

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 213-73 Special exceptions, with the proposal set forth on the attachment hereto entitled "Proposed Zoning Regulation Amendment Special Exceptions".

Respectfully,



Paul Dickson

Assistant Director of Planning, Development and Enforcement

2020 OCT -2 AM 9:13
CITY CLERK
DENISE L. HENRICH



Proposed Zoning Regulation Amendment
Special Exceptions

Chapter 213. Zoning
Article XI. Site Plan Approval

§ 213-73 Special exceptions.

A. Applicability.

In all cases where this chapter requires approval by special exception permit, no building permit shall be issued by the Building Official except after public notice and hearing in accordance with the General Statutes of the State of Connecticut upon the authorization of the Planning Commission or the Zoning Board of Appeals.

B. Special exception objectives.

In evaluating a special exception application, the Planning Commission or the Zoning Board of Appeals 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 objectives:

- (1) The site plan submitted as part of the application shall satisfy the requirements for site development plan approval as detailed in § 213-72 of this chapter.
- (2) The location and size of the proposed use and the nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the area, compatible with other existing uses, and, if applicable, further the goals and objectives of the Plan of Conservation and Development.
- (3) The design, size, mass, scale, height, and location of the structure and the nature and extent of landscaping on the lot are appropriate for the use and will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.
- (4) The design elements of the proposed development are suitable in relation to the site characteristics and style of other buildings in the immediate area. The Commission may request advice and recommendations from the Design Review Board for issues related to the exterior of structures only.
- (5) The intensity of the proposed use will not alter the essential characteristics of the area or adversely affect property values in the neighborhood.
- (6) The parking and loading facilities are adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable safety.
- (7) Streets providing access to the proposed use are adequate in width, grade, alignment, and visibility, and have adequate capacity for the additional traffic generated by the proposed use, and the proposed use will not create a traffic hazard and will not block or hamper the City circulation pattern.

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(8) The proposed use or site shall have proper accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.

(9) The water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria, comply with all standards of the appropriate regulatory authority, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.

(10) The proposed plans have provided for the reasonable conservation of natural features to include the active preservation of specimen trees of 36 inch diameter or greater as measured 4.5 feet above ground and the utilization of best management practices to minimize degradation of storm water run-off, and the utilization of landscape and/or buffer areas to protect environmentally sensitive portions of the site.

(11) Where two or more special exception uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in this chapter or, in cases of two or more special exception uses in the same building, whichever requirements are more restrictive.

C. Procedure.

Application for a special exception shall be made to the Planning Commission or the Zoning Board of Appeals in writing and shall be accompanied by all required items as outlined in § **213-73**. The applicant shall also provide a digital copy of all the materials at the time of submission.

(1) Public hearing and notice.

(a) The Planning Commission or the Zoning Board of Appeals shall hold a public hearing on all applications for a special exception and shall publish a notice of said hearing in a newspaper of general circulation in accordance with § 8-3 and §8-7d of the Connecticut General Statutes.

(b) In addition to published notice, the Planning Commission or the Zoning Board of Appeals shall give notice of any such hearing at least 10 days prior to the date of the hearing to the applicant filing the application and to the property owners whose property is located within, abutting and directly across the street from all boundaries of the property which is the subject of such hearing.

(c) Further, the petitioner shall erect or cause to have erected a sign on the premises affected by the proposed special exception at least 10 days prior to the public hearing on such special exception. Said sign shall be a minimum of four feet by five feet with black lettering no smaller than three inches by 1/2 inch on a white background. Said sign shall be weather-resistant, securely fastened or staked, be clearly visible from the street closest to the affected property and be maintained as such until the day following the public hearing. The sign shall contain the following information:

Public Notice

A petition for a special exception has been filed with the (Planning Commission or the Zoning Board of Appeals). A public hearing will be held on said petition on (date of hearing) in City Hall.

- (2)** A report from the Director of Planning, Development & Enforcement or their designee attesting to whether the above-described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of a petitioner to comply with this requirement may be grounds for automatic denial of the proposed special exception with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign.
- (3)** The Planning Commission or the Zoning Board of Appeals shall reject or issue a special exception permit according to Section 8-7d of the Connecticut General Statutes as amended.

D. Conditions and safeguards.

Any condition or safeguards attached to the granting of a special exception shall remain with the property as long as the special exception use is still in operation. These conditions and safeguards shall continue in force regardless of any change in ownership of the property.

E. Revocation.

Any authorized special exception shall be subject to revocation by the Planning Commission or the Zoning Board of Appeals if any condition or safeguard imposed by the Planning Commission or the Zoning Board of Appeals upon buildings, structures, land or uses for said permit is not strictly adhered to by the applicant, user and/or owner.

F. Amendments or modifications.

Applications for special exception amendments which are necessitated by site conditions or which are deemed to be in the public interest shall be made in the same manner as the original application, except that amendments which are found to be of a minor nature or which do not materially alter the special exception, as determined by the Planning Commission or the Zoning Board of Appeals, may be authorized with Planning Commission or the Zoning Board of Appeals approval only without another public hearing.

G. Time period and expiration.

In approving a special exception, the Planning Commission or the Zoning Board of Appeals may set time limits on the permit and/or require periodic renewal of the permit without a public hearing. In the event that an appeal is taken from the Planning Commission or the Zoning Board of Appeals' approval of a special exception, then the time period shall commence on the date of final disposition of such litigation.

H. Continuance.

Notwithstanding any other provision of this chapter, when an amendment is adopted to this chapter or boundaries of zoning districts, a special exception which has been approved according to the regulations in effect at the time of filing shall not be required to conform to such amendment, provided that:

- (1)** Construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, recreational facilities, etc., shall have commenced within 5 years from the effective date of the special exception and certificate of approval (site plan) approvals.
- (2)** Construction of the improvements are diligently pursued and prosecuted to substantial completion within the original time constraints set forth at the time of approval or within five years following the effective date of such amendment in the zoning regulations or boundaries of zoning districts.
- (3)** If the applicant and/or owner does not adhere to these conditions, the special exception permit shall be reconsidered by the Planning Commission or the Zoning Board of Appeals and declared void. Notification thereof shall be filed with the City Clerk.

I. Applications.

Applications to the Planning Commission shall be made in writing in 7 copies.

Applications to the Zoning Board of Appeals shall be made in writing in 12 copies.

All applications for special exception shall include:

- (1)** A statement describing the existing and proposed use or uses.
- (2)** A site plan in accordance with § **213-72**, if applicable.
- (3)** A list of all property owners required to be notified in § **213-79B**, together with addresses.
- (4)** All applications shall be accompanied by a fee, as provided in the Fee Schedule of the City of Meriden,^[1] to cover the cost of administration. Said fee shall be paid at the time of filing the application.

[1] *Editor's Note: Said fee schedule is on file in the Clerk's office.*

J. Appeals.

Appeals from the Planning Commission or the Zoning Board of Appeals may be taken to the Superior and/or Appellate Court in accordance with the Connecticut General Statutes.

Proposed Zoning Regulation Amendment
Special Exceptions

Chapter 213. Zoning
Article XI. Site Plan Approval

§ 213-73 **Special exceptions.**

A.

Applicability.

In all cases where this chapter requires approval by special exception permit, no building permit shall be issued by the Building Official except after public notice and hearing in accordance with the General Statutes of the State of Connecticut upon the authorization of the Planning Commission or the Zoning Board of Appeals.

B.

Special exception objectives.

In evaluating a special exception application, the Planning Commission or the Zoning Board of Appeals 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 objectives:

~~**(1)**~~

~~Harmony with development. That the proposed use is of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated, will not tend to depreciate the value of property in the neighborhood, and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.~~

(1)

The site plan submitted as part of the application shall satisfy the requirements for site development plan approval as detailed in § 213-72 of this chapter.

~~**(2)**~~

~~Site plan objectives. That the site plan submitted as part of the special exception application will accomplish the site plan objectives described in § ~~213-72~~, particularly in that it will not create traffic or fire hazards and will not block or hamper the City circulation pattern.~~

(2)

The location and size of the proposed use and the nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the area.

compatible with other existing uses, and, if applicable, further the goals and objectives of the Plan of Conservation and Development.

~~(3)~~

~~Conformance to requirements. Unless otherwise specified, a special exception use shall conform to all requirements of the district in which it is located. Where two or more special exception uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in this chapter or, in cases of two or more special exception uses in the same building, whichever requirements are more restrictive.~~

(3)

The design, size, mass, scale, height, and location of the structure and the nature and extent of landscaping on the lot are appropriate for the use and will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.

(4)

The design elements of the proposed development are suitable in relation to the site characteristics and style of other buildings in the immediate area. The Commission may request advice and recommendations from the Design Review Board for issues related to the exterior of structures only.

(5)

The intensity of the proposed use will not alter the essential characteristics of the area or adversely affect property values in the neighborhood.

(6)

The parking and loading facilities are adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable safety.

(7)

Streets providing access to the proposed use are adequate in width, grade, alignment, and visibility, and have adequate capacity for the additional traffic generated by the proposed use, and the proposed use will not create a traffic hazard and will not block or hamper the City circulation pattern.

(8)

The proposed use or site shall have proper accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.

(9)

The water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria, comply with all standards of the appropriate regulatory authority, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.

(10)

The proposed plans have provided for the reasonable conservation of natural features to include the active preservation of specimen trees of 36 inch diameter or greater as measured 4.5 feet above ground and the utilization of best management practices to minimize degradation of storm water run-off, and the utilization of landscape and/or buffer areas to protect environmentally sensitive portions of the site.

(11)

Where two or more special exception uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in this chapter or, in cases of two or more special exception uses in the same building, whichever requirements are more restrictive.

C.

Procedure.

Application for a special exception shall be made to the Planning Commission or the Zoning Board of Appeals in writing ~~at least 15 days prior to a regular meeting~~ and shall be accompanied by all required items as outlined in § ~~213-73I~~. ~~The applicant shall submit 10 copies of the application to the Planning Commission or the Zoning Board of Appeals.~~ The applicant shall also provide a digital copy of all the materials at the time of submission.

(1)

Public hearing and notice.

(a)

The Planning Commission or the Zoning Board of Appeals shall hold a public hearing on all applications for a special exception and shall publish a notice of said hearing in a newspaper of general circulation in accordance with ~~§ 213-75B.~~ §Section 8-3 and §-8-7d of the Connecticut General Statutes.

(b)

In addition to published notice, the Planning Commission or the Zoning Board of Appeals shall give notice of any such hearing at least 10 days prior to the date of the hearing to the applicant filing the application and to the property owners whose property is located within, abutting and directly across the street from all boundaries of the property which is the subject of such hearing.

(c)

Further, the petitioner shall erect or cause to have erected a sign on the premises affected by the proposed special exception at least 10 days prior to the public hearing on such special exception. Said sign shall be a minimum of four feet by five feet with black lettering no smaller than three inches by 1/2 inch on a white background. Said sign shall be weather-resistant, securely fastened or staked, be clearly visible from the street closest to the affected property and be maintained as such until the day following the public hearing. The sign shall contain the following information:

Public Notice

A petition for a special exception has been filed with the ([Planning Commission or the Zoning Board of Appeals](#)). A public hearing will be held on said petition on (date of hearing) in City Hall.

(2)

A report from the ~~Zoning Enforcement Officer~~ [Director of Planning, Development & Enforcement or their designee](#) attesting to whether the above-described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of a petitioner to comply with this requirement may be grounds for automatic denial of the proposed special exception with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign.

(3)

The Planning Commission or the Zoning Board of Appeals shall reject or issue a special exception permit ~~within 65 days of the conclusion of the public hearing on the application. Failure of the Zoning Board of Appeals to act within the time period shall be deemed approval of the proposal as submitted.~~ [according to Section 8-7d of the Connecticut General Statutes as amended.](#)

D.

Conditions and safeguards.

Any condition or safeguards attached to the granting of a special exception shall remain with the property as long as the special exception use is still in operation. These conditions and safeguards shall continue in force regardless of any change in ownership of the property.

E.

Revocation.

Any authorized special exception shall be subject to revocation by the Planning Commission or the Zoning Board of Appeals if any condition or safeguard imposed by the Planning Commission or the Zoning Board of Appeals upon buildings, structures, land or uses for said permit is not strictly adhered to by the applicant, user and/or owner.

F.

Amendments or modifications.

Applications for special exception amendments which are necessitated by site conditions or which are deemed to be in the public interest shall be made in the same manner as the original application, except that amendments which are found to be of a minor nature or which do not materially alter the special exception, as determined by the Planning Commission or the Zoning Board of Appeals, may be authorized with Planning Commission or the Zoning Board of Appeals approval only without another public hearing.

G.

Time period and expiration.

In approving a special exception, the Planning Commission or the Zoning Board of Appeals may set time limits on the permit and/or require periodic renewal of the permit without a public hearing. In the event that an appeal is taken from the Planning Commission or the Zoning Board of Appeals' approval of a special exception, then the time period shall commence on the date of final disposition of such litigation. ~~An expired special exception shall be considered not valid.~~

H.

Continuance.

Notwithstanding any other provision of this chapter, when an amendment is adopted to this chapter or boundaries of zoning districts, a special exception which has been approved according to the regulations in effect at the time of filing shall not be required to conform to such amendment, provided that:

- (1)** Construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, recreational facilities, etc., shall have commenced within ~~12 months~~ 5 years from the effective date of the special exception and certificate of approval (site plan) approvals.
- (2)** Construction of the improvements are diligently pursued and prosecuted to substantial completion within the original time constraints set forth at the time of approval or within ~~three years~~ five years following the effective date of such amendment in the zoning regulations or boundaries of zoning districts.
- (3)** If the applicant and/or owner does not adhere to these conditions, the special exception permit shall be reconsidered by the Planning Commission or the Zoning Board of Appeals and declared void. Notification thereof shall be filed with the City Clerk.

I.

Applications.

Applications ~~for a special exception to the Planning Commission~~ shall be made in writing in ~~10~~ 7 copies.

Applications to the Zoning Board of Appeals ~~shall be made in writing in 12 copies.~~

All applications for special exception~~and~~ shall include:

- (1) A statement describing the existing and proposed use or uses.
- (2) A site plan in accordance with § 213-72, if applicable.
- (3) A list of all property owners required to be notified in § 213-79B, together with addresses.

~~(4)~~

~~Such other information as the Zoning Board of Appeals may require to determine compliance with the intent and purpose of this chapter.~~

- ~~(5)~~ (4) All applications shall be accompanied by a fee, as provided in the Fee Schedule of the City of Meriden,^[1] to cover the cost of administration. Said fee shall be paid at the time of filing the application.

[1]

Editor's Note: Said fee schedule is on file in the Clerk's office.

J.

Appeals.

Appeals from the Planning Commission or the Zoning Board of Appeals may be taken to the Superior and/or Appellate Court in accordance with the Connecticut General Statutes.

All applications for special exception~~and~~ shall include:

- (1) A statement describing the existing and proposed use or uses.
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~~Such other information as the Zoning Board of Appeals may require to determine compliance with the intent and purpose of this chapter.~~

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