

**SECTION
1200**

FLOATING ZONES

1200 LIST OF FLOATING ZONING DISTRICTS

The Town of North Stonington contains the following Floating Zone:

A. New England Village Special Design District

1201 NEW ENGLAND VILLAGE SPECIAL DESIGN DISTRICT *(REVISED 9/16/2010)*

1201.1 The New England Village Special Design District (NEV-SDD) is a mixed use zoning district that functions like a floating zone. The NEV-SDD is available only to property wholly located within eighty-one one hundredths (.81) of a mile of the center of the Route 2/Route 184 rotary, west of Route 2 and north of Route 184, which property has frontage on Route 2 and Route 184. Primary vehicular access to a NEV-SDD development shall be on Route 2 or Route 184.

The provisions of the NEV-SDD will apply only to specific properties that are rezoned to an NEV-SDD designation by the Planning and Zoning Commission. Upon rezoning to NEV-SDD designation, a unique, numbered zoning district classification (NEV-SDD[#]) will be created on the Zoning Map of the Town of North Stonington, and the Master Plan approved in conjunction with the map amendment shall become an integral part of the zoning for the land included within that NEV-SDD and shall establish the zoning standards for that NEV-SDD.

The zoning district only exists within the text of these Regulations and is not placed on the North Stonington Zoning Map until approval of an application to create a particular NEV-SDD and to affix that zoning district to a specific property(s). The creation of an NEV-SDD can only be accomplished by approval of a zoning map change, which requires a concurrent master plan. Subsequent to the approval of the zoning map change and master plan, a Special Permit application and accompanying Site Plan must be approved before site development can begin. Such detailed Site Plan must comply in all respects with the approved master plan, Special Permit/Site Plan requirements, and any other applicable provisions of these Regulations, including without limitation to Section 1104.

1201.2 Relationship to Zoning Regulations. Unless provided otherwise in this Section 1200, uses within the NEV-SDD shall be subject to all provisions and definitions of these Regulations. However, because the intent of the NEV-SDD 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 section 1200 shall prevail. Unless expressly prescribed by this Section 1200, all uses, dimensional, architectural, bulk, location, landscaping, parking, and lighting requirements for a NEV-SDD shall be established by the Commission in its sole legislative discretion as part of an approved Master Plan for that zone, and the Commission may apply as written or may vary to meet the purposes of the NEV-SDD all particular requirements of these Regulations pertaining thereto. The Commission shall have the final authority to evaluate and make a determination on all such matters.

For the purposes of this regulation, the term “Master Plan” shall include all elements of the “Application Requirements” contained in 1201.9(C) : 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”.

This provision shall specifically include, but not be limited to the following:

- (a) Approval of the uses depicted on the Master Plan described in Section 1201.9.C.1 shall be in lieu of compliance with the use provisions of Sections 400 through 1000, and those provisions of Section 1400 that relate to uses permitted in the NEV-SDD.
- (b) Approval of parking in accordance with the Master Plan described in Section 1201.9.C.1 and the comprehensive parking study described in Section 1201.9.C.2 shall be in lieu of compliance with Sections 1900 (Parking and Loading) of these Regulations;
- (c) Approval of the bulk depicted on the Master Plan described in Section 1201.9.C.1 shall be in lieu of compliance with Section 1300 of these Regulations, and also in lieu of Section 1430 (Interior Building Lot);
- (d) Approval of the comprehensive traffic study described in Section 1201.9.C.3, and traffic improvements depicted on the Master Plan described in Section 1201.9.C.1 shall be in lieu of compliance with Sections 1706.3 and 1706.4 of these Regulations, and also in lieu of Section 1504 (Driveways) of these Regulations;
- (e) Notwithstanding any other provision of Section 1200, in all cases and without exception, modification, or waiver the requirements of aquifer protection overlay zone, Sections 1104 and 1607, shall apply to those portion of an NEV-SDD that is located within such an overlay zone.
- (f) Approval of the design guidelines described in Section 1201.9.C.6 and depicted in the Master Plan described in Section 1201.9.C.1 shall be in lieu of compliance with Section 1706.7 of these Regulations, and also in lieu of Section 1502 of these Regulations;
- (g) Approval of the landscaping and lighting depicted on the Master Plan described in Section 1201.9.C.1 shall be in lieu of compliance with Section 1706.8 and 1706.9 of these Regulations, and by reference, Sections 1800 and 1900 provided however that Section 1506 shall apply to any subsequent Special Permit application within the NEV-SDD.
- (h) Approval of the water and sewer service studies described in Section 1201.9.C.5 and depicted on the Master Plan described in Section 1201.9.C.1 shall be in lieu of compliance with Section 1706.6 of these Regulations.
- (i) The foregoing notwithstanding, nothing in this Section shall be construed to prevent review under the requirements and criteria of Section 1600 of these Regulations (and, by incorporation, Section 1700) for any Special Permit application pursuant to Section 1201.10 which review addresses a level of detail for that Special Permit application which was not addressed in the approval of the NEV-SDD Floating Zone and its accompanying Master Plan and 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 which 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. The Commission shall have the final authority to evaluate and make a determination on all such matters.

1201.3 Purposes of NEV-SDD. In conformance with the Town of North Stonington's Plan of Conservation and Development, the purposes of the NEV-SDD are as follows:

- A.** to extend greater opportunities for traditional community living, working, housing, and recreation to all residents of the Town;
- B.** to encourage a more efficient use of land and public services by promoting compact development in appropriate locations;
- C.** to reduce traffic congestion and promote citizen security and social interaction by providing pedestrian-oriented residential development in close proximity to shops, services, offices, civic buildings, and open space;
- D.** to encourage a diversity of housing styles, types and sizes to accommodate households of all ages, sizes, and incomes;
- E.** to provide a mix of uses, including residential, commercial, civic and open space uses, in a traditional configuration typical of historic hamlets and villages in New England;
- F.** to incorporate a system of village scale interconnected streets with sidewalks and bikeways that offer multiple routes for motorists, pedestrians and bicyclists and to provide for the connections of those streets to existing and future developments;
- G.** to ensure that new development in the district will be compatible with historic hamlet and village building patterns in the Town and the New England region and that will create a strong sense of community identity and neighborhood feeling experienced in traditional rural settlements;
- H.** to promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible neighborhood design and architectural design elements. Such elements shall relate the design characteristics of each individual structure or development in a harmonious manner, resulting in a coherent overall development pattern, architectural design vocabulary, and streetscape;
- I.** to retain existing buildings with historical and/or architectural features which enhance the visual character of the community, and preserve historic streetscapes, and physical features, such as stonewalls and street trees;
- J.** to enhance the function of the district as the focus of commercial and civic activities within the surrounding neighborhood, and as a desired alternative to conventional, modern use-segregated developments such as large lot suburban subdivisions and strip commercial developments; and

- K.** to preserve the rural, historic and agricultural character of the Town by directing new development to existing hamlet locations and village environs, thereby creating distinct settlements surrounded by a greenbelt of conserved lands.

1201.4 General Requirements

- A.** The minimum gross land area required for a NEV-SDD is one hundred (100) contiguous acres. In the event a proposed NEV-SDD consists of more than one (1) parcel, each parcel must have a minimum one hundred (100) foot boundary with another parcel in order to be included in the NEV-SDD. A minimum of two (2) percent of the Buildable Area of a NEV-SDD shall be designated for improved open space uses (neighborhood greens, central squares, commons, courtyards) with an additional minimum of three (3) percent of the Buildable Area designated for parks, playgrounds and recreational activities. A minimum of thirty (30) percent of the gross area of a NEV-SDD shall be natural open space with no more than fifty (50) percent of that area made up of wetlands, setbacks from property lines, inaccessible terrain and slopes in excess of fifteen (15) percent. The Commission may require the developer to make areas of natural open space available for the public for passive uses subject to any rules and regulations which may be adopted by the owner of such areas regarding their usage by the general public.
- B.** A minimum of fifteen (15) percent and a maximum of forty-five (45) percent of the total floor area of all of the buildings within a NEV-SDD shall be designated for non-residential uses as listed in Section 1201.5 (B), (C) and (D). Dwellings shall be permitted on the upper floors of buildings containing non-residential uses.
- C.** A minimum of twenty (20) percent and a maximum of fifty (50) percent of the total floor area of all of the buildings within a NEV-SDD including residential areas as described in Section 1201.4(B) shall be used for multi-family residences. The maximum number of attached dwellings within any single residential building shall not exceed six (6) with a maximum building footprint of 12,000 square feet, excluding garages; provided, however, that this restriction shall not apply to dwellings on the upper floors of buildings containing non-residential uses as described in the preceding paragraph. A minimum of two (2) percent of the multi-family residences shall be located on the upper floors of buildings containing a non-residential use on the ground floor.
- D.** A minimum of five (5) percent and a maximum of thirty (30) percent of the total floor area of all of the buildings within a NEV-SDD shall be used for duplex residences.
- E.** A minimum of ten (10) percent and a maximum of forty-five (45) percent of the total floor area of all the buildings within a NEV-SDD shall be used for detached single-family residences.
- F.** All new utilities shall be installed underground, unless waived by the Commission due to physical constraints or other special circumstances. Utilities that are not customarily installed underground, such as transformer boxes, are not required to be installed underground.
- G.** Underground tanks for the storage of petroleum products or hazardous materials are prohibited in NEV-SDD zones.

- H. If the NEV-SDD abuts a residential zone (R40, R60 or R80), any nonresidential structure within the NEV-SDD must be located at least one hundred (100) feet from the boundary of such abutting property, and any single-family or multifamily structure must be located at least fifty (50) feet from the boundary of such abutting property. Where existing topography, site conditions, property ownership and/or landscaping will effectively screen the buildings from an abutting residentially zoned area, the Planning and Zoning Commission may modify the above building setbacks.
- I. In addition to the standards contained within Section 1201, the provisions of Section 1104 of these Zoning Regulations shall apply to all uses within a NEV-SDD, except residential use.

1201.5 Uses Permitted in the NEV-SDD

The following land uses are allowed within the NEV-SDD, whether in separate buildings or in mixed use buildings. Single occupancies having a floor area of over 20,000 square feet are prohibited except when used for a retail food supermarket, restaurant, office facility, light manufacturing, theater or recreational facility, boutique hotel, rehabilitation center, senior continuing care community, medical clinic, professional offices or hospital. The maximum building footprint for any building shall not exceed 50,000 square feet. For purposes of this section, a “single occupancy” shall be defined as the floor area within a single demised premises (independently owned leased or controlled) having an exterior entrance and exit.

A. Residential

1. Accessory Apartment, Qualified Affordable
2. Accessory Apartment, In-law
3. Accessory Apartment, Commercial Caretaker
4. Accessory Apartment, Residential Caretaker
5. Accessory Structures and uses
6. Bed and Breakfast
7. Duplex Residence
8. Home Occupation, Class I
9. Multi Family Residence
10. Senior Continuing Care Community
11. Single Family Residence

B. Community Facility

1. Church
2. Community water and effluent disposal systems.
3. Emergency Services (Non-municipal),
4. Hospital

5. Municipal Library
6. Post Office
7. Public Utility Distribution
8. Public Utility Substation
9. Municipal Building
10. Town Recreation Facility
11. Accessory Structures and Uses

C. Commercial

1. Boutique Hotel
2. Communications Tower
3. Country Inn (in accordance with Section 1413, except that the lot size, buffer, and sound absorption requirements of Section 1413 may be waived by the Commission in connection with the Special Permit review)
4. Day Care/Nursery School (in accordance with section 1414, except that the lot size, buffer, and sound absorption requirements of Section 1414 may be waived by the Commission in connection with the Special Permit review)
5. Financial Institution
6. Funeral Home
7. Health Club
8. Medical Clinic
9. Membership Club (No-firearms)
10. Personal Services Establishment
11. Print Shop
12. Professional Office
13. Recreational Facility, Indoor
14. Rehabilitation Facility
15. Repair Shop, non-vehicular
16. Motor Vehicle Service Station
17. Restaurant
18. Retail
19. Pharmacy
20. Multiple Use Commercial
21. Theater
22. Accessory Structures and Uses:

- a. including outdoor dining, provided that it does not constitute a nuisance due to hours of operation, noise or loitering;
- b. including drive-through windows for pharmacies restaurants, and financial institutions, per Section 1415 and sale of alcoholic beverages per Section 1501 of these Regulations; and
- c. riding stable as an accessory to a country inn or health spa.

D. Industrial. The following uses are permitted:

- 1. Warehousing/Distribution
- 2. Light Manufacturing
- 3. Office Facility
- 4. Research Facility
- 5. Accessory Structures and Uses

1201.6 Maximum Height

The maximum building height in any NEV-SDD shall be forty (40) feet/ three (3) stories as set forth in Section 1307. The height may be increased as determined by the Zoning Commission when such increase adds to the overall architectural character, detail and vernacular style of the structure (referral to and review by the Town's Fire Chief required) so long as the increase in height does not allow additional habitable space

1201.7 Maximum Residential Density

The maximum residential density in any NEV-SDD shall be 1.64 Dwelling Units per acre of the gross land area, excluding wetlands and A Zones on the flood hazard maps, of the NEV-SDD, except an additional one hundred (100) units of Senior Continuing Care (Assisted Living Facility – ALF, Independent Living Facility – ILF) shall be permitted in any portion of an NEV-SDD in which the underlying zone is Office/Research District (OR). The maximum residential density may be increased beyond 1.64 Dwelling Units per acre of gross land area to 1.8, provided that all of the additional Dwelling Units so created will be subject to an incentive housing restriction as defined in Connecticut General Statutes § 8-13m(8), being dwelling units that are restricted for a period of thirty (30) years to sell or rent to families with a maximum annual income of qualifying households being less than eighty (80%) percent of the median income, as that term is defined in CGS 8-13m(12) or financed by a CHFA mortgage in which the dwelling units so created will be alternatively subject to CHFA restrictions or subsidized with a rental subsidy program. The intent of this Section is that affordable dwelling units created under it will count towards the Town's ten per cent (10%) affordable housing goal set forth in Connecticut General Statutes Section 8-30g(k), and toward any moratorium provided for in Connecticut General Statutes Section 80-30g(l), and the documents used for such affordable dwelling units shall be drafted to fulfill this intent. The references to CGS 8-13m(8) &(12) and 8-30g(k) are for definitional purposes only.

1201.8 Minimum Floor Area – Residential Dwelling Unit

The minimum floor area for any single family (including accessory apartment), multi-family or duplex dwelling unit shall be five hundred (500) square feet per unit

1201.9 Procedures to Amend the Zoning Map to New England Village Special Development District (NEV-SDD)

A. Procedures. The procedures to amend the Zoning Map to an NEV-SDD are described in Section 2200. If a proposed NEV-SDD contains more than one parcel, the owner of each parcel must sign the application. For these purposes, the Master Plan shall not be construed as a “Site Plan” (per Section 1700) but as a component of the zoning map change and subsequent Special Permit application.

B. Informal Review. All prospective applicants considering development within the New England Village Special Design District are encouraged to review with the Planning and Zoning Commission, on an informal and pre-application basis, a draft preliminary master plan and drafts of other information required by the Zoning Regulations. Although this process may enable a prospective applicant to obtain meaningful preliminary feedback, this informal review is not intended to include evaluation of application specifics. Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a Preliminary Site Development and Land Use Concept Plan approval. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for an NEV-SDD. Similarly, silence by Commission members during an informal review should not be construed as assent or acceptance of what is presented. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for change of zone.

C. Application Requirements. In addition to the requirements of Section 2200, petitions to amend the Zoning Map to New England Village Special Design District shall also provide the following information. All maps shall be of a size that complies with the requirements for filing with the North Stonington Town Clerk.

1. **Master Plan** for the area to be rezoned, including the following elements:
 - a. boundary survey of the land to be included in the district at a scale no smaller than 1” = 50 feet, and prepared at the A-2 standard of accuracy by a Connecticut Licensed Land Surveyor;
 - b. existing topography with 2’ contours to T-2 or T-3 level of accuracy show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features, and limits of inland wetlands, watercourses and floodplains as mapped in the field by a qualified Soils Scientist and plotted by a Connecticut Licensed Land Surveyor;

- c.** existing land uses and zoning within five hundred (500) feet of the area to be rezoned;
- d.** names of all property owners located within five hundred (500) feet of the boundary of the property to be rezoned, as listed on the Town Assessor's records;
- e.** location of proposed land uses within the area to be rezoned; the number of residences, and the allocation among various types of residences; the aggregate square footage of each type of dwelling unit; the aggregate maximum number of bedrooms for each type of residential use; the residential density and the method used to calculate it;
- f.** proposed contours with intervals adequate to indicate drainage and grades;
- g.** location and size of proposed buildings and structures, including:
 - the square footage of each proposed building
 - the allocation of uses for each type of building
 - the height of each building or structure
 - the location and use of existing buildings or structures, and the intended use thereof
 - and the architectural and site Design Guidelines (see Section 1201.9 (C)(6))
- h.** public and private streets and circulation patterns and potential traffic improvements proposed by the applicant;
- i.** general locations of on and off-street parking, loading and delivery areas;
- j.** existing and proposed pedestrian facilities and circulation routes;
- k.** potential location of public transit connections or stops;
- l.** public and private open spaces, both improved and natural, and the square footage or acreage thereof;
- m.** general locations of utilities and drainage facilities to serve the area to be rezoned;
- n.** general landscaping plans, including existing vegetation to be preserved and general location of landscape buffers, including general type of landscaping proposed (e.g., evergreen tree, shade tree, flowering tree, evergreen shrub or hedge, flowering shrub, ground cover, existing vegetation to remain) and general location of landscaping (buffers, street trees, parking lot islands, foundation plantings); provided that details such as the species, number, size, and exact location of such landscaping may be deferred to the subsequent Special Permit review;
- o.** proposed project phasing of residential and retail components, including phasing of public improvements and provisions to address construction traffic;

- p. the location of all inland wetlands and watercourses as delineated by a certified soil scientist in Connecticut;
 - q. any exposed area of ledge in excess of two hundred (200) square feet; and
 - r. identification of any known natural and/or cultural resources (i.e., stone walls, foundations, archeological sites, etc).
2. **Comprehensive Parking Study** (“Master Parking Study”) for the area to be rezoned. The following information should be included in the Master Parking Study:
 - a. overall analysis of parking demand for the area to be rezoned, including shared use analysis if applicable;
 - b. types, approximate locations and number of parking spaces to be provided; and,
 - c. comparison of parking demand and parking to be provided.
 3. **Comprehensive Traffic Study** (“Master Traffic Study”) for the area to be rezoned. The following information should be included:
 - a. existing and projected background traffic counts on major streets located in and adjacent to the area to be rezoned;
 - b. analysis of anticipated traffic to be generated by the land uses proposed for the area to be rezoned, including projected levels of service and queuing at key intersections;
 - c. description of traffic improvements, including pedestrian; public transit improvements, to mitigate traffic impacts;
 - d. anticipated phasing of traffic improvements within project area, and
 - e. the Study shall be prepared by a licensed, State of Connecticut Professional Engineer. Said document shall be signed and sealed by the licensed preparer.
 4. **Comprehensive Stormwater Drainage Study** (“Master Stormwater Drainage Study”). The following information should be included:
 - a. analysis of existing and proposed peak rates of storm water discharge from the property for 2, 10, 25, 50 and 100 year storm events;
 - b. description of stormwater drainage improvements to be constructed, including phasing based on a 50 and 100-year storm event;
 - c. preliminary description of stormwater quality measures to be incorporated into the area to be rezoned, and
 - d. the Study shall be prepared by a licensed, State of Connecticut Professional Engineer. Said document shall be signed and sealed by the licensed preparer.
 5. **Documentation of the Availability of Potable Water and Sanitary Sewer service.** The documentation shall be prepared by a licensed, State of Connecticut

Professional Engineer. Said documentation shall be signed and sealed by the licensed preparer.

- a. 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 zone change and Master Plan approval stage, but shall be required prior to the issuance of any Special Permit in accordance with Section 1600 of these Regulations.
 - b. 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 sewerage treatment plant which has a pipe connection within three miles of the NEV-SDD, 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 zone change and Master Plan approval stage, but shall be required prior to the issuance of any Special Permit in accordance with Section 1600 of these Regulations.
6. **Design guidelines** ("Design Guidelines") for the district, including information on the following:
- a. **Design intent and project vision.**
 - b. **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 NEV-SDD. All new buildings and all subsequent alterations to those buildings shall meet the following minimum architectural design standards:
 - **Building Placement.** Buildings shall define the streetscape through the use of setbacks along the build-to line for each block. The build-to line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.

- **Architectural Character.** Buildings may be either traditional in their architectural character, or be a contemporary expression of traditional styles and forms respecting the scale, proportion, character and materials of historic village and hamlet structures.
- **Architectural Variety.** A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
- **Scale.** The scale of new construction, including the arrangement of windows, doors and other openings within the façade, shall be compatible with historic buildings in the region.
- **Building Mass.** Buildings of forty (40) feet or more in width shall be visually divided into smaller increments to reduce their apparent size and contribute to a human scale development. The mass of these buildings shall be de-emphasized in a variety of ways through architectural details such as divisions or breaks in materials, window bays, separate entrances and entry treatments, variation in rooflines, awnings, or the use of sections that may project or be recessed up to ten (10) feet.
- **Consistent Cornice Lines.** Attached buildings within the same block shall maintain cornice lines in buildings of the same height.
- **Fenestration.** Windows and other openings shall have proportions and a rhythm of solids to voids similar to historic buildings in the region.
- **Roof Materials.** Roof materials and color should be traditional, meaning they should be within the range of colors found on historic buildings in the region. The use of fascias, dormers and gables is encouraged to provide visual interest.
- **Exterior Wall Materials.** Exterior wall materials, color and texture should be similar to that found on historic buildings in the region.
- **Colors.** Colors found on exterior surfaces shall be harmonious with surrounding development and shall visually reflect the traditional colors of historic structures in the region.
- **Accessory Structures.** All accessory structures, screen walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure.

The design standards listed above are intended to give a general direction to the Pattern Book with regards to design intent. In the event that a specific design proposal varies from the standards listed above, the Commission may allow changes based on a reasonable compliance with the overall intent of the Pattern Book.

c. **Site Circulation** to include:

- pedestrian, including materials to be used for walkways and the location thereof

- bicycle trails, and the location and construction method thereof
 - public transit access, including the design of bus shelters and the location thereof
 - 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 to avoid glare on adjoining parcels
- d. **Streetscape and landscaping standards**, including materials, street furniture, illumination, cross walks, and preservation of existing specimen trees.
- e. **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
- f. **Waste disposal facilities** such as dumpster areas and the screening or enclosure thereof.
- g. **Treatment of service areas**, loading and delivery areas and above-ground utilities such as transformer boxes.

D. Public Hearing

The Commission shall conduct a public hearing on any application for a NEV-SDD in accordance with the provisions of Section 2200. In addition, the applicant or his agent shall provide notice by mail to all property owners within one hundred (100) feet of the parcel for which a Zone Change is requested. Such mailing shall be sent to at least one owner of each such property not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Commission or its agent. The applicant shall provide a copy of the list of property owners within one hundred (100) feet including names of all the property owners, street address per the Assessor's map and Assessor's map(s) and parcel number(s) for each property. Such list shall be provided at the time of application submission. Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Land Use Office not less than five (5) calendar days prior to the hearing date. Failure to provide notice as required herein may result in denial of the application.

E. Approval Considerations

As an exercise of its legislative authority, the Commission may approve, approve with modifications, or deny any application to amend the Zoning Map to NEV-SDD. 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 NEV-SDD as set forth in Section 1201.3; 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 petition to amend the Zoning Map to NEV-SDD, 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 are consistent with the standards and purposes of a NEV-SDD set forth in this section; and, in addition, with those criteria set forth in Section 1602 of these Regulations that are applicable to the Master Plan level of detail per Section 1201.2. This reference to Section 1600 shall not be construed to require plans or other materials at that level of detail required for a Special Permit application at the zone change and Master Plan approval stage.

F. Filing of Approved Master Plan and Zoning Map Amendment

Following approval of an NEV-SDD amendment to the Zoning Map, 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. The approved map amendment shall be identified on the Zoning Map with a numbered NEV-SDD designation (e.g. NEV-SDD 1, NEV-SDD 2).

G. Modification of Approved Zoning Map Amendments

Approved NEV-SDD zoning map amendments may be modified by the Commission following the procedure to approve a zoning map amendment to NEV-SDD. The Commission may waive any of the application requirements contained in this section in the event of minor modifications for which such requirements are not necessary in the opinion of the Planning and Zoning Commission to adequately review and decide the application for modification.

H. Expiration of NEV-SDD District

Special Permit approval for a phase of an approved NEV-SDD Master Plan or the entire NEV-SDD must be obtained no later than five (5) years following the approval of the NEV-SDD or, in the event of an appeal of such approval, within five (5) years following the final adjudication of the appeal that the NEV-SDD is valid (“final approval”). All components of the NEV-SDD shall be completed no later than ten (10) years after final approval of the NEV-SDD, 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 NEV-SDD. Any failure to meet these deadlines shall result in the expiration of the Master Plan which shall become null and void. If the Plan becomes null and void, the Planning and Zoning Commission may place notice of such, on the land records of the Town.

1201.10 Special Permit Review

Following approval of an NEV-SDD Master Plan, all applications for 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 Special Permit applications with the Senior Planner on an informal basis prior to the filing of any application.

B. **Application Process**

1. Applications for Special Permit approval in an NEV-SDD must be filed with the Commission and conform to Section 1600 of these Regulations, except as provided otherwise in this Section 1201. 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 Section 1600.
3. If any of the activities proposed in the Special Permit application are regulated by the North Stonington Inland Wetlands and Watercourses Agency (IWA) by authority granted by the Connecticut General Statutes, the Commission shall not render a decision on the application until the IWA has rendered a decision on the application to conduct such regulated activities.

C. **Application Requirements**

All applicants for Special Permit approval shall provide the application materials required by Section 1600. The following additional information shall also be submitted.

- a. **1. identification of all land and improvements** intended to be dedicated to the Town of North Stonington;
2. **Statement of Consistency with Plans, Studies and Guidelines.** A statement shall be provided demonstrating reasonable consistency with the following documents that were approved as part of the NEV-SDD map amendment, 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
3. The applicant shall submit a **Permanent Maintenance Plan** that establishes a yearly maintenance plan which establishes a 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 owner’s association to the requirements of the approved maintenance plan. If the development is intended to be something other than a common ownership community, the applicant shall submit a restrictive covenant and easement document which details maintenance responsibilities or another sufficient legal document which stipulates maintenance, covenants and easement arrangements to the satisfaction of the Commission.

- D. Approval Considerations.** In reviewing any proposed Special Permit, the Commission shall determine the following:
1. that the application is consistent with the criteria set forth in Section 1600, except as provided in the following subsection;
 2. that the application is reasonably consistent with the Master Plan, Master Parking Study, Master Traffic Study, Phasing Plan, Master Stormwater Drainage Study, and Design Guidelines; and that the potable water and effluent disposal facilities described in Section 1201.9(C)(5) will be operational prior to the use or occupancy of any land, building, or structure. A determination of reasonable consistency with the Master Plan shall constitute a conclusive presumption that the use, the location of a building, the square footage, height and size of a building, and the density of any residential use, are in compliance with the criteria of Section 1602. If, in its judgment, 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 effect the application’s fulfillment of the objectives of a NEV-SDD, the application may be found not reasonably consistent with the Master Plan, which shall require the filing of an amendment to the Master Plan per Section 1201.9 of these Regulations; and
 3. that all other applicable provisions of the North Stonington Zoning Regulations have been satisfied, except as otherwise provided by this section and the Master Plan approved in accordance with Section 1201.9(F).
- E. Approval Conditions.** The Commission may approve, or approve with modifications, or deny any proposed Special Permit.
- F. Surety.** The Commission may require the posting of bonds pursuant to the provisions of these Regulations including Section 1700, and/or other forms of security deemed appropriate to a particular project at the discretion of the Commission.
- G. Modification of Approved Plans.** Modifications of approved Special Permit plans in an NEV-SDD shall be governed by Section 1608.1(C).