

Reference	Date of Change	Section(s) changed	Description
A	10/27/2006	Section 34	Planned Development District
B	6/12/2007	Schedule A & 24.3	RFD & Schedule A
B	6/12/2007	21, 23, 24, 33, 36	Changes to Schedule A Permitted Uses adding in RFD
C	7/13/2011	Section 44: Signs	Amendment to Section 44- Signs
D	9/13/2013	Section 42	Amendment to Section 42- Off Street Parking and loading
E	8/8/2017	Section 23 Permitted Uses	Schedule A new line 1D
E	8/8/2017	Section 35	DRD: Designed Residential District Replaced PRD: Planned Residential Development
F	5/8/2018	Section 45.6	Accessory Dwelling Units
G	6/1/2020	Fee schedule	Fee Schedule
H	6/16/2021	Schedule A 42A & Section 5.3	Change use code & definition
I	Mar-22	Section 5.40, 23.2, 23.2.4	Cannabis Establishment Definition & Moratorium (Deinition moved to 5.7)
J	5/10/2022		Modification of provision and standards of IA-1 District, Schedule A Permitted Uses and Schedule B standards
J	5/10/2022	35A, 42C, 42D, 6D, 56, 62, 62A, 62B, 1, 1C, 4 6, 6C, 6D, 8-11, 13A, 13B, 14, 16A, 18, 18A, 24, 26C, 27, 28, 32,35A, 42A, 42C, 42D, 54- 58,62A, 62B	Changes to Schedule A Permitted Uses
J	5/10/2022	24.3, 24.72, 24.8.4,	Changes to Section 24, Area location & bulk standards,
J	5/10/2022	Section 24 line 1, 1a, 2, 2A, 3-17	Changes to section 24, Area location & bulk standards, under district code column IA-1
N/A	1/3/2023	Section 5: Definitions	Renumbering to continue the alphabetical order of definitions
K	12/13/2023	5.26, 5.19, 31.5.3, 31.5.7, 33.2.2, 33.18.6, 33.6.5, 34.3.8,34.5.2, 36.8, 36.8.3, 36.8.3.2, 36.8.3.4, 42.7.8, 46.5.1, 46.5.2, 46.5.3, 48.6.2a, 48.6.2b	Native Plants & Invasive species
L	12/13/2023	5.12, 6A, 6B, Repeal Schedule B Lot Standards #14-17 & 33.16.1a-g	Changes to CGS via Public Act 23-142
	1/3/2024	Table of contents	Added in listing for section 47: Adult oriented busines

**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.

SHELTON PLANNING AND ZONING COMMISSION

RFD

ADOPTED TEXT WITH NARRATIVE

Adopted: 6/12/07

Effective: 6/29/07 @ 8:00 AM

Text Prepared

November 3, 2006

Revised 2/8/07; 2/10/07; 2/28/07

The following is a series of proposed amendments to the Zoning Regulations for the purpose of creating a new zoning district for use in the Downtown Area. The proposed district would accommodate high-density development that will be supportive of the downtown area and able to make advantageous use of the River orientation. The proposal responds to the recent studies completed by the SEDC in support of a proposed amendment to the Shelton Enterprise and Commerce Park Project Plan and recommendations for SECP Phase 2 sites, adjacent to the Housatonic River. A recently completed marketing study concluded that the current industrial zoning and a light industrial reuse of the area are inconsistent with the direction that the downtown area has taken. The study concludes that a mixed-use development of residential, office and retail commercial is consistent with a new vision for downtown. Accordingly, the Commission was requested to prepare appropriate zoning amendments "... which will enable new private investment which has responded to Shelton's progressive commitment to downtown revitalization."

The proposal set forth below would create a new underlying zone referred to as a **River Front District (RFD)**, intended to be integrated within the current CBD Overlay zone. Accordingly, the provisions of both would be applicable. In the new zone, permitted uses as of right, subject to site plan and architectural plan approval, would include retail sales and service, personal services, professional and general business offices, restaurants including limited catering facilities, ( say a maximum of 100 persons or so) and the supporting sale of alcoholic beverages, bars and cocktail lounges, (provided adequate parking for potential customer demands is available), and the typical range of municipal and governmental uses. Any high-density

residential use would require approval of a Special Exception (subject to compliance with additional standards to be set forth in Section 33).

Draft of November 2, 2006; Revised November 8, 2007 (For Discussion Purposes)

Amend SECTION 21 – DISTRICTS, Paragraph 21.1 Districts by adding to the list of Districts, following the Office Park District, another District entitled:

**River Front District**

**RFD**

Amend SECTION 23 – DISTRICTS, PERMITTED USES, SCHEDULE A-PERMITTED USES by adding a new use line 2C to read as follows:

2C. Multi-family residential developments, with or without other permitted mixed commercial uses, subject to the additional standards and provisions of Paragraph 33.18.

( To be indicated by an “E” under the RFD district column and by an “X” under all other district columns.)

Amend SECTION 23 – DISTRICTS, PERMITTED USES, SCHEDULE A-PERMITTED USES by adding a new District column headed by RFD and identifying the applicability of each Use Line as follows:

<u>Use Line</u>	<u>Applicability Designation</u>
1, 1A, 1B, 1C,	X
2, 2A, 2B,	E
2C, (as proposed)	E
3, 3A,	X

4, 5, 6,	P
6A, 6B, 6C, 6D,	X
7, 8,	S
8A, 9, 10, 11, 12, 13A, 13B, 14, 15, 16, 16A,	X
16B,	P
17, 18, 18.1, 19, 20, 21, 22,	X
22A,	P
22B, 23,	X
24,	S
24A,	X
25, 26a, 26b, 26c, 27, 28,	S
29,	X
30,	E
31, 32,	X
33,	X (Use PD)
34,	E
35,	S
36, 36A, 37, 38, 39A, 39B, 39C, 40,	X
41,	E
42, 42A, 42B,	X
43,	P
44, 45, 46, 47, 47A, 48, 49, 50,	X
51,	S
52,	X
52A,	S
53, 54, 55, 56, 57, 58,	X
59,	G
60, 61, 61A,	S
62,	P

Amend SECTION 24 – AREA, LOCATION AND BULK STANDARDS, SCHEDULE B - STANDARDS by establishing a new District Code column headed by RFD with the following standards to be applicable:

<u>Line Standard</u>	<u>RFD Requirement</u>
Line 1.	20,000 sq. ft.
Line 2	500 sq. ft.
Line 3	100 feet
Line 4	100 feet
Line 5	none
Line 6	60 feet*
Line 7	10 feet
Line 8	25 feet
Line 9	10 feet
Line 10	N.A.
Line 11	75%
Line 12	90%
Line 13	350**
Line 14 through Line 16	N.A.
Line 17	650 sq. ft.***

\* Refer to Paragraph 24.3 concerning excess height.

\*\* Within any building, floor area devoted to parking shall not be included in the calculation of maximum floor area ratio.

\*\*\* Within an existing structure to be rehabilitated, the Commission may permit not more than 10% of the dwelling units within said structure to be reduced to lot less than 550 square feet.

Amend **SECTION 24-AREA, LOCATION AND BULK STANDARDS** as follows:

By adding to Paragraph 24.3 **Height** as follows:

Within the **River Front District (RFD)** the Commission may permit a greater height for a portion of a building totaling not more than 50% of the building roof area but not exceeding 75 feet in height to accommodate penthouses and similar other rooftop features.

By inserting under Paragraph 24.4 **Setbacks** two new subparagraphs to read as follows:

**24.4.14 Riverwalk Setbacks:** In the **River Front District (RFD)** the Commission may permit the lower portions of buildings not exceeding two (2) stories or 25 feet, whichever is less, to extend to within ten (10) feet of any common property line or easement line for the Shelton Riverwalk.

**24.4.15 Parking Structures:** In the **River Front District (RFD)** the Commission may permit parking decks of not more than one (1) level above ground to extend to within five (5) feet of any property line other than one in common with the Riverwalk and to within ten (10) feet of a property line or easement line in common with the Riverwalk.

Amend **SECTION 33 - SPECIAL EXCEPTIONS** by renumbering Paragraph 33.18 as 33.19 and inserting a new Paragraph 33.18 **Multi-family Residential Developments in the RFD Districts** to read as follows:

**33.18 Multi-family Residential Developments in the RFD Districts:** Within a delineated RFD District, Applications for high density multi-family residential developments, including customary business and professional offices in a dwelling unit, plus customary accessory recreational, maintenance and similar facilities incidental to and in support of such residential use, shall conform with the following additional standards:

**33.18.1 Lot Area and Shape:** Each such multi-family residential development shall be located on a lot having a minimum area of 8,000 square feet with a minimum frontage of 80 feet on a street.

- A. **Dwelling Unit Density:** The development shall be located on a lot having not less than the required lot area per unit specified in **SCHEDULE B – STANDARDS**. When located in a mixed-use development, no additional lot area requirement is imposed for any ground level, permitted, non-residential occupancy.
  
- B. **Affordable Housing Component (Voluntary):** At the request of an Applicant to set aside “affordable housing” units meeting the requirements of the Connecticut General Statutes, the total allowable residential density may be increased by up to ten percent (10%) provided that for each unit in excess of the allowable density at least two (2) units must be earmarked as “affordable housing” units. The Applicant shall be responsible for periodic reporting to the appropriate municipal authority attesting to occupancy in compliance with the General Statutes.
  
- C. **Dwelling Unit Size:** Each dwelling unit shall contain a minimum floor area of not less than 600 square feet.
  
- D. **Parking:** It is recognized that in the Central Business District overlay zone, a significant amount 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 through an agreement with the Shelton Parking Authority and/or payment of a fee in lieu thereof, under



the provisions of Sec. 8-2c of the Connecticut General Statutes, in accordance with policies and procedures of the City of Shelton. The following parking ratios for high-density residential development must be satisfied by on-site and/or other parking available in a facility located within 200 feet walking distance:

For one-bedroom units: 2.0 spaces per unit.

For two or more bedroom units: 2.0 spaces per unit.

For mixed-use developments, non-residential parking at a minimum ratio of four (4) spaces per 1,000 square feet of gross commercial floor area should be available on-site and/or by other parking available in a facility located within 300 feet walking distance of the site. In a mixed use residential/commercial development, depending upon the nature of the non-residential uses proposed, a credit for shared parking of up to 50% of any on-site residential parking may be allowed.

Amend SECTION 36 – CENTRAL BUSINESS DISTRICT, Paragraph 36.4 Permitted Uses, by modifying Subparagraph 36.4.2 by inserting RFD after P.D.D. and by adding to the list of specifically prohibited uses following additional Subparagraphs:

24.4.15 Tattoo, body-piercing and similar establishments.

24.4.16 Pawn shops.

24.4.17 Check-cashing businesses except as part of a bona-fide banking or financial facility.

24.4.18 The sale and/or repair of firearms.

24.4.19 Fleet storage, parking and/or maintenance of livery vehicles and equipment.

C

SHELTON PLANNING AND ZONING COMMISSION

SIGN REGULATIONS – FINAL DRAFT of 1/15/11 amended to clarify wording of Section 44.4.10 and Section 44.5.1(g) as suggested by Corp. Counsel in memo of 7/13/11.

AS ADOPTED BY THE SHELTON PLANNING AND ZONING COMMISSION ON JULY 13, 2011 TO BECOME EFFECTIVE AUGUST 1, 2011 AT 8:00 A.M.

SECTION 44 - SIGNS

44.1 **Purpose:** It is the purpose of these sign regulations to permit signs that do not confuse or obstruct the visibility necessary for traffic safety or otherwise endanger public health and safety, create an attractive business climate and to enhance the physical appearance of commercial areas and to preserve and enhance the overall aesthetics of the community. The intent of this Section is to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to the public health and safety, property values and the appearance and beauty of the community. The goal is to insure that signs, as defined herein and placed in the City of Shelton, shall not be overly intrusive, unnecessarily large, overly high or inappropriately located.

44.2 **Definitions:** The following shall have the meanings given below:

44.2.1 **Sign:** Every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, which advertises, announces, directs, identifies, publicizes, notices or warns, which is visible from any street or from any lot other than the lot on which it is located. The term "sign" shall also include any continuous strip-lighting but shall not include any flag, pennant or insignia of any governmental unit or non-profit organization. Indoor signs placed in windows and intended to be viewed from outside the building shall also be considered "signs" for the purpose of these Regulations.

- 44.2.2 **Sign, Internally Illuminated:** A sign designed to give forth artificial light, directly or through transparent or translucent material, from a source of light on or within such sign, but not limited to neon, "LED" (light emitting diodes), LCD (liquid crystal display), HID (high intensity discharge), fluorescent and/or incandescent "lamps" and exposed-lamp signs.
- 44.2.3 **Free-Standing Sign:** A Free-Standing Sign shall be any sign not attached to or mounted on a building and shall also include the following:
- 44.2.3(a) **Ground Sign:** A sign which has no clear area between the ground and the bottom of the sign area or a sign together with its supports which does not exceed six (6) feet in height.
- 44.2.3(b) **Elevated Sign:** A sign supported by two (2) or more uprights in or upon the ground and whose total height exceeds six (6) feet.
- 44.2.4 **Wall Sign:** A sign attached to, painted on or erected against the exterior wall of a building and running approximately parallel with the face of the wall; a projecting or hanging sign located under a roof and over a walkway; or a blade sign mounted perpendicular to the main building façade.
- 44.2.5 **Identification Sign:** A sign advertising the name or kind of business conducted, or the sale of goods, merchandise or services sold or provided at the premises where the sign is located, or the prospective sale or lease of said premises or the business conducted therein.
- 44.2.6 **Directional Sign:** A sign containing no advertising thereon and giving only the name and directions to one or more establishments located at other premises.
- 44.2.7 **Light:** Any floodlight, searchlight, beacon or other source of illumination of any kind.
- 44.2.8 **Flashing and Moving:** A sign or source of light, which flashes, rotates, moves or in any way simulates motion.

- 44.2.9 **Continuous Strip Lighting:** Any source of illumination of the gas filled, continuous bulb lighting, LED or of similar utility and design.
- 44.2.10 **Unified Shopping Center:** Any retail or mixed retail and office shopping area containing four (4) or more retail tenants in one (1) or more buildings, all situated on one lot.
- 44.2.11 **Blade Sign:** A projecting sign that is mounted to a wall such that the sign face is perpendicular to the main building façade.
- 44.2.12 **Projecting/Hanging:** An identification sign that projects from the face of a building or hangs from a roof canopy and is under a roof and over a pedestrian walkway but not over a public street sidewalk.
- 44.3 **General Requirements:** The following requirements are applicable to all signs throughout the City of Shelton.
- 44.3.1 **Permits:** No sign, except as provided herein, shall be constructed, erected, moved, or structurally altered or otherwise changed, unless an **Application for a Certificate of Zoning Compliance** has been approved by the Shelton Planning and Zoning Commission or its authorized agent. A change to a new name shall not be deemed to be a change but will require administrative approval of a permit. Normal maintenance shall not be deemed to be a change.
- 44.3.2 **Applications:** All such Applications for signs shall be accompanied by a plot plan showing the location of the sign(s), and by a drawing or sketch, drawn to scale with dimensions, showing the height, design, materials, colors and illumination of the proposed sign(s), and by a building elevation or sketch showing pertinent building dimensions and the proposed sign(s) located thereon.
- 44.3.3 **Illumination:** All illuminated signs or lighting devices shall employ only lights emitting a light of constant intensity. Internally illuminated signs shall be such that all direct light sources are completely covered and located so as to minimize intrusion into residential areas.

**44.3.4 Maintenance:** All signs together with their supports, braces, guys and anchors shall be kept in good repair and in safe condition. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All loose or missing letters, figures, characters or representations on any sign shall constitute a maintenance violation and must be corrected or removed by the owner within five (5) days of notice to do so from the Zoning Enforcement Officer. Temporary signs in a torn or damaged condition must be removed by the owner within five (5) days of notice to do so from the Zoning Enforcement Officer. Any sign deemed by the Building Official to be unsafe and a threat of bodily harm or property damage shall be removed immediately upon receipt of notice by the Zoning Enforcement Officer and/or the Building Official. Except in the instance of an unsafe condition, any such order by the Zoning Enforcement Officer may be appealed to the Planning and Zoning Commission for review. Appeals from an order by the Building Official may be filed with The Building Appeals Board for a determination. Signs that indicate the time or temperature must indicate the correct information to public view. The owner and/or lessee of the premises on which a sign is erected shall be directly responsible for keeping such sign and premises in a safe, neat and orderly condition.

**44.3.5 Non-Conforming Signs:** Currently existing signs of a size or type not permitted in the District in which they are situated, or which are located or illuminated contrary to the above regulations, or which do not conform to all provisions of these regulations, will be considered non-conforming structures under this Section. No non-conforming sign shall be altered or changed unless such sign is made to conform to these regulations. A change shall not include a change in name and shall not include normal maintenance activities. A casualty loss of a sign due to damage or destruction by fire, storm, or other casualty may be promptly restored within 60 days after the date of the casualty provided such restoration does not extend the non-conformity. However, deferred maintenance that necessitates complete replacement of more than 50 percent (50%) of the supporting structure shall require the elimination or significant reduction of the non-conformity. Any other change of such non-conforming signs or increase in size shall be deemed to be an enlargement or extension producing an increase in non-conformity. Any signs described above shall not be relocated to any other

location on the premises unless such relocation results in reducing or eliminating the degree of non-conformity.

**44.3.6 Measurement of Area:** The area of a sign shall include all exposed faces of a sign measured as follows:

- a. When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.
- b. When such sign is comprised only of letters, designs or figures affixed on a wall, the entire face of said wall being of uniform material, color, and texture, the total area of such sign shall be considered to be the area of the smallest geometric shape, such as a rectangle, triangle or circle which encloses all letters, symbols, or designs that constitute such sign.
- c. Any sign may be double faced and only one face shall be counted in determining conformity to sign area limitations. If the two faces are at any point more than two feet from one another, they shall be considered as two signs.

**44.4 Sign Prohibitions:** The prohibitions set forth in this Paragraph shall apply to all signs, all artificial lighting and all Districts within the City of Shelton, regardless of designation.

**44.4.1** All signs and other advertising devices other than **Directional Signs** under Paragraph 44.8 herein, shall be limited to only those that advertise, identify or give publicity or notice only with respect to a use of land, buildings or other structures actually present on the property on which such sign is located.

**44.4.2** No sign, including awning signs, shall project beyond any property line or street line, unless said encroachment into the street right of way has been properly authorized by the Shelton Board of Aldermen and processed by the Building Department. Any such sign not properly authorized/processed shall be removed by the owner of the premises upon which such sign may be found. Except those permitted subject to the provisions of Paragraph 44.9, any portable signs not attached either to a building or the ground (such as sandwich signs) and located

within such public street right of way shall be removed within ten (10) days after written notification from the Zoning Enforcement Officer. The Zoning Enforcement Officer may cause to be removed any such portable sign that is placed within the public right-of-way of any street. If said street is a State/Federal Highway, the State of CONN/DOT will be notified to remove said sign(s) immediately and they will be brought to the DOT maintenance garage. If said street is a City street, the City Department of Highways and Bridges will be notified to remove such sign(s) immediately and they will be brought to the City Yard. The owner is responsible for making arrangements to pick up said sign(s). Any such sign not claimed within ten (10) days may be destroyed.

- 44.4.3 No projecting or hanging sign shall extend over any portion of the vehicular traveled path of any driveway or other accessway.
- 44.4.4 No wall sign except permitted blade signs shall extend beyond the sides of a building or above the lowest point of the main roof-line of any building. No sign shall be permitted on the roof of any building or portion thereof.
- 44.4.5 No sign shall interfere in any way with vehicular or pedestrian traffic, traffic signs or signals or visibility of motorists by virtue of the location, color or size of such signs. No artificial light or reflecting device shall be used, located, or displayed where such light or device distracts the attention of users of a street and competes for attention with, or may be mistaken for, a traffic signal. No sign shall be erected in such a manner that it obstructs clear vision for a distance of twenty (20) feet from any street intersection, as measured along the curb or gutter line of each street.
- 44.4.6 No sign shall be positioned so as to obstruct access to or from any door, exit, window or fire escape, or access for fire fighting purposes, or which interferes with any opening required for proper ventilation or to cause other hazards to the public health or safety of the public generally, or to be deemed to be a nuisance or annoyance to the residents or occupants of the premises or of any other building or premises. In enforcing the provisions of this paragraph, the Commission may consult with and/or seek input from the Fire Marshall, Police Chief or other municipal official or board.

- 44.4.7 No sign shall be animated or flashing, except for barber poles and time-temperature devices employed as part of an otherwise non-flashing, non-animated display. No letter, figure or device, except for barber poles, shall exceed a height of three (3) feet for a single line of copy or two (2) feet for multiple lines of copy.
- 44.4.8 Except for flags, no sign shall be permitted which is in motion by any means, including swinging, fluttering or rotating, including signs such as festive banners and/or pennants larger than one (1) foot in any dimension, strung in series and set in motion by movement of the atmosphere. The area of any flag (except national, state or town flags) shall be computed as signage and shall require permits in accordance with Paragraph 44.3.1.
- 44.4.9 No sign shall be permitted to be painted or posted directly upon the exposed surface of any wall except for individual, raised, mounted letters. All other painted or posted signs shall be on a plate or backing made of a durable material such as metal, wood or plastic that is affixed to the wall.
- 44.4.10 No signs shall be mounted on any utility pole.
- 44.4.11 Temporary, free-standing portable signs, such as sandwich signs, shall be prohibited unless authorized under the provisions of Paragraph 44.6 herein. The stringing of lights is prohibited, except during the annual holiday season extending from November 15 to January 16.
- 44.4.12 No building, sign or any portion thereof shall be permanently outlined in gas-filled tube type lighting, LEDs or other similar lighting.
- 44.4.13 On any lot that abuts the right-of-way of the Route 8 Expressway, no sign shall be permitted which faces or is intended to be visible from the Route 8 Expressway.



44.5 Signs Permitted in All Districts:

44.5.1 The following signs are permitted in all Districts, except as indicated otherwise herein, and do not require a **Certificate of Zoning Compliance** and except as stipulated otherwise, such signs may extend to the street or property line:

- a. Official government notices and governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger.
- b. Signs of public service companies to warn of danger.
- c. Private signs with no advertising thereon that warn of danger, prohibit trespassing or direct traffic on the lot. Such signs shall not exceed a total of three (3) square feet each.
- d. On any residential premises, one (1) identification sign not exceeding three (3) square feet in area, giving only the name of the premises and/or of the occupant, or announcing a professional or business office or a home occupation on the premises.
- e. In Commercial or Industrial Districts, temporary window signage is permitted as set forth below. Glass area is measured from the edge of the window frame. A multi-paned window with mutins is considered one window.
  1. Paper and/or other temporary signs that are affixed to a window or door announcing sales or special features shall not occupy more than 50% of the area of said window and/or door provided that the total area of such temporary and permanent window signs does not exceed 65% of said window area. The total area of such temporary signs shall not be included in the maximum permissible wall sign area.
  2. Merchandise displayed in windows is not considered signage.

3. Signs on windows and doors with letters less than two (2) inches in height, as well as necessary signs in liquor stores and restaurants mandated by State Statutes, are exempt from area calculations.
- f. On a lot where the premises are for sale or for rent, one (1) temporary real estate sign for a residential property, which sign shall not exceed two (2) feet by three (3) feet, (i.e. six (6) square feet per side,) plus not more than one (1) "rider-panel" not exceeding six inches (6") by three (3) feet conveying information such as agent's name, sale pending, price reduction or similar information. In addition, one (1) "Open House" sign not exceeding two (2) feet square may be put in place on the lot on the day of the event provided it is removed in the same day at the close of the event. Regarding interior lots, permitted signs shall be located within the fee-strip or easement of access associated with said lot. For a non-residential property, such temporary real estate sign shall not exceed 16 square feet in area per side and not more than six (6) feet in any dimension. Other than on interior lots where permitted signs may extend to the side property lines, all signs shall be set back at least five (5) feet from any property line and shall not refer to any other premises. Temporary real estate signs referring to property other than the one on which the sign is located are prohibited.
- g. Temporary commercial advertising signs for a specific event i.e. carnival, bazaar, fair, theatrical performance, etc. provided they are erected not more than 45 days before the advertised event and are removed within seven (7) days after the advertised event.
- h. Signs advertising the seasonal sale of farm or forestry products are permitted in addition to other signage that may be allowed pursuant to these Regulations. Two (2) such signs not exceeding 12 square feet in total and not extending more than five (5) feet above ground level may be erected. A significant proportion, (more than 50%) of the product advertised must be grown on the lot upon which the sign is erected unless the lot is in a commercial zone that allows such sales. Said sign shall be removed upon cessation of the seasonal sales. Notwithstanding the above, on large farms of 20 acres or more, said signs shall not exceed 24 square

feet and a height of ten (10) feet, which signs may be retained on a year-round basis.

- i. Signs associated with public projects sanctioned by the local, state and/or federal government and required by said sanctioning entity.

44.5.2 The following signs are permitted in all Districts, subject to the standards and provisions of Paragraph 44.3 herein, which signs shall not extend within less than ten (10) feet of any property line or street line, unless further restricted herein:

- a. Temporary building contractors' and designers' signs pertaining to a building under construction on the lot where the signs are located, provided that the total area of such signs shall not exceed 24 square feet, and such signs shall be removed within 30 days after completion of the project.
- b. On any lot containing a farm, cemetery, church, place of worship, parish hall, museum, school, college, university, membership club, charitable institution, hospital, recreation facilities, nature preserves, wildlife sanctuary, convalescent home, sanitarium, public utility or buildings, uses and facilities of the City of Shelton, State of Connecticut or Federal Government, one (1) sign not exceeding 16 square feet in area.
- c. On any lot containing City facilities or a church or other place of worship or an educational institution, one (1) sign constituting a bulletin board and not exceeding 16 square feet in area.
- d. On a lot at the entrance to a residential neighborhood or a multi-family development, one (1) permanent sign not exceeding 16 square feet in area giving only the name of the neighborhood or development.
- e. On any lot in a residential zone where a use exists that does not comply with the requirements of that zone, either as a pre-existing non-conforming use or one allowed by variance, the signage requirements shall

be determined by the Commission. The Commission shall take into consideration the type of use, location, visibility from residential uses and reasonable needs for identification/advertising of the particular use. In no event shall the signage standards exceed that allowed in the most restrictive commercial zone where the use would be conforming.

- f. Identification signs for **Special Exception Uses** in any Residence District provided the aggregate area of the signs shall not exceed 24 square feet. Only one free-standing sign is permitted. The free-standing sign must be at least 15 feet from any property line and shall include the street address number at least four (4") inches in size.
- g. Public convenience signs advertising hours of operation not to exceed one (1) sign of two (2) square feet in area.

44.6 **Signs Permitted in Non-Residence Districts:** The following signs are permitted in all non-residential Districts, subject to the standards and provisions of Paragraph 44.3 herein and the following additional standards and conditions:

44.6.1 **Free-Standing Signs:** On any lot, one (1) free-standing, elevated or ground sign, is permitted for the principal street frontage and one (1) for each additional street where the lot has at least one hundred (100) feet of frontage, which sign(s) may extend to within five (5) feet of the street line and shall comply with the following requirements:

- a. The sign shall be supported by a free-standing, self-supporting structure that is erected on the ground and is not attached to a building. If elevated, said structure shall have two (2) or more supporting uprights which are visually proportional to the sign they support.
- b. The free-standing sign shall identify the center and/or the name(s) of the business(es) occupying the lot and shall include the street address number at least four (4) inches in size.

- c. No free-standing elevated sign shall exceed a height of fifteen (15) feet as measured from the average ground elevation within 20 feet of the sign structure to the top of the sign.
- d. Each free-standing sign shall not exceed a sign area of 40 square feet for a face and 80 square feet for the total, if double faced, provided each face is clearly designed and intended to be viewed from opposite directions. Said sign shall not exceed eight (8) feet in any dimension. The sign area for free-standing signs is not included in the sign area as set forth in Paragraph 44.6.2.
- e. All signs shall be at least five (5) feet from any street line and ten (10) feet from any property line other than a street line. No sign shall be located within fifty (50) feet of the boundary of a Residence District.

44.6.2 **Wall Signs:** Wall signs shall include all permanent window signs, which window signs shall not occupy more than 25% of the glass area of any window. The total surface area of all signs attached to or mounted on a building and designed to be viewed from the same side of the building plus permanent window signs shall not have an aggregate area greater than ten percent (10%) of the area of such wall(s). All wall signs shall comply with the following requirements:

- a. Each sign must be attached to a wall or facade of a building
- b. No sign shall extend above the lower sill of a second story window and shall not exceed a height of twenty (20) feet as measured from the ground to the top of the sign, whichever is less.
- c. Except for signage that is part of any permissible awning or canopy, a wall sign may project not more than fifteen (15) inches from the wall to which it is attached. Lettering may be painted or otherwise affixed to any permissible awning or canopy provided said lettering is limited to the name and address of the business conducted on the premises and/or the service rendered therein. Said lettering shall not project above, below or beyond the physical dimensions of the awning or canopy. No such awning, canopy or sign projection shall occur within eight (8) feet vertical clearance of the ground. No part of such awning, canopy or wall sign shall extend within the public

street right-of-way unless proper authorization has been obtained from the Shelton Board of Aldermen and processed by the Building Department.

- d. A single tenant building may have up to two (2) wall signs provided they are not the same wall. No sign may be on a side or rear wall unless such wall faces a street, driveway or parking area or is at least 50 feet from any other non-residential building. A sign may not exceed 1.5 square feet for each linear foot of the wall to which it is attached, or 80 square feet, whichever is less, and shall not exceed a length of 60% of said wall. In addition to the above, not more than four (4) sign panels of uniform size and design identifying major departments and/or sub-areas of said major tenant and not exceeding an additional 50 square feet in total. Notwithstanding the above, one (1) wall identification sign not exceeding two (2) square feet in area shall be permitted at a secondary business entrance facing a parking area.
  
- e. In mixed use or multi-tenant buildings, the total allowable wall sign area shall be prorated on an equitable basis, such as on the amount of floor area of each rental unit, the number of rental units or the façade area. The total exterior sign area for any individual tenant signs shall not exceed one (1.5) square feet for each linear foot of storefront and may only be attached to that portion of the building that the tenant occupies, which sign shall not exceed a length of 75% of the linear footage of storefront occupied. The length of storefront occupied shall be measured along a horizontal line along the front of the store between exterior walls or between the centers of intersecting party walls. A single tenant may have up to two (2) wall signs provided they are not the same wall. No sign may be on a side or rear wall unless such wall faces a street, driveway or parking area or is at least 50 feet from any other non-residential building. Secondary business entrance facing a parking area may be permitted one (1) wall identification sign not exceeding two (2) square feet in area.
  
- f. In addition to allowable wall signs, each unit occupancy above the first floor may display a sign on the inside of one (1) window serving said unit of occupancy, provided that no such sign shall exceed an area of six (6) square feet or 25% of the area of said window, whichever is less. No one business use or tenant shall have more than two (2) wall signs on the premises.

- g. Signs for individual tenants or occupants of a multi-tenant building shall be designed to reflect a coordinated aesthetic scheme for the entire multi-tenant building. Such signs shall be uniform in letter size, letter style, type of illumination, wall placement, colors and types of signs within the building. Such signs shall not include any specifications of the brand names of the merchandise offered for sale or of services rendered therein other than the principal product offered.

**44.6.3 Projecting or Hanging Signs:** All projecting or hanging signs shall comply with the following requirements:

- a. One (1) sign, not to exceed three (3) square feet in area, is permitted for each business or use in the building in addition to the allowable wall sign area.
- b. No sign or any part thereof shall be less than eight (8) feet above the walkway.

**44.6.4 Blade Signs:** Notwithstanding 44.6.3 above, on any lot in a commercial zone, Planned Development District or Unified Shopping Center, the Commission may permit one (1) blade sign to be mounted on a storefront perpendicular to the main building façade. Such sign may not project more than four (4) feet from any wall and must maintain a minimum vertical clearance of eight (8) feet above any sidewalk or other pedestrian walkway. The maximum vertical dimension of such sign shall not exceed eight (8) feet and the maximum sign area of each face shall not exceed 16 square feet. The top of the sign shall be no higher than 16 feet above the elevation of the sidewalk/ground below. The area of such blade sign shall be included in the permitted maximum allowable area for wall signs. No such blade sign or part thereof shall extend within the public street right-of-way of any street unless proper authorization has been obtained from the Shelton Board of Aldermen and processed by the Building Department.

**44.7 Signs Permitted in Planned Development Districts and Unified Shopping Centers:**

All signs in Planned Development Districts (PDDs) and in Unified Shopping Centers (USCs) as defined in Paragraph 44.2.11 shall comply with all standards set forth above except as may be modified by specific provisions established with reference to an

adopted Planned Development District. All signs proposed within a PDD or a USC shall be of similar nature, designed as an integral part of the development, so as to represent a unified design to harmonize with the immediate area and to preserve and enhance the appearance of the community while conforming to the standards of the applicable sign regulations.

**44.7.1 Overall Signage Design Plan:** Prior to the approval of final site plans and any Application for a Certificate of Zoning Compliance for an individual sign in a PDD or a USC, an overall signage design plan must be submitted to and approved by the Shelton Planning and Zoning Commission. Said signage plan shall be prepared by a qualified sign designer, graphic artist or architect and shall include all necessary information to accurately describe proposed signage. At minimum, it shall include all proposed sign locations, design, type of materials, type of lettering style, colors, dimensions, heights above grade, method of mounting, method of lighting and position on walls. Said signage plan shall also be reflected on a site plan showing the location of all buildings and free-standing signs and elevation drawings of buildings to indicate the location of all wall signs. The signage plan must incorporate the endorsement of the property owner acknowledging and agreeing to comply with signage plan provisions relative to the design, dimensions, materials, colors and method of illumination (if any) for each sign indicated on the signage plan. The signage plan shall include the words "Approved – Shelton Planning and Zoning Commission" with a place for the date and signature of the Chairperson. The Commission may at its sole discretion defer the submission and approval of said signage plan provided said plan is submitted for approval prior to or as part of an Application for a Certificate of Zoning Compliance for the initial sign to be erected. For small scale, single-occupant buildings in PDD proposals on sites of 10,000 square feet or smaller in the "Downtown" area, the Commission may waive the submission of said signage plan provided however that any proposed sign is appropriately designed by a qualified sign designer.

- a. The Commission shall approve, approve with conditions or disapprove said Overall Signage Plan within 65 days of receipt of same. The applicant shall be notified in writing of the decision of the Commission, with the reasons stated for any disapproval.



**44.7.2 Free-Standing Signs in PDDs and USCs:** In connection with the approval of Final Development Plans for a PDD or final Site Plans for a USC, the Commission may authorize the applicant to reduce by a specified amount the maximum area of permitted wall signs or to eliminate such signs and to provide one free-standing sign that exceeds the limits set forth in Paragraph 44.6.1d above, provided said sign incorporates only the name or other identification of the premises and not more than six (6) tenants located therein and are of consistent and uniform design. Such tenant identification component shall be of the same general character and style so as to provide a harmonious design appearance. Notwithstanding the above, in a PDD or USC, the Commission may, at its sole discretion, take into consideration the overall site and building design and the on-site visibility of the tenant spaces and consider more than six (6) tenant identifications, predicated on unique architectural design solutions, and/or special landscaping treatments that preserve the overall aesthetic features of the site and where all such tenant sign panels are of a consistent size, font style, uniform background color and compatible font colors, without logos and similar features.

**44.8 Directional Signs:** On any lot, subject to approval of a **Site Plan**, one (1) free-standing directional sign necessary for public safety or convenience is permitted, not to exceed an area of sixteen (16) square feet and a height of twelve (12) feet, containing no advertising thereon and giving only the name and directions to not more than two (2) establishments located at other premises. Such sign may extend to within ten (10) feet of the street line.

**44.9 Temporary Signs for Special Events:** Notwithstanding other provisions of this **Section** to the contrary, the Commission or its authorized agent may approve a sign permit authorizing temporary signs, announcing special events such as but not limited to sidewalk sales, holiday sales events, clearance sales, going-out-of-business sales, etc. Such temporary signs may include free-standing portable signs and other special advertising devices including plaques, banners, pennants, streamers and balloons, but specifically excluding inflatable figures. Said temporary signs announcing special events shall be limited to a total of not more than 60 days in any calendar year and not more than 30 consecutive days during any one event. Notwithstanding the above, the Commission may also permit such special advertising devices for new businesses provided they are in place for one period of not more than thirty (30) days in duration.

#17-20

SHELTON PLANNING AND ZONING COMMISSION

DRAFT RESOLUTION

May 8, 2018

Re: Application #17-20: Petition for text amendments to the Shelton Zoning Regulations by modifying specific standards of Subsection 45.6: Accessory Dwelling Unit.

**FINDINGS:**

1. Subsection 45.6: Accessory Dwelling Unit Regulations were adopted in 1996 after a lengthy public hearing and input from the public. To date the Commission has approved 180 accessory dwelling units which are listed on the official "Accessory Dwelling Unit Inventory".
2. After much discussion and review of the 1994 public hearing minutes at the public hearing, the Commission determined that the proposed modifications were reasonable and would not have a negative impact on the public safety, welfare and property values.
3. Staff has documented that the Commission has not approved more than 7 accessory dwelling units in any calendar year over the past five years. This suggests that a reasonable number of applications are processed each year without having a negative impact on one particular neighborhood or the community as a whole.
4. The proposed amendments address the immediate needs of the Accessory Dwelling Unit Regulations and will ensure the original intent of the regulations will not be discarded.

On the basis of these Findings and after consideration of the comments made at the public hearing of January 24, 2018, the following DRAFT RESOLUTION is offered for consideration and possible action:

**RESOLUTION**

**WHEREAS** the Commission has determined the need to make changes to specific standards to <sup>sub</sup> Section 45.6: Accessory Dwelling Unit Regulations as requested by the Petition; <sup>N</sup>

**WHEREAS** the Zoning Subcommittee has reviewed the subject changes and has recommended the adoption of said amendments to the full Commission;

WHEREAS the Commission has referred proposed amendments to the Council of Governments, DEEP Coastal Area Management Program, City/Town Clerk and Corporation Counsel;

WHEREAS the Commission held a public hearing on January 24, 2018 to receive testimony on the proposed zoning regulations amendments;

WHEREAS the Commission has determined that the proposed text changes are consistent with the 2006 POCD.

NOW THEREFORE BE IT RESOLVED by the Shelton Planning and Zoning Commission as follows:

1. To approve and adopt the proposed Shelton Zoning Regulations Amendments by modifying Subsection 45.6: Accessory Dwelling Unit by inserting new language allowing new construction in the opening paragraph; by deleting the 5 year existence provision and adding new language in Paragraph 45.6.1; adding new record ownership language to Paragraph 45.6.4; by deleting one outside door along front façade language to Paragraph 45.5.5; and by adding new language regarding situations where public sewer and water is not present to Paragraph 45.6.8 (b)., all as shown in Final Draft dated 11/03/17, for the following reasons:
  - A. The subject zoning regulations amendments are consistent with the 2017 Plan of Conservation and Development and the Comprehensive Plan of Zoning for the City.
  - B. The Effective Date shall be Friday, May 25, 2018 at 8:00 AM.

The above Resolution was moved by Commissioner Pogoda and seconded by Commissioner Widowski

After further discussion, on a Roll Call Vote, Commissioners T, M, P, K, W and H.

The Chairman declared the motion passed by a 6 to 0 vote.

D

SHELTON PLANNING AND ZONING COMMISSION

PROPOSED ZONING REGULATIONS AMENDMENT

Sept. 18, 2012; Rev. 8/22/13 (As **ADOPTED** 8/28/13 **EFFECTIVE** Sept. 13, 2013 @ 8:00 a.m.)

**SECTION 42 – OFF-STREET PARKING AND LOADING**

**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 off-street parking requirements shall not be subject to 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: Two (2) spaces per dwelling unit (DU):
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: In addition to residential requirements, one (1) space for each non- resident employed and one (1) additional space.
6. Professional Office in a DU: In addition to residential requirements, 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: Vehicle stacking space for not less than five (5) vehicles per washing station and sufficient parking to satisfy the needs of all services provided, plus not less than one (1) space per employee on the maximum work shift.
- 11. Self service cleaning or laundry use or similar personal service use: One (1) parking space for each two (2) cleaning, washing and/or drying machines.

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 convenient parking for drop-off and pickup at the ratio of one (1) space for each five (5) students of the peak enrollment session, but no less than five (5) such spaces.
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 not less than five (5) vehicles.
  - b. Food Establishments for the sale or consumption of food or beverage on the premises with more than sixteen (16) seats: Vehicle stacking for not less than four (4) vehicles before the ordering area shall be required; the Commission may require additional stacking area for typically high activity drive-thru uses.
  - c. Food Establishments for the sale or consumption of food or beverage on the premises with sixteen (16) seats or less: Vehicle stacking for not less than six (6) vehicles before the ordering area shall be required; the Commission may require additional stacking area for typically high activity drive-thru uses.
  - 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; the Commission may require additional stacking area for typically high activity drive-thru uses.

18. Food store, supermarket: One (1) parking space for each one hundred fifty (150) square feet of gross floor area for buildings up to 10,000 square feet gross floor area plus one (1) space for each additional two hundred (200) square feet of gross floor area in excess of ten thousand (10,000) square feet 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 and/or golf ranges: One and one half (1.5) parking spaces for driving each hole of the course and/or driving range station.
27. Mortuaries, funeral homes: One (1) parking space per three (3) persons of maximum capacity as determined by the Fire Marshall, but not less than 15 spaces per viewing room, plus one (1) space per each commercial funeral vehicle
28. Heavy equipment and machinery sales: One (1) parking space per one thousand (1,000) square feet of outdoor land display area and/or one (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. 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.   |
| 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.

### Other Uses Not Specifically Covered Above

The Commission shall determine the number of parking spaces needed to adequately serve the proposed use and adequately preserve the intent of this SECTION 42.

- 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.

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.

E

**FINAL DRAFT**  
12/1/16, Rev. to 7/18/17

(As Adopted 8/8/17 Effective 9/1/17)

**SHELTON PLANNING AND ZONING COMMISSION**

**Proposed Amendments to Zoning Regulations**

I. Amend **Section 23 – PERMITTED USES** by inserting into **Schedule A – Permitted Uses** a new **Use Line 1D.** to read as follows:

**1D.** Designed Residential Developments consisting of single family detached dwellings for one (1) family subject to the additional requirements of **Par. 33** and of **SECTION 35.**

Said Use Line shall be marked with an “**E**” under District Codes **R-1A, R-1** and **R-3** and with an “**X**” under all other District Codes.

II. Replace the existing **SECTION 35 – PLANNED RESIDENCE DISTRICTS** with a new **SECTION 35** entitled **DESIGNED RESIDENTIAL DEVELOPMENTS (DRD)** to read as follows:

35.1 **Design Residential Developments (DRD):** A DRD is an alternative development that may be proposed by an Applicant and granted by the Commission as a **Special Exception** in accordance with the application procedure set forth in **Section 23.7** as well as the requirements set forth herein. If said proposal also involves the creation of fee-simple lots and/or public streets, said proposal shall also conform to the City of Shelton Subdivision Regulations. It is the policy and intent of this Section to provide a voluntary mechanism and alternative design standards that will encourage the preservation of open space and protect agricultural lands, forests, wildlife habitat, contiguous protected areas, and the suburban character of the City of Shelton, through a mechanism that removes the constraints of traditional lot area,



shape and frontage requirements and establishes a density standard for the applicable district, in an attempt to produce a flexible and economical alternative to conventional subdivisions.

35.2 **Objectives:** The goal of this alternative mechanism is to achieve one or more of the following objectives:

1. To encourage a less sprawling form of community development that makes more efficient use of land, reduces land consumption, and preserves suburban character.
2. To encourage designed residential developments by providing developers with an alternative that preserves open space and reduces infrastructure construction and maintenance costs due to a more compact subdivision design and road design flexibility, as well as opportunities for receiving a minor density increase.
3. To mandate the use of private roads and streets maintained by a home-owner's association, thereby reducing future costs to the City for on-going maintenance of development infrastructure. At the specific request of the Commission, however, one or more proposed streets shall be constructed and dedicated as public streets to assure overall continuity in City-wide street circulation.
4. To preserve plant and animal habitat, wildlife corridors, and recreational opportunities by protecting large contiguous open spaces and connected corridors.
5. To preserve views and reduce development spread along travel corridors by maintaining visual buffers and minimizing intrusions along existing public streets.
6. To establish an efficient procedure which ensures high-quality design and planning that protects open space without increasing the processing time or the development cost to the Applicant or the City.

- 35.3 **Applicability:** The parcel of land on which the DRD is proposed shall be located in the R-1A, R-1 or R-3 Districts as officially delineated on the Building Zone Map of the City of Shelton.
- 35.4 **Development Tract Size:** The Designed Residential Development option is available for any tract of residential land having a minimum area of 10 acres or more. Such tract shall have a minimum of 50 feet frontage on a City-accepted street and must be of such shape that a square with a minimum side of 400 feet will fit within the limits of such tract. Notwithstanding the above, the Commission may authorize utilization of a lesser tract area if the proposed open space satisfies one or more of the following:
- a) Such tract is abutting other protected open space or permanently protected agricultural lands and/or forests or other contiguous, protected area; or
  - b) Such tract encompasses and results in the preservation and protection of one or more significant and/or unique features such as stone walls, significant ledge outcroppings, major trees having a diameter of not less than 24 inches, any unique and environmentally sensitive feature and/or other significant natural features; or
  - c) Such tract makes proper accommodation of the Blue Dot Trail or similar trail system, if recommended by the Trail Committee/Conservation Commission.
- 35.5 **Application Procedures and Standards:** Applications for a DRD shall follow the procedures of and conform to the Standards set forth herein and in the City of Shelton Subdivision Regulations.
- 35.6 **Minimum Open Space Requirements and Criteria.** For purposes of this SECTION, "buildable land" is defined as the net remaining land after deducting delineated wetlands, steep slopes in excess of 25%, rock outcroppings, flood plains, above-ground utilities and vehicular rights-of-way. Said open space shall conform to the following:

- a) Open space shall be defined as land not developed for residential uses, accessory structures related to those residential uses, or shared recreational facilities, owned, maintained, and monitored by the entities identified below. Walking, hiking, and biking trails which are not paved and which have a pervious surface are not considered shared recreational facilities and can be included within the required minimum percentage of open space. Septic fields, as well as areas required for and used as storm-water detention basins, may not be ~~used~~ counted as part of the minimum required open space area. A minimum of 30% of the buildable land of the original parcel as determined above must be preserved as open space, but in no instance shall the minimum open space be less than one (1) acre in area.
- b) The minimum required open space shall not include footprints of shared recreational facilities. Shared recreational facilities shall be defined as accessory structures and improvements necessary and appropriate for educational, recreational, cultural social, or other nonresidential uses permitted in the underlying zone. Shared recreational facilities shall be allowed on common land and other open space not designated as part of the minimum required open space, as long as the requirements of the Shelton Zoning and Subdivision Regulations are satisfied.
- c) The applicant must demonstrate that not less than 75% of the minimum open space requirement is met by either a single contiguous parcel or by no more than two separate parcels of land, each with a minimum width of not less than 100 feet.
- d) The applicant must demonstrate that the proposed open space is directly, safely and conveniently accessible to the largest practicable number of lots within the development and that there is safe and convenient pedestrian access to said open space from those lots in the residential development that do not adjoin the open space.

35.7 **Ownership, Maintenance and Protection of Open Space:** Open space land shall be held, managed, and maintained by the developer until owned and controlled by the homeowners' association or other approved entity.

a. **Ownership**. Open space shall be permanently protected and maintained by one or a combination of one or more of the following:

- 1) Conveyance to a Homeowners' Association. A homeowners' association is a private non-profit corporation, association, or other non-profit legal entity established by the developer. Membership in said homeowners' association shall be mandatory for property owners and made a required covenant in any deed issued or passed, or
- 2) Private ownership protected by deed covenants and restrictions in perpetuity, and use limited to conservation, agriculture, forest and other uses consistent with the purposes of this regulation, or
- 3) Conveyance to the City of Shelton upon acceptance by the Board of Aldermen or such other acceptable alternative that meets the spirit and intent of this Regulation and is approved by the Commission.

All common areas and improvements shall be described and identified as to location, site, use, and control in the covenant. Such covenant shall set forth the method of assessment for the maintenance of such land per best management practices. It shall provide voting and use rights for the open space when applicable and may charge dues to cover expenses, which must be acceptable to the Commission and/or City Corporation Counsel prior to issuance of a building permit. The cost of such mandated legal review shall be borne by the applicant. Any changes in such Articles of Association or Incorporation shall require the prior written approval of the Commission and City Corporation Counsel. The covenant shall be written so as to run with the land and become part of the deed to each lot or dwelling unit within the development.

b. **Protection**. Conveyances of open space land to a homeowners' association will be subject to a permanent conservation easement granted to the City of Shelton and monitored by the Conservation Commission and shall include provisions for:

- 1) No further subdivision.
- 2) No residential or industrial development.
- 3) No roads or commercial uses except for agriculture and forestry-related uses conducted according in accordance with Best Management Practices.
- 4) Whether or not public access will be restricted or permitted.
- 5) Monitoring and easement oversight by the City of Shelton or such other agent as may be assigned by the City (such as a land trust or other conservation organization).

35.8 **Allowable Building Sites and Adjustments:** The allowable number of building sites in an approved DRD shall be determined in accordance with the following criteria:

- a. **Density:** The Allowable Number of building sites permitted in a DRD shall be determined by dividing the Buildable Area of the tract by the minimum lot area requirement for the zoning district in which the development tract is situated. If the proposed DRD is located in more than one zoning district, then the total number of building sites allowed within the DRD shall be the sum of those allowed for the portion of land lying within each zoning district. The Allowable Number of building sites shall be rounded to the nearest whole number.
- b. **Building Sites:** Individual building sites in a DRD can be smaller in size than lots required in a conventional subdivision, thereby leaving the remaining land as open space.
- c. **Allowable Number Adjustments:** For selecting the option of a DRD rather than a conventional subdivision, the applicant is entitled to an Allowable Number adjustment of an additional five percent (5%) in the Allowable Number of building sites as determined under (a) above. In addition, the Commission may approve a further adjustment that increases the number of allowable building sites by an additional five percent (5%) per criteria as set forth below, not to exceed an additional ten percent (10%) adjustment. The total Allowable Number of building sites adjustment, including the initial adjustment and the additional adjustments,

cannot exceed 15%. The applicant must provide evidence of meeting these criteria in the manner prescribed in Shelton Subdivision Regulations. The Commission shall have the final decision in the determination of total allowable building sites.

1. **Protection of additional open space:** If the proposed DRD protects 60% or more of the tract acreage as open space in perpetuity, the development may earn a buildable sites increase of 5%.
  
2. **Protection of agricultural land:** If the development protects agriculturally valuable lands and provides permission for their use as such in perpetuity, the development may earn a buildable sites increase of 5%. The open space portion preserved for agricultural use must amount to a minimum of 50% of the minimum required open space, but not less than 5 contiguous acres. In order to be considered agriculturally valuable, the land must contain soils designated "prime" or of "statewide significance" by the US Natural Resource Conservation Service soil survey and the land must be reasonably accessible, or the land has been historically farmed within the last 10 years. The instrument granting use, acceptable to the Commission, may reasonably restrict the type or intensity of farming to occur to prevent nuisances. This provision is intended to protect agriculturally valuable lands for present and/or future agricultural use, and the fact that agricultural uses are not pursued at any particular time does not affect the validity of the bonus.
  
3. **Protection of forestland:** If the development protects more than 10 acres of sustainably managed forestland and provides permission for the protection as such in perpetuity, the development may be entitled to a buildable sites increase of 5%. These restrictions shall be incorporated into the conservation easement granted to the City of Shelton. In order to be considered sustainably managed forestland, a management plan must be developed by a licensed Forester and approved by the State Forester.
  
4. **Public access:** If the public is granted access to the open space and use thereof, the development may be entitled to a buildable sites increase of five

percent (5%). Public access must be restricted to pedestrian traffic only to be entitled to this building sites increase. The instrument granting such public access, as acceptable to the Commission, may reasonably restrict the use of motorized vehicles.

5. **Protection of contiguous open space:** If the development protects open space that is contiguous with other protected open spaces on adjacent parcels, such that the total contiguous protected open space is more than 50 acres, the development may be entitled to a buildable sites increase of five percent (5%).

The process for determining the potential entitlement to increases in the Allowable Number of buildable sites are application requirements for receiving such Adjustment and are spelled out in these regulations. As noted above, the total permitted increase in the Allowable Number of building sites shall not exceed 15%. The Commission shall have the final decision regarding eligibility for such adjustments. In instances where the final Adjusted Number number of buildable sites results in a decimal number, the number should be rounded to the nearest whole number.

- 35.9 **Frontage and Setback Requirements.** When “fee-simple” lots are proposed in a DRD, minimum lot frontage and setback requirements are reduced as compared to the lot standards for conventional subdivisions in order to allow increased flexibility and consolidated development so that additional open space is preserved in the development. Interior lots are permitted whenever appropriate. See Table 1 for minimum lot frontage and setback requirements for fee-simple lots. When building sites in a proposed DRD are proposed on land owned in common, setbacks from roads and drives and other standards shall also conform to the requirements set forth in Table 1 and building spacing shall be not less than the sum of the two required minimum sideline setbacks.

35.10 **Setback from Tract Perimeter**: Additional setbacks may ~~shall~~ be required where the perimeter of the original tract abuts streets and other private, non-open space areas. The intent of this setback is to provide appropriate visual protection where needed. The Commission may require designation of non-access restrictions along existing streets where deemed necessary. Said setback area shall provide natural vegetative buffering or be appropriately landscaped with planting materials as requested and approved by the Commission.

35.10 **Off-Street Parking Requirements**: A minimum of 2 off-street parking spaces shall be provided for each dwelling unit.

35.11 **Road Design and Construction**: Unless mandated otherwise, all internal development roads shall be private roads, owned and maintained by the Homeowner's Association.

1. **Private Roads**: Private roads have opportunities for increased flexibility in design and construction and subject to approval by the Commission, City Engineer, Fire Department, and Police Department. Maintenance of private roads and associated storm water drainage facilities must be spelled out in the covenant of the Homeowners' Association, subject to the Commission's approval.

2. **Public Streets**: When so mandated as such by the Commission, such public street design and construction shall conform to the road design standards set forth in the Subdivision Regulations as well as the specifications of the City of Shelton, as amended. In order to increase design flexibility, the Commission may consider alternative road design standards for DRDs, subject to the approval of the City Engineer, Fire Department, Police Department, and City Streets Committee of the Board of Alderman. The Commission may permit reduced road widths and the use of permeable pavement materials to reduce the amount of impervious surfaces in a DRD, subject to the approval of the City Engineer.



3. Bonding: Any public streets and all storm water detention facilities shall be bonded in accordance with standard City bonding requirements. Prior to the issuance of any Occupancy Permits, all non-public improvements shall be completed to the satisfaction of the Commission or shall be bonded to assure completion.

35.13 **Utility Services**: All utilities serving a proposed DRD shall be located underground.

- a) Sanitary Sewage Disposal: All proposed DRDs in the R-3 District shall be serviced by the municipal sanitary sewer system. In the R-1 and R-1A Districts, individual on-site septic systems meeting the requirements of and subject to the approval of the Naugatuck Valley Health District are permitted. In the case of individual septic systems, each lot shall meet or exceed the minimum lot size requirements set forth in Table 1 for such lots.
  
- b) Water Supply: Individual on-site house wells in a DRD may only be permitted in the R-1A District. All other DRDs shall be served by public water supply. Where allowed, on-site wells and water systems shall be installed and maintained in accordance with the standards of the Naugatuck Valley Health District.

**Table 1: Designed Residential Development  
(Lot Size, Frontage, and Setback Requirements for Fee Simple Lots)**

	<u><b>R1A &amp; R-1 Districts</b></u>	<u><b>R-3 Districts</b></u>
<b>Minimum Lot Size</b>	20,000 sq. ft. Individual Septic Systems/Municipal Sanitary Sewers and Public Water required.	10,000 sq. ft. Municipal Sanitary Sewers and Public Water required.
<b>Lot Frontage</b>	20 ft.	20 ft.
<b>Side Setback*</b>	15 ft.	8 ft.
<b>Rear Setback</b>	30 ft.	20 ft.
<b>Front Setback</b>	30 ft.	20 ft.
<b>Setback from tract perimeter property line</b>	75 ft.	75 ft.

\* Dwellings on land owned in common shall require a minimum spacing of 30 feet.

F

SHELTON PLANNING AND ZONING COMMISSION

ADOPTED RESOLUTION

May 8, 2018

Re: Application #17-20: Petition for text amendments to the Shelton Zoning Regulations by modifying specific standards of Subsection 45.6: Accessory Dwelling Unit.

**FINDINGS:**

1. Subsection 45.6: Accessory Dwelling Unit Regulations were adopted in 1996 after a lengthy public hearing and input from the public. To date the Commission has approved 180 accessory dwelling units which are listed on the official "Accessory Dwelling Unit Inventory".
2. After much discussion and review of the 1994 public hearing minutes at the public hearing, the Commission determined that the proposed modifications were reasonable and would not have a negative impact on the public safety, welfare and property values.
3. Staff has documented that the Commission has not approved more than 7 accessory dwelling units in any calendar year over the past five years. This suggests that a reasonable number of applications are processed each year without having a negative impact on one particular neighborhood or the community as a whole.
4. The proposed amendments address the immediate needs of the Accessory Dwelling Unit Regulations and will ensure the original intent of the regulations will not be discarded.

On the basis of these Findings and after consideration of the comments made at the public hearing of January 24, 2018, the following RESOLUTION is offered for consideration and possible action:

**RESOLUTION**

**WHEREAS** the Commission has determined the need to make changes to specific standards to Section 45.6: Accessory Dwelling Unit Regulations as requested by the Petition;

**WHEREAS** the Zoning Subcommittee has reviewed the subject changes and has recommended the adoption of said amendments to the full Commission;

**WHEREAS** the Commission has referred proposed amendments to the Council of Governments, DEEP Coastal Area Management Program, City/Town Clerk and Corporation Counsel;

**WHEREAS** the Commission held a public hearing on January 24, 2018 to receive testimony on the proposed zoning regulations amendments;

**WHEREAS** the Commission has determined that the proposed text changes are consistent with the 2017 POCD and the Comprehensive Plan of Zoning for the City.

**NOW THEREFORE BE IT RESOLVED** by the Shelton Planning and Zoning Commission as follows:

1. To approve and adopt the proposed Shelton Zoning Regulations Amendments by modifying Subsection 45.6: Accessory Dwelling Unit by inserting new language allowing new construction in the opening paragraph; by deleting the 5 year existence provision and adding new language in Paragraph 45.6.1; adding new record ownership language to Paragraph to 45.6.4; by deleting one outside door along front façade language to Paragraph 45.5.5; and by adding new language regarding situations where public sewer and water is not present to Paragraph 45.6.8 (b)., all as shown in Final Draft dated 11/03/17, for the following reasons:
  - A. The subject zoning regulations amendments are consistent with the 2017 Plan of Conservation and Development and the Comprehensive Plan of Zoning for the City.
  - B. The Effective Date shall be Friday, May 25, 2018 at 8:00 AM.

The above Resolution was moved by Commissioner Pogoda and seconded by

Commissioner Widomski.

Roll Call Vote

After further discussion, on a Roll Call Vote, Commissioners Widomski, Tickey, Matto, Pogoda, Kelly and Harger voted in favor of the motion.

The Chairman declared the motion passed by a 6 to 0 vote.

**45.6 Accessory Dwelling Unit:** An accessory dwelling unit is a dwelling unit that is accessory and subordinate to a single detached dwelling for one (1) family. Such accessory dwelling unit constitutes an additional use for which an Application for a Certificate of Zoning Compliance and a Certificate of Zoning Compliance is required.

An Existing single family detached dwelling in any Residence District may be used or modified to allow the incorporation of one (1) accessory dwelling unit [NEW] or new construction of a single detached dwelling may include one (1) accessory dwelling unit subject to the following standards, conditions and procedures applicable to the establishment of any such accessory unit.

45.6.1 ~~[DELETE] The existing single family detached dwelling shall have been in existence for a period of not less than five (5) years as evidenced by a previously issued Certificate of Zoning Compliance for said dwelling.~~ The accessory dwelling unit shall be incorporated either completely within an existing, principal single family dwelling or added to [NEW] or constructed with said principal dwelling provided that both dwelling units shall be attached by a common wall, floor or ceiling and not simply connected by an attached porch or breezeway. An attached garage structure meeting the above criteria and when converted to an accessory dwelling unit is considered to be incorporated within the dwelling.

45.6.2 The accessory dwelling unit shall be provided with a kitchen and a complete bathroom, separate from the principal dwelling and with two (2) means of egress, including a separate outside door. The accessory unit shall be provided with two off-street parking spaces in addition to those required for the dwelling and said spaces shall be accessible independently of the spaces required for the dwelling. Where additional garage spaces are to be provided, all said garage spaces serving both principal and accessory dwelling unit shall be located in the same general portion of the dwelling or in a detached garage served by the same driveway.

45.6.3 No existing single family dwelling shall qualify under these Regulations unless it is located on a lot having at least the minimum lot area as required by these Regulations and is or will be served by public water and municipal sanitary sewers. If said dwelling is not served by municipal sewers, it shall be located on a lot having a minimum lot area of 30,000 square feet or as required by the applicable District, whichever is greater, and shall be served by an on-site disposal system with sufficient capacity to satisfy the Connecticut Health Code and the Regulations of the Naugatuck Valley Health District and evidenced by an appropriate certification form from said Health District as adequate to serve the existing dwelling unit and accessory unit. If said dwelling is not served or capable of being served by public water supply, it shall have a minimum lot area of 40,000 square feet or as required by the applicable District, whichever is greater, and shall be served by an on-site water system with sufficient capacity to satisfy the Connecticut Health Code and the Regulations of the Naugatuck Valley Health District and evidenced by an appropriate certification form from said Health District as adequate to serve the existing dwelling unit and the accessory unit.

45.6.4 Either the single family dwelling or the accessory unit shall be occupied by an owner of record of the premises [NEW] or a principle in the entity record owner as a principal place of residence.

45.5.5 The single family dwelling containing the accessory unit shall have a design that maintains the appearance of the premises as a single detached dwelling for one (1) family. No exterior change shall be made to the existing front façade of the principal dwelling except for roof dormers or windows. ~~[DELETE] The dwelling when converted to incorporate an accessory unit shall have only one (1) outside door along the front façade elevation unless two (2) such doors existed at the time of conversion.~~ Stairways to an accessory unit on floors above the ground floor of the dwelling shall be located on the side or rear of the dwelling and shall be fully enclosed within the dwelling.

45.6.6 The single detached dwelling shall have no less than the minimum floor area as specified in SCHEDULE B and the accessory unit shall have a minimum floor area of not less than 500 square feet. The maximum floor area of the accessory unit shall not exceed one third of the total habitable floor area of the dwelling, excluding basements, or a maximum of 900 square feet, whichever is less. The accessory unit may be used for a professional or business office in the home but is not eligible to be used for a home occupation in a dwelling unit nor for the renting of rooms. No accessory unit shall be located in a basement or cellar unless such basement or cellar constitutes a story as defined in Paragraph 5.29.

45.6.7 Both the principal and the accessory dwelling units shall be occupied by members of the same family group, all related by blood, marriage or adoption regardless of age.

45.6.8 The Application for a Certificate of Zoning Compliance shall be accompanied by the following:

- a. a notarized affidavit of ownership signed by the owner of the premises and affirming the intent that either the accessory unit or the remainder of the single detached dwelling is to be occupied by an owner of the premises as the principal place of residence, and that the occupancy of the units will comply with the requirements of 45.6.7 above.
- b. [NEW] If the premises is not served by public sewer and water, a certification from the Director of the Valley Regional Health District that the water supply and sewage disposal systems serving the premises, either existing or any proposed construction or modification thereof, conform to current state sanitary code requirements and are adequate to serve both the accessory unit and the remainder of the dwelling;
- c. an accurate plot plan of the premises drawn to a scale of one inch equals twenty feet and deemed adequate by the Commission to evaluate the proposal for compliance with these provisions; and

- d. accurate, scaled floor plan drawings of the single dwelling and accessory unit, and suitable sketches, architectural drawings and / or photographs sufficient to show the character and extent of exterior building and façade construction, including all alterations.

45.6.9 Issuance of a Certificate of Zoning Compliance for an accessory dwelling unit in a single detached dwelling for one (1) family is conditioned upon the following:

- a. the Certification of Zoning Compliance shall not become effective until a copy thereof, certified by the Commission, containing a description of the premises to which it relates and the name of the owner of record, and accompanied by a copy of the notarized affidavit required under 45.6.8 a. above, is recorded in the land records of the City of Shelton;
- b. that in January of each calendar year, the owner of the premises shall file with the Commission a new notarized affidavit of ownership of the premises and certifying that either the accessory unit or the remainder of the dwelling is occupied by an owner of the premises as required for the original Application; and
- c. the Certificate of Zoning Compliance automatically terminates when there is a change in ownership of the premises, provided however, that a new Certificate of Zoning Compliance may be issued upon receipt of the above affidavit from the new owner of the premises.

G

**Shelton Planning and Zoning Fee Schedule**  
Effective: June 1, 2020

Classifications	City Fee	State Fee	Total
<b>Certificate of Zoning Compliance</b>			
1 Home Occupation, Home Office, and/ or Trade Name Certificate (DBA)	\$40 *	n/a	\$40
2 Commercial Business Occupancy	\$60 *	n/a	\$60
3 Residential, Commercial, and Mixed Use Residential Units A. Fee waved for each deed restricted affordable unit	\$100 per unit *	n/a	\$100 min.
4 Telecommunications Construction: not approved by CSC	\$150	\$60	\$210
5 Residential Construction: new construction and/ or alteration. Includes pools, decks, in-laws, detached and attached additions. A. Increments of 250 sf. rounded up B. ≥ 4000 sf.	\$50 per 250 sf. \$800	\$60	\$110 min. \$860
6 Commercial Construction: patio, addition, new construction A. Increments of 500 sf. rounded up B. ≥ 20,000 sf.	\$100 per 500 sf. \$4,000	\$60	\$160 min. \$4,060
7 Signs: by definition in Section 44, including awnings A. < 10 sf. B. ≥ 10 sf. \$25 per 5 sf. rounded up	\$40 \$25 per 5 sf.	\$60	\$100 \$110 min.
8 Temporary COC	\$40	\$60	\$100
9 Application for Filling and Grading for Residential, processed under TSE	\$500	\$60	\$560
<b>Site Plan Approval</b>			
10 Site Plan Approval	\$400 + \$100 / ac.	\$60	\$560 min.
11 Coastal Area Management Site Plan Approval	\$400 + \$100 / ac.	\$60	\$560 min.
12 Modification to Site Plan Approval	\$400 + (\$100 / ac. if app.)	\$60	\$460 min.
<b>Special Exception - includes one tech session with staff and consultant, and fees for legal notices</b>			
13 Application for Special Exception Permit	\$1,500 (+ \$100 / ac. if appl.)	\$60	\$1,560 min.
14 Application for a Temporary Special Exception Permit	\$1,000 (+ \$100 / ac. if appl.)	\$60	\$1,060 min.
<b>Zoning Map Change - includes one tech session with staff and consultant, and fees for legal notices</b>			
15 Amend the Zoning Regulations or Zoning Map	\$1,000 + (\$100 / ac. if appl.)	\$60	\$1,060 min.
16 Petition for Special Development Area	\$1,000 + \$100 / ac.	\$60	\$1,060 min.
17 Subdivision	\$500 + \$100 / lot	\$60	\$660 min.
18 Re - Subdivision	\$1,500 + \$100 / lot	\$60	\$1,660 min.
19 Application for a Conservation Development Area (CDA)	\$1,500 + \$100 / lot	\$60	\$1,660 min.
20 Application for a Designed Residence Development (DRD)	\$1,500 + \$100 / lot	\$60	\$1,660 min.
21 Application for Planned Development District (PDD) A. Application for a Major Modification to a PDD (acreage charge applicable for site expansion) B. Application for a Minor Modification to a PDD	\$3,000 + \$100 / ac. \$1,500 + (\$100 / ac. if appl.) \$500	\$60 \$60	\$3,160 min. \$1,560 min \$560
<b>Letter of Compliance</b>			
22 Letter of Compliance and Conformity A. Residential B. Commercial	\$80 \$150	\$60	\$140 \$210
23 Temporary Certificate of Zoning Compliance Release	\$50	\$60	\$110
<b>Other Items</b>			
24 Work Session w/ Staff & Consultant	\$120 / hr. *	n/a	\$120 min.
25 Consultations w/ Consultant	\$100 / hr. *	n/a	\$60 min.
26 Zoning Map	\$40 *	n/a	\$40
27 Coastal Area Management Map	\$40 *	n/a	\$40
28 Zoning Regulations	\$80 *	n/a	\$80
29 Plan of Conservation and Development	\$40 *	n/a	\$40

**Footnotes**

30 (\*) All applications except items: 1 - 3, and 24 - 29 require a state mandated fee for the CT DEP per CGS 22a-27j.

31 Fees are due upon receipt or submission of application and are non-refundable under any circumstance, unless waived by the commission.

32 Any application for which approvals are sought after the fact or correction of a violation shall pay double the fees listed above.

33 Rescheduling or cancellation of a Public Hearing after legal advertisement is published shall require a service charge of \$400.



H

City of Shelton  
 Planning and Zoning  
 54 Hill Street  
 Shelton, Connecticut 06484



Planning & Zoning  
 Department  
 Phone: 203-924-1555, ext. 1510

To: Planning and Zoning Commission  
 From: P&Z Staff  
 Date: June 9, 2021  
 Subject: Changes to: Schedule A – Line 42 A and Section 5.3

Over the past two years, staff and the city administration have received numerous inquiries from businesses about having accessory warehousing incidental to their business operations. Unfortunately, we had to tell most of them that their proposals would require a PDD or variances and would not be a Site Plan or other simple P&Z application. The timeline and complications deterred most of them from proceeding. We hope to offer these new applicants a path forward in the LIP zone by allowing accessory warehousing with a site plan application accompanying a primary permitted use. Many of the existing LIP facilities on Waterview Drive or Const. Blvd. South would not conform to the standards as currently written.

**Schedule A Modification**

Change Line 42A – Accessory Warehousing and Storage from prohibited in the LIP zone to allowable with a Site Plan application.

PERMITTED USES	SCHEDULE A - PERMITTED USES																		
	DISTRICT CODES																		
	R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
39C. Indoor Amusement Centers and game rooms when clearly a subordinate secondary use as an adjunct to a directly related and permitted principal use on the same premises, owned and operated as an integral part of the principal use area and occupying not more than 5% of the total floor area allocated to said principal use.	X	X	X	X	X	X	E	E	E	E	E	E	E	E	E	E	E	X	E
40. Veterinary hospitals	X	X	X	X	X	X	E	E	X	E	E	X	X	X	X	X	X	X	X
41. Medical and dental clinics	X	X	X	X	X	X	S	S	S	S	S	X	X	X	X	X	X	E	X
42. Warehousing and wholesale businesses	X	X	X	X	X	X	Xr	Xr	Xr	S	S	X	X	X	P	P	X	X	X
42A. Accessory Warehousing and Storage as defined in 5.3 and subject to the limitations contained therein	X	X	X	X	X	X	X	X	X	X	X	X	X	S	X	<del>X</del>	X	X	X



**Current Text**

5.3 Accessory Warehousing and Storage: "Accessory Warehousing and Storage" is the storage of goods in existing warehouse space designated for such purpose within a portion of an existing building, which interior space has become excess to the needs of the primary permitted uses in such building. "Accessory Warehousing and Storage" is not intended to be a principal, permitted use, except as an accommodation for the adaptive reuse of limited portions of existing warehouse space in sizable, existing buildings "Accessory Warehousing and Storage" will require approval of a Certificate of Zoning Compliance by the Planning and Zoning Commission upon compliance with all of the following conditions:

- a. the existing building must contain at least 100,000 square feet of gross floor area;
- b. in no event shall the building be altered to increase the floor space used for such warehousing and storage;
- c. not more than 50% of the total gross floor area of said existing building shall be so used for such accessory warehousing and storage not related to the primary permitted use;
- d. the minimum floor area of any tenant space so utilized shall be not less than 35,000 square feet;
- e. any exterior alteration of the existing building to accommodate such use shall be subject to the submission and approval of a Site Plan pursuant to SECTION 31; and
- f. the use of any such space shall be on a tenancy basis and no public warehouse operation as defined in Sec. 41-1 C.G.S. shall be permitted.

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**Potential Changes and Notes Shown**

5.3 Accessory Warehousing and Storage: "Accessory Warehousing and Storage" is the storage of goods in ~~existing~~ warehouse space designated for such purpose ~~within a portion of an existing building,~~ which interior space has become excess to **(support)** the needs of the primary permitted uses in such building. "Accessory Warehousing and Storage" is not intended to be a principal, permitted use, except **(and)** as an accommodation for the adaptive reuse of limited portions of existing warehouse space in sizable, existing buildings **(.)** "Accessory Warehousing and Storage" will require approval of a **(Site Plan)** ~~or~~ and Certificate of Zoning Compliance by the Planning and Zoning Commission upon compliance with all of the following conditions:

City of Shelton  
Planning and Zoning  
54 Hill Street  
Shelton, Connecticut 06484



Planning & Zoning  
Department  
Phone: 203-924-1555, ext. 1510

*Notes: Requiring the accessory warehousing to be in an existing building prohibits any new development from including accessory warehousing as a use, which is not advantageous. However, we do not want to exclude existing facilities from that possibility. All accessory warehousing requires Site Plan approval from the commission.*

~~a. the existing building must contain at least 100,000 square feet of gross floor area;~~

*Notes: The Schedule B – Lot Standards state that the maximum floor area as a percentage of lot area for the LIP zone is 50%. So as written with a 100,000 sf. minimum building floor area requirement, the building is required to rest on a parcel with 200,000 sf of buildable lot area (5 acres). If not significantly reduced or eliminated, this could pose a severe hindrance because of the site requirements.*

~~b. in no event shall the building be altered to increase the floor space used for such warehousing and storage,~~

*Notes: As long as the warehousing use is accessory and subordinate to the primary use and conforms with the following items, this does not seem necessary.*

~~c. not more than 50% of the total gross floor area of said existing building shall be so used for such accessory warehousing and storage not related to the primary permitted use;~~

*Notes: At first, 50% of the total gross floor area seems to make sense for determining a primary use. However, with modern technology and practices a 100,000 sf. manufacturing facility may only need 5,000 sf. of office, 30,000 sf. of manufacturing, and the remaining 65,000 sf. needed for storing raw materials, finished goods, and other necessities in support of the manufacturing operation.*

*After scanning a few articles, 1 employee / 2000 sf. for an active non-commerce warehouse is about average, so using the example above would require 33 employees. For office areas, 1 employee / 200 sf. is a low-density figure, indicating 25 office employees. The 25 office employees plus the manufacturing employees, which likely would be at least 8, brings the count over 33 employees and above the 50/50 ratio of office and manufacturing employees / warehousing ones. So perhaps no more than 50% of employees?*

~~d. the minimum floor area of any tenant space so utilized shall be not less than 35,000 square feet;~~

*Notes: The building size and maximum percentage of gross floor area or employee makeup will determine how much space a tenant has and the accessory warehousing they may use.*

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e. any exterior alteration of the existing building to accommodate such use shall be subject to the submission and approval of a Site Plan pursuant to SECTION 31; and (shall not violate section 23.2.5)

*Notes: Commissioner Parkins and the Zoning Subcommittee reminded staff of the regulation modifications passed in 2014, to include Section 23.2.5, which prohibits the growth of marijuana in warehouse facilities.*

f. ~~the use of any such space shall be on a tenancy basis and no public warehouse operation as defined in Sec. 41-1 C.G.S. shall be permitted.~~ (repealed) and no warehousing use shall violate section 23.2.5.

*Notes: Section 41-1 of the CT General Statutes has been repealed.*

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#### With Changes for Consideration

5.3 Accessory Warehousing and Storage: "Accessory Warehousing and Storage" is the storage of goods in warehouse space designated for such purpose to support the needs of the primary permitted uses and as an accommodation for the adaptive reuse of limited portions of space in sizable, existing buildings. "Accessory Warehousing and Storage" will require approval of a Site Plan and Certificate of Zoning Compliance by the Planning and Zoning Commission upon compliance with all of the following conditions:

- a. not more than 50% of the employees shall be so used for such accessory warehousing and storage related to the primary permitted use and;  
→ 80% gross floor area
- b. any exterior alteration of the existing building to accommodate such use shall be subject to the submission and approval of a Site Plan pursuant to SECTION 31; and shall violate section 23.2.5.

NOT

SHELTON PLANNING AND ZONING COMMISSION  
SPECIAL MEETING MINUTES (Amended)  
Wednesday, June 16, 2021  
Shelton City Hall (VIRTUAL)  
54 Hill Street, Shelton, CT 06484

PZC Commissioners Present: Virginia Harger, Chairman  
Charles Kelly, Vice-Chairman  
Elaine Matto, Secretary  
Ruth Parkins  
Jimmy Tickey  
Mark Widomski (Arrived at 7:00 p.m.)  
Peter Laskos, Alternate (Sat in for Comm. Widomski  
from 6:07 p.m. – 7:00 p.m.)

PZC Commissioner Excused: John Uysal, Alternate

Also Present: Alexander Rossetti, Planning and Zoning  
Administrator  
Josh O'Neill, Assistant Administrator, Zoning  
Enforcement Officer (Arrived at 6:15 p.m.)  
Anthony Panico, Consultant  
Kenneth Nappi, Downtown Development Coordinator  
Stephanie Charboneau, Stenographer  
Sarah Vournazos, Recording Secretary (Arrived at  
6:15 p.m.)

Tapes, correspondences, and attachments are on file in the City/Town Clerk's office and the Planning and Zoning office. Minutes are on the City of Shelton website: [www.cityofshelton.org](http://www.cityofshelton.org).

I. Call to Order

Comm. Harger called the meeting to order at 6:07 p.m.

II. Pledge of Allegiance

All those who were present rose and recited the Pledge of Allegiance.

III. Roll Call

Comm. Harger identified members present.

IV. Public Hearing

Comm. Harger read aloud the guidelines for the public hearing, and how the public who wished to comment on the proposals being presented will be recognized by the Chair.

1. Appl. #21-11, Rose Tiso and Co., LLC, for R.D. Scinto Inc., at Waterview Drive for a

*Virginia Harger*  
2021 JUN 30 A 10:14  
CITY OF SHELTON  
TOWN CLERK

modification of the Statement of Use and Standards to PDD #39 on 11.18 acres, to allow for warehousing and wholesale businesses. Review, discuss, and possible action.

Comm. Matto read aloud the public hearing notice for Appl. #21-11.

Mr. Pat Rose, the Architect of Rose-Tiso & Co LLC, addressed the Commission on behalf of the applicant. He indicated they would like to make three changes to PDD #39.

- 1) Add No. 11, "Warehousing and Wholesale Business," as one of the allowed uses.
- 2) Reduce the parking requirement for the warehousing / manufacturing users.
- 3) Amend the building coverage to 20%.

He noted they have yet to submit a site plan.

Mr. Panico inquired about the type of tenants and Mr. Robert Scinto, Jr., replied, "there would be a combination of office, light assembly and warehouse, and there will be jobs."

Motion made by Comm. Tickey, seconded by Comm. Matto, to close the public hearing for Appl. #21-11. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Kelly – Aye	Comm. Laskos – Aye	Comm. Parkins – Aye
Comm. Tickey – Aye	Comm. Matto – Aye	Comm. Harger – Aye

The motion passed 6 to 0.

Motion made by Comm. Tickey, seconded by Comm. Kelly, to approve Appl. #21-11 subject to staff working out the final language. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Kelly – Aye	Comm. Matto – Aye	Comm. Tickey – Aye
Comm. Laskos – Aye	Comm. Parkins – Aye	Comm. Harger – Aye

The motion passed 6 to 0.

Upon request of the Chair, a second motion was made by Comm. Kelly and seconded by Comm. Parkins, to specify the effective date of the first motion made to approve Appl. #21-11 would be July 2, 2021. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Kelly – Aye	Comm. Parkins – Aye	Comm. Tickey – Aye
Comm. Matto – Aye	Comm. Laskos – Aye	Comm. Harger – Aye

The motion passed 6 to 0.

2. Appl. #21-13, City of Shelton, for Regulations Text Changes of Section, "5.3 Accessory Warehousing and Storage," and Schedule A, Line Use 42A, permitting accessory warehousing in a LIP zone with Site Plan approval. Review, discuss, and possible action.

Comm. Matto read aloud the public hearing notice for Appl. #21-13.

Comm. Harger provided a brief timeline review. She indicated Appl. #21-13 was accepted for review on June 8, 2021 and a memo from P&Z staff was issued on June 9, 2021 explaining the current permitted uses and proposed language changes for Schedule A, line 42A. Mr. Rossetti then reviewed his report / memo, which is on the City of Shelton website. He mentioned they have received inquiries about how to include accessory warehousing in the LIP Zone. He relayed to the Commissioners about his meeting with the Zoning Subcommittee and determined it would be an appropriate use for an LIP Zone in support of an additional primary use. He noted accessory warehousing is currently only allowed in IA-3 Zones, of which there are approximately six or seven in the city of Shelton.

Mr. Rossetti stated, "we would like to make the change that it shall not be more than 50% of employees, there will be an additional line item that it will not exceed 80% of the floor area, and this would be allowed in conjunction with a site plan." He noted however, there are some uses listed for the LIP Zone which require special exceptions.

Motion made by Comm. Kelly, seconded by Comm. Parkins, to close the public hearing for Appl. #21-13. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Kelly – Aye	Comm. Matto – Aye	Comm. Tickey – Aye
Comm. Parkins – Aye	Comm. Laskos – Aye	Comm. Harger – Aye

The motion passed 6 to 0.

Motion made by Comm. Kelly, seconded by Comm. Laskos, to approve Appl. #21-13 with the modification that the maximum floor area be set for the warehousing, it shall not violate Section 23 of the regulations and line 42A will be changed so that accessory warehousing is allowed by a site plan application. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Kelly – Aye	Comm. Matto – Aye	Comm. Tickey – Aye
Comm. Parkins – Aye	Comm. Laskos – Aye	Comm. Harger – Aye

The motion passed 6 to 0.

#### V. Other Business

A. Minutes available for review on the website for the following meetings:

i. June 8, 2021 – Regular Meeting

#### VI. Adjournment

Comm. Harger adjourned at 7:06 p.m.

Respectfully submitted,

Sarah Vournazos,  
Recording Secretary



I ✓

City of Shelton  
Planning and Zoning  
54 Hill Street  
Shelton, Connecticut 06484



Alexander Rossetti  
P&Z Administrator  
Phone: 203-924-1555, ext. 1380  
Email: a.rossetti@cityofshelton.org

### Zoning Text Change – Cannabis Establishments

**To:** Shelton Planning and Zoning Commission  
**From:** Staff  
**Date:** March 25, 2022  
**Subject:** Temporary Moratorium for Cannabis Establishments, SPZC March 2022

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#### Purpose

These Sections are provided to the Commission to give the Commission necessary time to consider adoption of regulations in response to Public Act 21-1 “AN ACT CONCERNING RESPONSIBLE AND EQUITABLE REGULATION OF ADULT CANNABIS USE.” Said Public Act provides that a municipality, through its zoning regulations, can prohibit or establish reasonable restrictions on cannabis establishments. If the municipality does not amend its regulations to address this use, then Cannabis Establishments will be deemed a permitted use in those zoning districts where retail and commercial establishments are also permitted. Regulations to be promulgated by the Connecticut Department of Consumer Protection may provide guidance on certain aspects of local regulation of Cannabis Establishments. The regulation of recreational cannabis raises novel legal, planning, and public safety issues, and the Commission needs time to study and consider the regulation of Cannabis Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Regulations regarding regulation of Cannabis Establishments. The Commission intends to adopt a temporary moratorium on the use of land and structures in the City for Cannabis Establishments so as to allow sufficient time to address the effects of such structures and uses in the City and to enact regulations in a consistent manner.

## **Section 5 – Definitions**

### **Section 5.40 – Cannabis Establishment:**

A producer, dispensary facility, cultivator, micro cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and delivery 19 service but does not include a dispensary facility as provided in 56 section 21a-408-1 of the regulations of Connecticut state agencies.

## **Section 23 – Permitted Uses**

### **Section 23.2 – Prohibited Uses**

**Section 23.2.4 – Cannabis Establishments**, for the reasons set forth above and notwithstanding any other provision of the Zoning Regulations to the contrary, the Commission hereby adopts a temporary moratorium on the acceptance of applications or the use of land or structures for a Cannabis Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through 12 months from date of adoption or until such time as the Commission adopts Zoning Regulation amendments that regulate Cannabis Establishments, whichever occurs earlier. During the moratorium period, the Commission shall undertake a planning process to address the potential impacts of recreational cannabis in the City, and to consider the Connecticut Department of Consumer Protection's regulation of Cannabis Establishments, and shall consider adopting new Zoning Regulations in response to these new issues.

J

## SHELTON PLANNING AND ZONING COMMISSION

April 6, 2022  
Rev. May 2, 2022  
Rev. May 10, 2022

**RE:** App'l #22-02 Proposal of the Shelton Planning and Zoning Commission to amend various Sections and Provisions of the Shelton Zoning Regulations to accommodate the future economic development anticipated along Constitution Boulevard North, proposed for construction in the immediate future.

(Draft for consideration and possible action at Commission meeting of May 10, 2022)

### BACKGROUND

The City of Shelton is preparing for construction of the initial phase of Constitution Boulevard North, extending from its connection with Bridgeport Avenue, directly opposite and as a continuation of Constitution Boulevard South, to the northerly limits of the City-owned former Mas property. Consistent with long-range planning for this major road facility, the Planning and Zoning Commission has anticipated the economic growth and development of this area, focusing initially on the Mas property and other City-owned parcels served by the proposed road. The Commission has been developing proposed zoning to serve anticipated needs and to allow the reasonable replacement of the PDD#11 zoning presently applicable to said former Mas property.

The primary intent of the proposed amendments is to modify the provisions and standards of the current IA-1 District. These changes will make it a more functional zone, appropriate for widespread use along the Constitution Boulevard North corridor. It will be suitable for replacing the current PDD#6 zoning of the Mas parcel as well as for other vacant and developable parcels of land that will become available with the creation of arterial road access and necessary utility

services. With the proposed modifications, said IA-1 zone may also be useful for other industrial sites in the City. At the present time, the current IA-1 zone does not apply to any areas of the City, therefore the proposed modifications will not affect any existing properties.

The proposed SCHEDULE A - PERMITTED USES amendments are intended to protect the area by eliminating potentially undesirable or incompatible uses currently allowed by the IA-1 District. The amendments also modify certain Use Lines and create additional Use Lines anticipated as potentially needed to accommodate uses necessary for desirable, compatible development as well as support services. Certain of these restrictive uses may also be desirable for inclusion in the Light Industrial Park LIP District to accommodate certain desirable uses, such as high-tech warehousing and other uses that are economically beneficial to City tax rolls. Since the IA-1 District was originally designed and intended for suburban sites without benefit of central utility services, SCHEDULE B - STANDARDS are now proposed to be adjusted relative to lot frontage, building height, setbacks, number of stories, lot coverage and floor area ratio to be able to accommodate anticipated development in the Constitution Boulevard North corridor.

The Commission has worked diligently with the Zoning Subcommittee and Staff to develop the carefully worded amendments as proposed. The Commission made the necessary referrals to the regional and State agencies and held a duly-noticed public hearing on February 23, 2022, which hearing was continued to and closed on March 23, 2022. Public comments were generally constructive, pointing out provisions in need of further clarification. The Commission met for further discussion, clarification and review of final, proposed amendments and changes, arriving at a consensus to direct Staff to prepare a favorable Resolution for consideration and possible adoption.

On the basis of this authorization, Staff has prepared the following RESOLUTION for Commission consideration and possible action:

## RESOLUTION

**WHEREAS**, the City of Shelton is preparing to construct the initial phase of Constitution Boulevard North, providing opportunity for the private sector to initiate major economic development on a significant portion of the City-owned Mas property. In addition, the Mayor, in his position of Economic Development Coordinator, is involved in other on-going negotiations and informal discussions regarding other prospective economic development proposals in the area; and

**WHEREAS**, the Commission, its Zoning Subcommittee and Staff have been reviewing in detail zoning issues impacting the overall area and has completed a detailed program of zoning adjustments needed to accommodate, yet adequately regulate, economic development in this area as well as other industrially zoned areas of the City; and

**WHEREAS**, the Commission has identified a need for and has prepared revisions and modifications of the Zoning Regulations to address the need for reasonable use controls and appropriate design standards to promote and guide the economic development of that area immediately accessible from and served by the initial phase of construction of Constitution Boulevard North, designed, bid and ready for construction; and

**WHEREAS**, the Commission has compiled the following amendments to the City of Shelton Zoning Regulations, pertaining specifically to industrial and economic development;

**A.** Amend **SECTION 23 - PERMITTED USES** as follows:

**1.** Amend **SCHEDULE A - Permitted Uses** by adding certain new Use Lines to read as follows:

**35A.** Cafeterias and other food service facilities for the convenience of the employees when clearly subordinate and directly related to the permitted use, operated as an integral part of the principal use and specifically excluding service to the general public.

**42C.** Warehousing, storage and distribution facilities, specifically excluding trucking terminals having limited or no significant warehouse space.

**42D.** Wholesale business and supply facilities, specifically excluding “wholesale club” retailers and other primarily public oriented/dependent businesses.

**2.** Amend **SECTION 23 - SCHEDULE A - Permitted Uses** by revising certain Use Lines to read as follows:

**6D.** Group Day Care Homes and/or Child Day Care Centers when such use is not conducted in a dwelling unit and is situated in an Industrial or an Office Park (OPD) District for the purpose of serving the persons employed within these Districts, subject to the additional standards and conditions set forth in Section 33

**56.** Printing and publishing establishments occupying not more than 5,000 square feet of floor area, specifically excluding copy centers unless situated in a commercial district.

**62.** Replace existing Use Line **62** with a new **62A** and **62B** to read as follows:

**62A.** Accessory uses customary with and incidental to any aforesaid permitted Use when not located in a Residence District, subject to the securing of a Special Exception or submission and approval of a Site Plan as required for such permitted use:

**62B.** Accessory uses customary with and incidental to any aforesaid permitted Residential Use when located in a Residence District, subject to the following additional standards:

a. The accessory use shall be located on the same lot with the permitted use to which it is accessory

b. Accessory uses may include off-street parking spaces and private garages, except that no unregistered motor vehicles or parts of motor vehicles shall be maintained on any lot unless located in an enclosed building.

c. Except in connection with a permitted farm, truck garden or commercial nursery, there shall be no more than one commercial vehicle parked or stored on any lot and such vehicle shall not exceed 1.5 tons capacity.

d. No land in a Residence District shall be used for vehicular access to a use permitted only in a Commercial, Industrial, Light Industrial Park or Office Park District.

3. Amend **SCHEDULE A - Permitted Uses** as follows:

- a. Use Lines 1, 1C, 4, 5 & 6: Under District Code IA-1 column, change "P" to "X"
- b. Use Line 6C: Under District Code IA-1 column, change "E" to "X"
- c. Use Line 6D: Under District Code IA-1 column, change "X" to "E"
- d. Use Lines 8, 10 & 11: Under District Code IA-1 column, change "S" to "X"
- e. Use Lines 13A & 13B: Under District Code IA-1 column, change "Er" to "X"
- f. Use Lines 14 & 16A: Under District Code IA-1 column, change "E" to "X"
- g. Use Line 18: Under District Code IA-1 column, change "S" to "X"
- h. Use Line 18A: Under District Code IA-1 column, change "E" to "X"
- i. Use Line 24: Under District Code IA-1 column, change "S" to "X"
- j. Use Lines 26C & 27: Under District Code IA-1 column, change "S" to "E"
- k. Use Line 28: Under District Code IA-1 column, change "E" to "X"
- l. Use Line 32: Under District Code IA-1 column, change "S" to "X"
- m. Use Line 35A: Under all Residence District Code columns insert "X" & under all other District Code columns insert an "S"
- n. Use Line 42A Under District Code IA-1 column, change "X" to "E"
- o. Use Lines 42C & 42D: Under all Residence District & CA-1, CA-2 & CA-3 District Code columns insert "X"; Under CB-1, CB-2, and 1, CB-2, and Under IA-1, RBD, OPD, RFD and LIP District Code columns insert "E"
- p. Use Lines 54, 55 & 56: Under District Code IA-1 column, change "Sr" to "E"
- q. Use Lines 57 & 58: Under District Code IA-1 column, change "Sr" to "X"

- r. Use Line 62A: (new) Under all Residence District Code columns insert "X" and under Non-Residence columns insert an "S"
- s. Use Line 62B: (new) Under all Residence District Code columns insert "S" & under Non-Residence District columns insert "X"

**B. Amend SECTION 24 - AREA, LOCATION AND BULK STANDARDS** as follows:

1. Amend the last sentence of Paragraph 24.3 **Height** to read as follows:

**24.3 Height:** ... Within the River Front District (RFD) and the Industrial IA-1 District the Commission may permit a greater height, but not exceeding 75 feet in height, to accommodate unusual mechanical/supportive facilities and features as well as for a portion of a building totaling not more than 50% of the roof area to accommodate penthouses, mechanical equipment and elevator enclosures and similar rooftop features.

2. Amend Paragraph 24.7 **Outside Storage:** subparagraph 24.7.2 to read as follows:

**24.7.2** In Light Industrial Park (LIP) Districts, outside storage areas shall not extend into the area required for setback from a property line, street line or Residence District boundary line and shall not exceed 15% of the lot area. In Industrial IA-1 and Light Industrial Park Districts, said outside storage areas shall be enclosed (except for necessary access drives) by buildings and/or fences, walks, or evergreen shrubs or trees so as to screen the storage area from view from any other lot or from any street. The enclosing buildings, fences, walls, embankments or evergreen shrubs or trees shall be of a height sufficient to screen completely the storage area or shall have a height of eight (8) feet, whichever is less, and shall be of a density as to be not less than 75% effective in screening such view, except that when evergreen shrubs or trees are used such height and density shall be achieved within five (5) years after establishment of the outside storage area.



3. Amend Paragraph **24.8 Site Development and Landscaping**: subparagraph 24.8.4 to read as follows:

**24.8.4 Industrial and LIP Districts:** In Industrial and Light Industrial Park (LIP) Districts, no part of the area required for setback from a Residence District boundary line shall be used for driveways or off-street parking or loading. In other than Industrial IB-2 Districts, no part of the area required for setback from a street line shall be used for off-street loading and no more than 50% of such area shall be used for driveways and/or off-street parking. In other than Industrial IB-2 Districts, the area required for setback from a street line shall be suitably landscaped with trees and/or shrubs, lawns, washed gravel or ornamental brick or stone pavement except for sidewalks and permitted driveways and off-street parking spaces. Along and adjacent to any Residence District boundary line a strip of land not less than 50 feet in width in any Light Industrial Park District and not less than 30 feet in width in any other Industrial District shall be left in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense evergreen buffer strip within (5) years.

4. Amend **SECTION 24 - AREA, LOCATION AND BULK STANDARDS, SCHEDULE B STANDARDS** under the **District Code** column headed by **IA-1** to read as follows:

Line 1. Minimum Lot Area	120,000 sq. Ft.
Line 1a, 2 and 2a	(Not Applicable)
Line 3. Minimum Square on Lot	250 feet
Line 4. Minimum Lot frontage:	Change to 50 feet
Line 5. Maximum no. of stories:	Change to None
Line 6. Maximum height:	Change to 60 feet*
Line 7. Min. Street setback:	Change to 50 feet
Line 8. Min. Rear line setback:	50 feet
Line 9 Min. Side or other setback:	50 feet
Line 10. Min. Res. District setback:	75 feet
Line 11. Max. Bldg. Lot Coverage:	Change to 30%
Line 12. Max. Impervious Lot Coverage	75%
Line 13. Max. Floor Area:	Change to 90%
Line 14,15,16 and 17	(Not Applicable)

\* Refer to Paragraph 24.3 concerning excess height

**WHEREAS** copies of the proposed amendments set forth above were filed in the Office of the City/Town Clerk and were referred to the applicable regional planning agencies as required by Statute and a duly noticed public hearing was held on February 23, 2022 and continued to and concluded on March 23, 2022 to consider adoption of said amendments; and

**WHEREAS** the proposed revisions received no negative regional referral comments and the public comments offered at the public hearings expressed support for the amendments, the Commission has determined that said amendments reflect all final modifications set forth above and are in compliance with all applicable State Statutes. Said amendments are clear and specific as to development standards and controls, primarily within the Industrial IA-1 zone, recognizing the complexity of industrial development issues in the Constitution Boulevard North economic development area and the need to preserve flexibility and reasonable control.

**NOW, THEREFORE, BE IT RESOLVED** by the Shelton Planning and Zoning Commission as follows:

- A. The subject amendments to SECTION 23 - DISTRICTS, PERMITTED USES and SECTION 24 - AREA, LOCATION AND BULK STANDARDS of the Shelton Zoning Regulations are hereby adopted.
- B. Said amendments shall become effective on Friday, May 13, 2022 at 8:00 am.
- C. Said amendments are adopted for the reasons set forth herein and for the following specific reasons:
  - 1. Said amendments will accommodate proposed private sector economic development interest in the City-owned, former Mas property and other development sites served by Constitution Boulevard North under reasonable scrutiny by the Commission with reasonable standards and controls.

2. The amendments will assist and guide the City and the Commission in implementing their vision for the economic growth and development of the area along Constitution Boulevard North.
  
3. The amendments are consistent with the comprehensive plan of zoning for the City and do not conflict with Shelton's adopted Plan of Conservation and Development.

The above RESOLUTION was moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

There being no further discussion, on a roll call vote, Commissioners \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voted in favor.

\_\_\_\_\_ voted in opposition.

City of Shelton  
Planning and Zoning  
54 Hill Street  
Shelton, Connecticut 06484



Alexander Rossetti  
Planning & Zoning Administrator  
Phone: 203-924-1555, ext. 1510  
Email: a.rossetti@cityofshelton.org

**To:** The SPZC  
**From:** Alex Rossetti, Administrator  
**Date:** December 6, 2023  
**Subject:** Updates to the Regulations: Native Plants and Landscaping Standards

The following text in black is existing text in our Regulations. The proposed/ additional text is highlighted in yellow. Text to be removed is highlighted and crossed out in red. In Section 5 – Definitions, the proposed subsections are numbered to maintain alphabetical order; the other definitions and their subsection numbers will be updated accordingly.

### Section 5 – Definitions

**5.26 Native Plants:** Native plants are species of vegetation that naturally occur in an area and have evolved in a specific geographic region, adapting to the local climate, soil, and ecosystem over an extended period without human introduction. The Greater Northeast area, generally bounded by Pennsylvania and the Canadian border shall be considered for these regulations. These plants are ideally suited to their native environments and are crucial in maintaining ecological balance. Native plants support local wildlife by providing food sources and habitats and are often more resilient and low-maintenance than non-native species. By promoting the use of native plants in landscaping and conservation efforts, we can enhance biodiversity, reduce water consumption, and contribute to our ecosystems' overall health and sustainability. Using native plants helps preserve the unique character of a region while promoting environmentally responsible landscaping practices. The National Wildlife Federation and National Audubon Society maintain sites that provide regional lists of native species.

**5.19 Invasive Plants:** Invasive plants are non-native plant species that, when introduced to a new habitat, exhibit aggressive growth patterns and competitive advantages over native flora. They tend to outcompete indigenous plants, disrupt ecosystems, and harm local wildlife. Invasives often lack natural predators, diseases, or environmental limitations that would keep them in check in their native habitats. As a result, they spread rapidly, displacing native species and altering the composition and functioning of ecosystems. Invasive plants pose a significant ecological and economic threat, as they can negatively impact agriculture, forestry, and natural areas. Recognizing and managing invasive species is essential to preserve biodiversity, maintain ecosystem health, and protect the native landscapes and habitats they invade. Regulatory measures and control efforts are often necessary to mitigate the detrimental effects of invasive

plants on both natural and cultivated environments. The Connecticut Invasive Plants Council and UCONN Connecticut Invasive Plant Working Group maintain lists of common invasive species in Connecticut.

**5.22 Low Impact Design (LID):** LID is a sustainable and innovative approach to stormwater management and urban development. It emphasizes using design techniques that mimic natural hydrological processes to manage rainfall and runoff. LID aims to reduce the negative impacts of urbanization on the environment by promoting infiltration, filtration, and onsite storage of stormwater. Key principles include minimizing impervious surfaces, utilizing green infrastructure such as rain gardens and permeable pavements, and preserving natural landscape features. LID strategies help prevent water pollution, reduce flooding, and protect the quality of local water bodies. By working with, rather than against, the natural environment, LID promotes environmentally friendly and cost-effective solutions for managing stormwater in urban and suburban areas. These design standards are vital for sustainable urban development, offering a way to address the challenges of increased impervious surfaces and climate change while promoting healthier and more resilient communities.

Remove

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### Section 31 – Site Plans

**31.5.3 Buffer Area:** Adjacent to each property line of such residential development other than a street line, there shall be provided a greenbelt having a minimum width of 20 feet, planted with trees and shrubs of appropriate species at least 50% of which shall be evergreens appropriate native species. Any new plantings shall have a minimum height of five (5) feet. Suitable existing trees and shrubs may be preserved and/or supplemented by new plantings to form the required greenbelt. No III-3 building or other structure shall extend within less than 50 feet of any street line or other property line.

**31.5.7 Landscaping:** The entire area of the lot not used for buildings, driveways, and parking areas shall be suitably landscaped with lawn and with trees and/or shrubs or shall be left as undisturbed natural terrain. Parking areas shall contain evenly distributed landscaped areas protected by solid curbing every (6th) space in a row of parking spaces. Fences, walls, earth berms and/or closely planted evergreens native trees, hedges or shrubs shall be used to screen parking areas to a height of four (4) feet, from streets, adjoining properties, recreation areas or maintenance areas as required.

### Section 33 – Special Exceptions

**33.2.2 Site Plan:** A Site Plan, drawn to a scale of not less than 100 feet to the inch, showing existing and proposed contours, property lines, buildings, structures, signs, outdoor illumination, streets, driveways, off-street parking and loading spaces, outside storage areas,

water courses, storm drainage, sewage disposal facilities, water supply facilities, and landscaping (including native trees and/or shrubs, lawn, other landscaped areas and natural terrain not be disturbed); twelve (12) copies shall be submitted.

**33.4.4** The effect upon property values and taxable values in the neighborhood, taking into account the topography of the lot and the character, location, and height of proposed buildings, walls, stacks, fences, grades and landscaping;

**33.18.6 Landscaping and Screening:** All disturbed areas of the site not covered by buildings or pavement shall be appropriately landscaped so as to be aesthetically pleasing and to preserve and enhance adjacent property values. The location, height and materials of walls, fences, berms, hedges and other native plantings shall adequately screen parking and loading areas, utility installations and similar features and ensure compatibility with the character of adjacent development. All refuse collection areas shall be located convenient to the service entrance or loading area of the building, shall be easily accessible to service trucks, shall be enclosed by walls consistent with the building design and materials, and shall be gated.

**33.6.5 Setbacks and Natural Areas:** No building or other structure shall extend within less than 50 feet of any street or other property line. Not more than 20% of the required setback areas shall consist of off-street parking areas and access drives. At least 70% of the required setback areas shall be preserved in their natural state or landscaped area. Said areas shall be reasonably protected from encroachment and damage during construction by snow fencing or other appropriate measures. Notwithstanding the above, the Commission may permit limited encroachment into and/or disturbance of said natural or landscaped areas for grading or other purposes, providing adequate provisions are made for restoration and replanting with substantial trees, shrubs and other approved plant materials. Adjacent to each property line of such residential development other than a street line, there shall be provided a green belt having a minimum width of 15 feet, planted with trees and shrubs of appropriate species, at least 50% of which shall have a minimum height of five (5) feet at planting. Suitable existing trees and shrubs may be preserved and/or supplemented by new plantings to form the required greenbelt.

### **Section 34 – Planned Development Districts**

**34.3.8 Natural Features:** ~~When reasonably prudent and feasible.~~ Development proposals shall make all reasonable attempts to adapt to existing topography, and natural site features, LID best practices, and include native plantings.

34.5.2 Initial Development Concept Plants: ... shall include the following information:

a. – g.

h. Existing and proposed landscaping treatment, native planting list, including major tree areas, water bodies, and related treatment of open space areas, screening, and existing and proposed topography;

### Section 36 – Central Business Districts

36.8 Site Design: All Site Plans shall be consistent with and generally conform to any adopted Development Plans for the Shelton CBD area relative to building locations, access/egress drivers, curb cuts, sidewalks, landscaping, native plantings, and other significant site features, as well as other requirements of the Zoning Regulations. The following criteria and standards shall apply.

36.8.3 Landscaping:

36.8.3.2 Foundation, border or other planned landscaping shall be primarily of the ~~evergreens~~ native tree varieties. ~~Flowering or other deciduous plant materials shall be used for accent purposes only.~~

36.8.3.3 On-site trees shall be nursery-grown, London Plane native trees or other approved varieties of flowering or shade tree, with spacing and location as approved by the Commission. Trees shall have a 2.5 - 3.0 inch minimum caliper and eight (8) foot trim line with single, straight trunk.

36.8.3.4 Street trees shall be nursery-grown, Pin Oak or other variety native trees as approved by the Tree Warden, typically 50 feet on center maximum, with a 3.0 - 3.5 inches minimum caliper and eight (8) foot trim line with single, straight trunk.

### Section 42 – Off-Street Parking and Loading

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 native trees and/or shrubs, lawn, washed gravel or other appropriate ground cover. In other than Residence IV-11 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 native trees or

shrubs planted not more than four (4) feet apart or a combination of evergreen native 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.

### **Section 46 – Soil & Erosion & Sediment Control**

#### **46.5 Minimum Acceptable Standards:**

46.5.1 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in ~~Chapters 3 and 4 of~~ the Connecticut Guidelines for Soil Erosion and Sediment Control ~~(1985)~~ (2002), and as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; **reduces the spread of invasive species and promotes native species growth;** and does not cause off- site erosion and/or sedimentation.

46.5.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control ~~(1985)~~ (2002), and as amended. The Commission or the County Soil and Water Conservation District may grant exceptions when requested by the applicant if technically sound reasons are presented.

46.5.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control ~~(1985)~~ (2002), and as amended, shall be used in determining peak flow rates and volumes of run-off unless the Commission approves an alternative method.

### **Section 48 – Wireless Communications Facilities**

48.6.2 Landscaping: The site shall be landscaped to mitigate adverse aesthetic impacts and soften the appearance of a cell site, fencing and related buildings. Any combination of existing vegetation, topography, walls, decorative fences or other features may be permitted in lieu of landscaping if the intent of the landscape screening is achieved to the satisfaction of the Commission.

- a. ~~An evergreen~~ A screen consisting of a row of ~~evergreen~~ native trees planted not more than 10 feet on center shall be required to enclose the site. The ~~evergreen~~ screening shall have a minimum height of six (6) feet at the time of planting.



b. Existing vegetation on and around the site shall be preserved to the maximum extent possible. ~~If existing conditions are predominately invasive species, a reasonable effort should be made to remove those species and replace with appropriate native species.~~

City of Shelton  
Planning and Zoning  
54 Hill Street  
Shelton, Connecticut 06484



Alexander Rossetti  
Planning & Zoning Administrator  
Phone: 203-924-1555, ext. 1510  
Email: a.rossetti@cityofshelton.org

**To:** The Shelton Planning and Zoning Commission  
**From:** Alex Rossetti, Administrator  
**Date:** December 6, 2023  
**Subject:** Updates to the Regulations: State Laws

Dear SPZC,

This year, there have been many changes to state laws that affect local zoning governance. In this report, we provide samples of the public acts for the PZC to review and recommend changes to ensure compliance with these acts. We are always open to dialogue, interpretation, and the best ways to implement these changes. We hope this format is helpful as we continue to decipher state legislature and update our regulations accordingly.

### Public Act 23-142

Italicized below are sections that directly affect the Shelton Regulations. Many sections from PA 23-142 are not included below because they do not affect our regulations or require amendments. Within existing statutes, the text that is in brackets “[ABC]” is to be removed, and the underlined text “ABC” is to be added.

*Section 8-3j of the general statutes is repealed, and the following is substituted in lieu thereof (Effective October 1, 2023):*

*(a) No zoning regulation shall treat any family child care home [registered] or group child care home, located in a residence and licensed by the Office of Early Childhood pursuant to [section 17b-733] chapter 368a, in a manner different from single or multifamily dwellings.*

*Subsection (d) of section 8-2 of the general statutes is repealed, and the following is substituted in lieu thereof (Effective October 1, 2023):*

*(d) Zoning regulations adopted pursuant to subsection (a) of this section shall not:*  
*(1) (A) Prohibit the operation in a residential zone of any family child care home or group child care home [in a residential zone] located in a residence, or (B) require any special zoning permit or special zoning exception for such operation;*  
*(7) Establish for any dwelling unit a minimum floor area that is greater than the minimum floor area set forth in the applicable building, housing or other code.*

## Public Act 23-137

Italicized below are sections that directly affect the Shelton Regulations. Numerous sections from 23-137 are not included below because they do not affect our regulations or require our regulations to be amended. Within existing statutes, the text that is in brackets “[ABC]” is to be removed, and the underlined text “ABC” is to be added.

*Subsection (a) of section 8-3e of the general statutes is repealed, and the following is substituted in lieu thereof (Effective October 1, 2023):*

*(a) No zoning regulation shall treat the following in a manner different from any single-family residence:*

- (1) Any community residence that houses [six] eight or fewer persons with intellectual disability and necessary staff persons and that is licensed under the provisions of section 17a-227,*
- (2) any child-care residential facility that houses [six] eight or fewer children with mental or physical disabilities and necessary staff persons and that is licensed under sections 17a-145 to 17a-151, inclusive,*
- (3) any community residence that houses [six] eight or fewer persons receiving mental health or addiction services and necessary staff persons paid for or provided by the Department of Mental Health and Addiction Services and that has been issued a license by the Department of Public Health under the provisions of section 19a491, if a license is required, or*
- (4) any residence that provides licensed hospice care and services to [six] eight or fewer persons, provided such residence is (A) managed by an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended; (B) located in a city with a population of more than one hundred thousand and within a zone that allows development on one or more acres; (C) served by public sewer and water; and (D) constructed in accordance with applicable building codes for occupancy by [six] eight or fewer persons who are not capable of self-preservation.*

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Based on these acts, we recommend the following alterations to the Shelton Zoning Regulations.

### **Section 5 – Definitions:**

5.12 Family: A “family” is a person or a group of related persons, plus guests and domestic servants thereof, or a group of not more than **six (6) eight (8)** persons who need not be so related, who are living as a single housekeeping unit maintaining a common household. A roomer or boarder to whom rooms

are let and/or board is furnished as permitted by these Regulations shall not be considered a member of a “family” for the purpose of this definition.

#### **Schedule A – Permitted Uses:**

6A. Family Day Care Homes serving not more than ~~six (6)~~ eight (8) unrelated persons, as defined and registered pursuant to the Connecticut General Statutes.

6B. Group Day Care Homes and/or Child Day Care Centers when such use is conducted in a dwelling unit. ~~and subject to the additional standards and conditions set forth in Section 33.~~ (Permit “P” in all zones where residential uses are permitted, which is all Residential and Commercial zones)

#### **Schedule B – Lot Standards:**

##### **REPEAL THE FOLLOWING LINE ITEMS FOR ALL ZONES**

14. Min. floor area on ground floor for one- story dwelling (in s.f.) – 900 s.f.
15. Min. total floor area on all floors for split-level dwelling (in s.f.) – 1000 s.f.
16. Min. floor area for two or more story dwelling (in s.f.) – 1100 s.f.
17. Min. floor area for each d.u. (in s.f.) – 550 s.f.

**END**

#### **Section 33 – Special Exceptions**

33.16 Group Day Care Homes and/or Child Day Care Centers: Applications for all group day care homes and child day care centers shall conform to the following:

##### **REPEAL THE FOLLOWING SECTION**

33.16.1 When such use is located in a dwelling unit, the following additional standards and conditions shall apply:

- a. The person or persons conducting such use shall reside in the dwelling unit, and there shall be no more that two (2) non-resident persons engaged in the conduct of such use.
- b. Except for required outdoor play areas, the use shall not impair the residential character of the premises.
- c. The floor area used for the conduct of the use shall not exceed one-third of the finished, livable floor area of the dwelling unit.
- d. The lot shall be a conforming lot, adequate in size, shape and physical characteristics to accommodate the site needs of the use and shall have a minimum area of not less than 15,000 square feet, or as required by the applicable district, whichever is greater. Such use shall not be permitted on any interior lot approved under these Regulations.
- e. No play apparatus shall be located in any required street setback area. All such play apparatus shall be appropriately fenced and screened with foliage. Such

fencing and foliage shall be of such type, style, design and location as to ensure privacy to adjoining residential properties.

f. Adequate off-street parking shall be available at the ratio of one (1) space for each non-resident employee and one (1) space for every five (5) children enrolled during the time of maximum enrollment.

g. When not served by public water supply and municipal sanitary sewers, all on-site utility systems shall be deemed adequate by the Lower Naugatuck Valley Health District and confirmed in writing.

h. The application shall state the number of children for which approval is requested, together with the anticipated age breakdown and hours of operation. The facility shall have written confirmation of an approved license prior to issuance of a Certificate of Zoning Compliance.

**END**

Thank you for your time.

Regards,

P&Z Staff

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