

Chapter 9 - Business Special Zoning Districts

900 **List of Business Special Zoning Districts.** The following districts are special zoning districts; i.e., districts for which regulations have been established herein but which, as of the time of adoption of these Regulations, had not yet been established on any specific land within the Town.

A. Design Development Special Zoning District (Master Planned Development)

901 **DESIGN DEVELOPMENT OVERLAY DISTRICT (MASTER PLANNED DEVELOPMENT)**

901.1 **Intent.** To encourage commercial and mixed use development that reflects the vision of the Town with respect to attracting quality development and that respects the New England character of North Stonington, while allowing for creative design that maximizes the economic viability and flexibility for future reuse. A Design Development Overlay district may be approved only in the C, ED and HC zoning districts, except that, if any portion of a current, legally existing lot is located within the ED, a DDO may incorporate the entire lot.

901.2 The purposes of a Design Development Overlay district are:

- A.** to provide flexibility in uses and site design, maximizing development potential while ensuring aesthetically pleasing commercial and mixed use development;
- B.** to extend greater opportunities for traditional community living, working, housing, and recreation to all residents of the Town;
- C.** to encourage a more efficient use of land and public services by promoting compact development in appropriate locations; and
- D.** to provide a mix of uses, including residential, commercial, civic and open space uses.

901.3 The goal of this § 901 is to provide a process by which developers and Commission members can collaborate on the design of a site and arrive at a final project that is both successful for the developer and sustainable for the Town. The permitting process will consist of three steps.

- A.** Informal workshop to discuss initial concepts and ideas. Some basic concept plans should be provided to aid the discussion.
- B.** Approval of Master Plan and Zoning Map amendment.
- C.** Site Plan/Special Permit Approval (depending on the proposed uses).

901.4 **Relationship to Zoning Regulations**

- A.** Unless provided otherwise in this § 901, uses within the **Design Development Overlay district (Master Planned Development)** shall be subject to all provisions and definitions of these Regulations. However, because the intent of the DDO is to provide flexibility in design standards in order to achieve important design objectives as described herein, in cases of conflict with other provisions of these Regulations including the zoning definitions, the provisions of this § 901 shall prevail.
- B.** As part of a Master Plan, the applicant may propose one or more modifications of any of these Regulations that would otherwise be applicable to the underlying zoning district. A list of such proposed modifications must accompany the application. If the Commission decides to approve the application to establish the DDO, it may accept, modify and accept, or deny any of the proposed modifications. Any modifications

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approved by the Commission in establishing a DDO shall be deemed to be the regulations applicable to the DDO and shall supersede any contrary regulations for the underlying zoning district(s). The regulations for the underlying zoning districts shall continue to apply to the DDO except as so modified.

- C. For the purposes of this § 901, the term “Master Plan” shall include all elements of the “Application Requirements” contained herein: i.e., the “Master Plan”, “Comprehensive Traffic Study”, “Comprehensive Stormwater Management Study”, “Documentation of the Availability of Potable Water and Sanitary Sewer Service”, and the “Design Guidelines,” including the “Pattern Book”.
- D. The foregoing notwithstanding, nothing in this § 901.4 shall be construed to prevent review under the requirements and criteria of Chapter 13 of these Regulations for any Special Permit application pursuant to § 901 that addresses a level of detail for that Special Permit application that was not addressed in the approval of the Master Plan and its accompanying studies. Similarly, nothing in this section shall be construed to prevent such review for any elements of the Special Permit that differ from the approved Master Plan. The intent of this section is that any compliance issues that can be addressed at the level of detail afforded by the Master Plan shall not be revisited in the individual Special Permit applications filed in compliance with such Master Plan, while not precluding the Commission from examining the more detailed plans of the Special Permit application in conformance with the criteria of these Regulations that are appropriate to such detailed level of review.

901.5 Permitted Uses (SPL). Office, retail, general commercial, hospitality, personal and professional services, manufacturing, civic, open space, and residential uses may all be permitted in a DDO district as part of a well-designed, mixed-use development that provides a reasonable mix and balance of such uses.

901.6 Conditional Uses (SPP)

The following uses in a DDO district shall require a Special Permit:

- a. single-family detached housing units;
- b. any commercial office or research and development use that utilizes, processes, or manufactures chemicals or any hazardous materials;
- c. drive-through windows;
- d. commercial greenhouses and similar agriculturally related commercial businesses; and
- e. any use in the underlying zoning district(s) that requires a Special Permit.

901.7 Design

The following regulations apply to all Design Development Overlay districts.

- A. All uses shall employ Sustainable Development practices in accordance with § 1102 of the Zoning Regulations, including but not limited to low impact development techniques.
- B. Site design shall aim to maintain as much of the natural topography and vegetation and, wherever possible, developments shall be internalized with no front-yard parking.
- C. All utilities shall be located underground.
- D. Shared and on-street parking is encouraged for residential units.

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- E. Total size of such a development shall be regulated by the ability to provide adequate water and wastewater disposal in accordance with the public health code.
- F. The maximum building height in any DDO shall be 50 feet or three stories, whichever is less, except where the Commission finds that a greater height would add to the overall architectural character, detail and vernacular style of a proposed structure. Any proposal for such increased height must be referred to the Town's Fire Chief for review and comment. No increase in height shall be permitted to provide additional habitable space.
- G. A Connecticut Licensed Landscape Architect shall be required to design, certify, and sign the site development plans in association with the other necessary design professionals. The burden of proof shall be on the applicant to demonstrate to the Commission that the site design requirements have been met or exceeded.

901.8 Application Elements

The following application elements must be prepared, and all graphical plans signed and sealed, by a professional engineer licensed in the State of Connecticut.

- A. **Master Plan** for the area to be developed, including the elements included on the "Master Plan Check Sheet" found in Appendix E.
- B. **Comprehensive Parking Study** ("Master Parking Study") for the area to be developed. The following information should be included in the Master Parking Study:
 - 1. overall analysis of parking demand for the area to be developed, including shared use analysis if applicable;
 - 2. types, approximate locations and number of parking spaces to be provided; and,
 - 3. comparison of parking demand and parking to be provided.
- C. **Comprehensive Traffic Study** ("Master Traffic Study") for the area to be developed. The following information should be included:
 - 1. existing and projected background traffic counts on major streets located in and adjacent to the area to be developed;
 - 2. analysis of anticipated traffic to be generated by the land uses proposed for the area to be developed, including projected levels of service and queuing at key intersections;
 - 3. description of improvements for vehicular and pedestrian traffic.
 - 4. public transit improvements, to mitigate traffic impacts; and
 - 5. anticipated phasing of traffic improvements within project area.
- D. **Comprehensive Stormwater Drainage Study** ("Master Stormwater Drainage Study"). The following information should be included:
 - 1. an analysis of existing and proposed peak rates of stormwater discharge from the property for 2, 10, 25, 50 and 100-year storm events;
 - 2. a description of stormwater drainage improvements to be constructed, including phasing based on 50 and 100-year storm events; and

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3. a preliminary description of stormwater quality measures to be incorporated into the area to be developed.

E. Documentation of the Availability of Potable Water and Sanitary Sewer service.

1. This documentation shall include but not be limited to engineering feasibility studies of the proposed water supply (such as well data from existing wells on or near the site) and sewage disposal facilities, including test pit data and suitability for on-site disposal; or, for public sewers, the capacity of the treatment plant, the general route of sewer trunk lines, and other preliminary feasibility information. Final engineering design, final governmental approvals, or physical construction of water or effluent disposal facilities shall not be required at the Master Plan approval stage, but shall be required prior to the issuance of any Site Plan approval and/or Special Permit.
2. Documentation submitted shall establish the feasibility of providing potable water of adequate quantity and quality, and of providing effluent disposal either on-site or via public sanitary sewers, and shall indicate that requisite State and local approvals are reasonably probable under existing laws and regulations. The Commission may accept in satisfaction of this section an engineering feasibility study showing that adequate capacity exists in a sewage treatment plant which has a pipe connection within three miles of the DDO, in combination with the applicant's commitment to make connection to such pipe at no expense to Town taxpayers. Final engineering design, final governmental approvals, or physical construction of water or effluent disposal facilities shall not be required at the Master Plan approval stage, but shall be required prior to the issuance of any Site Plan approval and/or Special Permit.

F. Design Guidelines. The applicant shall submit proposed Design Guidelines for the DDO district, including information on the following.

1. Design intent and project vision

2. **A "Pattern Book"** that shall establish the building design standards, including, but not limited to, dimensional requirements; setbacks; architecture, including the exterior materials and finishes to be used, roof lines and materials, fenestration, color palette; building and site illumination; signs, street furniture, and such other design and architectural details as will allow the Commission to ensure that the individual components of the Master Plan will be clear and enforceable after approval of the DDO. All new buildings and all subsequent alterations to those buildings shall meet the following minimum architectural design standards:
 - a. **Architectural Variety.** A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
 - b. **Scale.** The scale of new construction, including the arrangement of windows, doors and other openings within the façade, shall be compatible with the rural/historic character of the Town.

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- c. **Accessory Structures.** All accessory structures, screen walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the associated principal structure(s).
- 3. **Site Circulation** to include:
 - a. pedestrian circulation, including materials to be used for walkways and the location thereof;
 - b. bicycle trails, and the location and construction method thereof;
 - c. public transit access, including the design of bus shelters and the location thereof; and
 - d. motor vehicles, including the hierarchy of road widths and specifications and the width of each type of roadway; the location of parking areas and the methods of screening or buffering them from public areas, and the methods of illuminating them so as to avoid glare on adjoining parcels.
- 4. **Streetscape and landscaping standards,** including materials, street furniture, illumination, cross walks, and preservation of existing specimen trees.
- 5. **Lighting and signage standards,** including an overall sign plan, with size, location, and method of illumination specified; and overall lighting standards indicating the methods of lighting various types of areas, such as driveways, parking lots, walkways, and building entrances
- 6. **Waste disposal facilities** such as dumpster areas and the screening or enclosure thereof.
- 7. **Treatment of service areas,** loading and delivery areas and above-ground utilities such as transformer boxes.
- 8. **Statement of Proposed Modifications to Regulations.** The statement must include a list of all regulations that would otherwise be applicable to the underlying zoning districts but that the applicant proposes to modify for the DDO district.

901.9 Approval Considerations

As an exercise of its legislative authority, the Commission may approve, approve with modifications, or deny any application for a DDO. The Commission may also require that certain amenities, such as improved or natural open space areas or community facilities, be allocated to particular phases of the development so as to ensure that such amenities proceed apace with the other components of the development. The Commission may also require that each phase contain a minimum number or type of uses to assure that the initial phases, standing alone, will further the purposes of the DDO as set forth in § 901; and may require that certain buildings or certain uses within a phase receive Building Permits and be under construction before future phases may commence construction. In considering any application for a DDO, the Commission shall make a finding that the Master Plan, including Master Stormwater Drainage Study, Master Parking Study, Phasing Plan, Master Traffic Study and Design Guidelines, is consistent with the standards and purposes of a DDO set forth in this section; and, in addition, with those criteria set forth in § 1102 (Sustainable Development) and § 1303 (Special Permit) of these Regulations that are applicable to the Master Plan level of detail per § 901.4.D This reference to § 1303 shall

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not be construed to require plans or other materials at that level of detail required for a Special Permit application at the Master Plan approval stage.

901.10 Filing of Approved Master Plan and Zoning Map Amendment. Following approval of a DDO, the Master Plan, together with the approved Master Parking Study, Master Traffic Study, Phasing Plan, Master Stormwater Drainage Study, and Design Guidelines, shall be filed in the office of the clerk of the Town of North Stonington.

901.11 Modification of Approved Master Plan. Approved DDO Master Plans may be modified by the Commission in accordance with procedures pertinent to the nature of the proposed modification. For instance, applications to modify the applicable regulations shall be reviewed pursuant to § 1304; applications to modify any use requiring a Special Permit shall be reviewed pursuant to § 1303; and so forth.

901.12 Expiration of DDO District. Site Plan and/or Special Permit approval for at least the first phase of an approved DDO must be obtained no later than five years following the approval of the DDO Master Plan or, in the event of an appeal of such approval, within five years following the final adjudication of the appeal that the DDO is valid (“final approval”). All components of the DDO shall be completed no later than ten years after final approval of the DDO, provided that the Commission may grant extensions of time where the developer demonstrates that it is making a good faith effort to complete the development and there are no outstanding violations of these Regulations or the Inland Wetlands and Watercourses Regulations with respect to the DDO. Any failure to meet these deadlines shall result in the expiration of the Master Plan, which shall become null and void. The Commission shall place a notice of any such expiration, on the land records of the Town.

901.13 Special Permit Review. Following approval of a DDO Master Plan, all applications for Site Plan and/or Special Permit approval for the structures and other improvements within such Plan shall be filed with the Commission pursuant to the following process:

A. **Informal Review.** All applicants are encouraged to review all Site Plan and/or Special Permit applications with Commission staff on an informal basis prior to the filing of any application.

B. **Application Process**

1. Applications for Special Permit approval in a DDO must be filed with the Commission and conform to § 1303 of these Regulations, except as provided otherwise in this § 901 (see especially subsection C, below). Each proposed use, Site Plan, building or structure, and other component of the application shall include all structures and other improvements within the entire Master Plan or within a project phase as approved by the Commission as part of its approval of the Master Plan, and shall substantially conform to such Master Plan.

2. The Commission shall conduct a public hearing on any application for Special Permit approval in accordance with the provisions of §§ 1303 and 1306.

C. **Application Requirements.** All applicants for Site Plan or Special Permit approval shall provide the application materials required by §1302 and § 1303 respectively. The following additional information shall also be submitted.

1. **Statement of Consistency with Plans, Studies and Guidelines.** A statement shall be provided demonstrating reasonable consistency with the following

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documents that were approved as part of the DDO application, and identifying any deviations from the Master Plan and the reasons for such deviations:

- a. Master Plan
- b. Master Parking Study
- c. Master Traffic Study
- d. Master Stormwater Draining Study
- e. Design Guidelines

If the Commission determines that changes have been made to the Master Plan, including without limitation the size, density, mix of uses, site layout, appearance, and/or design of the development that affect the application's fulfillment of the objectives of the DDO, the application may be denied as being not reasonably consistent with the Master Plan. In such instance, the applicant may file a revised Special Permit application or an application to amend the Master Plan.

2. The applicant shall submit a **Permanent Maintenance Plan** that establishes a yearly schedule of maintenance activities to ensure the aesthetic quality and cleanliness of the site. The maintenance plan shall include, but not be limited to, a timetable for all maintenance activities with respect to private storm drainage systems, utilities and other infrastructure including, but not limited to, landscaping and screening, roads, parking areas, sidewalks, trails and berms, lighting, signage, storage, refuse and litter control, snow removal and other site amenities proposed in the plans. If the development is intended to be a common interest ownership community pursuant to the Common Interest Ownership Act (the "Act"), the applicant shall submit proposed language to be included in the Declaration of the community under the Act, binding each unit owner and the unit owners' association to the requirements of the approved maintenance plan. If the development is intended to be something other than a common interest ownership community, the applicant shall submit a document legally sufficient to assure future maintenance of the DDO infrastructure, as described above.

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