

Adopted

Planned Area Development Zoning Regulation

As of May 3, 2010

Effective Date September 18, 2010

Article Ten L. Simsbury Planned Area Development Zone (PAD)

Section One: Purpose and Intent.

- A. The purpose of this Article is to establish a process for a change of zone pursuant to Connecticut General Statutes §8-3 to permit the planned area development of tracts of land within the enumerated eligible zone(s). The intent of this Article is to:
1. Encourage proposals of mixed use and other attractive, innovative developments in certain non-residential zones as guided by the adopted 2007 Plan of Conservation and Development (POCD).
 2. Afford proponents of such developments prompt nonbinding feedback on Preliminary Development Plans from as many interested parties as possible;
 3. Afford the Zoning Commission discretion to establish certain zoning standards for projects deemed appropriate; and
 4. Assure those submitting Master Development Plans for such projects a predictable and efficient process of consideration without undue delay.
- B. It is the further intent of this Article to encourage master planning of sites to create attractive, livable, environmentally wholesome, and pedestrian friendly public spaces appropriate to their surroundings, consistent with the Town of Simsbury's comprehensive plan and guided by its adopted Plan of Conservation and Development and its Guidelines for Community Design to:
1. Permit flexibility in the application of land development regulations that will encourage innovative development and redevelopment for residential and nonresidential purposes meeting the demand for diverse housing and other development and land use by creating variety in type, design, and layout of dwellings and other buildings and structures including traditional neighborhood development;
 2. Provide flexibility in architectural design, placement, and clustering of buildings, use of open areas, provision of adequate circulation facilities, including pedestrian and vehicular facilities and parking; and related site and design considerations;
 3. Encourage the conservation of natural features, preservation of open spaces and critical and sensitive areas, and protection from natural hazards;

4. Provide for efficient use of public facilities;
 5. Encourage and preserve opportunities for energy-efficient development and redevelopment; and
 6. Promote and implement the concept of sustainability as it pertains to such land development or redevelopment which is in line with the term “Smart Growth” as it is defined in PA. 09-230; and;
 7. Promote attractive and functional environments for nonresidential areas which are compatible with surrounding land use(s).
- C. While offering a predictable and efficient process and potential relief from certain zoning standards, this Article imposes additional measures and administrative procedures to assure compliance with generally applicable land use regulations.

Section Two: Definitions

- A. Comprehensive Plan: The adopted zoning regulations and zoning map of the Town of Simsbury.
- B. Planned Area Development (“PAD”): A development approved pursuant to this Article and approved as a floating zone as provided for by this Article.
- C. Planned Area Development Zone: A tract or parcel of land approved for a Planned Area Development pursuant to this Article.
- D. Underlying Zone: That zone district existing on a tract or parcel(s) of land at the time of filing the Master Development Plan pursuant to Section Five (B.) of this Article and to which the tract or parcel will revert if a Planned Area Development Zone development is not started and completed within the time limits established by Section 8-3 of the Connecticut General Statutes (CGS), these Regulations and this Article.
- E. Mixed Use Development or Mixed Land Use: To be considered a mixed use development or mixed land use a proposed development shall include:
1. Two or more significant revenue-producing uses (such as retail, educational, entertainment, office, residential, hotel, civic, cultural, recreation) that are to some extent, mutually supporting;
 2. Significant physical and functional integration of project components (and thus a relatively close-knit and intensive use of land) which may include uninterrupted pedestrian connections; and
 3. Development in conformance with a coherent plan that stipulates the type and scale of uses, permitted densities, and related items.
- F. Mixed Use Building: A building with at least one floor of residential use and at least one floor of non-residential use.

Section Three Eligible Zones and Minimum Tract Size

A Planned Area Development shall be permitted only in the following zones and for parcels of land containing at least the following minimum acreage:

<u>BUILDING ZONE MAP</u> <u>ZONE CLASSIFICATION</u>	<u>MINIMUM ACRES</u> <u>CONTIGUOUS TRACTS</u>
Industrial Zone I-1	10 acres
Industrial Zone I-2	No minimum lot size
Industrial Zone I-3	No minimum lot size
P O Zone	No minimum lot size
 Simsbury Center Zone	 No minimum lot size
 Restricted Business Zone B-1	 No minimum lot size
General Business Zone B-2	No minimum lot size
Design Business Zone B-3	No minimum lot size

For the purposes of this Section contiguous tracts shall mean tracts which are part of a single, integrated master plan and which would share common boundaries or are separated by a town or state highway. Any lot not conforming to the minimum required lot size at the time of the adoption of this Article shall be deemed to be legally non-conforming and shall be acceptable for application for, or inclusion in, a PAD application. A Planned Area Development may include contiguous parcels of land having different underlying zones.

Section Four: Permitted Uses:

Any use(s) permitted as of right or by Special Permit or Special Exception in the Simsbury Zoning Regulations are eligible for inclusion in a PAD and may be permitted in a Planned Area Development Zone. Such uses may be combined in a Mixed Use Development in accordance with the Development Plan Standards set forth in this Article. Uses prohibited under Article Six of these Regulations shall be prohibited in a Planned Area Development Zone.

Section Five: Master Development Plan Standards:

It is the intention of this Article to encourage and guide the coordinated development of a group or groups of principal buildings and uses within a development site and to encourage mixed use development proposals which achieve the objectives of the adopted Plan of Conservation and Development. In evaluating the appropriateness of the proposed development, all due consideration shall be given to, among other things, the recommendations of the Plan of Conservation and Development for the area being considered. Proposed PAD projects which are based on appropriate Form Categories as found on pages 53-57 of the adopted 2007 POCD will be considered most compliant with the recommendations of the Plan of Conservation and Development.

- A. Master Development Plan General Requirements: In addition to the standards contained in the Simsbury Zoning Regulations which are not in conflict with the specific standards

and review criteria set forth in this Article, all approved Master Development Plans submitted under this Article shall be in accordance with the following standards:

1. Coverage: Coverage shall consist of the following two elements:
 - a. Building Coverage: Building coverage shall be calculated by determining the total footprint of all buildings proposed to be constructed on a site. Where the site is composed of more than a single parcel, the building coverage shall be shown for each lot and for the site as a whole. The maximum building coverage for a PAD total site shall be determined by the applicant's ability to control all stormwater either on the PAD site or on property under the control of the applicant.
 - b. Site Coverage: Site coverage as defined in these regulations shall be calculated by determining the total impervious area on a site. Where the site is composed of more than a single parcel, the site coverage shall be shown for each lot and for the site as a whole. The maximum site coverage for a PAD total site shall be determined as that site coverage for which all stormwater can be controlled as noted in a. (above) and which the Commission finds acceptable based on the standards contained in any section of these Regulations
2. Building Height: No building shall exceed the height permitted in the underlying zone as stated and as calculated in the Simsbury Zoning Regulations.
3. Open Space and Public Amenities: Each proposed Master Development Plan submitted under this Article shall include areas of open space and public amenities in a design, form, location and area to be approved by the Zoning Commission. Public amenities and open space areas shall be made available through dedication for public use at the option of the Board of Selectmen upon recommendation of the Zoning Commission. If not so dedicated, adequate provisions shall be made for the maintenance and upkeep of such open space areas and public amenities, including recreational and public facilities provided therein. Such provisions shall include an organization set up by the developer in a form acceptable to the Zoning Commission with the power of obtaining assessments through enforceable covenants against privately owned land within the development for purposes of ongoing maintenance and upkeep of the areas and facilities established as part of an approved Master Development Plan.
4. Parking: In lieu of the parking standards set forth in the Regulations, the Zoning Commission may modify the parking requirements within a proposed Planned Area Development Zone as follows:
 - a. The total number of parking spaces required may be reduced to the number the Commission determines to be necessary based on the applicant's parking study and pursuant to Article Ten for the individual uses proposed for the site upon demonstration by the applicant that the proposed uses have complementary and adequate parking characteristics. Any request for reduction in parking from the established standards shall be accompanied by a parking study prepared by a

qualified professional engineer.

- b. For multiple-phased projects within a Planned Area Development Zone, the commission may require the applicant to prepare a revised parking plan for any subsequent phase after the first phase if experience demonstrates that parking provided is not adequate. Such revised plan shall be submitted prior to approval of any site plan for a new phase and shall provide parking adequate to meet the demonstrated need of the additional phase of the development. The Commission may require the construction of the required additional parking if it is determined to be necessary to accommodate existing, proposed, or potential uses on the PAD tract.
5. Lighting: Lighting plans shall show no light trespass off the proposed Master Development Plan site and shall use the minimum safe lighting level for the proposed use and particular application. Wherever feasible, all lighting proposed in a Master Development Plan shall employ full cut off recessed lighting fixtures. A photometric outdoor lighting plan shall be submitted as part of the Master Development Plan. All lights shall be shielded so that indirect light falling outside the Planned Area Development Zone into areas shall be of low intensity and shall not adversely affect motorists or abutting property owners.
6. Drainage: All stormwater generated by the proposed Master Development Plan shall be managed using the best current technology, and provision shall be made for necessary long-term maintenance of stormwater systems. If possible, the stormwater should be treated and infiltrated on site. Erosion shall be controlled, both during construction and thereafter, by, among other techniques, landscaping, with native trees and native shrubs as well as avoiding creating or disturbing steep slopes. This Article does not abridge laws and regulations protecting wetlands and watercourses or the regulation of activities in regulated upland review areas or other activities that adversely affect wetlands or watercourses.
7. MasterDevelopment Plan Design Standards: A proposed Master Development Plan submitted under this Article shall incorporate the following design standards.

In evaluating the appropriateness of the proposed development, all due consideration shall be given to, among other things, the recommendations of the Plan of Conservation and Development for the area being considered. Specifically see the POCD pages 88-91 for PAD proposals in the northern gateway and POCD pages 95-99 for PAD proposals in the southern gateway.

- a. **Block Shape, Layout and Size.** Wherever possible, proposed blocks within a Master Development Plan shall create a localized grid of pedestrian and vehicular travel ways where parking is located, where appropriate and desirable, along proposed streets or in areas to the rear of buildings, and the fronts of buildings (where their primary entries are located) shall be established as close to the street as practicable, while allowing for pedestrian circulation.

- b. **Building-to-Building Relationship:** Each proposed building, as well as its constituent parts, shall be in a balanced relationship with each other and existing or proposed buildings.
 - c. **Enclosure:** Proposed streets, squares, parks and other elements of the public realm shall be established by a relationship between buildings and landscape elements that creates a sense of enclosure for the pedestrian.
 - d. **Massing:** The overall visual impact of each proposed building's volume, defined as a combination of height, width and depth, shall be proposed to complement the other design elements of the proposed Master Development Plan.
 - e. **Rhythm:** The spacing of proposed buildings along the street or the pattern of building masses and the spaces in between them shall complement the other design elements of the Proposed Master Development Plan.
 - g. **Roof and Façade Articulation:** A variety of roof shapes and relief in building walls shall be proposed to work in concert to avoid monotony and to create visual interest.
 - h. **Scale:** The size of the design elements and details of the proposed Master Development Plan shall be proposed to relate to the human proportion.
 - i. **Solid to Void Relationship:** The pattern of openings in the façade of each proposed building shall reinforce and complement the other design elements of the proposed Master Development Plan.
- B. **PAD Zone Establishment:** To encourage the submission of development proposals that (a) take full advantage of the Form Categories as found on pages 53 through 57 of the adopted 2007 Simsbury POCD, and (b) comply with the Standards and Review Criteria set forth in this Article, the standards pertaining to a Planned Area Development shall be those specifically set forth in the approved Master Development Plan and the Site Plan thereunder.

Notwithstanding the foregoing, the provisions of the Simsbury Zoning Regulations, including, without limitation, those set forth in the underlying zone shall continue to govern any Master Development Plan adopted by the Commission unless otherwise addressed by a specific standard contained in this Article or a standard approved by the Commission as a part of an approved Master Development Plan or Site Plan.

Section Six: Procedure and Application: The procedure of making application for and obtaining approval of a Planned Area Development Zone shall be governed by the laws and regulations applicable to all zone changes, text amendments and map amendments to the Simsbury Zoning Regulations, including Article Thirteen.

At the time of submission of a Preliminary Development Plan, the applicant shall be informed of the schedule of fees on file in the Zoning Commission office covering the application. Such fees, as approved by the Board of Selectmen, shall be paid by the applicant at the time of submission of an application as required by the schedule of fees.

The Planned Area Development review process shall consist of four steps: Preliminary Plan Initial Staff Review, Preliminary Development Plan review, Master Development Plan and Zone Change and Site Plan Review and approval.

A. Preliminary Plan Initial Staff Review:

All prospective applicants considering development within established or proposed Planned Area Development zones are encouraged to review with the Town Planner, on an informal and non-application basis, preliminary development plans. Utilization of this process may enable a prospective applicant to obtain meaningful preliminary feedback prior to a major commitment of resources. To maximize the benefits of an informal review, it is recommended that prospective applicants provide enough information to allow the subject proposal to be considered with respect to the Town's Plan of Conservation and Development, the Guidelines for Community Design, and important development factors, such as, but not limited to the following: water supply, sanitary waste disposal, drainage and storm water impacts, traffic and circulation, fire protection and impacts on the natural environment and neighboring properties.

B. Preliminary Development Plan Review

1. The purpose of the Preliminary Development Plan is for the applicant to present a conceptual master plan for the development of the site. The applicant shall submit 12 paper copies and 1 electronic copy of a Preliminary Development Plan to the Zoning Commission for distribution and review.
2. The Zoning Commission and the Planning Commission, either jointly or severally, shall consider the Preliminary Development Plan at a public meeting, or meetings as the case may be within sixty-five (65) days of the receipt date of a Preliminary Development Plan. Date of receipt shall be the next regularly scheduled meeting of the Zoning Commission. After receipt of the Preliminary Plan and before the public meeting, it shall be submitted by Town staff to the Design Review Board. The Chairman of the Zoning Commission shall chair any joint meeting regarding the Preliminary Development Plan.
3. At the meeting on the Preliminary Development Plan, the applicant shall present such plan, which will contain at a minimum the proposed uses, building(s) and major structure layout, road and parking patterns, proposed amenities including recreation and open space, building coverage, density, general architectural style of buildings.
4. The purpose of this meeting is to receive preliminary information from the applicant and input from the public and to elicit comment and suggestions from the Zoning Commission, the Planning Commission and the Design Review Board, the Conservation

Commission, and other Simsbury boards and commissions, if applicable, to provide the applicant with enough commission input and public comment to decide whether to proceed with the expense of preparation of the Master Development Plan.

5. The applicant may return for further guidance to a Planned Area Development Subcommittee of Zoning Commission as the Commission may establish. The applicant shall be encouraged to make presentations and to engage in dialogue with other boards, commissions, and officials whose input will be sought or required for approval of any Master Development Plan that might be submitted.

6. The applicant may make such changes to the Preliminary Development Plan as he deems appropriate, provided, however, the Zoning Commission may within its discretion, if it considers those changes substantial, require the submission of a new Preliminary Development Plan to an additional public meeting.

7. Any opinions or suggestions expressed by members of the Zoning Commission or any other board or commission as to the Preliminary Development Plan shall be tentative only and shall not hinder or preclude such members from making an independent judgment as to the acceptability of the Master Plan of Development based upon all evidence in the record at the time of a final decision.

C. Master Development Plan and Zone Change:

Zoning Commission approval of a Master Development Plan is required in order to place the floating zone designation on the proposed PAD property. The Master Development Plan and the PAD zone change are thus linked together. The Master Development Plan contents and requirements shall continue to control the characteristics, extent, density and content of the proposed PAD through the final site plan approval process.

Subsequent to the meeting on the Preliminary Development Plan, the applicant may submit a Master Development Plan to the Zoning Commission, which shall refer the application to the Planning Commission for review according to the standards set forth in the General Statutes for the review of an application for a change of zone. The application shall also be referred to the Conservation Commission for comment at this time.

The Master Development Plan shall, where applicable, be prepared and certified by a licensed architect, or a professional civil engineer, landscape architect, traffic engineer, soil scientist and any other professional discipline necessary for a complete review of the application by town staff, and shall include or be accompanied by the following information unless specifically waived by the Director of Planning.

1. Location of existing and proposed zone of property and the nature of the applicant's interest, including a boundary map certified to the State of Connecticut A-2 and T-2 map survey standards, which map is to be adopted as description of the zone boundaries, if the PAD is approved.

2. A narrative and plan describing present and proposed land and building uses, categorized as residential, non-residential, civic, etc. and the acreage and square footages assigned to each. Each narrative and plan shall also contain information regarding the lot or lots included in the proposed PAD, placement of buildings on the land, and information regarding the proposed building forms and proposed uses of buildings and uses.
3. Proposed dwelling unit densities, including the number of dwelling units and rooms within the units, including schematic floor plans for each type of unit proposed
4. Building intensities, including use, dimensions and locations of present and all proposed structures.
5. Proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets.
6. Location of proposed off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, parking barriers and walkways.
7. Proposed pedestrian walks, malls and other paths, public and private.
8. Proposed open space, including a calculation of the area of the proposed open space, such as parks, lawn areas, and recreational facilities, and such proposed covenants or easements.
9. Landscaping, present and proposed, including major tree and shrub area, present and proposed water elements and related treatment of open space, screening, present and proposed topography.
10. Proposed utilities, including water supply, sewage disposal, electrical service, exterior lighting and drainage, including capacity and additional storm water runoff flow produced for water courses utilized. If the proposed Planned Area Development is within an area not presently served but within a master utility plan area, the proposed utility system shall be adaptable to municipal services when provided.
11. Preliminary building plans, including schematic floor plans, exterior elevations and perspective drawings.
12. Description of types of building materials and facing, including fire retardant, energy conservation and green building design characteristics for all proposed buildings as well as site design characteristics.

13. Relation to existing and future land uses in the surrounding area, including transportation and other infrastructure components.
14. Priority schedule of construction of the various units, buildings, landscaping and other elements of the plan, including any proposed phasing of the PAD.
15. Proposed future division of the PAD into proposed future lots using lot lines or by building or other reasonable separations.
16. An outdoor lighting plan including a photometric plan.
17. A traffic study of the area as affected by the proposed development, including present and anticipated traffic counts, volumes, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances and exits serving the development shall be done by a professional engineer, experienced in traffic studies and licensed to practice in the State of Connecticut. In addition, upon his review of the traffic study, a report, including a clear narrative summary of the traffic report on these items and other security-related items shall be submitted to the Commission. The Commission will also request comments on this report from the Town Engineer, Director of Public Works and the Simsbury Legal Traffic Authority.
18. A report from the Fire Marshal on firefighting feasibility of the proposed development.
19. If the site is within the service area of the public sanitary sewerage system, a report from the Simsbury Water Pollution Control Authority regarding the adequacy of the existing or proposed sanitary sewer system. If no public sanitary sewers are available, a report from the Farmington Valley Health District regarding the adequacy of an existing or proposed private sewage disposal system is required.
20. A report from a licensed civil engineer certifying the adequacy of the existing or proposed drainage storm water drainage system, public street design, the design of elements to be served by the Department of Public Works, and the engineering capacity of the proposed storm water design in relation to the existing roads, storm water management system and utility infrastructure of the Town.
21. A report from the CRCOG if the zone change requires such report and a report from the Planning Commission if the CGS requires such report for the proposed zone change.
22. A report from the Design Review Board on the proposed buildings, planting and landscaping plans and PAD implementation as outlined in the application as the application relates to the adopted Guidelines for Community Design.

23. In addition to any permits that may be required from the Inland Wetlands and Watercourses Agency, a preliminary report from the Conservation Commission on the environmental impact of the proposed development.
24. A report from any other advisory committee whose opinion is deemed appropriate by the Zoning Commission.
25. Any other information which the Zoning Commission may reasonably require or the applicant may wish to submit in support of the application.
26. The Commission may request a report or recommendation from any other staff person, agency, or consultant as provided by ordinance, when it deems such a report necessary to its deliberations.

All applications shall be signed by the owner of the property or the owner's authorized agent and accompanied by a copy of the deed to the property. The application shall also include all required fees. Any proposed modification of existing standards or requirements shall be made known and explained to the Commission in writing as part of the staff memo on the application.

D. Master Development Plan Review Process:

A determination shall be made by the Simsbury Town Planner that a complete Master Development Plan has been filed and forward it to the Zoning Commission for consideration, review, comment and action as required by the Connecticut General Statutes for a zone change application. The Zoning Commission shall refer the application to the Planning Commission and the Conservation Commission and the Inland Wetlands and Watercourses Agency for its review under the standards applicable to a change of zone application. The Planning Commission shall then consider such plan and make an appropriate recommendation thereon to the Zoning Commission. Regardless of the recommendations of the Commission, the applicant shall have the right to consideration and action by the Zoning Commission for a change of zone to Planned Area Development Zone consistent with the requirements of this regulation and the Connecticut General Statutes.

The Zoning Commission may require additional documents to be submitted and explanatory statements or descriptive material to be appended. The Zoning Commission shall approve or disapprove the Master Development Plan after a public hearing in the manner as required by law for a change of zone. Approval of the Master Development Plan may include such changes, limitations, restrictions or conditions, as the Zoning Commission shall consider appropriate. If approved, the Master Development Plan and related documents shall be a text amendment and a map change to the Simsbury Zoning Regulations, denoted as "PAD No. ____".

E. Review Factors and Criteria

1. Review Factors: In addition to the Standards set forth in this Section, the following Review Factors may be considered in reviewing and evaluating development proposals submitted under this Article:
 - a. The potential impact of the proposed Master Development Plan on existing dedicated and/or preserved areas of open space.
 - b. Where appropriate and desirable, the availability of access connections between the proposed Master Development Plan and existing commercial, recreational and other community facilities.
 - c. The availability of existing or potential public transportation connections to serve the proposed Master Development Planned area.
 - d. The transitional character of the proposed Master Development Plan to the existing built environment surrounding the development site.
 - e. The potential impact of the proposed Master Development Plan on highways and other public facilities, including utilities.
 - f. The potential impact of the proposed Master Development Plan on the preservation of existing residential neighborhoods.
 - g. The satisfaction of any other standards and review criteria set forth in this Article.
2. Criteria: To carry out the Purpose and Intent of this Article and in applying the Standards and Review Factors set forth in this Section, more favorable consideration will be given to proposed Master Development Plans submitted under this Article which address the following criteria.
 - a. Create compact, mixed use environments, which are pedestrian-oriented, providing adequate circulation and parking for vehicles but facilitating pedestrian and bicycle movement.
 - b. Create logical and orderly development patterns and land transitions among uses of varying intensity and compatibility.
 - c. Mix residential and commercial uses to enhance one another and to be compatible with surrounding uses, integrating new commercial development within residential areas, not in strips along thoroughfares.
 - d. Provide significant open space and recreational opportunities for residents, employees and the public.
 - e. Protect and enhance existing natural resources that are of environmental, historic or scenic importance as determined by the Zoning Commission.

- f. Employ building designs which complement and enhance the desirable architectural qualities of the existing built environment surrounding the development parcel.
- g. Promote environmental sustainability through low impact design practices and other methods.
- h. Encourage pedestrian usage of the development site, including meaningful pedestrian connections to the existing built environment, by building sidewalk level elements (e.g. protective canopies, stairs benches columns, wall or roof projections and recesses, etc.) to human scale and incorporating weather protection, convenience and safety features;
- i. Install underground utilities connections to serve future off-site, adjacent developments and, where appropriate, relocate existing overhead utility services below grade;
- j. Where appropriate, integrate and preserve existing mature vegetation and a variety of plant species into the Master Development Plan and avoid the use of invasive species;
- k. Where possible, facilitate access to bus stops and other transit opportunities as well as other community facilities so as to minimize adverse impacts on highways and other public facilities.

F. Findings Required:

The Zoning Commission may approve the creation of a Planned Area Development Zone provided that findings are made that the facts submitted with the application establish that:

1. The standards, requirements and required findings contained in this Article have been met.
2. The developer has provided, where appropriate, for the sustained maintenance of the development in general, and also for the open space or public amenities in accordance with Section Five above.
3. Utilities, drainage and recreational facilities have been physically laid out as not to unduly burden the capacity of such facilities, such other facilities presently connected therewith, and such facilities proposed by the adopted Town Plan of Conservation and Development.
4. The streets, roads, drives and blocks will be suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the existing or proposed street network in the area.
5. The capacity of the existing or proposed utility services are adequate for the proposed development.

6. The development will be in keeping with the purpose and intent of this Article as defined in Section One, the general public interest and the comprehensive plan.

G. Conformity with Subdivision Regulations:

Where required, the Applicant shall comply with the provisions of the Simsbury Subdivision Regulations. To the extent practicable, the processing of any application for subdivision approval shall be coordinated with the processing of an application under this Planned Area Development regulation.

H. Post Approval Process:

A certified mylar of the approved Master Development Plan, signed by the Commission as provided by law, shall be filed in the Office of the Town Clerk by the owner at his expense within ninety (90) days following approval by the Zoning Commission, and any Master Development Plan not so filed within ninety (90) days shall be void, unless extended by the Commission as provided by law. Reproducible linen or mylar, black and white copies of the approved Master Development Plan shall also be filed with the offices of the Building Official, the Town Engineer and Town Planner.

Section Seven: Site Plan Submission, Required Finding and Action:

Prior to any action on a site plan for a PAD the Zoning Commission shall make a finding as to the conformity of the proposed site plan with the approved Master Development Plan. Site Plans which are found to be in substantial conformance with the approved Master Development Plan may after review by the Commission be approved or modified and approved. Site Plans which are found not to be in substantial compliance with the approved Master Development Plan shall be denied.

No zoning permit may be issued and no building shall be constructed and no land shall be used prior to the approval of a site plan which plan shall comply with Article Five, Section J. of these Regulations and, without duplication, the following:

1. Architectural renderings and perspectives of all proposed structures and their interaction with existing on site structures;
2. Proposed use categories of all proposed buildings. When multiple uses are proposed, percentages of floor area for each use shall be shown;
3. Detailed building plans, including schematic floor plans and exterior elevations;
4. Traffic impact report of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances serving the development shall be analyzed by a professional traffic engineer licensed to practice in the State of Connecticut. Such report to include certification that the proposed site plan conforms with the traffic study.

5. Identification of vehicular and pedestrian circulation patterns, including location and dimension of private and public streets and common drives;
6. Location of proposed off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, parking barriers and walkways;
7. Proposed pedestrian facilities, public and private;
8. Priority schedule of construction of the buildings, landscaping, infrastructure and other elements of the plan;
9. A narrative and plan indicating conformity of the proposed site plan to the approved Master Development Plan, including lots, building placement on the lots, proposed building use and building form.

Section Eight: Phasing:

The Zoning Commission may establish as a condition of its approval time limits for any development or phases thereof. Such time limits may be revised by resolution of the Zoning Commission, upon application, provided the Zoning Commission shall find the revision to be in the public interest. If, after the expiration of a time limit set in the approving resolution, the applicant has failed to obtain a building permit for the work required under an approved site plan, the Commission may schedule a hearing to consider an action to change the undeveloped portion of the PAD to the previous underlying zone.

Section Nine: Bonding:

- A. Prior to the issuance of any building permit, the developer shall provide the Town with a performance bond in a form satisfactory to the Town Attorney covering the costs of public improvements unless said public improvements are bonded under the provisions of the Simsbury Subdivision Regulations. Said bond shall be in an amount satisfactory to the Town Engineer and shall be conditioned on completion of said public improvements within 5 (five) years of the date of issuance of the first such building permit, except that such time limit may be extended by resolution of the Zoning Commission, upon application.
- B. Prior to the issuance of any building permit, the developer shall provide the Town with a performance bond covering the cost of facilities common to the entire development, including but not limited to public amenities such as recreational facilities, club houses, private road, buffer areas, and walkways as specified. Said bond shall be in a sum satisfactory to the Town Engineer and shall be conditioned on the completion of said common facilities within 5 (five) years of the date of issuance of the first such certification of occupancy, except that such time limit may be extended by resolution of the Zoning Commission, upon application.
- C. If a Planned Area Development is to be developed in stages and the Zoning Commission finds that the common facilities are divided so that they are approximately evenly distributed over the total number of proposed stages and that each stage, together with its common facilities, shall be capable of complete and self-sufficient existence without the

completion of the final stages the Zoning Commission may allow the developer to provide the Town with a performance bond covering the cost of facilities common to and contained within each stage, on a stage-by-stage basis and shall be conditioned on the completion of said common facilities for each stage, except that such time limit may be extended by resolution of the Zoning Commission, upon application.

Section Ten: Changes in Approved Plan:

- A. Minor changes in an approved Final Development Plan may, with the written approval of the Town Planner, be made provided such changes shall not substantially affect the overall architectural and site design of the Planned Area Development. Such changes shall in no way affect overall density, impact or nature of the development. Such minor changes may include but are not limited to;
- the location of catch basins, manholes, and other technical aspects of drainage,
 - slight alterations of the location of roads, sidewalks, structures or buildings due to unforeseen topographic or geologic features;
 - slight alterations of finished contours,
 - minor rearrangement of lighting standards, benches, and other incidental street furniture.

For any particular PAD the Zoning Commission may eliminate any of these items from the list it considers to be minor changes.

If the Town Planner shall have any question as to whether such a proposed change is minor or not, such change shall require the review and written approval of the Zoning Commission.

- B. Any change in an Approved Master Development Plan which is not considered to be a minor change shall be considered and processed as an application for change of zone to PAD.

Section Eleven: Site Plan Compliance:

- A. Prior to the issuance of any building permit or the commencement of any site work, the developer shall schedule a job meeting with the Town Engineer, the Town Planner and the Building Official in order to establish compliance with the approved site plan and any conditions placed thereon, construction schedules and procedures. The developer shall be responsible for notifying all contractors and utility companies involved in the project of this meeting. A job meeting will not be held unless all affected contractor and utility companies are represented.
- B. To ensure strict compliance with the approved Master Development Plan, the approved site plan and the certified record drawings shall be reviewed by the Town Engineer and the Town Planner. If either of those town officials or their designated representatives determines that said improvements do not comply with the Master Development Plan and the approved site plan, the Town Planner shall notify the developer of such non-

compliance and give the developer a period of thirty (30) days to remedy the non-compliance. Failure to remedy the non-compliance to the satisfaction of the Town Engineer and the Town Planner within said thirty (30) day period shall be sufficient cause for revocation of the approval of the Master Development Plan by the Zoning Commission at a public meeting.

- C. **Certified Record Drawings:** The developer's engineer shall furnish the developer a complete set of prints upon which the developer shall incorporate an update the as-built record of all the approved Master Development Plan work on a continual basis as construction progresses. All surveys, measurements, and such other data required for the determination of the as-built records of the construction of all work shall be obtained under the direction of a Connecticut registered land surveyor or professional engineer. These drawings shall be signed and sealed by the registered land surveyor and/or professional engineer, as to materials, construction methods and location.

The complete set of prints shall be maintained at the job site at all times, and the developer shall be responsible for having clearly, neatly, accurately, and promptly recorded thereon, as the work is performed, the as-built record of the work. Principal dimensions, elevations and such other data as required shall be recorded for all work. Should there be a question as to the type and amount of data to be recorded, Town Staff shall be responsible for determining the type of data necessary.

The marked-up prints shall be available for inspection by Town Staff during regular business hours and shall be corrected immediately if found either inaccurate or incomplete.

At the completion of the project, and before any performance bond held by the Town is released, a set of as-built plans shall be submitted on mylar to Town Staff for acceptance. The plans shall be signed and sealed by a Registered Professional Engineer licensed in Connecticut and/or Registered land surveyor licensed in Connecticut as may be applicable.