

REWRITE OF PLANNED DEVELOPMENT DISTRICTS SECTION 34

Adopted on October 24, 2006; Effective on Friday, October 27, 2006 at 8:00 a.m.

SECTION 34 - PLANNED DEVELOPMENT DISTRICTS (P.D.D.)

34.1 Intent: The intent of a **Planned Development (PD) District** is to encourage and accommodate unique and desirable development that will be consistent with the long range, orderly development of an area but is not accommodated by the established conventional zoning of that area by virtue of use and/or area, location and bulk standards. Each **PD District** is another independent zoning district created to accomplish a specific purpose, complete with its unique and narrowly drawn permitted uses and bulk standards and other applicable zoning provisions, whether set forth specifically therein or incorporated by reference to the applicable provisions of the overall city-wide zoning regulations. Said **PD Districts** may only be established in the following locations: A) within a **Special Development Area (S.D.A.)** delineated on the official Zoning Map by the Planning and Zoning Commission and encompassing identified areas for which the Commission has engaged in detailed land use analysis and for which the Commission has formulated a long-range plan of proposed land use. To date, these areas include the Downtown Area, the delineated Coastal Area in the vicinity of Pine Rock Park, other portions of River Road characterized by established non-residential areas and the entire Route 8/Bridgeort Avenue Corridor, extending to and including the adjacent, City-owned former Mas property; and B) on property abutting and/or adjacent to an established non-residential area for the purpose of accommodating a proposed use and development that will provide an effective transition in land use and buffer to the adjacent residential neighborhood. Such **PD's** must be limited to uses such as those typically authorized as

Special Exception uses in residential districts as set forth in Use Schedule A, to appropriate mixed-use development or to accommodate alternative residential development forms such as attached units and/or clustered homes. **PD Districts** shall not be allowed on any site or parcel that is entirely surrounded by single family residential zones. It shall not be used when an alternative, conventional zoning district is available.

34.2 Purpose: Planned Development (PD) Districts may only be established by the Commission within an **SDA** delineated on the Zoning Map or to accomplish a transition between single family residential use and an established non-residential area, and in accordance with the procedures hereinafter specified. The provisions of this Section are designed to permit modification of the strict application of the standards and provisions of these Regulations to accomplish the purposes set forth below. A **PD District** may be established by the Commission when found necessary and appropriate for the following purposes:

34.2.1 To permit tracts of land to be developed, redeveloped and improved as harmonious design unit of stable character, consistent with the character of the Town and the long range improvement of the neighborhood and consistent with any comprehensive plan of development adopted by the Commission for the **SDA**, or to accomplish an appropriate transition between dissimilar zones, when such tracts are of sufficient size to accommodate such design units and when another zoning district could not be appropriately established to accomplish such purposes.

34.2.2 To permit the use of land, buildings and other structures for purposes that would be beneficial to and consistent with the character of the Town and the long range improvement of the neighborhood and consistent with any comprehensive plan of development adopted by the Commission for the **SDA** or to accomplish an appropriate transition between dissimilar land use areas, when such proposed uses

are located on tracts of sufficient size to accommodate harmonious design of buildings, structures and facilities in connection with the use and when another zoning district could not be appropriately established to accomplish such purposes.

34.3 Standards: The following standards shall apply to all proposed **PD Districts**:

34.3.1 Size: The tract of land for which application is made for the establishment of a **PD District** must contain an area of not less than 60,000 square feet. Notwithstanding the above, within the delineated **Central Business District (C.B.D.) Special Development Area** overlay, the tract of land must contain an area of not less than 10,000 square feet; and any site having frontage on and direct access to Bridgeport Avenue, Todd Road, Old Bridgeport Avenue or Access Road in the SDA overlaying the Route 8 Corridor area, as well as sites fronting on River Road (Route #110) must contain an area of not less than 20,000 square feet.

34.3.2 Permitted Uses: Permitted uses in any **PD District** shall be limited to those uses specifically identified as permitted in said **PD District**. Any future proposed use in a **PD District** not specifically identified as a permitted use at the time of adoption of said **District** may only be established after amendment of the permitted use provisions in accordance with the procedures established for the initial adoption of said **PD District**

34.3.3 Lot Coverage: The maximum lot coverage by all existing and proposed buildings and other structures shall not exceed 60% of the area of the lot. Notwithstanding the above, within the delineated Downtown CBD Special Development Area overlay, the Commission may increase such total lot coverage consistent with Downtown Planning guidelines and established standards and as necessary to accomplish the intended purpose.

34.3.4 Floor Area Ratio (F.A.R.): Unless located in the delineated Downtown CBD Special Development Area, the maximum ratio of total gross floor area of all existing and proposed buildings and other structures to the area of the lot shall not exceed 0.80. Within the delineated Downtown CBD Special Development Area, the Commission may increase such F.A.R. consistent with established CBD bulk standards and as necessary to accomplish the intended purpose. In calculating the F.A.R., floor area in or on a building or structure, devoted to off-street parking or loading, shall not be included.

34.3.5 Building Height: Unless located within the delineated Downtown CBD Special Development Area, buildings and other structures shall not exceed a height of 60 feet, provided that the Commission may permit a greater height if (i) such building or other structure shall be located within an area which is primarily devoted to or zoned for industrial and commercial development, (ii) such greater height shall result in the preservation of more open space on the tract than would otherwise be available, and (iii) topography of the tract on which such building or structure is located, the location thereof on such tract, and the nature thereof are appropriate to accommodate such greater height. Such added height shall not be for the sole purpose of creating additional development density but rather to accommodate otherwise allowable density in an alternative manner. Within the delineated Downtown CBD Special Development Area, the Commission may exceed the standards set forth above, consistent with the provisions of any formulated planning standards for said area, in order to preserve flexibility, accommodate development needs and facilitate and encourage the continued private revitalization efforts of Downtown CBD property owners.

34.3.6 Utilities: All proposed **PD Districts** must be adequately served by public water supply and municipal sanitary sewers.

34.3.7 Architecture: Exterior architectural design and treatment, including building and related signs, shall be above average and intended to produce an aesthetic enhancement of the streetscape and blend with neighboring buildings. The Commission shall consider the proposed design treatments and building materials in determining the appropriateness of a proposal. The Commission may, where appropriate, solicit the review and comments of an independent advisory architectural review panel.

a. **Signs:** All signs shall be limited to identification purposes rather than advertising. All signs shall be externally illuminated. Multiple wall signs shall demonstrate elements of consistency with respect to colors, lettering, style and location.

b. **C.B.D.:** Within the delineated CBD area, architectural designs, building materials, features and details shall comply with any and all of the standards and recommendations set forth in any adopted plans for the Downtown Shelton area.

34.3.8 Natural Features: When reasonably prudent and feasible, development proposals shall make reasonable attempts to adapt to existing topography and natural site features.

34.3.9 Other Standards: All city-wide standards and provisions of the Shelton Zoning Regulations shall also apply to all proposed **PD Districts** except as may be specifically modified therein.

34.4 Informal Consideration: The Commission recommends that, prior to the submission of a formal application for approval of a **PD District**, the applicant review with the Commission and its staff in a preliminary and informal manner any proposal for a **PD District**. The Commission recommends that the preliminary plans in general comply with

the requirements for an **Initial Development Concept Plan** under Paragraph 34.5.2 and that four (4) copies be submitted. The Commission or its staff may request that the applicant submit such additional information as may lead to a rendering of non-binding comments or opinions by the Commissioners. The applicant shall submit in writing to the Planning Administrator a request for a preliminary staff review, accompanied by a fee to defray the added staff costs associated with said preliminary review. Said fee, payable to the City of Shelton, shall be in an amount determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto.

34.5 Petition: A petition for the establishment of a **PD District** shall be submitted to the Commission in writing, shall be signed by the owner or owners of all parcels within the proposed District and shall be accompanied by the following:

34.5.1 Statement: A written statement of uses and standards shall be submitted, identifying the permitted uses and setting forth the specific area, location and bulk standards to be applicable to the district. Such Statement shall also specify in detail the remaining particular provisions of these Regulations which are proposed to be modified as well as any special or additional provisions which are proposed to be applicable to the use of land, buildings and other structures, the location and bulk of buildings and other structures and the area, shape, and frontage of lots within the District. Such Statement shall also specify detailed signage controls, taking into account the impact of window and other interior signs intended to be viewed from outside. Signage controls shall specify maximum dimensions, sizes and locations. Ground signs shall identify only the premises and the major tenant and shall be limited to one (1) for each street frontage. Such Statement shall include appropriate methods and provisions, including proposed lease restrictions; to achieve a desired consistency of graphics, design, color and illumination of all signage elements associated with said PD District. The owner/applicant shall cooperate fully with the Commission in implementing the intent of all sign provisions. In its efforts to monitor compliance with established signage

provisions, the Commission may require the property owner to certify such compliance as needed but no more frequently than annually. Ten (10) copies of such Statement shall be submitted.

34.5.2 Initial Development Concept Plans: An **Initial Development Concept Plan** shall be submitted for the proposed development and should include property maps, site plans, architectural plans and other drawings as relevant in sufficient detail to show the existing conditions and improvements proposed to be erected on the site, the open spaces to be provided, the nature and location of the proposed use or uses, the relationship of the proposed development to surrounding properties and other pertinent information. Six (6) sets of blue line or black line prints shall be submitted. Plans where applicable shall be prepared and certified by an architect and/or professional civil engineer licensed to practice in the State of Connecticut and shall include the following information:

- a** Location and size of property, including a boundary map with an accuracy meeting or exceeding standards for a "Class A-2 Transit Survey" as defined by the Connecticut Technical Council, Inc. which map is to show the precise boundaries of the proposed District, as well as existing zoning boundaries and the boundaries of any officially designated wetland areas;
- b** Present and proposed land uses and the acreage of each use, as well as existing and future land uses in the surrounding area;
- c** Present and proposed buildings and structures including use, dimensions and locations of each;
- d** Proposed vehicular and pedestrian circulation patterns including locations and dimensions of private and public streets and common drives, pedestrian walkways, malls and other public and private paths;

- e** Location of proposed off-street parking facilities with dimensions, including location, size and number of parking spaces, access drives and walkways;
- f** Proposed provisions for lighting on the site, to be designed and located in such a manner and of such amount as to ensure sufficient visibility at all times to maximize pedestrian and vehicular safety without undue adverse effect on the use and enjoyment of neighboring properties.
- g** Proposed open area such as parks, lawn areas, and recreational facilities;
- h** Existing and proposed landscaping treatment, including major tree areas, water bodies and related treatment of open space areas, screening, and existing and proposed topography;
- i** Utility information including water supply, sewage disposal, storm drainage, including capacity of water courses and the additional flow being produced, electrical service and exterior site lighting, including fixture locations and heights;
- j** A location map showing the site's situation within the Town's circulation system and all streets and intersections within 1,000 feet of the site;
- k** Preliminary architectural plans including generalized floor plans, exterior elevations, perspective drawings and descriptive information on types of building materials and exterior finishes;
- l** A written traffic report by a qualified professional engineer evaluating the impact of the PD District on the street system, including the amount of traffic projected to occur within and for the proposed development and the adequacy

of the surrounding street system and traffic controls to accommodate existing traffic, projected traffic from the proposed development and projected traffic from other approved developments that may impact the relevant portions of the street system:

- m** A written engineering report by a qualified engineer addressing storm drainage and flooding, including a storm water management plan, utility services, soils and geology of the site and sediment and erosion control measures to be employed, hydrological-geology conditions, seismic monitoring provisions as may be applicable to the proposal;
- n** Any additional information which the Commission may reasonably require or the applicant may wish to submit, including such items as a marketability study, an economic impact analysis, project model and/or architectural perspective renderings, proposed covenants and/or restrictions related to open space and/or public access rights, periodic maintenance of storm water management facilities, landscaping and other site improvements and scheduling and timing of development phasing;
- o** The Plan shall incorporate a summary table indicating compliance with planning, site design and qualifying standards. Said table shall show proposed phasing, number and type of buildings, parking tabulation, area and percentage of lot coverage by buildings and paved surfaces.

34.5.3 Fee: A petition in an amount determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto, payable to the City of Shelton. In addition, the applicant shall agree to defray all reasonable costs to the City for any independent traffic report, economic analysis and/or other services necessitated by the proposal and requested by the Commission.

34.6 Procedures: Upon submission of a petition for the establishment of a **P D District**, the Commission and its staff shall immediately review the petition and during this review may discuss with the petitioner the need for additional information/reports. Prior to or upon acceptance of a complete petition, the Commission may authorize the preparation of such independent reports and analyses as it deems necessary to arrive at an informed decision. After acceptance of a complete petition, the Commission shall hold a public hearing on the petition and the accompanying **Initial Development Concept Plan** in the same manner and with the same notice as required for amendment of these Regulations. The Commission may also solicit the following information for presentation prior to or at the public hearing:

- a. A statement from the City Engineer in reference to the adequacy of the basic drainage, public street design and the design of elements to be served by the Public Works Department of the City;
- b. Evidence from the Sewer Authority that sewers are available to the project for tie-in and that the sewer lines, sewage treatment plant and related appurtenances have the capacity for the projected volumes;
- c. A statement from the Local Traffic Authority that the proposal will not cause any undue traffic hazards;
- d. A statement from the Fire Marshall that the proposal meets fire safety standards and concerning the fire fighting feasibility of the proposed plan;
- e. For proposals that may impact delineated inland wetlands, any comments that the Inland Wetlands Commission and/or Wetlands Enforcement Officer may wish to offer regarding the potential wetlands impacts and encroachments associated with the Initial Development Concept Plan and the ability to adequately address them

- f. A statement from any other municipal department or advisory committee whose opinion is deemed appropriate by the Commission.

34.7 Public Hearing and Decision: The Commission shall hold a duly noticed public hearing as required for any amendment of the Zoning Regulations. After the public hearing, the Commission may approve, disapprove or give approval with modifications to the **Initial Development Concept Plans** only after the Commission makes the findings set forth under below. Approval of the **Initial Development Concept Plans** shall authorize adoption of the **P D District** based upon the findings set forth below as well as other findings necessary for the adoption of these Regulations. These modified Zoning Regulations and Zoning Map shall be considered to authorize the submission of a **Final Site Development Plan** for the establishment of the development substantially in accordance with the **Initial Development Concept Plan** as approved. The adopted **P D District** shall be shown on the Zoning Map with a reference to the records of the Commission where the approved standards and **Initial Development Concept Plans** may be seen. If the **P D District** is adopted, the Commission shall give notice of such adoption in the manner required for any amendment of these Regulations. Recording of the adopted **P D District** shall be accompanied by an endorsed copy of the approved **Initial Development Concept Plan**

34.8 Findings Required for Initial Development Concept Plan Approval: Prior to approval of an Initial Development Concept Plan, with or without conditions and/or modifications, the Commission shall make the following findings:

- a. The proposal possesses features consistent the intent of the **P D District**.
- b. The qualifying standards of the **P D District** have been satisfied.

- c. The site design and organization of uses, buildings, parking and drives provides for the safety of intended users.
- d. Provisions for traffic flow, water, sanitary sewer service, storm water management and usable open space are adequate and acceptable, do not overburden existing streets, utility services and storm water facilities both on and off site and do not result in unacceptable off-site conditions.
- e. If any upgrading or improvements to off-site roads, utilities or other infrastructure are necessary and approved by the Commission and other applicable agencies, such improvements shall be provided at no cost to the City. The applicant shall provide at its own expense such additional information, data, designs and plans as are necessary to arrive at a proper decision.
- f. The proposal will not have a significant adverse impact of surrounding properties or on property values in the area.
- g. Ecological and environmental concerns associated with the proposal, including impacts on wetlands, watercourses and other aspects of the environment, will be adequately addressed. In making this finding, the Commission shall any comments received from the Inland Wetlands Commission and/or Wetlands Enforcement Officer, the Conservation Commission, the Connecticut Department of Environmental Protection and the U.S. Corps of Engineers where applicable.
- h. Provisions will be made for the on-going maintenance of parking areas, storm water management facilities, open space areas and other infrastructure components not proposed for acceptance by the City.

34.9 Findings Required for the Adoption of the P D District; The Commission shall make the following findings prior to the adoption of the **P D District**. Said findings are in addition to other findings necessary for the amendment of these Regulations and to the findings required for the approval of the **Initial Development Plan**:

- a. The **P D District**, its **Statement of Uses and Standards**, and the **Initial Development Plan** applicable therein are consistent with the intent and purpose set forth herein.
- b. Except for those provisions specifically amended by the **Statement of Uses and Standards**, the proposal complies or will comply with all applicable provisions of the Zoning Regulations.
- c. Another zoning district could not be appropriately established to accomplish such purposes;
- d. The **P D District**, its **Statement of Uses and Standards** and the **Initial Development Concept Plan** applicable therein will be consistent with any comprehensive plan of development adopted by the Commission for the area in which it is located;
- e. The **P D District** encompasses a tract of land that complies with the size requirements of Par. **34.3.1** herein;
- f. The city streets and intersections are or will be suitable and adequate to accommodate anticipated traffic and projected development intensity will not generate traffic in such amounts as to overload the street system in the area;
- g. The existing and proposed utility services are adequate for the proposed development and the utilities and drainage have been so arranged as to not overburden the capacity of the facilities connected therewith;

- h. Any potential impacts regarding ecological and environmental conditions can be maintained within acceptable limits.
- i. If the **P D District** is currently zoned **Office Park District**, the proposed **P D District** will not result in any increase of the allowable "Maximum Total Impervious Lot Coverage as a Percent of Lot Area" and the street and property line setbacks, other than the Minimum Residential District setback, will not be reduced below fifty percent (50%) of that which is normally required.

34.10 Final Site Development Plans: **Final Site Development Plans** shall be submitted for approval by the Planning and Zoning Commission within six (6) months of the effective date of an adopted **PD District** or such longer time period as may be approved by the Commission, in conformance with and incorporating all the information required by the approved **Initial Development Concept Plans**. In addition to the requirements set forth herein, the **Final Site Development Plans** shall comply with all applicable provisions of **Section 31 – Site Plans**. Such **Final Site Development Plans** may be submitted in stages provided that such stages encompass not less than the minimum required tract size and includes all those public amenities and features used as a public protection for the surrounding area. Such stages shall be capable of complete and self-sufficient existence without the completion of the remaining stages. Six (6) copies of all **Final Site Development Plans** shall be submitted and shall include at least the following:

- a. **Site Plan** containing detailed layout information related to all site plan proposals contained in the **Initial Development Concept Plans**, plus an additional, schematic layout of building, drives and parking areas at a scale of 1 inch = 100 feet;
- b. **Architectural Plans** for each proposed building or other structure, including generalized floor plans, exterior elevations incorporating thereon all wall signs, including locations and dimensions, perspective drawings and descriptive information

concerning exterior building materials, finishes and colors, including material samples if requested by the Commission.

- c. **Landscaping Plans** presenting in detail the landscaping treatments and materials and open space proposals contained in the **Initial Development Concept Plans**, including proposed grading, plant materials specifics and maintenance provisions;
- d. **Site Lighting** and illuminated signs shall be designed and positioned so as to minimize objectionable light at the property lines and visibility glare at any location on or off site. Externally lit signs, displays and aesthetic lighting must be lit from above. Light standards shall not exceed a height reasonable for the intended purpose. Lighting that infringes on adjacent properties must be shielded to prevent glare and light trespass. All nonessential lighting must be turned off after business hours, except for necessary security lighting. For site plans in excess of 20,000 square feet, a lighting plan prepared and sealed by a Connecticut-licensed professional engineer or acceptable, certified lighting professional must be submitted. It shall show all fixture locations, arrangements, types, U. ratios and foot-candle illuminance at five-foot intervals on the site.
- e. **Engineering Plans** presenting the detail designs and information supporting all the engineering elements of the **Initial Development Concept Plans**.
- f. **Legal Documents** required by these Regulations, including such things as covenants, restrictions, easements, bonds and certificates, if applicable.

34.10.1 Approval: The Commission may hold a public hearing on the **Final Site Development Plan** if in its estimation said Plan differs significantly from the **Initial Development Concept Plan**. Otherwise, the **Final Site Development Plan** shall be processed in the same manner as a site plan approval under **Section 31 – Site Plans**. Approval of the **Final Site Development Plans** shall be noted

on said Plans which shall then be signed by the Chairman of the Planning and Zoning Commission with the date of approval indicated on the Plans. A complete copy of the approved, endorsed Plans shall be recorded in the Office of the Shelton City-Town Clerk.

34.11 Bonds: The petitioner shall file with the Commission a performance bond, in form, amount and surety approved by the Commission, to guarantee the faithful performance of the site improvements work to be undertaken within the public rights-of-way, unless said improvements are bonded under the provision of the Shelton Subdivision Regulations. Said bond shall include driveway connections, sanitary sewer and water supply facilities, storm drainage and pollution control facilities, landscaping and other essential site improvements. In addition, a separate cash bond shall be posted to guarantee the proper installation, maintenance and repair of all sediment and erosion control measures in a timely fashion to the satisfaction of the Commission.

34.12 Certificate for Zoning Compliance: Prior to the issuance of any **Certificate of Zoning Compliance** to permit any occupancy of any increment of the development prior to final acceptance of the entire development, the developer shall file with the Commission a performance bond, in form, amount and surety approved by the Commission, to guarantee the provision of all facilities common to the entire development. Said bond shall be constituted upon completion of all common facilities within one (1) year of the date of approval of the first such **Certificate of Zoning Compliance**. The Commission may extend the time of completion for an additional period not to exceed one (1) year after public hearing for good cause shown.

34.13 Additional Limitations: Adoption of a **P D District** by the Commission shall constitute approval of the Statement of Uses and Standards and will authorize uses, buildings structures and site development in accordance the approved **Initial Development Concept Plan**, subject to the subsequent approval of **Final Site Development Plans** and detailed specifications and conditions by the Commission. Failure to submit Final Site

Development Plans within the specified time period or any approved extension thereof shall render the approved **Initial Development Concept Plan** null and void. The authorized **Final Site Development Plan** shall be completed within five (5) years from the effective date of said **Final Site Development Plan**, except that the Commission may extend the time for completion for one (1) year periods after public hearing for good cause demonstrated to the satisfaction of the Commission. If said extension is not granted, The right to construct said approved **Final Site Development Plan** shall expire at the end of said five (5) year approval period. Any such expiration of **Initial Development Concept Plan** approval or **Final Site Development Plan** approval does not automatically terminate the validity of the **PD District**. Therefore, upon any such expiration, the Commission shall be deemed authorized by the owner or owners of land within said **P D District** to take the necessary steps to amend these Regulations and the Zoning Map by deleting said **P D District** and re-establishing for such land the uses and standards previously applicable or the provisions of another appropriate zoning district. Until such time as this rezoning occurs, said **PD District** together with its adopted Statement of Uses and Standards continues to exist.

34.14 Modification of Adopted PD Districts:: Following a duly noticed public hearing specifically conducted for that purpose, as originally required for the adoption of said **PD District**, the Commission may approve a significant change to the **Final Site Development Plans** and/or any provision, permitted use or standard contained in the Statement of Uses and Standards. Any minor modification or adjustment to the **Final Site Development Plans** that does not materially change the nature, scope or intensity of said Plans may be approved administratively by the Commission as a minor site plan modification. This procedure for modification effectively precludes any need for variance relief through the Zoning Board of Appeals since any provision or standard of said PD District may be modified if required by following the procedure set forth above.