# ARTICLE 10 APPLICATION STANDARDS AND PROCEDURES

## Section 10.1 Purpose

This article provides general criteria for judging the appropriateness of Zone Changes and Special Permit applications, as well as specific standards for the form and content of Site Plans.

## Section 10.2 General Application Standards and Procedures

A. Applications must be made by the property owner of record, by an individual having substantial interest in the property, or by a duly authorized agent or attorney.

B. Whenever a public hearing is scheduled by the Commission, or by the Zoning Board of Appeals, the applicant shall place a sign or signs on the affected property giving notice of the proposed public hearing. Where the property is a corner lot, a sign shall be placed on both frontages of the property. A sign is to be placed for each 200 linear feet of frontage at or near street line or traveled way and shall be clearly visible to the general public. Such sign, to be provided by the Planning Department, shall be installed by the applicant no less than 10 days before the hearing.

   1. An affidavit shall be presented at the public hearing by the applicant or his agent certifying that this sign was installed. The sign shall be maintained in accordance with the provisions of this section until the close of the public hearing.

   2. When an application requiring a public hearing is sponsored by the Commission and affects multiple properties, in lieu of the requirement to post hearing signs, the Commission shall place a public notice in a newspaper having a substantial circulation in the community.

C. All applications shall include the following:

   1. Three copies of the completed application form signed by the applicant and the owner of the property.

   2. A fee in the amount prescribed by the Commission or by ordinance.

D. Submittal

For an application to be considered for decision, the applicant shall submit the complete application package to the Planning Department at least 21 days prior to the first meeting of each month. All Town Staff comments shall be incorporated into revised plans, which shall be submitted to the Planning Department no later than 7 days prior to the Commission meeting.

## Section 10.3 Zone Change Standards and Procedures

A. Application Submission Requirements

Applications for a Zone Change shall include the following:

1. Three copies of a map, drawn to the same scale as the Town Assessor's Map showing the area of the proposed change and all properties within 500 feet of such change. The map shall also show existing and proposed zoning districts with dimensions and distances of all zone boundary lines, existing property lines and owner of each lot as indicated in the Town Assessor's records.
2. A metes and bounds description of the property to be changed.
3. For petitions to modify or add text to the Zoning Regulations, 10 copies of the proposed wording shall be submitted.

B. Advisory Reports

The Commission may request advisory reports and/or reviews from governmental agencies, commissions, officials or others. The applicant shall furnish to said parties copies of application documents and maps and other information as directed by the Commission. Copies of any such reports shall be provided to the applicant.

C. Public Hearing

Applications shall be considered at a public hearing. Notice of public hearings and procedures shall be as prescribed by statute. The applicant, or his representative, will be required to appear at the public hearing for the zone change application.

D. Review Criteria

In acting upon the zone change, the Commission shall take into account the various factors favorable and unfavorable to such a change, including but not limited to:

1. The goals, objectives, and recommendations of the Plan of Conservation and Development;
2. The purposes of zoning and of these regulations;
3. Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities;
4. The supply of land available in the present and proposed zone;
5. The physical suitability of the land for the proposed zone;
6. The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements;
7. The general character and zoning of the neighborhood
8. Impacts on the surrounding area;
9. Traffic congestion impacts;
10. The impact on surrounding property values;
11. The environmental impacts; and
12. The health and general welfare of the community;

E. Filing of Maps

1. Upon approval, the applicant shall submit an A-2 Survey of the approved zone change on transparent mylar film. This map shall be stamped and signed by the Commission and filed in the Office of the Town Clerk in accordance with state statutes. The effective date of the approved zone change shall be the date of filing of the map.

2. When a zone change has been approved for a property for which the current property lines are displayed on the official zoning map, a mylar copy of that portion of the zoning map which has been amended may be submitted in lieu of the requirements of 1, above.

## Section 10.4 Special Permit Standards and Procedures

A. Application Submission Requirements

Applications for a Special Permit shall include the following:

1. Site Plan application as required in Section 10.5 Site Plan Standards and Procedures; and

2. A narrative statement describing the existing and proposed use of the property.

B. Review Criteria

The Commission may, in appropriate cases and subject to appropriate modifications and safeguards prescribed by it, grant a Special Permit approval subject to the requirements of these regulations. Applications for a Special Permit may be approved if the Commission determines that:

1. The location, type, character, and size of the use and any building or structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood, and will not hinder or discourage the appropriate development, use and value of adjacent lots.

2. The nature and location of the use, including any building or other structure in connection therewith, shall be designed so as to insure adequate access for fire, police, and other emergency protection purposes.

3. Streets and sidewalks serving the proposed use must be able to accommodate prospective vehicular and pedestrian traffic. Provisions shall be made for ingress and egress to the property in such a manner that no undue traffic hazard or congestion is created.

4. The site is of sufficient size and dimensions to promote the use, construction and maintenance of buildings, structures, and facilities, including sanitary facilities, in a manner that will not be detrimental to the surrounding neighborhood.

5. The site is to be landscaped and/or screened in order to enhance the general character and appearance of the site and the surrounding neighborhood.

6. The architectural design and style of the proposed building(s) and other structures shall be in harmony with the architectural design and style of adjacent properties.

7. The Commission may impose additional conditions in accordance with these regulations in order to ensure that all applicable criteria enumerated above and/or within a particular use category are satisfied.

C. Conditions and Safeguards

The Commission may grant a Special Permit subject to certain conditions or safeguards including, but not limited to, time limits for site construction activities. Any condition or safeguard attached to the granting of a Special Permit shall remain in effect as long as the Special Permit remains in effect. Should the property change ownership, all conditions and safeguards of the Special Permit shall remain in effect.

D. Time Requirements

1. When granting a Special Permit, the Commission may impose time constraints on the permitted use and/or require a periodic renewal of the Special Permit. In the event that an appeal is taken on the Commission's action of granting a Special Permit, the renewal period shall commence upon the date of final disposition of said appeal.

2. Failure to complete all work as approved under the granting of the Special Permit within 5 years from the date of approval shall result in the automatic expiration of the approval provided that the commission files a notice of expiration on the Town land records.

E. Changes

Any substantial changes in facilities or uses to that approved in the Special Permit application shall require a new application to and approval by the Commission.

F. Violations

1. When conditions of approval or the approved site plan are not followed, enforcement actions as prescribed by State Statute shall be initiated.

2. In the event that violations are not remedied in a timely fashion, revocation of the special permit may be initiated.

G. Effective Date

A Special Permit shall become effective upon the filing of a copy thereof in the Office of the Town Clerk and in the Town Land Records.

## Section 10.5 Site Plan Standards and Procedures

### 10.5.1 Applicability

A. Site Plan approval shall be required for the following:

1. All Special Permit uses;

2. All uses in non-residential zones;

3. Other uses as specified in these regulations.

### 10.5.2 Standards for Site Plans

A. General

Site Plans shall be prepared by appropriate design professionals (surveyor, engineer, architect, and landscape architect) licensed to practice in the State and shall bear appropriate registration stamps. All drawings shall be at a scale of not less than 1 inch equals 40 feet. All Site Plan drawings shall be in sufficient detail and accuracy, (generally A-2), to enable the construction of all site improvements shown and approved on the drawings. All site improvements shall be constructed to the standards of the Town's Public Improvement Specifications as appropriate.

B. Site Plan Contents

Site Plans shall include the following, as applicable:

1. Title Block with name of developer, property owner, north arrow, scale of not more than 1":40', seals and signatures of all appropriate design professionals;
2. A location map at the scale of 1" to 1000' showing the proposed project and the nearest street intersection;
3. Boundary survey of site including distances with angles or bearings;
4. Zoning classification of property;
5. Area of lot;
6. Name of adjacent owners and zoning classification of their property;
7. Existing and proposed contours or spot grades at no more than 2 foot intervals;
8. Locations of existing and proposed buildings with dimensions, area, elevations and number of stories and distances between all buildings and property lines;
9. Existing and proposed sanitary and storm water drainage facilities with elevations,
10. Existing and proposed sidewalks, curbs and curb cuts, and adjacent streets;
11. Soil erosion and sedimentation control measures as required by Section 8.5 Soil Erosion and Sediment Control Regulations;
12. Drainage design for roof area, parking lot and driveways;
13. Stormwater Detention Plans as required by Town of Portland Regulations for Public Improvements;
14. Locations and descriptions of all existing and proposed easements and rights-of-way;
15. Location of existing trees. Trees larger than 18" in diameter shall be shown;
16. Location of existing stone walls
17. Proposed landscaping including a listing and count of all trees and shrubs to be planted, by common and botanical names, size (caliper, height, time until maturity) at planting, and height and spread at maturity. There shall also be a statement to the effect that such landscaping does not include any species listed on the Connecticut Invasive Plant List;
18. Required buffers;

19. Layout of all off-street parking areas showing details of aisles, driveways, each parking space, all loading and unloading areas, pavement markings, location of directional signs;

20. Existing and proposed locations, height and size of all outdoor lighting and sign locations. Lighting plan shall include the following:

    a. Location and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices; any decorative lighting should be indicated;

    b. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cut sheets by manufactures and drawings (including sections where required);

    c. Photometric data, such as that furnished by manufacturers or similar showing the angle of cut off or lights emissions;

    d. Wattage or power of the lights, and method of shielding from any adjoining residential area.

21. Fire lanes and traffic control signs as required by Police and Fire authorities;

22. Outside storage areas with proposed screening;

23. Location of outside recycling and refuse storage area and proposed screening;

24. Provisions for water supply;

25. Proposed open space areas and any proposed site improvements to such areas;

26. Information on endangered species or species of special concern as listed on the Natural Diversity Data Base maintained by the Connecticut Department of Environmental Protection;

27. A table showing in one column the required standards contained in the Bulk Table or elsewhere in these regulations and in a second column in line with the standards in the first column the standards proposed for a specific facility.

C. Phased Development

Where development is proposed to be in phases, phase lines shall be shown and each phase shall be capable of independent functioning in terms of utilities, access, parking, and landscaping.

D. Architectural Plans

1. The applicant shall submit preliminary architectural plans that shall describe the appearance, size, use and occupancy of all proposed structures; said plans shall be at a scale not less than 1/8 inch equals 1 foot, and shall include the following:

    a. Floor plans for each floor or level of each proposed structure, which plans shall indicate spatial arrangement, use, occupancy, seating arrangement, ingress and egress;

    b. Exterior elevations (side views) of each side or elevation of each proposed structure; such elevations shall indicate proposed materials, roofscape, if any, and building height;

c. Where alterations and/or additions to existing buildings are proposed, description in both plan and elevation adequate to explain the proposal shall be provided;

E. Copy of preliminary application for access to State highways and to State-owned storm drainage facilities where such state permit is necessary;

F. The following signature block:

Approved by the Portland Planning and Zoning Commission

Final Approval:_____ _____

Chairman Signature Date

Date of Approval: _____

Expiration Date: _____

G. Other data as deemed necessary by the commission to determine conformity with the Zoning Regulations.

### 10.5.3 Approval of Site Plans

1. The Commission may approve, approve with modifications, or deny a site plan on the basis of compliance with the Zoning Regulations. In addition, the Commission shall consider:

   a. Traffic Access: That all proposed traffic access ways are:

      i. Adequate but not excessive in number;

      ii. Adequate in width, grade, alignment and visibility; and

      iii. Appropriately separated from street corners or other places of public assembly.

   b. Circulation and Parking: That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking.

2. Upon approval, the following procedures shall be followed:

   a. Within 180 days of the effective date of approval, the applicant shall file, at his expense, in the Office of the Town Clerk, one set of the plot plans which have been approved by the Commission. No plan may be recorded or filed by the Town Clerk until approval has been endorsed thereon by the Commission; and the filing or recording of a plan without such approval shall be void.

   b. Any substantial changes in facilities or uses to that approved in the Site Plan application shall require additional approval of the Commission.

### 10.5.4 Staff Approvals – Minor Site Plan Modifications:

When minor changes to approved site development plans are requested which do not require additional parking spaces, do not impact on necessary landscaping, or which may be required by field conditions, approval may be granted by the ZEO. An application, fee, and plans shall be filed in the Planning Office. Where a judgment is made by the ZEO that such changes are more significant and do not meet the foregoing standards, a Site Plan application shall be required.

## Section 10.6 Adaptive Reuse for Historic and Cultural Preservation

**10.6.1 Purpose:** The Town of Portland has conducted an inventory of historically and/or architecturally significant sites and structures which are identified on the Historic Resources Plan (HRP) located within the Town of Portland Plan of Conservation and Development (POCD). The purpose of the adaptive reuse provisions of these Regulations is to foster the restoration and renovation of these significant buildings and structures which have value to the community and to preserve and adaptively reuse them by incorporating them into new development and/or change of use proposals to the fullest extent feasible.

**10.6.2 Procedure:** When any development or change of use proposal includes one or more sites or structures identified within the HRP, the applicant is required to submit an application to the Commission in accordance with ZR Section 10.4 (Special Permit Standards and Procedures). The Town shall refer the application to the Portland Historical Society at least 30 days prior to the public hearing for its review and comment.

**10.6.3 Criteria:** The Commission shall consider requiring adaptive reuse when:

A. There is historic, architectural, cultural, economic or other value to the Town to justify renovation and preservation, as determined by the Planning and Zoning Commission.

B. The long term benefits of the proposed adaptive reuse outweigh any negative impact on the neighborhood of the proposed project and on the Town as compared with the alternative of having the structures demolished or remaining vacant or under-utilized.

**10.6.4 Performance Standards:** In addition to Section 10.4, the following standards are required:

A. The proposal incorporates the existing building(s) or structure(s) in the present location, or includes a proposal for relocation which is found to be as suitable and appropriate as the present location.

B. The renovation and remodeling of buildings and structures for adaptive reuse may not destroy or obscure essential architectural features. In addition, such architectural features must be maintained and enhanced to the extent that it is feasible and prudent to do so.

C. For purposes of properties identified in the HRP, buffer areas may include any area available for landscaping.. When the Town or State grants permission, the owner or developer must also use areas within the public right-of-way to satisfy landscaping requirements.

D. For purposes of properties identified in the HRP, if necessary parking cannot be provided on site, reasonable provision for parking shall be provided off site.