

**TOWN PLAN AND ZONING COMMISSION
TOWN OF FAIRFIELD
MINUTES OF MEETING – JANUARY 8, 2013**

The Town Plan and Zoning Commission held a meeting at 7:30 p.m., on Tuesday, January 8, 2013 in McKinley Elementary School, 60 Thompson Street, Fairfield, CT

Members Present: Bryan LeClerc, Chairman; Rich Jacobs, Secretary; Pat Jacobson, Doug Soutar, Matt Wagner

Alternate Members Present: Gerri Alessi, Sally Parker

Town Department Members Present: Joseph Devonshuk, Planning Director
James Wendt, Assistant Planning Director
Dolores Sansonetti, Clerk

Ms. Parker viewed the tape of December 11, 2012 and sat in place for Mr. Baratz.

Meeting Minutes Motion was made by Ms. Jacobson, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the Meeting Minutes of December 11, 2012.

682 Commerce Drive Motion was made by Ms. Parker, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the request of Paul Gustavson for exterior building materials as outlined in his letter of December 31, 2012, as meeting the December 11, 2012, conditions of approval.

85 Mill Plain Road It is the consensus of the Commission to deny the request of Fischel Properties to revise the approved parking ratio based on their parking study at this time. The Commission recommends that they return in the future when they have new clients for the property.

Mr. Kennelly arrived during this discussion.

1499 Post Road Motion was made by Ms. Jacobson, seconded by Ms. Parker to approve the request of Rick Higgins to revise an approved awning sign.

For motion: No one

Against motion: Jacobson, Parker, LeClerc, Jacobs, Kennelly, Soutar, Wagner

Therefore, this motion failed and the request is denied.

544 Unquowa Road Motion was made by Mr. Jacobs, seconded by Mr. Kennelly and the members present unanimously **VOTED TO APPROVE** the request of Terry Donahue for 100% release of a \$25,556 bond pertaining to subdivision improvements in an A Zone.

Zoning Regulation Amendment Motion was made by Mr. Jacobs, seconded by Mr. Kennelly and the members present unanimously **VOTED TO APPROVE** the application of the Town Plan and Zoning Commission to amend Section 12.5, 28.0 and 29.0 of the Zoning Regulations as follows:

12.5 Neighborhood Designed Business District
(Bolded text is new proposed text)

The purpose of this district is to provide local neighborhoods with needed and desirable convenience goods and services in a manner which will not be detrimental to the surrounding residential areas. The uses permitted in this zone shall be limited to those which will primarily serve the local neighborhood and are consistent with the purpose for which this district was designed.

Permitted Uses in the Neighborhood Designed District

- 12.5.1 Retail uses limited to: antiques, art studio, art supplies, art galleries, books, clothing, drugs, dry goods, flowers, furniture, interior decorating, garden and farm supplies, gifts, groceries, fruits, vegetables, meats, sandwiches, hardware, shoe repair, stationery, periodicals and toilet articles, pets and related supplies; provided no individual retail establishment shall have an interior floor area exceeding 4,000 square feet.
- 12.5.2 Business and professional offices which primarily provide services to customers and clients on the premises **provided that no individual tenant shall have an interior floor area exceeding 4,000 square feet.**
- 12.5.3 Banks and Financial institutions having a maximum interior floor area of 4,000 square feet.
- 12.5.4 Self-service laundry having a maximum interior floor area of 4,000 square feet, provided that there shall be no use of inflammable liquids or steam.
- 12.5.5 Residential uses provided it shall not be located on a ground floor and not to exceed more than 50 percent of the total floor area of the building and no building of mixed residential business shall contain more than two stories devoted to residential use. Each dwelling unit must have a minimum floor area of 750 square feet, except that, with respect to dwelling units to be occupied exclusively by elderly families, as defined in Section 31.0 or dwelling units classified as affordable housing as defined in Section 31.0 minimum floor area for such units shall be consistent with the requirements of State and Federal programs for elderly and affordable housing.

- 12.5.6 Notwithstanding the above provision with regard to total floor area, residential use may occupy up to $66 \frac{2}{3}$ percent of the total area of the building provided that those units in excess of 50 percent of the area of the building are contracted with the Town of Fairfield or its designated agent as “affordable housing” as defined in Section 31.0.
- 12.5.7 Bakeries and confectionery stores having a maximum interior floor area of 4,000 square feet.
- 12.5.8 Barber shops and beauty parlors having a maximum interior floor area of 4,000 square feet.
- 12.5.9 Package stores for the sale, and establishments for the service, of alcoholic liquors, beer, ale or wine having a maximum interior floor area of 4,000 square feet.
- 12.5.10 Churches and other places of worship, parish halls, museums and charitable institutions
- 12.5.11 Boat houses, landings, docks and marinas
- 12.5.12 Off-street parking
- 12.5.13 Buildings, uses and facilities of the Town
- 12.5.14 Railroad rights-of-way and passenger stations, including customary accessory services therein, but not including switching, freight yards, terminals or storage sidings
- 12.5.15 Restaurants and other food service establishments having a maximum interior floor area of 4,000 square feet and, where customers are served only when seated at tables or counters and at least three-quarters of the customer seats are located within an enclosed building. Such uses may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters.
- 12.5.16 Veterinary hospitals, provided that there shall be no commercial boarding of dogs.

12.5.17 The following uses are permitted subject to securing a Special Exception in accordance with Section 27.0 of the Zoning Regulations:

12.5.17.1 Day nurseries

12.5.17.2 Public utility substations and water pumping stations

12.5.17.3 Buildings, uses and facilities of the State of Connecticut, Federal Government or other governmental agencies, which buildings shall not include institutions of a correctional nature or for the insane.

12.5.17.4 Homes for the aged, rest homes, chronic and convalescent nursing homes

12.5.17.5 Dance studios

12.5.17.6 Assisted living facilities

12.6 Storage and Display, Off-Street Parking and Loading, Signs and Landscaping.

In the Center Designed Business District, Designed Commercial District and Neighborhood Designed Business District, the following design requirements shall apply:

12.6.1 Storage and Display

All display of merchandise and automobiles for sale shall be located in a building unless exterior use is permitted, pursuant to a Special Permit granted by the Commission there under where the nature of the proposed display will not create a traffic hazard, or unsightly conditions, or obstruct pedestrian access. All storage of merchandise, supplies and refuse shall be located in a building, or in the case of refuse, in enclosed containers located within an enclosure. Storage of automobiles may be outside of a building but on the same premises as the principal place of business of the dealer and setback in accordance with Section 27.4.8.2 and screened from public view in accordance with Section 27.4.8.5 of the Zoning Regulations.

12.6.2 Off-Street Parking and Loading

For any permitted use of premises, off-street parking and loading spaces shall be provided in accordance with Section 28.0 of the Zoning Regulations.

12.6.2.1 Enclosure

Off-street parking or loading areas which extend under all or a portion of a building or other structure more than ten (10) feet, shall be enclosed. The facade of this enclosure shall be the same as the building or structure above it. When this parking or loading area is five (5) feet or more above ground level, this parking or loading area shall be considered a story.

12.6.3 Signs

Signs shall conform to the requirements of Section 29.0 of the Zoning Regulations.

12.6.4 Landscaping

All portions of the lot not used for buildings and other structures or for paved driveways, sidewalks or off-street parking and loading areas shall be suitably landscaped. The area required for a minimum setback from any Residence District, Designed Residence or Flood Plain District boundary line, or use permitted in these zones, shall be provided with a buffer consisting of fences, walls or embankments in combination with other landscaping in such a manner as to screen the use from view to a height of five (5) feet at such boundary line or shall be provided with evergreen shrubs and/or trees. The Commission may adjust the aforesaid landscaping requirements to particular circumstances of lot lines, topography, soil conditions and site design while preserving the purpose and intent of such requirements.

12.7 Access, Lot Area, Shape, Height, Lot Coverage, Floor Area and Setbacks

12.7.1 Access

Each lot shall have a frontage on, or unobstructed easement of access or private right-of-way, to a public street equal in width to the following:

Center	-	twenty (20) feet
Designed Commercial	-	thirty (30) feet
Neighborhood	-	twenty (20) feet

12.7.2 Size

Each lot shall have a minimum area as follows:

Center	-	no minimum
Designed Commercial	-	ten thousand (10,000) square feet
Neighborhood	-	no minimum

12.7.3 Shape

Each lot shall have a shape such that a square with the following dimensions will fit on each lot:

Center	-	no minimum
Designed Commercial	-	seventy-five (75) feet
Neighborhood	-	no minimum

12.7.4 Height

No building or structure shall exceed the following heights:

Center	-	five (5) stories or fifty (50) feet whichever is less in height
Designed Commercial	-	four (4) stories or forty (40) feet whichever is less in height except that buildings located within the 100 year flood zone are allowed one foot of additional height for every one foot of vertical distance between the existing average grade and the base flood elevation, provided that the building does not reduce flood storage capacity.
Neighborhood	-	three (3) stories or thirty (30) feet whichever is less in height

12.7.5 Coverage and Bulk

On any lot the aggregate lot coverage and the total floor area of all buildings and structures shall not exceed the following percentages of the lot area:

12.7.5.1 Lot Coverage

Center	-	ninety (90) percent
Designed Commercial	-	seventy five (75) percent
Neighborhood	-	seventy five (75) percent

12.7.5.2 Total Floor Area

Center	-	two hundred (200) percent
Designed Commercial	-	one hundred fifty (150) percent
Neighborhood	-	one hundred (100) percent except that no individual building shall exceed a maximum of 14,000 gross square feet.

12.7.6 Setbacks

No building or structure shall be closer to street or property lines, or any Residence District boundary, than the following:

12.7.6.1 Street Line Setback

In Center Designed Business District and Neighborhood Designed Business District, ten (10) feet except that a building or structure may extend to the street line or any street which is one hundred (100) feet or more in width, and in Designed Commercial District the setback shall be twenty-five (25) feet.

12.7.6.2 Side Property Line Setback

Zero on one (1) side and not less than ten (10) feet on the other side, except that adjoining owners may by mutual agreement recorded on the land records, agree to reduce the setback from the common property line to a minimum of ten (10) feet between adjacent structures

12.7.6.3 Rear property Line Setback

Ten (10) feet

12.7.6.4 Adjacent Residence District Boundary

Setback shall be ten (10) feet or the same as that of the adjacent Residence District setback requirement, whichever is greater.

12.7.6.5 Projections into Required Setback Area

12.7.6.5.1 Marquees, canopies and eaves may project not more than two (2) feet into the area required for setback from any property line.

12.7.6.5.2 Fire escapes, ground level open porches and other projections without projecting walls may project not more than five (5) feet into the area required for setback from the rear property line.

12.7.6.5.3 Retractable awnings shall be excluded from all setback requirements, but shall be subject to such conditions as the Commission may fix in the special permit relating to the structure to which the awning is attached.

12.7.6.6. Additional Setback

Any building or other structure, or portion thereof, exceeding a height of thirty (30) feet shall be set back one (1) foot, in addition to the applicable minimum setback requirement, for each three (3) foot or fraction thereof, by which such building or other structure or portion thereof exceeds thirty (30) feet in height.

12.8 Streets and Roadways

Streets and roadways in Designed Business Districts shall conform to the standards contained in the Subdivision Regulations.

12.9 Performance Standards

Land buildings and other structures may be used for one or more of the purposes specified in the district in which it is located subject to the following performance standards.

12.9.1 Dust, Dirt, Fly Ash and Smoke

No offensive dust, dirt, fly ash or smoke shall be emitted into the air.

12.9.2 Odors, Gases and Fumes

No offensive odors, or noxious, toxic or corrosive fumes or gases shall be emitted into the air

12.9.3 Noise

No noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.

12.9.4 Wastes

No offensive wastes shall be discharged into any stream or storm drain.

12.9.5 Vibrations

No vibration shall be transmitted outside the property where it originates.

12.9.6 Danger

No material which is dangerous due to explosion toxicity, extreme fire hazard or radioactivity shall be used, stored or manufactured except in accordance with applicable governmental codes and regulations.

SECTION 28.0 REGULATIONS FOR OFF-STREET PARKING AND LOADING

(Bolded text is new proposed text) [Bracketed text to be deleted]

28.1 Scope

No off-street parking and loading spaces shall be established, constructed, enlarged, extended, relocated or altered, except in accordance with these Off-Street Parking and Loading Regulations, hereinafter called "Parking Regulations."

28.2 General

Parking spaces and loading spaces shall be provided off the street for any use of land, buildings and other structures in accordance with these Parking Regulations. Off-street parking and loading spaces 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, buildings and other structures is changed to a use requiring additional off-street parking and loading spaces to comply with these Parking Regulations, the additional spaces shall be provided for the new use accordance with these Parking Regulations. Any existing use which does not conform to these Parking Regulations shall not be changed to a use which would need additional off-street parking and loading spaces to comply with these Parking Regulations, unless such additional spaces are provided. If in any Designed District the applicant has not specified the exact nature of the proposed use, the Commission may require the maximum number of spaces required by these Parking Regulations.

It is the purpose of these regulations to foster parking designs that accomplish the following goals:

Improve the quality of the streetscape.

Increase the tree canopy.

Increase permeability to mitigate storm runoff.

Improve pedestrian and vehicular circulation.

28.3 Subsurface Parking

Underground parking is permitted, subject to compliance with the requirements of these Parking Regulations. In computing the required number of parking spaces for buildings and structures having underground parking, areas devoted to parking, entrance and exit shall not be included.

28.4 Parking Space

One parking space shall be not less than nine (9) feet by eighteen (18) feet, with such shape, vertical clearance, access and slope as to accommodate one automobile **and shall be striped in accordance with the diagram in Appendix A.** Notwithstanding the above, a parking space to be utilized in conjunction with a railroad passenger station shall not be less than 8.5 feet by 18 feet. **In all cases the minimum area of a parking space shall be free from obstruction of any type unless otherwise provided in these regulations.**

28.5 Loading Spaces

One loading space shall be not less than twelve (12) feet by thirty (30) with a vertical clearance of fifteen (15) feet with such shape, access and slope as to accommodate one truck having an overall length of thirty (30) feet.

28.6 Parking Space Standards

Off-street parking spaces, all of which must be on the same lot or contiguous lots under the same ownership as the building or structures shall be provided as follows:

The Buildings and Structures

Number of Spaces

28.6.1 Properties with dwelling units for 1 to 4 families

Two (2) for each family

Properties with dwelling units for 5 to 10 families

Two and one half (2.5) for each family

Properties with dwelling units for 11 or more families Three (3) for each family

When dwelling units are located in a Commercial District as permitted in Section 12 of these Regulations, the Residential Parking requirement may, at the Commission's discretion, be reduced by up to fifty (50) percent.

When dwelling units are located in a Designed Residential District, [as permitted in Section 10 of these Regulations, the Residential Parking requirement may, at the Commission's discretion, be reduced to 1.5 parking spaces per unit.] **the required number of parking spaces shall be exclusive of any unit driveway spaces if such driveway spaces obstruct access to a unit garage space. A minimum of ½ space per unit of surface parking shall be designated as visitor parking.**

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|--------|---|---|
| 28.6.2 | Leased rooms in a dwelling | One (1) for each lodger, roomer or boarder |
| 28.6.3 | Developments designed exclusively for occupancy by three or more elderly families | One (1) for each family |
| 28.6.4 | Churches, places of worship, theaters, assembly halls or stadium | One (1) for each five (5) seats |
| 28.6.5 | Medical and dental offices and clinics, retail stores and banks | One (1) for each two hundred (200) sq. ft. of gross floor area in a building or portion thereof as determined by the exterior dimensions of the bldg., except for parking areas or basement and cellar areas used for maintenance equipment or storage; Except for medical, dental offices and clinics in buildings in excess of

100,000 sq. ft. of gross floor area and providing for a minimum of 400 parking spaces, in which event one (1) space for each two hundred fifty (250) sq. ft. of gross floor area. |

28.6.6 Other business and professional offices and post offices	One (1) for each two hundred and fifty sq. ft.(250) of gross floor area in a building or portion thereof as determined by the exterior dimensions of the building, except for areas or basement and cellar areas used for maintenance equipment or storage. Notwithstanding the above, within a Transportation/Commercial Park established pursuant to the provisions of Section 21.16, such use shall require one (1) for each three hundred (300) square feet of gross floor area as defined herein. Such parking in a Park may either be located within an individual lot or on a different lot likewise located within the park.
28.6.7 Retail stores within the Center Designed Business District	One (1) parking space up to one thousand five hundred (1,500) square feet of retail space; over that, one (1) space for each additional two hundred and fifty (250) square feet of retail space or portion thereof.
28.6.8 Gasoline filling stations, automobile repair facilities, and establishments for motor vehicle washing	Ten (10)
28.6.8 (a) Gasoline filling stations with multiple uses other than automotive repair facilities or motor vehicle washing.	Five (5) spaces for gasoline filling and sufficient parking spaces shall be provided for all multiple uses other than gasoline filling in accordance with Sect. 28.8.
28.6.9 Undertaker’s establishments	Fifteen (15) per funeral unit
28.6.10 Chronic, convalescent and nursing homes	One (1) for each four (4) beds plus one (1) for each employee during the largest daily work shift period
28.6.11 Hotels and motels	One (1) for each sleeping room and, when these buildings have restaurant or other facilities, the number of spaces shall be determined by adding the number required for each type of use and multiplying such total by seventy-five (75) percent

- 28.6.12 Restaurants, taverns, diners, cafes, bars, nightclubs and dance halls
 One (1) space for each 40 square feet of patron floor area or portion thereof **except that no additional parking is required for the first 150 square feet of seasonal outdoor dining area approved by the Commission through a Zoning Compliance application.**
- Take-out Restaurants
 One (1) space for each two hundred (200) square feet or portion thereof of gross floor area.
- 28.6.13 Warehouses, wholesale businesses, contractors' businesses, research laboratories, establishments for the manufacturing, processing or assembling of goods, and offices used in connection with the foregoing uses
 One (1) for each one and one-quarter (1.25) employees during the largest daily work shift period
- 28.6.14 Bowling alleys
 Four (4) for each alley
- 28.6.15 Other uses
 Sufficient parking spaces shall be provided in connection with any use not specified in Sections 28.6.1 through 28.6.14 to maintain the purpose and intent of these Parking Regulations.
- 28.6.16 Assisted living facilities – six-tenths (0.6) of a parking space for each unit.

28.7 Off-street loading spaces shall be provided as follows:

<u>28.7.1 Building and Structures</u>	<u>Number and Sizes of Spaces</u>
Motel, retail store, post office, restaurant, tavern, bar, night club, research laboratory and establishment for the manufacture, processing or assembling of goods	One (1) loading space for those uses having a gross floor area in excess of four thousand (4,000) square feet, but less than forty thousand (40,000) square feet of gross floor area and for those uses having a gross floor area in excess of forty thousand (40,000) square feet, one (1) for each forty thousand (40,000) square feet of gross

floor area or fraction thereof as determined by the exterior dimensions of the building, excluding basements

28.7.2 Warehouse and Wholesale

Business

Number and Size of Spaces (for uses

having the following square feet of gross floor area)

One (1) for up to twenty four thousand nine hundred ninety-nine (24,999)

Two (2) between twenty five thousand (25,000) and thirty nine thousand nine hundred ninety nine (39,999)

Three (3) between forty thousand (40,000) and fifty nine thousand nine hundred ninety-nine (59,999)

Four (4) between sixty thousand (60,000) and ninety nine thousand nine hundred ninety nine (99,999)

Five (5) between one hundred thousand (100,000) and two hundred forty nine thousand nine hundred ninety nine (249,999) and

One additional space for each additional two hundred thousand (200,000) square feet or major portion thereof.

28.8 Multiple Uses

Whenever two (2) or more classifications provided for in these Parking Regulations shall apply to a use of land, buildings or other structures, the requirements for the larger number of parking spaces shall apply. Where separate parts of a building or structure or of a floor of a building are used for purposes requiring different numbers of parking spaces, the number of spaces shall be determined by adding the number of spaces required for the area devoted to each type of use.

28.9 Shared Access

It is the intent of the Commission to minimize the number of curb cuts and access points in all commercial districts as well as to facilitate improved access between adjoining commercial properties. Where topographic and other conditions reasonably allow, provisions shall be made for vehicular and pedestrian connections between adjoining properties where such connections will enable the public to travel between two or more existing or potential land uses, open to the public generally, without need to travel upon a street.

28.9.1 No property shall be penalized for the elimination of existing parking spaces in order to accomplish shared access connections, if such elimination reduces the number of spaces below that are required by Section 28.6. New development providing access to adjoining property or properties may credit the number of parking spaces which would otherwise have been provided without such access toward the requirements of Section 28.6.

28.9.2 The provisions of this Section shall apply to any application for change in change of use or Special Permit. The site plan submitted by the applicant for any such application will designate areas in which shared vehicular and/or pedestrian access will be accommodated. Upon approval, the site plan showing areas of shared access or proposed shared access must be filed on the Land Records.

28.9.3 The Commission may modify or waive the requirements of this Section, where the character or arrangement of abutting properties make shared access impractical.

28.9a Joint Usage

The owners of two (2) or more abutting properties may establish a joint parking area to provide the total number of required parking spaces which may be located on any of the properties involved.

Subject to a Special Permit under Section 25.0, the owner or owners of two (2) or more properties may provide joint parking to provide the total number of required parking spaces which may be located on any of the properties involved, subject to the following standards:

1. All properties are located within the Center Designed Business District or Designed Industrial District.

2. The parcel on which the parking is to be provided shall be no more than 500 feet from the parcel requiring the parking, such distance being measured along the line between the closest two points between subject parcels.
3. A formal written agreement between the property owner(s) and the Town of Fairfield to be filed on the Land Records of such properties shall be filed with the application and shall be in effect for the duration of the proposed use(s) of property. A change in use of any property involved requires reapplication to the Commission.
4. Proper pedestrian access and lighting shall be available between the parking and subject properties.
5. The uses proposed must be of such a nature and off-site parking conveniently located so as to be likely that the off-site parking will be fully utilized in conjunction with the intended uses.
6. The Commission, in its discretion, may limit the percentage of parking required under Section 28.6 which may be provided off-site.

28.10 Construction

All off-street parking and loading spaces shall be suitably improved, graded, striped and marked, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street or adjacent property. **Drainage designs must meet all requirements of the CT DEP 2004 Storm Water Quality Manual or any amendment thereto, with respect to storm water treatment and attenuation. The Commission encourages the use of Low Impact Development Best Management Practices (LID BMPS) including but not limited to vegetated swales, buffers and filter strips, bio-retention, rain garden areas or permeable surfaces. The Commission encourages flexibility in design techniques and recognizes that utilization of LID BMPS occupies site area that may otherwise be devoted to parking. The Commission shall maintain the discretion to credit the number of parking spaces that could have otherwise been provided in the absence of utilization of LID BMPS to the extent that implementation of such practices occupies more than five percent (5%) of the developed site area.** Except for necessary driveway entrances and except for parking spaces provided in connection with a dwelling or leased rooms in a dwelling, all off-street parking and loading spaces shall maintain a minimum setback of ten (10) feet from any street line. The minimum setback area for parking and loading shall be suitably landscaped and permanently maintained for no other purpose. The Commission may adjust the aforesaid requirement to particular circumstances of lot lines, topography, soil

conditions and site design while preserving the purpose and intent of these parking regulations.

28.10.1 Enclosure: Except for single family houses in flood zones where the regulations require the first habitable floor well above the ground elevation and the area between that floor and ground elevation enclosed with breakaway walls; off-street parking or loading areas which extend ten (10) feet or more under all or a portion of a building or other structure shall be enclosed. The facade of this enclosure shall be the same as the building or structure above it. Where the top of the roof or soffit of such parking areas is five (5) feet or more above ground level, it will be considered to be a story.

28.11 Design Standards

Except for parking spaces provided in connection with a dwelling for one (1) or two (2) families, and leased rooms in a dwelling, each parking space shall be provided with adequate area for approach, turning and exiting of an automobile having an overall length of eighteen (18) feet without need to use any part of a public street or right of way. 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.

28.11.1 Maneuvering

No off-street loading space and no truck loading bay, ramp or dock shall be designed or arranged in a manner that trucks must use any part of a public street or right of way for maneuvering.

28.11.2 Standards

The following will be deemed to be minimum standards in the design of parking areas. The Commission may vary these standards as it deems necessary to accomplish the objectives of these Parking Regulations:

28.11.2.1 Two way aisle with 90 degree parking shall be no less than twenty-four (24) feet in width.

28.11.2.3 One way aisle with 90 degree parking shall be no less than twenty-four (24) feet in width.

28.11.2.4 One way aisle with no parking shall be no less than twelve (12) feet in width.

28.11.2.5 Curb return radii at street shall be fifteen (15) feet (or subject to specifications determined by the Town Engineer to meet field conditions).

- 28.11.2.6 One way aisle with sixty (60) degree angle parking shall be no less than eighteen (18) feet in width.
- 28.11.2.7 One way aisle with forty-five (45) degree angle parking shall be no less than twelve (12) feet in width.
- 28.11.2.8 One way aisle with thirty (30) degree angle parking shall be no less than eleven (11) feet in width.
- 28.11.2.9 Handicapped parking spaces shall be no less than fifteen (15) feet in width.
- 28.11.2.10 Wheel stops or curbs shall be required where there is a fence or building wall on the property line along the row of cars, or where such row of cars abuts a walkway, or if the parking is abutting a street or a public walk. Areas for spaces as set forth above shall be determined without reference to the location of such wheel stops or curbs.
- 28.11.2.11 Refer to Appendix A for diagrams illustrating the above captioned standards.

28.11.3 Shade Trees

Shade trees shall be provided in parking lots with twenty (20) or more parking spaces. This requirement may apply to parking lots with fewer than twenty (20) parking spaces at the Commission's discretion. At least one tree for every ten (10) spaces shall be provided equally distributed throughout the parking area. Such trees shall be one and three-quarters (1 3/4) inch caliper or larger measured five feet above the ground and a minimum height of ten (10) feet, such trees shall be maintained so as to have a clearance of at least six (6) feet from the lowest branch. [All trees shall be located in a curbed landscape island with minimum dimensions of nine (9) feet on each side.] Notwithstanding the provisions of Section 28.4, parking spaces may be reduced in length by four and one-half (4 1/2) feet to accommodate tree planting islands provided that no more than two parking spaces are so reduced for each tree provided. The trees required in this section shall be deep rooted, so as not to disturb the surrounding pavement and shall be permanently maintained and replaced when diseased, damaged or destroyed. The requirements of this section shall be in addition to the landscaping requirements of Section 25.7.6.

28.11.4 Lighting

All lighting utilized for illumination of buildings and grounds shall aim downward and meet the specifications of the International Dark Sky Association and shall be fully cut-off fixtures. No parking lot pole lighting shall exceed a height of twenty-five (25) feet.

28.11.5 Pedestrian Amenities

Pedestrian walks shall be required to facilitate safe passage from the public sidewalk to a commercial building and throughout the parking area. Such pedestrian walks shall be visually delineated utilizing differentiated paving materials or pavement markings.

28.12 Exemption Area

The Commission, after due notice and public hearing as provided for in Section 2.23 of the Zoning Regulations, may delineate areas of the Town which shall be exempt from the parking provisions of these Parking Regulations. Such delineation may be made only after the Commission determines that the Town, or a combination of the Town and property owners, will provide sufficient and permanent off-street parking spaces to comply with the requirements of these Parking Regulations.

SECTION 29.0 REGULATIONS FOR SIGNS
(Bolded text is new proposed text) [Bracketed text to be deleted]

29.1 General

Except as provided under Section 29.7 of these Sign Regulations, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered, (1) other than in accordance with these Sign Regulations and (2) unless a Certificate of Zoning Compliance has been obtained under Section 2 of the Zoning Regulations.

29.2 Alterations or Replacement

If any sign does not conform to these Sign Regulations, and is discontinued, altered, reconstructed, enlarged, extended or moved, its replacement or the alterations shall conform to these Sign Regulations. No existing sign shall be altered, reconstructed, enlarged, extended or moved except in accordance with these Sign Regulations. The repainting or repair of existing signs, however, is permitted.

29.3 Removal

Any sign which no longer advertises a bona fide business conducted, or a product sold, on the premises, shall be removed by the owner of the premises upon which such sign may be found, within ten (10) days after written notification from the Zoning Enforcement Officer. Upon failure to comply with such notice within the time specified in such order, the Zoning Enforcement Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the premises.

29.4 Classification

No signs shall be permitted in any District except Identification Signs as described in Section 29.5.1.4 of these Sign Regulations.

29.5 Definitions

“Sign” shall mean and include every sign, illustration, lettering, device, insignia or display of any kind, however made, displayed, painted, supported or attached, used for the purpose of advertisement, identification, publicity or notice of any kind, when located out-of-doors in view of the general public. “Sign” shall also include any flag, banner or other device of any kind, designed to move by force of wind or air pressure and larger than one (1) foot in any dimension, whether with or without letters, figures, or other symbols thereon, intended to advertise or attract attention to any business or commercial establishment in any District, but

not including flags of any government unit or branch, or of any charitable or religious organization.

29.5.1 The following shall have the meanings given below:

29.5.1.1 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 feet in height.

29.5.1.2 Pole Sign - a sign supported by uprights in or upon the ground which total height exceeds six feet.

29.5.1.3 Wall Sign - a sign attached to, painted on or erected against the exterior wall of a building, and projecting not more than fifteen (15) inches from the building wall, except in the case of an awning sign, and running approximately parallel with the face of the wall;

29.5.1.4 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 of the business conducted therein;

29.5.1.5 Light - any floodlight, searchlight, beacon or other source of illumination of any kind;

29.5.1.6 Flashing and Moving - a sign or source of light which flashes, rotates, moves or in any way simulates motion;

29.5.1.7 Continuous Strip Lighting - any source of illumination of the gas filled tube or continuous bulb lighting or of similar utility and design.

29.6 Sign Area

For the purposes of this Section, the sign area shall be the area of the smallest rectangle or circle which encompasses all letters, designs, symbols and logos, including the advertising surface. The sign area shall include any background material, if such material is designed to be an integral part of the sign because of its texture, color or building material.

29.7 Exemptions

These Sign Regulations shall not apply to the following signs, except with respect to the requirements set forth under Sections 29.8 and 29.12 of these Sign Regulations.

<u>Type of Permitted Sign</u>	<u>Size Requirements (not over the square footage stated below)</u>	<u>Purpose of Sign</u>
Any Sign	Three (3)	Intended as a directional or warning sign with no advertising thereon.
One (1) Sign	Three (3)	Identifying a charitable or religious institution occupying the premises where the sign is located.
Any sign or source of illumination	Not applicable	Erected by the town, state or federal government or any or department thereof.
Single unlighted sign in a Residence District, Flood Plain Zone or Beach District	Three (3)	For any purpose except to advertise any commercial enterprise not permitted on on the property.
Single unlighted ground sign in Designed Business, Designed Industrial or Designed Residential District or in a subdivision in excess of twenty lots.	Thirty Two (32)	To identify the premises during the course of construction on site.

29.8 Standards for All Signs

All signs shall conform to the following;

29.8.1 Setbacks All ground and pole signs in other than a Residence District, Des. Residence District, Beach District or Flood Plain District shall conform to the setback requirements for other buildings and structures except that by a two-thirds vote of all the members of the Commission, ground and pole signs may extend within a lesser distance of a street line. No ground or pole sign, in other than a Residence District, shall be located within twenty-five (25) feet of the boundary line of any such District.

29.8.2 Connecticut Turnpike and Merritt Parkway Where a lot abuts the right-of-way or access road of the Connecticut Turnpike or Merritt Parkway, no sign on such lot shall be erected which faces or is primarily intended to be visible from the Connecticut Turnpike or Merritt Parkway, as the case may be.

29.8.3 Hazard or Nuisance No sign shall be:

29.8.3.1 so placed as to be a hazard to traffic or the public generally, or a nuisance or annoyance to the residents or occupants of any other building or premises; or

29.8.3.2 erected or maintained as to obstruct any fire escape, window, door or opening used for entrance or exit or for fire fighting purposes, or which interferes with any opening required for proper ventilation; or

29.8.3.3 erected in such a manner that it obstructs clear vision of any public way by either motorists or pedestrians.

29.8.4 Maintenance of Signs All signs, together with their supports, braces, guys and anchors, shall be kept in good repair and in a safe condition. The owner of any sign, and the owner of the premises on which it stands, shall be severally responsible for keeping such sign, and the area around it, in a safe, sanitary, neat and clean condition.

29.8.5 Direction of Lights Exterior illumination of buildings, signs or grounds shall be only for the purpose of illuminating a sign, walk, delivery service, or parking area and shall not be directed so as to create a hazard or cause a public or private nuisance. Lights shall be located or shielded so that their beams are not directed onto adjoining properties or onto the public highway, but shall be limited to the illumination of the subject property only.

The source of all lighting of signs and buildings (bulb, tube, reflectors, etc.) shall not be visible from any street or from any street or from any lot other than that in which the sign or building is located.

29.8.6 Conflict with Traffic Signals No source of illumination shall be erected in such a location or in such a manner so as to interfere with motorists' vision of a traffic signal light, street or directional signs or any other sign or device intended primarily for the public safety and welfare. No sign shall be erected in such a manner that it obstructs clear vision for a distance of twenty (20) feet from any intersection.

29.8.7 Projecting Signs and Unattached Signs No sign projecting more than fifteen (15) inches from a building wall shall be permitted except that awning signs shall be permitted provided they do not overhang any property, street or right-of-way line and meet all size and design requirements of this section. The entire awning shall be used to calculate sign area. Signs not fixed either to a building or the ground in a permanent manner (such as sandwich signs), shall be **prohibited**.

[subject to the provisions of these Sign Regulations, except seasonal permits for such signs not exceeding thirty (30) days may be issued by the Commission. In no case shall such signs be permitted within any public right-of-way.]

29.8.8 Flashing, Moving, Animated or Intermittent Illuminated Signs No flashing, moving, animated or intermittent illuminated sign shall be permitted, including flags or banners, or other devices designed to move by force of wind or air pressure and larger than one (1) foot in any dimension.

29.8.9 Continuous Strip Lighting No building, sign, or any portion thereof, except under canopy lighting property shielded, shall be outlined in gas-filled tube type lighting, **LED lighting** or other similar lighting.

29.8.10 Floodlights No exterior flood lights or source of any kind shall be higher than twenty five (25) feet above the ground.

29.8.11 Exterior Illumination Exterior illumination of commercial structures (except in the Center Designed Business District) is prohibited, unless open for business, and when open for business such illumination is not to exceed five (5) foot candles when measured at the nearest residence.

29.8.12 Roof Signs No signs shall be permitted on the roof of any building.

29.8.13 Rights-of-Way No sign shall be permitted to overhang or be located within the right-of-way of any street.

29.8.14 Window Signs Notwithstanding the definition of “sign” as found in section 29.5 and 31.2.34 of these Regulations, indoor illuminated signs intended to be visible from the exterior of the building shall be prohibited. Flashing, rotating or intermittent illumination of any kind shall also be prohibited.

29.9 Signs permitted in Residence, Designed Residence, Beach and Flood Plain Districts, subject to securing a Certificate of Zoning Compliance from the Zoning Enforcement Officer.

<u>Type and Number of Sign</u>	<u>Not Exceeding the Following Measurement</u>	<u>Purpose</u>
Single sign with no interior illumination	Twenty (20) square feet	Identifying the use the premises for which a special exception has been granted.

Two (2) ground signs with no interior illumination	Twenty (20) square feet and no higher than five (5) feet above ground level	Identifying the name of the condominium or apartment complex located on the premises.
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29.10 Signs Permitted in Designed Business, Designed Research and Designed Industrial Districts

No permit shall be issued for an individual sign unless and until an Overall Signage Plan for the premises on which the sign will be erected has been approved by the Plan and Zoning Commission. The Overall Signage Plan shall include all necessary information to accurately describe the number, size and location of all present and future signs on the premises. The plan shall include a site plan indicating the location of all buildings and ground or pole signs and elevation drawings to indicate the location of all wall signs. The plan must be accompanied by a written narrative, signed by the property owner indicating the dimensions, materials, color and method of illumination (if any) for each sign indicated on the plan.

All signage proposed shall be of similar nature so as to represent a unified design so as to harmonize with the neighborhood and to preserve and enhance the appearance of the community while conforming to the standards of these sign regulations.

29.10.1 Size and Location of Wall Signs

Designed Business and Designed Research Districts

No letter, figure or device shall (a) exceed a height of three (3) feet for a single line of copy or two (2) feet for multiple lines of copy; b) project more than fifteen (15) inches from the building face; (c) extend above the roof or parapet wall, and (d) extend beyond the outer edges of the wall to which it is attached.

Designed Industrial District

No letter, figure or device shall (a) exceed a height of three (3) feet for a single line of copy or two (2) feet for multiple lines of copy b) project more than fifteen (15)inches from the building face; (c) extend above the roof or parapet wall, and (d) extend beyond the outer edges of the wall to which it is attached.

A single tenant building may have up to two (2) signs provided they are not on 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 fifty (50) feet from any other commercial structure. A sign may occupy up to twenty (20) percent of the area of the wall to which it is attached or seventy two (72) square feet, whichever is less.

For multiple tenant buildings, tenant signs may only be attached to a portion of the building that the tenant occupies and may not exceed seventy-two (72) square feet or twenty (20) percent of the tenant wall area, whichever is less. A single tenant may have up to two signs provided they are not on 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 fifty (50) feet from any other commercial structure.

In multiple story buildings, no sign shall be located above the ground floor level.

A single tenant building may have up to two (2) signs provided they are not on 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 fifty (50) feet from any other commercial structure. A sign may occupy up to twenty (20) percent of the area of the wall to which it is attached or one hundred (100) square feet, whichever is less.

For multiple tenant buildings, tenant signs may only be attached to a portion of the building that the tenant occupies and may not exceed one hundred (100) square feet or twenty (20) percent of the tenant wall area, whichever is less. A single tenant may have up to two signs provided they are not on 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 fifty (50) feet from any other commercial structure.

In multiple story buildings, no sign shall be located above the ground floor level.

29.11 Signs Which Face A Residence, Designed Residence, Beach or Flood Plain District

No sign on a side or rear wall shall be more than three and one-half (3.5) feet long and one (1) foot wide if located within three hundred (300) feet of any such District and, thirty-six (36) square feet if located within five hundred (500) feet of any such District.

29.12 Size and Location of Ground or Pole Signs

Designed Business and
Research Districts

Designed Industrial
District

Only one (1) ground or pole sign shall be permitted on any property (a double faced sign or two (2) signs placed back to back count as one sign. No other type type of multiple faced signage shall be permitted.)

No letter, figure or device shall exceed a height of three (3) feet for a single line of copy or two (2) feet for multiple lines of copy.

No sign shall exceed a height of fifteen (15) feet (measured to the top of the sign) above the curb or ground level, whichever is higher, of the fronting street.

No sign shall be permitted beyond the side or rear wall of a main building where the rear property line upon which it is placed abuts a Residence, Designed Residence, Beach or Flood Plain District.

No ground or pole sign shall exceed the following number of square feet:

fifty (50)

one hundred (100)

29.13 Design Criteria

Signs constructed of natural materials (wood) or non-natural materials that simulate natural materials are preferred.

Internally illuminated signs shall be prohibited in the Center Designed Business District. In other Districts, internal illumination shall be strictly limited to the illumination of text or graphic symbols only, i.e. channel letter style or box signs with opaque background materials. Internally illuminated awnings are prohibited.

All ground or pole signs shall display the street number of the premises.

Ground and pole signs shall conform to the following standards for minimum height of all letters, numbers, or symbols for the purpose of creating legible graphics which can be seen and responded to within safe distances to maneuver a car:

<u>Lane Configuration Height</u>	<u>Posted Speed Limit</u>	<u>Minimum Character</u>
2 Lanes	25 m.p.h.	6 inches
	30 m.p.h.	7 inches
	35 m.p.h.	8 inches
	40 m.p.h.	9 inches
4 Lanes	25 m.p.h.	8 inches
	30 m.p.h.	9 inches
	35 m.p.h.	10 inches
	40 m.p.h.	11 inches

When, in the opinion of the Commission, a sign is intended primarily for view by pedestrians as opposed to vehicular traffic, the minimum character height may be reduced so as to maintain a pedestrian scale.

All pole signs shall have two (2) supporting uprights which are visually proportional to the sign they support.

29.14 Purpose

The purpose of these sign regulations is to permit signs that do not confuse or obstruct the vision necessary for traffic safety or otherwise endanger public health and safety and to improve the physical appearance of commercial areas and to preserve and enhance the aesthetics of the community.

455 Pine Creek Avenue Motion was made by Mr. Kennelly, seconded by Mr. Jacobs, and the members present unanimously **VOTED TO APPROVE** the Special Permit application of Robert and Nancy Strong for excavation and fill subject to the following condition:

1. The final plan must indicate the easement for the driveway to the adjacent Doon parcel and such easement shall be filed on the land records.

PUBLIC HEARING

411 Bronson Road Resubdivision application of Sharon Turner for two (2) lots.

Atty. William Fitzpatrick presented this application to the Commission.

893 Sasco Hill Road Resubdivision application of Bernard and Cynthia McDonald for two (2) lots in a AAA Zone.

Atty. William Fitzpatrick presented this application to the Commission.

Mr. Soutar recused himself from hearing this application.

This meeting adjourned at 9:55 p.m.

Richard B. Jacobs
Secretary

Dolores Sansonetti
Clerk

