

VOICES LEGAL NOTICES

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August 12, 2013

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TOWN CLERK'S OFFICE

PLEASE PUBLISH THE FOLLOWING LEGAL NOTICE ON AUGUST 14, 2013:

SEYMOUR PLANNING AND ZONING COMMISSION

NOTICE OF DECISION

The Seymour Planning and Zoning Commission approved an amendment to the zoning regulations establishing a mixed use zoning district. The Mixed Use District is a floating zone that may be established within the LI-1, GI-2, C-2, RC-3, and CBD-1 zoning districts. A project development plan would be reviewed and approved before an application for a mixed use zone would be submitted. The purpose of the amendment is to give flexibility to traditional zoning practice. Approval was given at the regular meeting of August 8, 2013. The amendment would become effective on September 1, 2013. A copy of the amendment as approved is on file with the Town Clerk.

SEYMOUR PLANNING AND ZONING COMMISSION

James Baldwin, Chairman

PROPOSED MIXED USE ZONING DISTRICT

Approved August 8, 2013

Effective September 1, 2013

1.0 INTENT AND PURPOSE

The intent of this section is to provide flexibility to traditional zoning practice. Experience has shown that some development proposals have much merit, but may not be able to conform to the letter of the zoning requirements of any zoning district. The purpose of this section is to permit such development with proper conditions and safeguards provided such proposal conforms to the Plan of Conservation and Development . An applicant shall prepare a detailed project development plan as described herein in support of a request to establish a mixed use district and demonstrate compliance with the intent and purpose of this section.

2.0 LOCATION

The mixed use district is a floating zone that may be established within the GI-2, LI-1, C-2 , RC-3 and CBD-1 zoning districts.

3.0 PERMITTED USES

1. Any use allowed in the GI-2, LI-1, C-2 and CBD-1 zoning districts except as stated below and as qualified by Section 4.
2. Uses permitted in the MF district are allowed, except for detached single or two family dwellings on individual lots, provided they are combined with a non- residential use.
3. The following uses are not permitted:
 - Detached single family dwellings on individual lots
 - Mobile Homes/Trailers
 - Fuel and Heating Oil Bulk Storage
 - Mining and Processing of Earthen Material
 - Earth Removal not as a part of site preparation
 - Those uses prohibited by Section 5.1 c)

4.0 ZONING REQUIREMENTS

1. Except for permitted uses, zoning requirements shall conform to the body of the zoning regulations, but may be modified as necessary by the project development plan.
2. The property shall be served by a public water supply.
3. Proposed uses shall reflect the comprehensive zoning plan and the manner in which the several classes of land use are distributed thru out the Town. If the project borders a residential district, the proposed uses and their location on the site shall promote an acceptable transition between potentially incompatible uses.

4. Architectural design shall be of superior quality and aesthetically pleasing. The structures and their location on the site shall blend in with the surrounding neighborhood. Building setbacks shall not deprive the surrounding properties of adequate light and air. The total floor area of all buildings shall not exceed 65% of total parcel area.
5. The project shall not cause undue congestion on adjacent streets or result in obvious traffic safety issues. Particular attention shall be paid to the capacity of nearby intersections.
6. The project shall not result in significant harm to the environment with respect to air quality, flooding, wetlands degradation, water quality and the like.
7. The Fire Department shall certify that adequate fire protection can be provided with respect to access to structures and building height.
8. Signage shall generally conform to the requirements of Section 13 of these regulations except such modifications as may be deemed necessary for the success of the project, shown on the site plan and in good taste as determined by the Planning and Zoning Commission during the review process.
9. Parking provided for retail use shall be at least 2.5 spaces for each thousand square feet or retail sales area.

5.0 Contents of Project Development Plan

1. A detailed statement of all uses, including accessory uses, proposed for the project.
2. A plot plan as described in Section 9.3.3 of these regulations.
3. Preliminary architectural plans including generalized floor plans, exterior elevations and complete description of exterior finish materials.
4. A graphic description of all signage, such signage to be shown on the plot plan.
5. A complete engineering report including but not limited to storm drainage, flood potential, grading requirements including volumes, geotechnical data as appropriate, water supply details, sanitary sewer details, analysis of septic system, landscaping, lighting and construction details.
6. A traffic study to include such topics as traffic volumes, pavement width, intersection capacity, safety considerations, pedestrian circulation, sight distances and any proposed street improvements.
7. An environmental assessment to include, at least, the effect on wetlands and watercourses, flooding potential, air quality, ground water and on wild life if appropriate.
8. An analysis of parking requirements.
9. A statement of compliance with the Plan of Conservation and Development.
10. The Planning and Zoning Commission may request an independent review of the technical aspects of any of the above. The applicant shall pay the cost of such review.

5.0 Procedure for Establishing a Mixed Use District

1. The establishment of a Mixed Use District requires a change in the zoning map and concurrent approval of the project development plan.

2. A preliminary project development plan as described in this section shall be submitted to the Planning and Zoning Commission for informal review and discussion. Following this review the applicant may submit an application for a change in the zoning map.
3. Application for a change in the zoning map shall be made in accordance with the requirements of Section 22 of these regulations, except that the project development plan shall be submitted at the same time as the zone change application. The letter of application for the zone change shall state that it is the intent that the area of the zone change if approved will be developed only in accordance with the approved or amended project development plan. The Planning and Zoning Commission shall have the same legislative discretion in acting upon a mixed use zone change that it has in acting upon any other zone change.
4. A public hearing on the zone change application shall be held in the usual manner, except that the project development plan shall be presented at the hearing to support the zone change application. Public comment on the project development plan shall be accepted at this hearing. The Commission may either close or continue the hearing at its discretion.
5. Following the public hearing, the applicant shall make any changes in the project development plan as deemed necessary. If changes are substantial, the Planning and Zoning Commission may hold a new hearing, or hear evidence at a continued hearing.
6. The Commission may either approve the project development plan as presented or with modifications, or it may deny it if the project development plan does not meet all of the requirements of this section.
7. The zone change application may be approved only after approval of the project development plan. The motion approving the zone change shall state that approval is given with the understanding that the area of the zone change is to be developed in full compliance with the approved project development plan, and that no certificate of occupancy will be authorized without such full compliance.
8. A zoning start permit shall be issued upon final review and approval of the site plan submitted with the project development plan together with such supporting documentation as may be required by the Commission.
9. The Commission may require surety for the completion of any off site public improvements required by the project development plan, long term maintenance of the septic system, or of any site improvement that would be a threat to public safety if not completed.
10. The project development plan may be amended, but such amendments shall comply with the requirements of this section. If the change is minor, it may be approved administratively. If it is a substantial change, it may be approved by the Commission. The Zoning Enforcement Officer may seek a ruling from the Commission on the question of a minor or substantial amendment.
11. If the initial development as approved is discontinued, abandoned or phased out in any manner the mixed use designation shall remain in effect, but future development shall conform to either the original project development plan or a revised project development plan as approved by the Commission.
12. The Commission shall charge a fee for an application for a mixed use district. This fee shall be based on the fee for a change in the zoning map, zone text change and site plan review.