

PROPOSED CHANGES TO THE TOWN OF CHESHIRE PLAN OF CONSERVATION AND DEVELOPMENT

(References are to page and section numbers in the Plan of Conservation and development. Cross outs show text proposed to be deleted and bold type shows proposed new text)

Page 8

3. COMMERCIAL GOALS

To provide, maintain and enhance commercial sites that encourage development in ways which are adequate to meet the town's present and future commercial needs.

~~[The Commission will draft]~~ **To encourage** regulations that permit retail developments of a size and scale appropriate for the town. To permit ~~retail~~ **mixed use** developments ~~only of an~~ appropriate size and scale **allowing the development, in a compact form, of a tract or tracts of land with two or more different uses such as but not limited to office, retail, food service establishments, service businesses, banks, public, entertainment and residential in limited and appropriate circumstances only when the PZC determines such development is consistent with the surrounding area.** ~~that provides for community oriented shopping facilities within town and that~~ To encourage the redevelopment of existing commercial sites where necessary.

Page 9

PRIORITY (NEW)

While each of the Plan of Conservation and Development Goals is important to maintain a well-balanced environment, the Commission believes that action to promote the following goals should be given priority during the next 3-5 years.

- Commercial and Industrial
- Traffic and Circulation
- Open Space
- Town Center

Page 67

CONCLUSIONS

1. Encourage redevelopment of old, outmoded areas in the commercial area.

2. Encourage SDD's. Uphold the character of the Center. Create an ambulatory center.
3. Encourage beautification.
4. Encourage expansion of neighborhood shopping center.
5. Limit the square footage of new retail establishments to under fifty thousand square feet, except in approved Interchange Special Design Districts where the size and design of retail establishments is compatible with the overall design of the surrounding area..
6. Encourage the joint participation of Cheshire Academy and the Town in needed public facilities on the campus.
7. **Explore opportunities for development of mixed-use development in the northern area of the Town designated as the Interchange Zone (I-C).**
- 7.8. Development that does occur in the Commercial zones be encouraged to follow the guidelines for Natural Resource Sensitive Development in the Physical Features Chapter of this Plan.

Page 73

A major development was the removal of malls as a permitted use from the zone in 1995. As a result the price of land has been reduced to more accurately reflect the market values based on the other permitted uses. There is a renewed interest in the zone. **This renewed interest has come about as a result of joint meetings of the Town Council, the Town's land use agencies, and the Economic Development Commission and considerable public input. The Town should leave open the additional option to consider development including mixed-use development consistent with this Plan and its goals and which promotes the economic development of the Town.** ~~{and it is extremely important that the town not become impatient with the pace of development in the area and attempt to deviate from the original concept which is still viable.}~~

SECTION 45. INTERCHANGE SPECIAL DEVELOPMENT DISTRICT (I-C.S.D.D.).

.1 Purpose. The purpose and intent of this Section of the Cheshire Zoning Regulations, to be known as the Interchange Special Development District Regulations, is to permit modification of the strict application of these Zoning Regulations for the following purposes:

.1.1 To create diversity in the economic base of the Town of Cheshire by providing for a zone classification known as the Interchange Special Development District (I-C.S.D.D.) within which Mixed Use Development(s) providing for flexibility in use and design shall be allowed pursuant to this section of the Cheshire Zoning Regulations. Only areas within the Interchange Zone (I-C) as of the effective date of these regulations may be considered for a change to Interchange Special Development District (I-C.S.D.D.);

.1.2 To permit tracts of land to be developed and designed as harmonious units consistent with the character of the town, the purposes of these regulations, and any Plan of Development adopted by the Planning and Zoning Commission;

.1.3 To permit the establishment of uses that are not otherwise permitted under Section 48 Interchange Zone Regulations, but which would be beneficial to and consistent with the orderly development of the properties located in the Interchange Zone (I-C);

.1.4 To permit residential uses that shall be integrated with and demonstrably enhance the overall development and be limited to no more than two (2) bedrooms per dwelling unit which complement the other uses in a Mixed-Use Development;

.1.5 To permit the design and construction of buildings, other structures and facilities, that by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features, would create a friendly pedestrian atmosphere. Such development shall include design ambiance, open, activated edges to open space areas, and outdoor seating at restaurants.

.2 Location. Interchange Special Development Project applications shall be considered only when the proposed project is at least 30 acres in size that will be served by public water and sewer and has frontage and access on Connecticut Route 10 (Highland Avenue), or is contiguous to and coordinated with an approved Interchange Special Development Project. Contiguous shall mean abutting against an approved Interchange Special Development Project. All projects must be located on property entirely within the Interchange Zone and

designated I-C (Not R-40/I-C) on the official zoning map of the Town of Cheshire.

.3 Application. Application for approval of an Interchange Special Development Project for one or more of the purposes set forth herein shall be submitted in writing on forms supplied by the Planning and Zoning Commission, accompanied by a Petition For a Zone Map Change pursuant to the provisions of Section 70 of these Regulations requesting a change in the underlying I-C Zone to I-C.S.D.D., and an application fee made payable to "Collector, Town of Cheshire," together with nine (9) copies of the following:

.3.1A Site Map. A map compiled from the Town of Cheshire Assessor's Maps and Town Topographical Map, sealed and prepared by a licensed land surveyor showing the area to be changed to I-CSDD and all land within 500 feet of such area, showing all lot lines; the proposed zone boundaries; the names and addresses of all owners as appearing on the latest assessor's records within the proposed zone to be established and within 500 feet of such area; streets; highways; rights-of-way; water courses; wetlands as shown on the Official Cheshire Inland Wetlands and Water Courses map; existing and proposed contours at a two-foot interval; Flood Plains designated by the Federal Insurance Administration, existing zone designations; and existing zone boundaries. There shall be a key map at a scale of not less than 1"=400' showing the proposed zone change boundaries.

.3.1B Architectural Plans. Conceptual architectural elevations including wall signage, and drawings for proposed pylon signs.

.3.2 Special Regulations. A proposed set of special regulations listing the elements of the existing regulations, limitations and conditions of the underlying zone which are to be modified or eliminated, and new regulations, limitations and conditions which shall be applicable to the special development project shall be drafted by the applicant, approval of which shall be subject to review and modification at the discretion of the Planning & Zoning Commission as provided herein. All words and terms which are defined in Section 23 of the existing regulations shall be used as so defined. The standards shall follow the typographic format of the existing regulations. The special regulations may divide the district into areas, and assign different standards to each area, provided the intent of such action and the relationship of the areas to each other are consistent with the purpose of this section. The regulations shall include the following elements and standards:

- a) Bulk regulations, regulations covering lot width, front yards, side yards, rear yards, height limitations, minimum and maximum floor

areas, open space, lot coverage or natural or screening buffer areas. Any increase to the existing height limitation of 50' for the ICZ must be accompanied by additional setback requirement of two feet for each one-foot of structure height for that portion of any building where increased height is requested. No portion of any structure may exceed 65' of building height as defined within these regulations. Residential structures shall not exceed 50 feet in height.

- b) Sign standards
- c) Landscaping standards
- d) Standards for covenants for continued maintenance of utility, open space and recreational elements.
- e) Parking requirements
- f) Time limits or consecutive limits for phase and total development
- g) A list of proposed permitted uses, standards, and, if applicable, a method of minimizing or eliminating the emission of objectionable or polluting elements.

.3.3 Special Development Plan. A plan of the entire Interchange Special Development Project showing in schematic fashion, the areas of proposed development with the following elements:

- a) Proposed use areas and the acreage assigned to each.
- b) Proposed vehicular and pedestrian circulation patterns including location, size and adequate number of parking stalls, access management strategies, parking barriers, walk, recreational and bicycle ways, curb cut and crossing locations on existing and proposed streets.
- c) Proposed open space areas, such as parks, lawn areas, recreational and natural spaces.
- d) Proposed general landscaping including modifications to present treed, sloped, and watercourse areas, areas of formal plantings, and related treatment of open space, present screening and proposed topography.
- e) Schematic layouts of utility systems, including water, sewerage, and drainage including capacity and additional flow into water courses and ponds and the location of connections of the proposed utility system to present utilities.

- f) Proposed location of buildings and other structures, indicating feasibility in relation to the above elements.
- g) Proposed Architectural and design features.
- h) Proposed boundaries for stages of development within the district, if applicable.

.4 Prohibited Uses. Prohibited uses in an Interchange Special Development District shall include:

- a) All uses prohibited in Sections 31, 31.1 and 31.2 of the Zoning Regulations of the Town of Cheshire.
- b) Industrial uses except for arts and crafts, those industrial uses allowed by the Zoning regulations in commercial zones, and industrial use allowed in the I-C Zone;
- c) Gasoline stations;
- d) Motor vehicle repair shops, requiring licensing by the State of Connecticut; provided this section shall not prohibit the installation of aftermarket accessories sold by the primary occupant, including but not limited to cell phone accessories, stereo systems, alarms, remote starters and the like;
- e) Motor Vehicle washing and cleaning establishments;
- f) Motor vehicle dealers
- g) Restaurants with drive through windows

.5 Interchange Special Development Project. Prior to acting on any application for an Interchange Special Development Project, the Planning and Zoning Commission shall adhere to the following procedure:

.5.1 Procedure. The Planning and Zoning Commission shall hold a public hearing on the application in the same manner as required for amendment of these regulations. In addition to the information required by law, the applicant shall cause to be submitted the following:

- a) A report of the Fire Marshal;
- b) A report from the Local Traffic Authority and a traffic study prepared by a qualified professional engineer, including traffic

counts, flow pattern, and capacity analysis of present and proposed intersections, roads and entrances within and serving the development;

- c) A report from the Town Engineer with respect to the adequacy of drainage, the engineering soundness of the street layout, traffic considerations, and the utility plan;
- d) Reports of other departments, commissions and agencies as may be required by the Planning and Zoning Commission;
- e) A storm water management study that calculates existing and post development drainage and discusses the choices and rationale for management of these flows;
- f) A fiscal impact study;
- g) An Environmental Assessment of the site;
- h) A report, when applicable, describing the Archaeological Characteristics of the site;
- i) A market study for any residential units proposed within the development;
- j) It shall be the sole responsibility of the applicant to provide sufficient data in all areas through consultant or other means to give the Planning and Zoning Commission adequate information on which to arrive at a decision on a special design application.

.5.2 Waiver. The Planning and Zoning Commission by majority vote may waive the submission of all or part of the information required by any part of this section of the Zoning Regulations if it finds that the information is not necessary in order to decide on the application for a special development project.

.6 Standards and Findings. The Commission may approve a zone change to an Interchange Special Development District and the Interchange Special Development Project, only if in its judgement, the applicant has met all the following standards and the Commission finds that the project is in the best interests of the town:

- a) The special regulations, as proposed, as well as the proposed development, are consistent with the intent of these Interchange Special Development District regulations, the Cheshire Plan of

Conservation and Development, and the laws and standards for zone changes and amendments in the State of Connecticut.

- b) The proposed project is designed with recognition of a site's context and character.
- c) That the natural features of the land have been considered as design determinants.
- d) That important historic and archaeological characteristics have been respected and considered as design determinants.
- e) Community facilities, utilities and/or services, as presently existing or to be provided by the applicant, will not be overburdened due to the increase in population or activity caused by the new development.
- f) There will not be any significant public safety or fire protection problems and that emergency access is adequately provided.
- g) Any internal circulation system encourages pedestrian use and provides linkage throughout a development to the maximum extent possible.
- h) Separation of vehicular and pedestrian traffic is maintained to the greatest extent possible.
 - i. Adequate on-site parking for the proposed development is provided, consistent with items f) through h), above..
- j) Storm water run-off will be controlled wherever retention or detention is possible and that all proper and necessary easements will have been obtained by the applicant.
- k) The design and construction of buildings, other structures and facilities by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features would be consistent with the Town and would show design merit.
- l) The perimeter edge of the proposed development relates to existing development with respect to scale and setback.
- m) Landscaping, lighting, graphics, and street furniture have been coordinated to create a pleasing public environment.

- n) The open space system including pedestrian walks is usable, beneficial and can logically be expected to connect to existing and/or future walks on abutting properties.
- o) Open space set aside or established pursuant to the proposed application site plan shall be made available for public use. The open space land shall be held in ownership by the applicant landowner and shall be subject to an agreement with the Town to be filed on the Land Records at the time of approval regarding the applicant landowner's responsibility for maintenance of said open space.
- p) Recreational or park-like areas related to residential units shall be shown.
- q) Any residential units proposed will be beneficial to the Town of Cheshire and satisfy a demonstrated need within the local housing market, and are integrated with and demonstrably enhance the overall development. The total floor area devoted to residential uses shall be less than 50% of the floor area of buildings devoted to other uses.
- r) There is a reasonable assurance that the developer has the financial and organizational capability to complete the project as submitted.

s) The Interchange Special Development Project will include provisions for suitable water supply and sewage disposal in accordance with applicable standards of the Town of Cheshire, the Connecticut State Health Department, and the Connecticut State Water Resources Commission. All utilities will be underground, except those items customarily placed aboveground such as hydrants, transformers, communications equipment and the like.

t) The overall project is in the best interest of the Town.

- p) u) In the event the Commission does not approve the Petition For a Zone Map Change from I-C to I-C.S.D.D., it shall not approve the Interchange Special Development Project.

.7 Approval of Interchange Special Development Plan. The Commission shall approve, disapprove, or approve with conditions, the special regulations and Special Development Plan, in the manner as required by law for approval of a zone change.

.7.1 Performance Bond. As a condition of its approval, the Planning and Zoning Commission shall require the applicant to submit or cause its contractors to submit a Cash Bond or Performance Bond, or another form of surety in form and amount satisfactory to it and with a bonding company licensed to do business in the State of Connecticut as surety

conditioned on the construction of all required public improvements, such as, but not limited to, roads, sidewalks, curbing, sanitary sewers, storm sewers, public water, etc., and the completion of all amenities, such as, but not limited to, landscaping, private walks, paved parking areas, street furniture, etc., and providing that in the case of default, the surety company shall promptly take any and all steps necessary to comply with said conditions. The Commission may reduce the bond requirements as portions of the work are completed in accordance with the requirements of the Commission.

.7.2 Time Limitation. Any development authorized as an approved Interchange Special Development District shall be established and any construction authorized thereby shall be completed within a period of five (5) years after approval is given. The Commission may extend its approval for one (1) year periods after a public hearing for a good cause shown.

.7.3 Filing. A certified mylar or equivalent black and white copy of the approved Interchange Special Development Plan shall be filed in the Office of the Town Clerk with a verified copy of the resolution and conditions (if any) of the approval, by the applicant at his expense within ninety (90) days following approval by the Commission, and any plan not so filed and recorded within ninety days shall be void. A certified mylar or equivalent black and white copy of the approved Special Development Plan and four paper copies shall also be filed with the Commission together with four (4) copies of the special regulations.

.7.4 Establishment of District. Upon approval of the special regulations and Special Development Plan, the Interchange Special Development District shall be considered established and these regulations and the zoning map shall be considered to be modified to permit establishment of the development as approved. The interchange special design project shall be shown on the zoning map with a reference to the records of the Planning and Zoning Commission where the approved standards and plans may be seen.

.8 Amendments. Amendments to any previously established Interchange Special Development District may be made by the Commission following the same procedure used for the establishment of a Interchange Special Development District. Such amendments need not meet the 30 acre minimum requirements as per Section ____2.

.9 Final Development Plan Submission. Before development can begin, a Final Development Plan must be approved by the Planning & Zoning Commission with respect to all or, if the site is to be developed in phases, all phases. The Final Development Plan shall conform substantially to the approved Special Development Plan and shall adhere to the special regulations adopted in

conjunction with the Special Development Plan.

9.1 Procedure. The following procedure shall be followed with respect to the Final Development Plan:

A. The Final Development Plan must be submitted within eighteen (18) months from the date of Preliminary Development Plan approval. Otherwise the Preliminary Development Plan is null and void and the parcel will revert to the original underlying zone designation unless the Commission approves an extension of up to one (1) year. Upon such reversion, the Commission shall take action to remove the Interchange Special Development District designation of the parcel from the zoning map. Application for a Final Development Plan may be for only part of the approved Special Development Plan if the Special Development Plan as approved contemplates phases or if it is determined by the Commission that, as a result of the size of the project, it would be unreasonable to require a Final Development Plan for the entire project.

B. Final application for subsequent phases of the project shall be submitted at maximum intervals of eighteen (18) months. Upon failure to submit any such application within said time limit, the provisions of Section ____9.1A above will apply to such phase.

C. If the Commission determines that the Final Development Plan or any modification thereof differs significantly from the approved Special Development Plan, the Commission may treat the application for Final Development Plan approval (or any modification thereof) *as an* application to modify the Special Development Plan. In such event, the procedures for approval of a Special Development Plan shall be followed, including the requirement that a public hearing be held, except that the Commission may, in its discretion, excuse the applicant from submitting information that the Commission deems unnecessary in light of the nature of the proposed changes to the Special Development Plan. Otherwise, the Final Development Plan shall be processed in the same manner as a site plan approval under Section 41 of these Regulations.

Definitions To Be Added:

Archaeological Characteristics: Material evidence of human activity of special historic value and/or ancient peoples found below, at, or above the surface of the ground or water.

Environmental Assessment: A report that describes the Natural Features of the site, the changes that will occur as a result of proposed activities on the site, the anticipated environmental impacts and consequences of the proposed activities, and the proposed mitigation measures to minimize undesirable impacts to the environment.

Natural Features: Physical characteristics of the site that are not manmade including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, floodplains, wildlife, and habitat features.

Mixed-Use Development: A development that is planned and managed as a single property with off-street parking, landscaped areas, and pedestrian plazas provided on the property as an integral part of the development, and which has two or more different uses such as but not limited to residential, office, retail, food service establishments, service businesses, banks, public and entertainment, in a compact form.

Interchange Special Development Project: A Mixed-Use Development approved pursuant to Section ____ of these Regulations.