

PLPZ 2020 00223 – Pre-Application Review Process

PURPOSE: The purpose of this proposed amendment is to allow for public and Commission involvement and input in applications considerably earlier in the development process. Further, over the last few years, the Commission adopted more flexible zoning regulations but have received complaints about the slight reduction in predictability. The pre-application process allows for a non-binding discussion with the Commission about the pros and cons of a proposal before a substantial investment has been made in developing plans, reports, and studies.

The other proposed changes are either intended to clarify and simplify the regulations and in Section 6-17 (d) Special Permit Standards, the proposal is intended to enhance the Commission’s control over community character and safety.

This proposal is in keeping with the 2019 Plan of Conservation and Development, particularly: Objective 4.1 Explore regulatory mechanisms to gain site designs more in keeping with the Low Impact Development techniques promoted in the “Town of Greenwich Drainage Manual.” Further, Objective 4.1(a) Create a pre-application process, using Section 7-159b of the Connecticut General Statutes, to let a developer review a concept plan with the Planning and Zoning Commission and discuss how the design protects environmental resources on the property before designing stormwater controls.

Objective 5.2 Increase efficiency and transparency in processes to make it easier to do business in Greenwich.; and subsection d: Institute a new process, pursuant to Section 7-159b of the Connecticut General Statutes, that provides for an informal pre-application review, which would create an opportunity for property owners, tenants, contract purchasers etc., to explore ideas for special permit, commercial, multi-family or mixed use projects with the Planning and Zoning Commission. This would allow an opportunity to comment and property owners to receive feedback prior to submission of a formal application.

Proposed text is in bold and deleted text is denoted via strikethrough.

AMENDMENT:

Sec. 6-13. SITE PLAN APPROVAL REQUIRED BY PLANNING AND ZONING COMMISSION.

- (a) **A Final** Site Plan approval by the Planning and Zoning Commission shall be required in the event that the building permit or other permit application is for construction or enlargement or alteration of a building, or a change of use involving any of the uses or activities listed below. In deciding on a **Final** Site Plan the Commission may approve, deny or modify the plan:
- (1) A residential use involving the housing of ~~three~~ **two (2)** or more families on one lot, **subject to Section 6-98.**
 - (2) Any non-residential use, or group of uses.
 - (3) Any building constructed or altered in such a manner as to require additional off-street parking or access from the street to the premises.
 - (4) Any change from residential to non-residential use.
 - (5) Except as provided in Section 6-98(a)(2), construction, or alteration of the exterior of any multi-family structure or group of structures with **two** five or more dwelling units or any non-residential structure or any structure containing a mix of residential and non-residential uses. Exterior alterations shall include but not be limited to replacement of doors or windows or signs involving a substantial change in design, material or color as well as to removal or alterations of roof top mechanical structures and other integral parts of the structure. (6/1/2017)

- (6) Any building or portion of a building housing an athletic facility that occupies more than 1,200 square feet of floor area.
- (7) Any use requiring a Special Permit. Site Plan Approval for any use requiring Special Permit shall be initiated as part of special permit procedure. (6/17/83)
- (8) Municipal Improvements submitted for Commission approval.
- (9) An increase in non-residential usable floor area as a result of enlargement of a building, or conversion of accessory storage space, or interior alterations.
- (10) Any construction or alteration of structure(s) within an HO zone.
- (b) The Town Planner may waive full Commission review of small-scale projects, but may require the approval of the Architectural Review Committee.
- (c) In deciding on a **Final** Site Plan, the Commission may approve, deny, or require modification of the plan according to the standards set forth in Sec. 6-15. (5/4/2005)
- (d) Administrative site plan approval for tents for commercial purposes shall be subject to the approval of the Town Planner or his or her designee when the event involves the erection of a tent(s) for non-residential use that meets one or more of the following criteria.
 - 1. Is more than 350 sq. ft. in total area with no seating, or if used for seating that will seat 50 or more people, or
 - 2. Regardless of size is located in an area designated for parking or drives.
 - 3. Administrative site plan approval for tents by Town Planner shall be limited to fourteen (14) days. Longer durations require approval by the Planning and Zoning Commission and may be re-approved annually by the Town Planner or his or her designee. (5/4/2005)

Sec. 6-14. PROCEDURE FOR SITE PLAN APPLICATIONS FOR SITE PLAN REVIEWS

(a) Pre-application review process

(1) Pre-application meeting – For applications requiring a special permit (optional to all other application types), the applicant is required to submit documentation of their development proposal to the Planning and Zoning Commission for a non-binding pre-application review pursuant to Section 7-159b of the Ct. General Statutes, to be held on a regularly scheduled meeting of the Planning and Zoning Commission, subject to the below requirements. The submission shall include:

(A) One copy of a signed form titled, *Applicant's Agreement to Pre-Application Review Meeting under the Provisions of CGS Section 7-159b*, which notes in part, that this pre-application review is being held at the applicant's request in accordance with Connecticut General Statutes (Sec. 7-159b). Specifically, Sec. 7-159b of the Connecticut General Statutes notes that a "Pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or any authority, commission, department, agency or other official having jurisdiction to review the proposed project." Therefore, any comments, thoughts, ideas, or opinions provided by Commission members are non-binding in all respects.

(B) Nine copies of a written narrative describing the project.

(C) Nine copies of schematic architectural drawings including but not limited to proposed floor plans, all building elevations indicating proposed height and stories, conceptual site, and landscape plans;

(D) Nine copies of an A2 survey and schematic civil engineering site development plans indicating the layout of the proposed development including setbacks, number and dimension of parking spaces and travel lanes, curb cuts and dimension of proposed buildings;

(E) Nine copies of a planimetric GIS map (not aerial) showing the surrounding neighborhood including standard generated topography, infrastructure, and flood zones; and

(F) An affidavit certifying that all abutting property owners have been notified by mail as evidenced by a certificate of mailings or certified or registered mail receipts, about said application. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners.

(b) Prior to submission of a final site plan application:

(1) Successful site plan applications shall meet the requirements and recommendations of Zoning Enforcement, the Department of Public Works Engineering, Sewer, Traffic, and Building Divisions, the Health Department, the Architectural Review Committee, Historic District Commission, and Public Safety Departments, as applicable. Applicants should take the time to meet with the applicable departments and committees so their comments can be incorporated in to a final site plan application prior to submission to Planning and Zoning Staff.

(2) If a final site plan application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45 inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Agency not later than the day such

application is filed with the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered on a final site plan application until the Inland Wetlands and Watercourses Agency has submitted a report with its final decision. (2/7/2001)

(c) Preliminary and Final Approval (4/24/2013)

Applications for preliminary or final site plan approval shall be made on forms provided by the Planning and Zoning Staff (**herein after, "staff"**). In order to be submitted by the Planning Staff to the Commission, applications for preliminary or final site plan approval must be complete including all of the following documents. If the Planning Staff finds any of the below requirements not applicable for small-scale projects, such items may be waived.

- (1) A copy of all materials (plans, studies, documents, images and the like) submitted for review by the Planning and Zoning Commission shall be provided on a disc (~~CD~~, or ~~DVD~~, or ~~discs as necessary~~, in *.pdf format at the time of application submission.
- (2) Fifteen copies of a survey folded to 9"x12" showing existing conditions including ():
 - A) Locations and dimensions of all existing buildings, structures, fences, retaining walls, utility facilities, trees of six (6) inches or more in diameter at breast height, and other similar features.
 - B) Existing contours at no more than a two-foot vertical interval, unless waived by the ~~commission~~ staff in circumstances where such contours may not be necessarily pertinent. The survey shall indicate topographic conditions of the subject property.
 - C) The location of all existing watercourses, intermittent streams Wetlands as required by IWWA, Flood Hazard Lines as determined by FEMA, springs and rock outcrops, or a note indicating that none exist, with the sources of information listed.
 - D) The zone in which the land to be developed falls and the location of any town and zone boundary lines within or adjoining the tract, and yard dimensions to existing buildings. Lot area, by zone, shall be indicated.
 - E) The title of the development, date, revision date if any and nature of revision, north arrow, scale, and the name and address of owner and names of owners of adjacent land.
 - F) Street and property lines, curbs, edges of pavement, sidewalks, easements, right-of-way, covenants, and deed restrictions.
 - G) Traffic lights and controls, public trees, catch basins, hydrants, and power and telephone lines in adjacent streets.
 - H) Certification with the signature and seal or registration number of a registered land surveyor licensed in the State of Connecticut that the drawing is substantially correct to A-2 Standards, and that the property is in a designated zone under the zoning regulations. (5/4/2005)
- (3) Fifteen sets of a detailed site development plan at a readable scale, folded to 9"x12", prepared in accordance with all applicable Town standards, including the Roadway Design and Drainage Design Manuals and signed by a professional architect, land surveyor or engineer licensed in the State of Connecticut, showing (4/24/2013):
 - A) Location, dimension, and elevation of all proposed buildings, structures, walls, and fences.
 - B) Location, dimensions and surface treatment of all existing and proposed parking and loading spaces, traffic access and circulation drives, and pedestrian walks. Sidewalks are to be provided as required by the Building Zone Regulations.
 - C) Approximate location of proposed utility lines, including water, gas, electricity, sewer and the location of any transformers.
 - D) Note specifying source of water supply and method of sewage disposal.

- E) Existing and proposed contours at units of no more than a two foot interval unless waived by the Commission's staff. Cuts and fills and estimates of blasting to be submitted at time of final site plan.
 - F) Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed.
 - G) Any other similar information determined by the Commission staff in order to provide for the proper enforcement of the Building Zone Regulations.
 - H) Zoning statistics including: **existing and proposed** Gross Floor Area, Floor Area Ratio, Usable Floor Area, Required Parking, Actual Parking Provided, Building Height, Building Footprint, and Area Devoted to Surface Parking, Building and Drives.
 - I) Provisions for compliance with Americans with Disabilities Act (Handicap Access) and State Building Code.
 - J) Coastal Area Management Application for projects within the Coastal Overlay Zone.
- (4) Eight sets of architectural plans not less than 1/8" in scale, signed and sealed by an architect registered in the State of Connecticut, of all floors **and roof**, all exterior elevations showing existing and proposed grade conditions. Elevations are to detail architectural elements by labeling materials, color and dimensions. Each architectural elevation shall show the building height as well as building height **as measured in accordance with Section 6-5(a)(9)** for zoning purposes. All HVAC facilities are to be shown on architectural elevations. (4/24/2013)
 - (5) **Three copies of** Floor Plan Work Sheets with the dimensions and calculated floor areas for each floor prepared in accordance with Sec. 6-5(22). Consult Commission staff for required format. ~~(3 copies)~~ (4/24/2013)
 - (6) Three copies of building coverage computation sheets. (4/24/2013)
 - (7) Three sets of Volume Calculations per Sec. 6-101 **or affidavit by the design professional certifying that the proposal exceeds the maximum volume threshold.** (4/24/2013)
 - (8) Three copies of Green Area worksheets. (4/24/2013)
 - (9) Five copies of sight distance certification reports ~~when required by a preliminary site plan review or when advised by the commission staff pursuant to item 2(g) of this checklist.~~ (4/24/2013)
 - (10) Completed Traffic Impact Evaluation Form if applicable. Submission requirements are defined on the form, available at the Commission office. A traffic report shall be required ~~if found necessary by the traffic impact evaluation.~~
 - (11) Ten copies of completed application form, signed by applicant or authorized agent, owners and contract purchasers, as applicable. (4/24/2013)
 - (12) Ten copies of completed Special Permit form, if required by Building Zone Regulations. (4/24/2013)
 - ~~(13)~~**(12)** Fifteen copies of a detailed, inclusive narrative description of the proposed project. For those projects involving amendments to the Building Zone Regulations and/or amendments to the Building Zone Regulation Map, the narrative description must provide the section number and text for the proposed amendment(s) to the BZR and an explanation providing justification for the proposal. For map changes, a scaled drawing 1/400 scale needs to be provided for affected area(s). (4/24/2013)
 - (14) **(13)** Eight copies of reductions in 11x17 size, or other appropriate size, providing a readable, clear plan of proposed site development and architectural plans.
 - (15) **(14)** A showing that an adequate source of potable water is available to satisfy the needs of the proposed development as per Sec. 6-15(a)(5), signed by the Aquarion Water Company.
 - (16) **(15)** An affidavit certifying that all abutting property owners have been notified by mail as evidenced by a certificate of mailings or certified or registered mail receipts,

about said application. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners. For projects, which require the preliminary review by the Conservation Commission, the notice shall be sent by the applicant two weeks prior to any scheduled hearing date by the Conservation Commission. (4/19/2006)

- ~~(17)~~ **(16)** Authorization for the agent and contract purchasers to act on behalf of the certified property owner(s).
- ~~(18)~~ **(17)** A separate schematic plan at a scale no larger than 1" – 100" indicating buildings, parking and drives on the site and all adjoining properties, including those across the street, and the nearest cross street.
- ~~(19)~~ **(18)** Five copies of a Drainage Summary Report as per Department of Public Works and the Town Drainage Design Manual. The summary report must be prepared in accordance with the following formats: PRELIMINARY: Existing and proposed storm water distribution, existing and proposed runoff rates, capability of off-site drainage facilities to accommodate proposed runoff, capability of off-site soils to accommodate percolation or detention if proposed, and identification of proposed drainage structures. FINAL: Final structure design details, prior approval from IWWA, Engineering Division and Conservation Commission as appropriate, and all information required by the preliminary report or two copies of a drainage exemption form. (4/24/2013)
- ~~(20)~~ **(19)** In accordance with Sec. 6-183.1 to 6-183.10 of the Building Zone regulations, tree protection and sedimentation and erosion control plans shall be submitted with all site plan applications.
- ~~(21)~~ **(20)** All applications for final site plan shall be in the form of a survey prepared by a registered Connecticut land surveyor having metes and bounds, dimensions of all buildings, parking and drives, setbacks of all structures from property lines, setbacks between buildings, and certification that building dimensions shown thereon are the same as the approved architectural plans Architectural and drainage plans are to be references by title, date(s) and sheet numbers.
- ~~(22)~~ **(21)** Fee submitted at time of application based on latest application fee schedule. (5/4/2005)
- ~~(d)~~ **(e)** Action by the Planning and Zoning Commission shall be taken and a decision as to approval, disapproval or approval with modifications rendered, within sixty-five (65) days after receipt of a complete application. For purposes of this section the day of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following submission of the complete application, or thirty-five (35) days after such submission whichever is sooner. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one further sixty-five (65) day periods, or may withdraw such plan.
- ~~(e)~~ **(f)** The Commission may on its own motion call for a Public Hearing on the Site Plan. Public notice and hearing shall be in the same manner as required by law for zoning amendments. In the event of a Public Hearing, the time for action by the Commission shall be extended thirty (30) days after the date of the hearing.
- ~~(f)~~ **(g)** Failure to complete all approved work under any site plan approval granted by the Commission within five years of the approval shall result in automatic expiration of the approval. The Commission may grant one or more extensions of time to complete all work not to exceed ten years from the date the site plan was approved. (2/7/2001, 7/19/2016)
- (g)** Upon final approval of any site plan, a notice, signed by the Secretary or Chairman of the Planning and Zoning Commission, shall be recorded on the land records of the Town. Such notice shall contain a description of the premises to which it relates, the nature of the construction approved, the name of the record owner, the site plan number and a statement that the site plan is on file in the office of the Planning and Zoning Commission of the Town of

Greenwich. The notice shall be prepared by the Commission and the record owner shall pay for the recording. (6/11/86)

Sec. 6-15. STANDARDS.

- (a) The Planning and Zoning Commission may approve applications for preliminary site plans or deny applications for preliminary site plans according to the standards set forth in this Regulation. Alternatively, as a condition of approval, the Commission may require such modifications of the proposed plans as it deems necessary to comply with Regulations. In determining whether to approve application for preliminary site plans, deny such applications, or approve such application with modifications, the Planning and Zoning Commission shall take into consideration the public health, safety and general welfare and the comfort and convenience of the general public, taking into account whether the applicant has satisfied the following specific objectives: (5/4/2005)
- (1) Evaluate the information from a traffic impact study which it may require be prepared to insure safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. In determining whether this condition has been satisfied, the Commission may consider all relevant information including, but not limited to, information from the Town's traffic engineer, **Traffic Engineering Consultant, or** the applicant's traffic impact study where required and/or other consultants. At least the following aspects of the site plan shall be evaluated to determine the conformity of the site plan to this standard: (5/4/2005)
- (a) The effect of the proposed development on traffic conditions on abutting streets;
 - (b) The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways;
 - (c) The visibility in both directions at all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street;
 - (d) The location, arrangement and adequacy of off-street parking facilities;
 - (e) Interconnection of parking areas via access drives within and between adjacent lots, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation;
 - (f) The location, arrangement and adequacy of truck loading and unloading facilities;
 - (g) Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk system;
 - (h) The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs, and reserved ~~fifteen~~ **fifteen (15) feet wide code complying** parking spaces;
 - (i) The location, arrangement and adequacy of landscaping within and bordering parking and loading facilities.
- (2) The protection of environmental quality and the preservation and enhancement of property values. At least the following aspects of the site plan shall be evaluated to determine the conformity of a site plan to this standard:
- (a) Adequacy of open spaces, screening and buffering between similar and dissimilar uses to assure light, air, privacy and freedom from nuisance or other disturbance. (6/16/1986)
 - (b) The location, height and materials of walls, fences, hedges and plantings so as to ensure harmony with adjacent development, screen parking and loading areas, and conceal storage areas, utility installations and other such features, all in conformity with the requirements of Section 6-176 of the Building Zone Regulations;
 - (c) The prevention **and/or control** of dust and erosion through the ~~planting of ground cover~~ **use of landscaping** or installation of other **appropriate** surfaces;

- (d) The preservation of natural attributes and major features of the site such as wetlands, highly erodible areas, major trees and scenic views both from the site and onto or over the site;
 - (e) The conformity of exterior lighting to the requirements of Section 6-151 to 6-153 of the Building Zone Regulations;
 - (f) The design and arrangement of buildings and accessory facilities and the installation of proper shielding so as to minimize noise levels at the property boundary;
 - (g) The provision of adequate storm and surface water drainage facilities to properly drain the site while minimizing downstream flooding, yet not adversely affect water quality as defined by the State Department of Environmental Protection. (5/4/2005)
- (3) A high quality of building design, neighborhood appearance, and overall site design. At least the following aspects of the site plan shall be evaluated to determine the conformity of a site plan to this standard:
- (a) A design in harmony with existing and/or proposed neighborhood appearance, as shown by the exterior appearance of the buildings, their location on the site, and their relationship to the natural terrain and vegetation and to other buildings in the immediate area. (6/16/86)
 - (b) In multi-family developments, the adequacy of usable outdoor living space.
 - (c) The preservation and enhancement of historic structures, or structures that contribute to the architectural character of the town as determined by the Commission who may consult with the Historic District Commission.**
 - (d) Special emphasis on neighborhood scale and context.**
- (4) A showing that an adequate source of potable water is available to satisfy the needs of the proposed development. (6/18/81)
- (b) In acting upon any site plan, the Commission may take into consideration the recommendations of the Director, Planning and Zoning/Zoning Enforcement Coordinator/Town Planner, and staff, the Zoning Enforcement Officer, the Public Works Department, the ~~Fire~~ **Public Safety** Departments, the Parks and Trees Department, the Health Department, and any other Town agencies or outside specialists with which it consults. (4/24/2013, 5/1/2013)

Sec. 6-16. SITE PLAN CHANGES.

- (a) No building permit or certificate of occupancy shall be issued by the Building Official if the Site Plan is changed after approval of the Commission unless said change is approved by the Commission. (2/7/2001)
- (b) No changes may be made on an approved Site Plan without a re-approval of the Plan as per Sections 6-14 and 6-15. Such changes include but are not limited to changes in height of a building, changes in accessible or usable floor areas, changes in surface of parking facilities, and changes affecting the onsite drainage or grading. (2/7/2001)

Sec. 6-16.1. ACCEPTANCE OF SITE PLAN CONSTRUCTION.

- ~~(a) At the same time that application is made for a Building Permit, the architect of record/design professional will submit to the Division of Building certification that the site work and building construction will be supervised and completed in accordance with plans submitted and as approved by the Planning and Zoning Commission and that no unauthorized changes in the plans have been made since approval. (6/11/86)~~
- ~~(b) Prior to request for a Certificate of Occupancy the Architect of record/design professional will submit an affidavit that the building and site have been completed in accordance with plans~~

submitted and as approved by the Planning and Zoning Commission and that no exterior alterations and no interior alterations resulting in additional useable floor area were made without prior approval of the Planning and Zoning Commission. The Certificate of Occupancy will not be issued unless work is completed as certified, as evidenced by submission to Planning & Zoning and Building Department of an Improvement Location Survey prepared to Class A2 Standards of Accuracy, and if requested by Planning & Zoning, a Topographical Survey prepared to T2 standards of accuracy. (2/7/2001)

- (a) The Certificate of Occupancy will not be issued unless work is completed as certified, as evidenced by submission to Planning & Zoning and Building Departments of an Improvement Location Survey prepared to Class A2 Standards of Accuracy, and if requested by Planning & Zoning, a Topographical Survey prepared to T2 standards of accuracy **and/or an affidavit from the Architect of record/design professional that the building and site have been completed in accordance with plans submitted and as approved by the Planning and Zoning Commission and that no exterior alterations and no interior alterations resulting in additional useable floor area were made without prior approval of the Planning and Zoning Commission.** (2/7/2001)
- (b) No certificate of occupancy shall be issued by the Building Official until all approved Site Plan construction has been completed or until a substantial amount of work has been completed and the balance of the work bonded in the full amount of its construction cost, all as approved by the Building Official, except that on-site and off-site improvements deemed necessary to protect the health, safety and welfare of the public may not be delayed and bonded for future completion. (4/24/2013)

ec. 6-17. ~~AUTHORIZATION OF USE BY~~ **PROCEDURE FOR SPECIAL PERMIT APPLICATIONS.**

- (a) **Special permit approval by the Planning and Zoning Commission shall be required as articulated in the below referenced sections. In deciding a special permit, the Commission may approve, deny or modify the plan:**
 - (1) **Section 6-30 — Conservation Zone special provisions**
 - (2) **Section 6-94(b) — Non-residential uses and Group Living Facilities permitted in Residential Zones including Resident Medical Professional Office**
 - (3) **Section 6-98 — RMF Zone**
 - (4) **Section 6-100— Use Groups for Business Zones**
 - (5) **Section 6-101, 107 — Buildings over 40,000 cubic feet in volume (cfv) in Central Greenwich Impact Overlay Zone, Post Road Impact Overlay Zone, WB, LB or LBR Zones; and over 150,000 cfv in all other zones**
 - (6) **Section 6-103.1 — Parking deficient uses in CGBR**
 - (7) **Section 6-104 — Parking structures including underground in LB Zone and height exceptions**
 - (8) **Section 6-105, 106 — Front yard parking in GB or GBO Zone**
 - (9) **Section 6-109 — HO Zones**
 - (10) **Section 6-110 — Dwellings under special requirements for Business Zones**
 - (11) **Section 6-112 — IND-RE Zone applications**
 - (12) **Section 6-113 — In Hospital Zones: certain accessory uses, expansions exceeding 4,000 s.f. or interior alterations or changes of use exceeding 20,000 s.f. (cumulative within 2 years)**
 - (13) **Section 6-114 — CCRC (Continuing Care Retirement Community)**
 - (14) **Section 6-118.1 — Uses within railroad rights of way**
 - (15) **Section 6-123 — Setbacks from Connecticut Turnpike in Business Zones**
 - (16) **Section 6-140.1 — Satellite Earth Stations that emit microwaves**
 - (17) **Section 6-141 — Changes in non-conforming uses, buildings**

(18) Section 6-205 — Historic structures in CBG Zone exceeding FAR and Notes 7, 8 & 9

(b) (a) In authorizing uses by special permit in addition to the standards of Subsection (d), the Planning and Zoning Commission shall determine that the proposed use conforms with the overall intent of these regulations and the purposes of each zone, where defined.

(c) Procedure

(1) **Special permit** submission requirements ~~for special permit shall be~~ **are** the same as for site plans **but shall also include ten copies of the special permit application form** (See Sec. 6-14).

(2) **If a Special Permit application involves an activity regulated pursuant to CGS sections 22a-36 to 22a-45 inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Agency not later than the day such application is filed with the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered on such a special permit application until the Inland Wetlands and Watercourses Agency has submitted a report with its final decision.**

~~(2) (3)~~ **When reviewing site plans and Application timelines for Special permit applications together, the period of review of the site plan shall be in accordance with Section 8-3c 8-7d of the General Statutes.**

~~(3) (4)~~ A special permit granted for a particular use shall not constitute a special permit for any other use either within or without the use group in which the said particular use is found. For example, in Sec. 6-100 Business Zones, Use Group 8, NOTE A Uses: a change from any one of the following uses to another use would require a new special permit: bank, supermarket, jobbing establishments, service stations, restaurant. (1/12/2000)

~~(5) (4)~~ Any material intensification of the use allowed by a special permit shall constitute a change of use requiring a new application for a special permit to be submitted to the Commission. (1/12/2000)

~~(6) (5)~~ All determinations of the Commission shall be made after public notice and hearing in accordance with Sec. 8-3c of the General Statutes and subject to appropriate conditions and safeguards.

(d) Standards

In reviewing special permits, the Planning and Zoning Commission shall consider all the standards contained in Sec. 6-15(a). In granting any special permit the Commission shall consider in each case whether the proposed use will:

(1) Not prevent or inhibit the orderly growth of the ~~retail business~~ **commercial** development of the area.

(2) Not adversely affect storm drainage, sewerage disposal or other municipal facilities. (6/11/86)

(3) Not materially adversely affect adjacent **structures, neighborhoods or developed** areas located within the closest proximity to the use.

(4) Not materially adversely obstruct significant views which are important elements in maintaining the character of the Town for the purpose of promoting the general welfare and conserving the value of buildings.

(5) Preserve ~~or~~ **and** enhance important open space and other features of the natural environment, ~~and~~ protect against deterioration of the quality of the environment, **and support environmental sustainability.** as related to the public health, safety and welfare. (6/11/86).

(6) Not **materially adversely** interfere with ~~affect~~ pedestrian circulation, most particularly as related to retail shopping patterns **and neighborhood accessibility.**

- (7) Not **materially** adversely affect safety in the streets nor increase traffic congestion in the area so as to be inconsistent with an acceptable level of service nor interfere with the pattern of highway circulation. (6/11/86)
- (8) Be in scale ~~with and~~, compatible **to and in contextually consistent** with surrounding uses, buildings, streets and open spaces.
- (9) Preserve land, structures or features ~~having that have~~ special historical, cultural, **environmental**, or architectural merit **and contribute to the character of the Town.** (3/1/82)
- (10) Will not materially adversely affect residential uses, nor be detrimental to a neighborhood or its residents, nor alter a neighborhood's essential characteristics. (6/13/84)
 - (11) Preserve where possible existing housing stock. ~~so as to~~ **Maintain** and contribute to a diversity of housing opportunities within the Town. (6/11/86)
- (12) For the establishment of horticultural or wildlife reservations and natural park areas acquired or controlled by a Connecticut non-profit corporation or organization provided that such reservation or area is open to the public, subject to reasonable regulation, and the Planning and Zoning Commission finds that the establishment of such reservation or area is in the interest of the Town for educational, scientific and recreational reasons, having in mind the size, character and location of such premises and availability of similar uses in the vicinity. (10/9/2018)
- (e) In connection with Subsection (d) above, the Commission may require applicants for special permit to prepare and submit any **and all** additional data, ~~and~~ studies, **or documents**, as necessary to allow the Commission to arrive at its determinations.
- (f) Any special permit granted by the Commission shall expire when the corresponding site plan approval expires pursuant to Sec 6-14.1(e). (7/19/16)
- (g) At such time as the Commission takes action on a Special Permit Application, it shall also take action on Site Plan Review.

Sec. 6-22. ZONING AMENDMENTS.

The Planning and Zoning Commission on its own motion, or on petition of the Board of Appeals, or on petition of one (1) or more property owners may amend the zoning text or the Zoning Map in accordance with the provisions of Title 8 of the General Statutes of 1958.

For those projects involving amendments to the Building Zone Regulations and/or amendments to the Building Zone Regulation Map, the narrative description must provide the section number and text for the proposed amendment(s) to the BZR and an explanation providing justification for the proposal as well as its consistency with the current Plan of Conservation and Development. For map changes, a scaled drawing 1/400 scale needs to be provided for affected area(s). (4/24/2013)