

PETITION FOR A ZONING REGULATION AMENDMENT

October 2, 2020

TO THE HONORABLE CITY COUNCIL OF THE CITY OF MERIDEN:

The Meriden Planning Department respectfully petitions the Meriden City Council acting as the Meriden Zoning Commission to repeal and replace the text of its Zoning Regulation at Article II Section 213-72, Certificate of approval required; application procedure, with the proposal set forth on the attachment hereto entitled "Proposed Zoning Regulation Amendment Site Plan Application Procedure".

Respectfully,



Paul Dickson
Assistant Director of Planning, Development and Enforcement

2020 OCT -2 AM 9:14
CITY CLERK
J. L. SOMMA
Dennis L. Moody

Proposed Zoning Regulation Amendment

Site Plan Application Procedure

Chapter 213. Zoning

Article XI Site Plan Approval

§ 213-72 Application procedure.

Purpose. The site plan approval process is intended to ensure that all aspects of industrial, commercial and multifamily residential development in the City, as well as other specialized uses, comply with the requirements and standards of these regulations and that adequate provision is made in such developments for vehicular and pedestrian access and circulation, parking, landscaping, buffers, signage, lighting, drainage, utilities, and other aspects of the proposed development and use of the land.

A. Applicability.

(a) Site Plan approval by the Planning Commission shall be required before any building permit may be issued for the following:

1. all permitted uses of land or buildings in any commercial, industrial or regional development district requiring the construction of twenty or more parking spaces,
2. all construction, development or redevelopment in any zone disturbing more than 0.5 acre of total land area,
3. all changes of permitted uses adding 25% or more to the floor area, cars generated, parking spaces or occupants of the site,
4. all uses in a residential district requiring eight or more off-street parking spaces and
5. all expansions of existing uses which add 25% or more to the floor area, cars generated, parking spaces or occupants of the site.

Modification of an approved site plan that does not exceed the above thresholds shall be reported to the Planning Commission.

(b) Site Plan approval by the Zoning Board of Appeals (ZBA), as part of a Special Exception application to the ZBA, shall be required for applications that meet the development thresholds set above in section 213-72A(a) before any building permit may be issued.

Modification of an approved site plan that does not exceed the above thresholds shall be reported to the Zoning Board of Appeals.

B. Site plan objectives.

In reviewing a site plan application, the Commission/Board shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood in particular

Dennis J. Hannon

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CITY CLERK
J. HANNON

(Signature)

and may prescribe reasonable conditions and safeguards to ensure the accomplishment of the following general objectives:

- (1)** That all buildings, structures, uses, equipment or material are readily accessible for fire and police protection.
- (2)** That adequate off-street parking and loading spaces are provided to prevent on-street and off-traffic congestion; that all parking spaces and maneuvering areas are suitably identified; that entrances and exits are suitably identified and designed to specific use radii; that the interior circulation system is adequately designed to provide safe and convenient access to all structures, uses and/or parking spaces; that parking areas are provided with suitable bumper guards, guardrails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary by the Commission/Board to adequately protect life and property; and that provision is made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.
- (3)** That all proposed traffic and pedestrian accessways do not create traffic hazards and are adequate in width, grade, alignment and visibility; adequate in distance from street corners, places of public assembly and other accessways; and adequate in design for other similar safety considerations.
- (4)** That the general landscaping of the site complies with the purpose and intent of this chapter; that existing trees are preserved and specimen trees of 36 inch diameter or greater as measured 4.5 feet above ground are actively preserved to the maximum extent possible; and that parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential zones and public rights-of-way.
- (5)** That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation and that glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way, as well as from the view of any residential units located on the subject site.
- (6)** That all utility systems are suitably located, adequately designed, suitably screened during all seasons from the view of adjacent residential zones and public rights-of-way, and properly installed to serve the proposed uses and to protect the property from adverse air, water or land pollution.
- (7)** That the development of the site will preserve sensitive environmental land features, such as 25% or steeper slopes, wetlands and large rock outcroppings, and will preserve public scenic views or historically significant features to the greatest extent possible.

(8) That soil erosion and sediment controls are designed, installed and maintained to prevent soil erosion and sedimentation resulting from development.

(9) Adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, landscaping and other improvements). This may include landscaping management plan, litter removal plan and similar documents.

C. Procedure.

(1) Application

Application for site plan approval shall be made in writing and shall be accompanied by plans, elevations and any other data necessary to show the detail of the proposed use of land or buildings, as outlined in § **213-72J**. Each application shall require a fee as indicated in the Land Use Fee Schedule.

(2) Bonding requirements

Before a permit is granted under this section, the applicant may be required to post a bond in accordance with Section 8-3 of CGS as amended. The estimated cost of measures required to control soil erosion and sedimentation, as specified in the approved plan, that are a condition of approval of any site plan may be required to be covered in a performance bond or other assurance in accordance with this provision.

(3) Approval

Approval or rejection of a Site Plan shall be made in a time manner prescribed under Section 8-7d of CGS as amended.

D. Soil erosion and sediment control certification.

A separate approval shall be required for certification of the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this chapter.

E. Inspection.

Inspection shall be made by the Commission/Board or its designated agent during development to ensure compliance with the approved plan and that control measures and facilities are performed or installed and maintained. The Commission/Board may require the permittee to verify through progress reports that soil erosion and sediment control measures have been performed or installed according to the certified plan and are being operated and maintained.

F. Expiration.

All work in connection with an approved site plan shall be completed in time prescribed under Section 8-3 of CGS as amended.

G. Amendments or modification.

Application for amendments to an approved site plan shall be made in the same manner as the original application. The Director of Planning or their designee may approve minor modifications.

H. Continuance.

All conditions and improvements shown on an approved site plan shall remain with the property as long as the use indicated on the approved site plan is still in operation. The conditions and improvements shall continue in force regardless of any change in ownership of the property.

I. Appeals.

Any person aggrieved by the action of the Planning Commission or ZBA may appeal said action in accordance with the Connecticut General Statutes.

J. Application requirements.

Application for a site plan shall include seven sets of the following information, maps and plans and accompanied by an electronic file of all documents submitted. All applications shall include an accurate Class A-2 survey of the property and improvements prepared by a land surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a licensed Connecticut engineer, architect or landscape architect, whichever is appropriate. All plans shall be prepared at a scale of one inch equals not more than 20 feet or not less than 50 feet.

(1) General information.

- (a)** Name and address of the applicant and owner of record as listed on the City's tax rolls. If the applicant is not the owner of record, the latter shall also sign the application.
- (b)** Date, North arrow and numerical and graphical scale on each map.
- (c)** A written description of the proposed use or uses.
- (d)** A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping and open spaces as they relate to the requirements of this chapter.

(2) Location map. An accurate scale map at a scale of one inch equals 1,000 feet shall be submitted showing the subject property and all property and streets within 1,000 feet of any part of the subject property.

(3) Easement(s). Location, width and purpose of all existing and proposed easements and rights-of-way on the property.

(4) Buildings and uses.

- (a)** Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences and walls.
- (b)** Location of all existing and proposed uses and facilities not requiring a building, such as swimming pools, tennis courts, light standards, tanks, transformers and dumpsters.

(5) Parking, loading and circulation.

(a) Location, arrangement and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps.

(b) Location, arrangement and dimensions of loading and unloading areas.

(c) Location and dimensions of pedestrian walkways, entrances and exits.

(6) Signs and lighting.

(a) Location, size, height, orientation and plans of all signs.

(b) Location, size, height, orientation and design of any outdoor lighting.

(7) Utilities. Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities and refuse collection areas, as well as other underground and aboveground utilities. All public utilities shall be placed underground. The Commission may waive this requirement if engineering data substantiates that such underground placement of utilities is impractical.

(8) Topographic map. The topographic map shall illustrate the existing and proposed conditions of the property, including existing and proposed contours with intervals of five feet, referred to the City of Meriden datum, and location of all existing wooded areas, watercourses, wetlands, rock outcrops and other significant physical features and, where appropriate, the wetlands boundary and the flood hazard area.

(9) A soil erosion and sediment control map and narrative shall be submitted for all development activities in which the cumulative disturbed area will be more than 1/2 acre. The plan shall conform with § **213-57** of this chapter.

(10) Open space and landscaping plan. The open space and landscaping plan shall illustrate the existing and proposed landscape development of the property, including location, general layout, type and size of buffer or landscape areas, plant material (including a listing of genus, species, variety, common name, and size), fencing, screening devices, decorative paving or other materials proposed.

(11) A statement on the plan indicating the presence of Endangered, Threatened, and Special Concern Species as shown on the Natural Diversity Data Base (NDDDB) Maps produced by the Connecticut Department of Energy and Environmental Protection (CT DEEP). If subject species are indicated, a NDDDB review of the proposed development by the CT DEEP shall be required and guidelines for the protection of subject species shall be followed.

(12) Staging plan map. In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development for the entire property shall be submitted at the same scale as the site plan.

(13) Other information. The applicant shall submit any other information deemed by the Commission/Board to be necessary to determine conformity with the intent of this chapter.

Proposed Zoning Regulation Amendment
Site Plan Application Procedure

Chapter 213. Zoning

Article XI Site Plan Approval

§ 213-72 ~~Certificate of approval required;~~ Application procedure.

Purpose. The site plan approval process is intended to ensure that all aspects of industrial, commercial and multifamily residential development in the City, as well as other specialized uses, comply with the requirements and standards of these regulations and that adequate provision is made in such developments for vehicular and pedestrian access and circulation, parking, landscaping, buffers, signage, lighting, drainage, utilities, and other aspects of the proposed development and use of the land.

A.

Applicability.

(a)

Site Plan approval by the Planning Commission shall be required before any building permit may be issued for the following:

1. ~~For~~ all permitted uses of land or buildings in any commercial, industrial or regional development district requiring the construction of twenty or more parking spaces,
2. all construction, development or redevelopment in any zone disturbing more than 0.5 acre of total land area,
3. ~~all including any~~ changes of permitted uses adding 25% or more to the floor area, cars generated, parking spaces or occupants of the site,
4. ~~for~~ all uses in a residential district requiring eight or more off-street parking spaces and
5. ~~for~~ all expansions of existing uses which add 25% or more to the floor area, cars generated, parking spaces or occupants of the site, ~~a certificate of approval by the Planning Commission shall be required before any building permit may be issued.~~

Modification of an approved site plan that does not exceed the above thresholds shall be reported to the Planning Commission.

(b)

Site Plan approval by the Zoning Board of Appeals (ZBA), as part of a Special Exception application to the ZBA, shall be required for applications that meet the development thresholds set above in section 213-72A(a) before any building permit may be issued.

Modification of an approved site plan that does not exceed the above thresholds shall be reported to the Zoning Board of Appeals.

~~The Director of Planning and Planning Commission Chairman shall have the authority to waive the necessity for Planning Commission approval for changes of use in existing buildings, subject to confirmation by the Commission at its next regular meeting.~~

~~[Amended 3-19-1984; 10-21-1985]~~

B.

Site plan objectives.

In reviewing a ~~certificate of approval~~ site plan application, the ~~Planning Commission~~ Commission/Board shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood in particular and may prescribe reasonable conditions and safeguards to ensure the accomplishment of the following general objectives:

(1)

~~That the proposed site plan shall be in general conformance with the intent of the Plan of Development; however, the Plan of Development shall not take precedence over specific provisions of the zoning regulations.~~

(12)

That all buildings, structures, uses, equipment or material are readily accessible for fire and police protection.

(23)

That adequate off-street parking and loading spaces are provided to prevent on-street and off-traffic congestion; that all parking spaces and maneuvering areas are suitably identified; that entrances and exits are suitably identified and designed to specific use radii; that the interior circulation system is adequately designed to provide safe

and convenient access to all structures, uses and/or parking spaces; that parking areas are provided with suitable bumper guards, guardrails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary by the Commission/Board to adequately protect life and property; and that provision is made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.

(34)

That all proposed traffic and pedestrian accessways do not create traffic hazards and are adequate ~~but not excessive in number; adequate~~ in width, grade, alignment and visibility; adequate in distance from street corners, places of public assembly and other accessways; and adequate in design for other similar safety considerations.

(45)

That the general landscaping of the site complies with the purpose and intent of this chapter; that existing trees are preserved and specimen trees of 36 inch diameter or greater as measured 4.5 feet above ground are actively preserved to the maximum extent possible; and that parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential ~~areas-~~zones and public rights-of-way.

(56)

That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation and that glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way, as well as from the view of any residential units located on the subject site.

(67)

That all utility systems are suitably located, adequately designed, suitably screened during all seasons from the view of adjacent residential zones and public rights-of-way, and properly installed to serve the proposed uses and to protect the property from adverse air, water or land pollution.

(78)

That the development of the site will preserve sensitive environmental land features, such as ~~steep~~ 25% or steeper slopes, wetlands and large rock outcroppings, and will ~~attempt to~~ preserve public scenic views or historically significant features to the greatest extent possible.

(89)

That soil erosion and sediment controls are designed, installed and maintained to ~~minimize~~ prevent soil erosion and sedimentation resulting from development.

[Added 2-3-1986]

(910)

Adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, landscaping and other improvements). This may include landscaping management plan, litter removal plan and similar documents.

[Added 2-3-1986]

~~That the location and size of any proposed use, building or structure, as well as the nature and intensity of operations involved or conducted in connection therewith, will be in general harmony with the character of the surrounding neighborhood and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, building or structure.~~

C.

Procedure.

(1) Application

Application for ~~a certificate of~~ site plan approval shall be made ~~to the Planning Commission~~ in writing ~~on a form prescribed by the Planning Commission 15 days prior to a regular meeting~~ and shall be accompanied by plans, elevations and any other data necessary to show the detail of the proposed use of land or buildings, as outlined in § **213-72J**. Each application shall require a fee as indicated in the Land Use Fee Schedule.

[Amended 11-20-1989; 12-1-2008]

(2)

~~Prior to the consideration of a certificate of approval application by the Planning Commission, notice shall be sent to each abutting property owner at least 10 days prior to the meeting at which the application is to be considered; said notice shall describe the nature of the proposal and the time and place of the meeting and shall further state that said meeting is a public meeting and not a formal public hearing and will be conducted accordingly at the discretion of the Commission Chairman. The applicant shall provide the names and complete mailing addresses of the most recent abutting property owners as listed in the current City of Meriden Assessor's records.~~

(3)

~~The Planning Commission, at its regular meeting, shall review the plans and other documents which may be required and shall render a decision to determine that no adverse traffic condition is being created and that proper parking facilities are provided for the proposed use. The Planning Commission shall also consider the appropriateness of the proposed location of structures, the installation of~~

~~sidewalks, curbing, signs, water and sewer lines or connections, stormwater drainage, the location of light standards or other methods of illuminating the parking area and building, the location of traffic islands and any planting materials within said islands, the location, height and type of screening materials which will be located along the property lines, general landscaping and, in general, any conditions which might impair the welfare or safety of the general public using said facilities. The Planning Commission may require special conditions to assure the safety and welfare of the community and conformance with the general character of the neighborhood.~~

~~(4)~~ (2) Bonding requirements

Before a permit is granted ~~by the Planning Commission~~ under this section, the applicant may be required to post a bond ~~with the Planning Commission in accordance with Section 8-3 of CGS as amended.~~ an amount approved by the Planning Commission as sufficient to guarantee conformity with the provisions of the permit issued thereunder. Said bond shall be submitted at a time to be determined by the Commission. The estimated cost of measures required to control soil erosion and sedimentation, as specified in the approved plan, that are a condition of ~~certification~~ approval of any ~~modified~~ site plan may be required to be covered in a performance bond or other assurance ~~acceptable to the Commission~~ in accordance with this provision.

[Amended 2-3-1986]

~~(5)~~

~~The applicant shall submit seven copies of the plot plan or development plan of the project, along with one copy of elevations or preliminary drawings showing the general type of building to be constructed, to the Planning Commission for review. The Planning Commission, upon approval of said development, shall issue a certificate of approval to the applicant along with one copy of the approved plot plan. The Planning Commission shall retain two copies of the approved development plan in its files and shall transmit one approved copy of the plot plan along with one copy of the certificate of approval to the Building Department and one copy to the Engineering Division for their records.~~

~~(6)~~ (3) Approval

The Planning Commission shall reject or issue the certificate of ~~Approval or rejection of a Site Plan shall be made~~ in a time manner prescribed under Section 8-7d of CGS as amended. within 65 days of the meeting at which the application is presented. Failure of the Planning Commission to act within said period shall be deemed approval by the Planning Commission of the proposal as submitted, and the Planning Commission shall issue said certificate.

D.

Soil erosion and sediment control certification.

~~A separate approval shall be required for certification of Approval of the plans by the Planning Commission shall constitute certification that~~ the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this chapter.

~~[Added 2-3-1986]~~

E.

Inspection.

Inspection shall be made by the Commission/Board or its designated agent during development to ensure compliance with the ~~certified~~ approved plan and that control measures and facilities are performed or installed and maintained. The Commission/Board may require the permittee to verify through progress reports that soil erosion and sediment control measures have been performed or installed according to the certified plan and are being operated and maintained.

~~[Amended 2-3-1986]~~

F.

Expiration.

All work in connection with an approved site plan shall be completed in time prescribed under Section 8-3 of CGS as amended.

~~Any approved certificate of approval for a site plan for which a building permit has not been secured within one year from the date of a certificate of approval shall be considered not valid, unless an extension of time is applied for by the applicant prior to the actual expiration date and granted by the Commission.~~

G.

Amendments or modification.

Application for amendments to an approved site plan shall be made in the same manner as the original application. ~~Minor modifications may be approved by the Director of Planning~~The Director of Planning or their designee may approve minor modifications.

H.

Continuance.

All conditions and improvements shown on an approved site plan shall remain with the property as long as the use indicated on the approved site plan is still in operation. The conditions and improvements shall continue in force regardless of any change in ownership of the property.

I.

Appeals.

Any person aggrieved by the action of the Planning Commission or ZBA may appeal said action in accordance with the Connecticut General Statutes. ~~within 15 days to the Superior Court of New Haven District.~~

J.

Application requirements.

Application for ~~certificate of approval.~~ ~~For all uses requiring a certificate of approval,~~ a site plan shall include seven sets of the following information, maps and plans and accompanied by an electronic file of all documents submitted. All applications shall include an accurate Class A-2 survey of the property and improvements prepared by a land surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a licensed Connecticut-~~registered~~ engineer, architect or landscape architect, whichever is appropriate. All plans shall be prepared at a scale of one inch equals not more than 20 feet or not less than 50 feet.

(1)

General information.

(a)

Name and address of the applicant and owner of record as listed on the City's tax rolls. If the applicant is not the owner of record, the latter shall also sign the application.

(b)

Date, North arrow and numerical and graphical scale on each map.

(c)

A written description of the proposed use or uses.

(d)

A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping and open spaces as they relate to the requirements of this chapter.

(2)

Location map. An accurate scale map at a scale of one inch equals 1,000 feet shall be submitted showing the subject property and all property and streets within 1,000 feet of any part of the subject property.

(3)

Easement(s). Location, width and purpose of all existing and proposed easements and rights-of-way on the property.

(4)

Buildings and uses.

(a)

Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences and walls.

(b)

Location of all existing and proposed uses and facilities not requiring a building, such as swimming pools, tennis courts, light standards, tanks, transformers and dumpsters.

(5)

Parking, loading and circulation.

(a)

Location, arrangement and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps.

(b)

Location, arrangement and dimensions of loading and unloading areas.

(c)

Location and dimensions of pedestrian walkways, entrances and exits.

(6)

Signs and lighting.

(a)

Location, size, height, orientation and plans of all signs.

(b)

Location, size, height, orientation and design of any outdoor lighting.

(7)

Utilities. Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities and refuse collection areas, as well as other underground and aboveground utilities. All public utilities shall be placed underground. The Commission may waive this requirement if engineering data substantiates that such underground placement of utilities is impractical.

(8)

Topographic map. The topographic map shall illustrate the existing and proposed conditions of the property, including existing and proposed contours with intervals of five feet, referred to the City of Meriden datum, and location of all existing wooded areas, watercourses, wetlands, rock outcrops and other significant physical features and, where appropriate, the wetlands boundary and the flood hazard area.

(9)

A soil erosion and sediment control map and narrative shall be submitted for all development activities in which the cumulative disturbed area will be more than 1/2 acre. The plan shall conform with § 213-57 of this chapter.

~~[Added 2-3-1986]~~

(10)

Open space and landscaping plan. The open space and landscaping plan shall illustrate the existing and proposed landscape development of the property, including location, general layout, type and size of buffer or landscape areas, plant material (including a listing of genus, species, variety, common name, and size), fencing, screening devices, decorative paving or other materials proposed.

(11)

A statement on the plan indicating the presence of Endangered, Threatened, and Special Concern Species as shown on the Natural Diversity Data Base (NDDDB) Maps produced by the Connecticut Department of Energy and Environmental Protection (CT DEEP). If subject species are indicated, a NDDDB review of the proposed development by the CT DEEP shall be required and guidelines for the protection of subject species shall be followed.

~~(11)~~ (12)

Staging plan map. In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development for the entire property shall be submitted at the same scale as the site plan.

~~(12)~~ (13)

Other information. The applicant shall submit any other information deemed by the Commission/Board to be necessary to determine conformity with the intent of this chapter.