display time: Messages and/or imagery must be displayed in a static manner for a minimum of seven (7) seconds;
- Transition time: Transition time from one message or copy to another must be direct and immediate without special effects and not exceed one (1) second.
- Brightness: No Digital Billboard may operate at brightness levels of more than 0.3 foot candles above ambient light for the following distances from the sign face based on the size of the sign: 100' for a 242 sf sign
150' for a 378sf sign and
200' for a 672sf sign
The brightness measurement shall be made with the light meter or similar device positioned at a 90 degree angle to the orientation of the Digital Billboard.
- Malfunction: Digital Billboards must be designed and equipped to freeze the sign face in position if malfunction occurs. Such billboard must also be equipped with a means to immediately discontinue operation in case of malfunction.

replacement cost and for which no building permit for reconstruction or replacement of the nonconforming billboard is applied for within one hundred eighty (180) days of the date the billboard is damaged or destroyed, shall not be reconstructed except in conformity with the requirements of this chapter.

- A nonconforming billboard the use of which is discontinued for a continuous period of six (6) months shall be deemed to be abandoned and may not thereafter be used except in conformity with requirements of this chapter.

The billboard owner must immediately turn off display when ordered by the City.

g) Miscellaneous:

- **Content:** Billboards shall not use the words "stop", "danger" or any other word phrase or symbol or character in a manner that might be misconstrued to be a public safety warning or traffic sign.
- **Landscaping:** Every billboard shall be suitably landscaped covering the area between the billboard and property lines. This landscaped area shall be properly maintained.
- **Maintenance:** All billboards, shall be maintained in good repair and in safe condition. The owner of the premises on which the billboard is located shall be directly responsible for keeping such billboard and premises in a safe and neat condition.

All parts, including the backs, of billboards shall be painted a dark or neutral color and shall be well maintained.

(h) Process:

- All billboards must obtain a Certificate of Approval (per Section 213-55) of the Zoning Regulations from the Planning Commission prior to receiving a Building Permit.
- A Certificate of Approval is also required for a conversion of an existing billboard into Digital Billboard. The converted Digital Billboard must comply with all standards/requirements of this chapter.

(i) Non-conforming:

- Billboards lawfully existing at the time of adoption of this chapter which do not conform to the requirements of this chapter may continue to exist, but are prohibited from being enlarged, relocated, or converted to Digital Billboards, except in compliance with this chapter.
- Maintenance and repair, including restoration, improvement, and changing of billboard messages is allowed. Following damage or destruction, a non-conforming billboard, if reinstated with a nonconformity as allowed under the terms of this chapter, shall be restored to its condition that preceded damage or destruction.
- A nonconforming billboard which is damaged or destroyed by any cause or means to the extent that the cost of restoration exceeds one-half (1/2) of its

Referral 2.5: City of New Haven

Subject:

Proposed Zoning Map Amendment to change approximately 27,810 square feet of land in a portion of 49 Brookside Avenue from PDD #119, *Planned Development District 119*, to RM-1, *Low-Middle Density District*

Staff Recommendation:

The Proposed Zoning Map 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 impacts to the habitat or ecosystem of the Long Island Sound.

Background:

A private applicant in the City of New Haven has submitted a proposed Zoning Map Amendment which will rezone approximately 27,810 square feet of land located in a portion of 49 Brookside Avenue from Planned Development District 119 to RM-1, *Low-Middle Density District*. The land, which is about 900 feet long and 30 feet wide, will be used to provide front yards for the proposed buildings in the Ribicoff Cottages project.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.

City of New Haven

Agenda

Legislation Committee

165 Church Street
New Haven, CT 06510
(203) 946-6483 (phone)
(203) 946-7476 (fax)
cityofnewhaven.com

Thursday, July 18, 2013

6:00 PM

Aldermanic Chambers

ALDERMANIC NOTICE - NEW HAVEN

THE LEGISLATION COMMITTEE WILL MEET ON THURSDAY, JULY 18, 2013 AT 6:00 P.M. IN THE ALDERMANIC CHAMBER OF CITY HALL, 165 CHURCH STREET TO HEAR:

ORDINANCE AMENDMENT TO CHAPTER 35 OF THE NEW HAVEN CODE OF ORDINANCES TITLED CHAPEL WEST SPECIAL SERVICES DISTRICT

ZONING ORDINANCE MAP AMENDMENT (GRID #2)
TO CHANGE THE DESIGNATION OF APPROXIMATELY 27,810 SQUARE FEET OF LAND LOCATED IN THE NORTHERLY PORTION OF PROPERTY KNOWN AS 49 BROOKSIDE AVENUE FROM PLANNED DEVELOPMENT DISTRICT 119 TO RM-1 LOW-MIDDLE DENSITY DISTRICT (RM-1).

THESE ITEMS ARE FILED WITH THE CITY CLERK, ROOM 202, 200 ORANGE STREET, WHERE THEY ARE AVAILABLE FOR PUBLIC INSPECTION. PER ORDER HON. JESSICA HOMES, CHAIR; ATTEST: HON. RON SMITH.

IF YOU NEED DISABILITY RELATED ACCOMMODATION, PLEASE CALL FIVE BUSINESS DAYS IN ADVANCE OF THE MEETING: 946-8122 (VOICE) OR 946-8582 (TTY).

■ Brenner, Saltzman & Wallman LLP

ATTORNEYS AT LAW

Carolyn W. Kone
ckone@bswlaw.com
Fax: 203.772.4008

May 14, 2013

NEWTON D. BRENNER (1934-2008).
STEPHEN L. SALTZMAN, P.C.
MARC A. WALLMAN, P.C.
DAVID R. SCHAEFER, P.C.
DONALD W. ANDERSON, P.C.
SAMUEL M. HURWITZ, P.C.
WAYNE A. MARTINO, P.C.
MITCHELL S. JAFFE, P.C.
ALICE J. MICK, P.C.
CAROLYN W. KONE
BRIAN P. DANIELS
GEORGE BRENNER IV, P.C.
JENNIFER DOWD DEAKIN, P.C.
ROWENA A. MOFFETT
JOHN R. BASHAW
SEAN M. FISHER
RONALD A. SOCCOLI, JR.

SUZANNE H. ALDERMAN
MICHAEL T. CRETELLA

OF COUNSEL:
KENNETH ROSENTHAL, P.C.
SHARON KOWAL FREILICH
HOLLY WINGER

Mr. Ron Smith
City Clerk
City of New Haven
200 Orange Street
New Haven, CT 06510

The Honorable Members of the Board of Aldermen
City of New Haven
165 Church Street
New Haven, CT 06510

Re: Petition to Amend Zoning Ordinance (Grid 2) to Change the Designation of Approximately 27,810 Square Feet of Land Located in the Northerly Portion of Property known as 49 Brookside Avenue from Planned Development District 119 to RM-1 Low-Middle Density District.

Dear Mr. Smith and Honorable Members of the Board of Aldermen:

This office represents Trinity New Haven, LLC ("Trinity"). Trinity has been selected by the Housing Authority of the City of New Haven ("HANH") to redevelop the Abraham Ribicoff Cottages and the Abraham Ribicoff Extension on Brookside Avenue. Trinity plans to demolish the existing structures and build 54-56 units of family housing, 34 senior cottage units and 18-21 units of senior/supportive housing in a three story building, which will also house a community center. In addition, there will be three community gardens on the site.

Currently, the Ribicoff Cottages are in the RM-1 zoning district. The West Rock Planned Development District ("PDD 119") lies to the south of the Ribicoff Cottages. There is a strip of land (approximately 30' wide) in the northerly section of PDD 119, which is located directly south of the Ribicoff Cottages site (north of the back of sidewalk on Bosley Street). This strip of land is owned by HANH, is vacant and is not being used for

■ Brenner, Saltzman & Wallman LLP

Mr. Ron Smith
Members of the Board of Aldermen
May 14, 2013
Page 2

the West Rock or Rockview redevelopments. As part of the Ribicoff Cottages project, Trinity wishes to use this strip of land to provide front yards for the proposed new buildings which front on Bosley Street.

Accordingly, Trinity is petitioning for a Zoning Ordinance Amendment to amend Grid 2, where both the Ribicoff Cottages and PDD 119 are located, in order to rezone this strip from PDD 119 to RM-1 (the district in which the Ribicoff Cottages site is located).

Enclosed please find the Petition for an Amendment to the Zoning Ordinance Map, a proposed Ordinance for the Board of Aldermen adopting the requested amendment and a filing fee in the amount of \$1,410.00. Please note that I will be delivering a copy of this submission to the City Plan Commission.

Please let me know if I can provide you with any additional information or if you have any questions. Trinity looks forward to presenting this petition to the Board, which will enable it to undertake the redevelopment of the Ribicoff Cottages.

Very truly yours,

s/Carolyn W. Kone

Carolyn W. Kone

Enclosures

cc: City Plan Commission

**CITY OF NEW HAVEN
BOARD OF ALDERMEN**

In re Petition of Trinity New Haven, LLC to	:
Amend Zoning Ordinance Map (Grid #2) to	:
Change the Designation of Approximately 27,810	:
Square Feet of Land Located in the Northerly	:
Portion of Property known as 49 Brookside	:
Avenue from Planned Development District 119 to	:
RM-1 Low-Middle Density District(RM-1)	:

PETITION FOR AMENDMENT TO THE ZONING ORDINANCE MAP

Pursuant to 1925 Special Act No. 490, § 5, the Charter of the City of New Haven, § 184 and § 64(d)(1) of the Zoning Ordinance, City of New Haven (the “Zoning Ordinance”), Petitioner, Trinity New Haven, LLC (“Petitioner”), through its undersigned counsel, hereby petitions the Board of Aldermen of the City of New Haven to amend the Zoning Ordinance Map (Grid #2) to change the zoning district designation of approximately 27,810 square feet of land, located in the northerly portion of property known as 49 Brookside Avenue, New Haven, Connecticut (Map/Block/Parcel/ 364/1190/00301) as more particularly described in Schedules A, B and C attached hereto (the “Proposed Rezoned Parcel”). Petitioner seeks to rezone the Proposed Rezoned Parcel from the West Rock Redevelopment Planned Development District 119 (“PDD 119”) to the RM-1 Low-Middle Density District (“RM-1”) in order to facilitate the rehabilitation of the Abraham Ribicoff Cottages and the Abraham Ribicoff Extension.

In support of this Petition, Petitioner represents as follows:

1. The Petitioner has been designated by the Housing Authority of the City of New Haven (“HANH”) as the designated developer to redevelop property known as

the Abraham Ribicoff Cottages and the Ribicoff Extension (collectively “the Ribicoff Cottages”). The Ribicoff Cottages are located at property known as 200 Brookside Avenue. A conceptual site plan for the redeveloped Ribicoff Cottages (the “Proposed Ribicoff Project”) is attached hereto as Schedule D.

2. The southerly border of the Ribicoff Cottages borders PDD 119, where the West Rock and Rockview developments are located. (See Schedules A and B). The Proposed Rezoned Parcel is a strip of land between the Ribicoff Cottages and the West Rock and Rockview developments, which runs approximately 30’ south from the southerly border of the current Ribicoff site to the back of the northerly sidewalk on Bosley Street. The Proposed Rezoned Parcel is located within the PDD 119 district which was enacted by the Board of Aldermen to facilitate the development of the West Rock and Rockview revitalization projects. (See Schedules A, B and D).

3. The Proposed Rezoned Parcel is owned by HANH and is a vacant parcel of land. Although it is included in PDD 119, the Proposed Rezoned Parcel is not part of the new West Rock or Rockview redevelopments.

4. The Proposed Rezoned Parcel is needed for the Proposed Ribicoff Project to serve as front yards for the new family housing units and elderly cottages that will built on the north side of Bosley Street.

5. The Current Ribicoff Site is located in the RM-1 District. The Petitioner seeks a rezoning of the Proposed Rezoned Parcel to the RM-1 so that all of the Proposed Ribicoff Project will be located in the same zoning district.¹

6. HANH which, as stated above, owns the Proposed Rezoned Parcel, supports this Petition.

¹ The Proposed Rezoned Parcel was located in the RM-1 District before PDD 119 was adopted.

7. As required by § 182 of the City of New Haven Charter, the proposed zoning ordinance map amendment is in accordance with the Comprehensive Plan of Development for the City of New Haven. The Comprehensive Plan of Development, New Haven, CT dated October 15, 2003 provides in the Housing and Neighborhood Planning Section (Chapter IV, 16) that one of its goals is to “[e]ncourage the development of dramatically new neighborhood forms as part of revitalization programs at select locations, including West Rock,” Rezoning the Proposed Rezoned Parcel from PDD 119 (where it is not functioning as part of the PDD) to RM-1 so that the Parcel might provide a portion of the required front yards for the Proposed Ribicoff Project will further this goal and promote the revitalization of the Ribicoff Cottages.

8. Additionally, the proposed zoning ordinance map amendment is in conformity with the purposes of § 182 of the Charter, including promoting health and general welfare, providing adequate light and air and preventing the overcrowding of land. The proposed Map Amendment considers the characters of both PDD 119 and RM-1 zoning districts and their peculiar suitability for particular uses and encourages the most appropriate use of land in the City of New Haven, as required by § 182.

9. The map change being requested also satisfies all of the criteria for an amendment to the New Haven Zoning Ordinance set forth in Section 64(d) of the Zoning Ordinance. The map amendment being sought can be viewed as a correction to the existing PDD 119, because the Proposed Rezoned Parcel is not needed for PDD 119 but is now needed for the Proposed Ribicoff Project. For the same reason, the map amendment can be viewed as resulting from a change in the patterns of land use and the supply of land and its peculiar suitability for various purposes. See City of New Haven

Zoning Ordinance, § 64(d)(2)a. The effect of the requested map change on the surrounding area will be beneficial (a consideration under Section 64(d)), because the requested map change will assist in the development of the Proposed Ribicoff Project, which will replace a decaying housing project with new well-designed affordable units.

Id. Adding the Proposed Rezoned Parcel to the zone in which the Proposed Ribicoff Project will be located (the RM-1 District) will facilitate the uniform application of the Zoning Ordinance to the whole project, will allow the Proposed Ribicoff Project to have front yards on Bosley Street as required by the Zoning Ordinance and will permit PDD 119 to be confined to the West Rock and Rockview developments, as was the original intention of the PDD 119. Id.

10. Finally, moving the PDD 119 boundary to the south by 30' is the appropriate method to accomplish the objectives set forth above and will result in a total contiguous area in excess of 8 acres being zoned RM-1, as required by Subsections 64 (d) (2) b. and c. of the Zoning Ordinance.

WHEREFORE, Petitioner requests that the Board of Aldermen approve the amendment of the Zoning Ordinance Map (Grid #2) to rezone the Proposed Rezoned

Parcel from PDD 119 to RM-1 as set forth in Schedule B.

Respectfully submitted,
TRINITY NEW HAVEN, LLC

By: /s Carolyn W. Kone
Carolyn W. Kone
Brenner, Saltzman & Wallman LLP
Its Attorneys
271 Whitney Avenue
New Haven, CT 06511
(203)772-2600

..title
**ZONING ORDINANCE MAP AMENDMENT (GRID #2)
TO CHANGE THE DESIGNATION OF APPROXIMATELY 27,810 SQUARE
FEET OF LAND LOCATED IN THE NORTHERLY PORTION OF PROPERTY
KNOWN AS 49 BROOKSIDE AVENUE FROM PLANNED DEVELOPMENT
DISTRICT 119 TO RM-1 LOW-MIDDLE DENSITY DISTRICT (RM-1).**

..body

WHEREAS, on May 14, 2013, pursuant to 1925 Special Act No. 490, § 5, the Charter of the City of New Haven, § 184 and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the "Zoning Ordinance"), Trinity New Haven, LLC, the designated developer by the Housing Authority of the City of New Haven of Ribicoff Cottages and Ribicoff Extension, filed with the New Haven City Clerk for transmission to the Board of Aldermen a petition requesting that the Board of Aldermen amend the New Haven Zoning Ordinance Map (Grid #2) to designate approximately 27,810 square feet of land located at 49 Brookside Terrace, as more particularly described in Schedule C thereto, from Planned Development District 119 to RM-1 Low-Middle Density District; and

WHEREAS, on _____, pursuant to Section 184 of the City of New Haven Charter, the Board of Aldermen referred the Petition to the New Haven City Plan Commission for a public hearing; and

WHEREAS, on _____, the City Plan Commission held a public hearing on the Petition after providing due notice of such hearing in accordance with the provisions of law; and

WHEREAS, on _____, the City Plan Commission rendered an advisory report to the Board of Aldermen after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending _____ of the Petition, CPC Report No. _____; and

WHEREAS, on _____, the Legislation Committee of the Board of Aldermen after due notice held a public hearing on the Petition; and

WHEREAS, the Board of Aldermen finds that the map amendment to the Zoning Ordinance requested in the Petition is in accordance with the comprehensive plan of development for the City of New Haven as such amendment will promote the goal of such plan to develop new neighborhood forms as part of the revitalization programs at West Rock; and

WHEREAS, the Board of Aldermen further finds that the map amendment to the Zoning Ordinance requested in the Petition is designed to promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, encourage the most appropriate use of land in the City of New Haven and is appropriate in view of the character of PDD 119 and the RM-1 District and the suitability of each of these districts for the particular uses in such districts.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of New Haven that the Petition of Trinity New Haven, LLC for an amendment to the Zoning Ordinance Map (Grid #2) is granted and that such Zoning Map shall be amended to designate the property described in Schedule B attached hereto as being located in the RM-1 Low-Middle Density District as depicted on Schedule C attached hereto.

SCHEDULE B
[MAP OF PROPOSED ZONE CHANGE]
AVAILABLE PDF

Schedule C

Legal Description- PDD

West Rock Redevelopment Phase 1 & 2 Project

PDD Conveyance Parcel

New Haven, CT

A certain piece or parcel of land containing 27,810 S.F. depicted as "Area To Be Conveyed 27,810 S.F." on a map entitled "West Rock Redevelopment Phase 1, West Rock Redevelopment, Brookside Avenue, New Haven, CT, Planned Development District" scale 1"=120', dated August 17, 2009 revised May 13, 2013, prepared by The LRC Group, 160 West Street, Suite E, Cromwell, CT 06416.

Beginning at a point in the westerly property line of land now or formerly of Darlene E. Young known as 49 Thorpe Drive said point is the southeast property corner of land now or formerly of The New Haven Housing Authority said line is also the division line between the Town of Hamden and City of New Haven said beginning is also the northeast corner of herein described parcel;

Thence running S23°55'17"W 30.00 feet along the said westerly property line of land now or formerly of Darlene E. Young to a point;

Thence running westerly and northerly the following two (2) courses and distances through land of the New Haven Housing Authority N66°04'43"W 923.47 feet and N10°39'02"E 30.82 feet to the southwest corner of other land now or formerly of the New Haven Housing Authority;

Thence running S66°04'43"E 930.55 feet along land now or formerly of the said New Haven Housing Authority to the point or place of beginning.

Schedule C

Legal Description- PDD

West Rock Redevelopment Phase 1 & 2 Project

PDD Conveyance Parcel

New Haven, CT

A certain piece or parcel of land containing 27,810 S.F. depicted as "Area To Be Conveyed 27,810 S.F." on a map entitled "West Rock Redevelopment Phase 1, West Rock Redevelopment, Brookside Avenue, New Haven, CT, Planned Development District" scale 1"=120', dated August 17, 2009 revised May 13, 2013, prepared by The LRC Group, 160 West Street, Suite E, Cromwell, CT 06416.

Beginning at a point in the westerly property line of land now or formerly of Darlene E. Young known as 49 Thorpe Drive said point is the southeast property corner of land now or formerly of The New Haven Housing Authority said line is also the division line between the Town of Hamden and City of New Haven said beginning is also the northeast corner of herein described parcel;

Thence running S23°55'17"W 30.00 feet along the said westerly property line of land now or formerly of Darlene E. Young to a point;

Thence running westerly and northerly the following two (2) courses and distances through land of the New Haven Housing Authority N66°04'43"W 923.47 feet and N10°39'02"E 30.82 feet to the southwest corner of other land now or formerly of the New Haven Housing Authority;

Thence running S66°04'43"E 930.55 feet along land now or formerly of the said New Haven Housing Authority to the point or place of beginning.

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ZONING ORDINANCE AND MAP AMENDMENT**, Amend Zoning Map Section 2 to Change the Designation of approximately 27,810 square feet of Land located in a portion of 49 Brookside Avenue from PDD #119 to RM-1 (Low-Middle Density) (Trinity New Haven, LLC).

REPORT: 1480-09

ADVICE: Approval

BACKGROUND

Trinity New Haven LLC has been selected by the Housing Authority of the City of New Haven to redevelop the Abraham Ribicoff Cottages and the Abraham Ribicoff Extension on Brookside Avenue. Trinity plans to demolish the existing structures and build 50 units of family housing, 38 senior cottage units and 18 units of senior/supportive housing in a three story building, which will also house a community center. In addition, there will be three community gardens on the site.

Currently, the Ribicoff Cottages are in a Low- Middle Density Residence (RM-1) District. The West Rock Planned Development District ("PDD 119) lies to the south of the Ribicoff Cottages. There is a strip of land (approximately 30' wide) in the northerly section of PDD 119, which is located directly south of the Ribicoff Cottages site (north of the back of sidewalk on Bosley Street). This strip of land is owned by HANH, is vacant and is not being used for the West Rock or Rockview redevelopments. As part of the Ribicoff Cottages project, Trinity wishes to use this strip of land to provide front yards for the proposed new buildings which front on Bosley Street. Accordingly, Trinity is petitioning for a Zoning Ordinance Amendment in order to rezone this strip from PDD 119 to RM-1.

PUBLIC HEARING: Attorney Carolyn Kone presented for the applicant with Andre White of Trinity Financial and Shenae Draughn of the Housing Authority of New Haven ready to respond to questions. The Zoning Map Amendment which was to facilitate the Ribicoff project was to move the RM-1 zone boundary line between the Ribicoff cottages and the West Rock PDD#119 south by 30 feet. Tom Talbot clarified the difference between the zoning map and the Ribicoff site plan. There was no public testimony.

PLANNING CONSIDERATIONS

In seeking to adjust the existing line between the RM-1 and PDD-119 districts, the proposed Amendment is largely a corrective measure. The 27,800+sf area under consideration consists of a narrow 900 ft+ long and 30 ft wide strip of land of which about 500 ft runs parallel with and to the north of Bosley Street. To the north of this strip lies the RM-1 zoned property upon which the Ribicoff Cottages are situated. Development associated with PDD-119 is located entirely to the south of Bosley Street. The 30 ft wide strip that lies to the north of Bosley Street and south of the RM-1 district has become problematic in that it a.) is too narrow for any development associated with the PDD and b.) it prohibits the redevelopment of the Ribicoff Cottages site in a manner that would provide the level of connectivity between the two sites that is an essential element of fully integrated neighborhood design.

SECTIONS(S) 181 and 182 OF THE CHARTER OF THE CITY OF NEW HAVEN

As required by Section 182 of the City of New Haven Charter, the proposed zoning ordinance map amendment is in accordance with the Comprehensive Plan of Development for the City of New Haven. The Comprehensive Plan of Development, New Haven, CT dated October 15, 2003 provides in the Housing and Neighborhood Planning Section (Chapter IV, 16) that one of its goals is to "[e]ncourage the development of dramatically new neighborhood forms as part of revitalization programs at select locations, including West Rock . . ." Rezoning the Proposed Rezoned Parcel from PDD 119 (where it is not functioning as part of the PDD) to RM-1 so that the Parcel might provide a portion of the required front yards for the Proposed Ribicoff Project will further this goal and promote the revitalization of the Ribicoff Cottages.

Additionally, the proposed zoning ordinance map amendment is in conformity with the purposes of Section 182 of the Charter, including promoting health and general welfare, providing adequate light and air and preventing the overcrowding of land. The proposed Map Amendment considers the characters of both PDD 119 and RM-1 zoning districts and their peculiar suitability for particular uses and encourages the most appropriate use of land in the City of New Haven, as required by Section 182.

It is on the basis of the above that the City Plan Commission finds that the proposed map amendment complies with Sections 181 and 182 of the Charter of the City of New Haven in that it is (i) uniform for each class of buildings or structures, (ii) made in accordance with the comprehensive plan, (iii) designed to lessen congestion in the streets, secure safety from fire, panic and other dangers, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provisions for transportation, water, sewerage, parks and other public requirements, and (iv) made with reasonable consideration as to the character of both PDD 119 and the RM-1 District and to the particular suitability of the subject 27,00ft parcel for RM-1 uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

SECTION 64(d)(2)c OF THE NEW HAVEN ZONING ORDINANCE

The map change being requested also satisfies all of the criteria for an amendment to the New Haven Zoning Ordinance set forth in Section 64(d) of the Zoning Ordinance. The map amendment being sought can be viewed as a correction to the existing PDD 119, because the Proposed Rezoned Parcel is not needed for PDD 119 but is now needed for the Proposed Ribicoff Project. For the same reason, the map amendment can be viewed as resulting from a change in the patterns of land use and the supply of land and its peculiar suitability for various purposes per City of New Haven Zoning Ordinance, Section 64(d)(2)a. The effect of the requested map change on the surrounding area will be beneficial (a consideration under Section 64(d)), because the requested map change will assist in the development of the Proposed Ribicoff Project, which will replace a decaying housing project with new well-designed affordable units. Adding the Proposed Rezoned Parcel to the zone in which the Proposed Ribicoff Project will be located (the RM-1 District) will facilitate the uniform application of the Zoning Ordinance to the whole project, will allow the Proposed Ribicoff Project to have front yards on Bosley Street as required by the Zoning Ordinance and will permit PDD 119 to be confined to the West Rock and Rockview developments, as was the original intention of the PDD 119.

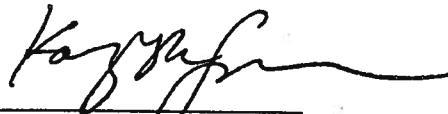
Finally, moving the PDD 119 boundary to the south by 30' is the appropriate method to accomplish the objectives set forth above and will result in a total contiguous area in excess of 8 acres being zoned RM-1, as required by Subsections 64 (d) (2) b. and c. of the Zoning Ordinance.

FINDINGS AND ADVICE

Based on all of the above it is the recommendation of the Commission that the proposed zoning map amendment is in full compliance with the standards and requirements of Section(s) 181 and 182 of the Charter of the City of New Haven and Section 62(d)(2) of the New Haven Zoning Ordinance and should be approved.

ADOPTED: June 19, 2013
Edward Mattison
Chair

ATTEST:


Karyn M. Gilvarg, AIA
Executive Director

Referral 2.6: Town of Seymour

Subject:

Proposed Zoning Regulation Amendment to create a Mixed Use Zoning District

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 impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The Town of Seymour has proposed a zoning regulation amendment that would create a mixed use zoning district. A mixed use zoning district is a floating zone that may be established in the following zones: GI-2, LI-1, C-2, and CBD-1. The GI-2 and C-2 Districts are within 500 feet of the Town of Woodbridge, while the C-2 District is within 500 feet of the Town of Bethany.

Mixed-use developments must conform to the Town's Plan of Conservation and Development.

Below are highlights of the proposed section.

Permitted Uses

The uses permitted in the districts listed above are allowable in a mixed use zoning district, with the following exceptions:

1. Uses in the Multi-Family Residential (MF) District are allowed, except for detached single or two family dwellings on individual lots, provided they are combined with a non-residential use.
2. The following uses are not permitted:
 - a. detached single family dwellings on individual lots
 - b. mobile homes/trailers
 - c. fuel and heating oil bulk storage
 - d. mining and processing of earth material
 - e. earth removal not as part of site preparation
 - f. uses prohibited by Section 5.1 c)

Zoning Requirements

- The property must be served by public water supply and have access to sanitary sewers.

- Architectural design must blend in with the surrounding neighborhood.
- The total floor area of all buildings cannot exceed 65% of the total parcel area.
- Such a development cannot cause undue congestion on adjacent streets or result in obvious traffic safety issues.
- Parking provided for a retail use shall be at least 2.5 spaces for each thousand square feet of retail sales area.

Project Development Plan

The proposed section describes the contents of the required project development plan, which includes a detailed statement of all uses (including accessory uses), complete engineering report, traffic study, environmental assessment, and an analysis of parking requirements.

Procedures for Establishing a Mixed Use District

The establishment of a mixed use district requires a change in the zoning map and a concurrent approval of the project development plan. No certificate of occupancy will be granted without full compliance with the approved project development plan. In the event that the approved development in a mixed use district is discontinued, the mixed use designation will remain in effect, but future development must conform to the original project development plan or a revised project development plan that is approved by the Commission.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.

SEYMOUR PLANNING AND ZONING COMMISSION

1 FIRST STREET, SEYMOUR, CT 06483

July 1, 2013



Valley Regional Council of Governments

Main Street Railroad Station

Derby, CT 06418

Re: Sec 8-3b Referral

Dear Council of Governments;

The Seymour Planning and Zoning Commission has proposed a zoning amendment that would create a Mixed Use Zoning District. This would be a floating zone which may be located within 500 ft. of a member municipality.

A public hearing on the proposed amendment is scheduled for August 8, 2013 starting at 7:00PM in the Norma Drummer Room, Seymour Town Hall. A copy of the proposed amendment is enclosed.

Very truly yours,

Robert Looker

Town Planner

CC: C. O. G., Central Naugatuck Valley

C.O.G. South Central Conn.

PROPOSED MIXED USE ZONING DISTRICT

1.0 INTENT AND PURPOSE

The intent of this section is to provide flexibility to traditional zoning practice. Experience has shown that some development proposals have much merit, but may not be able to conform to the letter of the zoning requirements of any zoning district. The purpose of this section is to permit such development with proper conditions and safeguards provided such proposal conforms to the Plan of Conservation and Development . An applicant shall prepare a detailed project development plan as described herein in support of a request to establish a mixed use district and demonstrate compliance with the intent and purpose of this section.

2.0 LOCATION

The mixed use district is a floating zone that may be established within the GI-2, LI-1, C-2 and CBD-1 zoning districts.

3.0 PERMITTED USES

1. Any use allowed in the GI-2, LI-1, C-2 and CBD-1 zoning districts except as stated below and as qualified by Section 4.
2. Uses permitted in the MF district are allowed, except for detached single or two family dwellings on individual lots, provided they are combined with a non- residential use.
3. The following uses are not permitted:
 - Detached single family dwellings on individual lots
 - Mobile Homes/Trailers
 - Fuel and Heating Oil Bulk Storage
 - Mining and Processing of Earthen Material
 - Earth Removal not as a part of site preparation
 - Those uses prohibited by Section 5.1 c)

4.0 ZONING REQUIREMENTS

1. Except for permitted uses, zoning requirements shall conform to the body of the zoning regulations, but may be modified as necessary by the project development plan.
2. The property shall be served by a public water supply and sanitary sewers.
3. Proposed uses shall reflect the comprehensive zoning plan and the manner in which the several classes of land use are distributed thru out the Town. If the project borders a residential district, the proposed uses and their location on the site shall promote an acceptable transition between potentially incompatible uses.
4. Architectural design shall be of superior quality and aesthetically pleasing. The structures and their location on the site shall blend in with the surrounding neighborhood. Building setbacks shall not deprive the surrounding properties of adequate light and air. The total floor area of all buildings shall not exceed 65% of total parcel area.

5. The project shall not cause undue congestion on adjacent streets or result in obvious traffic safety issues. Particular attention shall be paid to the capacity of nearby intersections.
6. The project shall not result in significant harm to the environment with respect to air quality, flooding, wetlands degradation, water quality and the like.
7. The Fire Department shall certify that adequate fire protection can be provided with respect to access to structures and building height.
8. Signage shall generally conform to the requirements of Section 13 of these regulations except such modifications as may be deemed necessary for the success of the project, shown on the site plan and in good taste as determined by the Planning and Zoning Commission during the review process.
9. Parking provided for retail use shall be at least 2.5 spaces for each thousand square feet or retail sales area.

5.0 Contents of Project Development Plan

1. A detailed statement of all uses, including accessory uses, proposed for the project.
2. A plot plan as described in Section 9.3.3 of these regulations.
3. Preliminary architectural plans including generalized floor plans, exterior elevations and complete description of exterior finish materials.
4. A graphic description of all signage, such signage to be shown on the plot plan.
5. A complete engineering report including but not limited to storm drainage, flood potential, grading requirements including volumes, geotechnical data as appropriate, water supply details, sanitary sewer details, landscaping, lighting and construction details.
6. A traffic study to include such topics as traffic volumes, pavement width, intersection capacity, safety considerations, pedestrian circulation, sight distances and any proposed street improvements.
7. An environmental assessment to include, at least, the effect on wetlands and watercourses, flooding potential, air quality, ground water and on wild life if appropriate.
8. An analysis of parking requirements.
9. A statement of compliance with the Plan of Conservation and Development.
10. The Planning and Zoning Commission may request an independent review of the technical aspects of any of the above. The applicant shall pay the cost of such review.

5.0 Procedure for Establishing a Mixed Use District

1. The establishment of a Mixed Use District requires a change in the zoning map and concurrent approval of the project development plan.
2. A preliminary project development plan as described in this section shall be submitted to the Planning and Zoning Commission for informal review and discussion. Following this review the applicant may submit an application for a change in the zoning map.
3. Application for a change in the zoning map shall be made in accordance with the requirements of Section 22 of these regulations, except that the project development plan shall be submitted at the same time as the zone change application. The letter of application for the zone change

shall state that it is the intent that the area of the zone change if approved will be developed only in accordance with the approved or amended project development plan. The Planning and Zoning Commission shall have the same legislative discretion in acting upon a mixed use zone change that it has in acting upon any other zone change.

4. A public hearing on the zone change application shall be held in the usual manner, except that the project development plan shall be presented at the hearing to support the zone change application. Public comment on the project development plan shall be accepted at this hearing. The Commission may either close or continue the hearing at its discretion.
5. Following the public hearing, the applicant shall make any changes in the project development plan as deemed necessary. If changes are substantial, the Planning and Zoning Commission may hold a new hearing, or hear evidence at a continued hearing.
6. The Commission may either approve the project development plan as presented or with modifications, or it may deny it if the project development plan does not meet all of the requirements of this section.
7. The zone change application may be approved only after approval of the project development plan. The motion approving the zone change shall state that approval is given with the understanding that the area of the zone change is to be developed in full compliance with the approved project development plan, and that no certificate of occupancy will be authorized without such full compliance.
8. A zoning start permit shall be issued upon final review and approval of the site plan submitted with the project development plan together with such supporting documentation as may be required by the Commission.
9. The Commission may require bonding for the completion of any off site public improvements required by the project development plan, or of any site improvement that would be a threat to public safety if not completed.
10. The project development plan may be amended, but such amendments shall comply with the requirements of this section. If the change is minor, it may be approved administratively. If it is a substantial change, it may be approved by the Commission. The Zoning Enforcement Officer may seek a ruling from the Commission on the question of a minor or substantial amendment.
11. If the initial development as approved is discontinued, abandoned or phased out in any manner the mixed use designation shall remain in effect, but future development shall conform to either the original project development plan or a revised project development plan as approved by the Commission.
12. The Commission shall charge a fee for an application for a mixed use district. This fee shall be based on the fee for a change in the zoning map, zone text change and site plan review.