

**Suggestions Regarding Chapter 6 -
Non-Residential Zoning District Regulations**

1. Regarding §6.1.C - MFDD

This section includes, *"This District is intended to accommodate primarily high-density residential development and limited non-residential uses."*

This is OK. However, the regulations allow *"small wind energy systems and solar energy systems"* by right as *"limited non-residential uses"* in the MFDD, which are incompatible with high-density residential developments. (Small wind energy systems are noisy - especially when the bearings begin to fail!)

It also allows duplexes, which are not considered high density residential developments.

Suggestion: Delete *wind energy systems* and *solar energy systems* as permitted uses in the MFDD district. Delete duplexes as an allowed use in the MFDD. Replace the last sentence in §6.1.C with, *"This District is for high-density residential development."*

2. Regarding the "§6.2.1 **Design, Cluster & Transition District Dimensional Requirements**" table on page 6-2.

The word "Design" and "Cluster" should be removed from §6.2.1.

This is because (a) there are no longer any "design" districts, and (b) there are no "cluster" districts.

3. The bottom of the page, below the table, is an exception to the height limits to allow the height of a multifamily development or mixed-use building to be increased from 50' to 65' in the LCDD, LCTD, MFDD, and RCCD districts if there are fire hydrants and the building has a full sprinkler system.

The 15' increase is a 30% increase from the maximum height in the existing regulations. At 11'/story, 65' will allow six-story flat-roof apartment buildings, which is too high (and too ugly) for Ledyard. Why is the increase in the height limit proposed?

Suggestion: Delete the maximum height exception at the bottom of page 6-2. Retain the maximum height at 50' except in the RCCD, where the scale can be massive without harm.

4. §6.4 is titled "**Schedule of Permitted and Specially Permitted Uses**: All Non-Residential"

However, table 6.4 at the bottom of page 6-3 lists *lot areas, lot frontages, sidewalks widths, setbacks, coverage %, and building height* – which are not "uses".

5. Require a special permit "SUP" for a duplex in the LCTD.

For the same reasons a special permit is required for a duplex in residential districts – to allow for conditions of approval to be imposed if necessary.

6. Require a special permit (SUP) for all uses in the LCDD.

The purpose of the LCDD includes, "... Future development implies ... uses consistent with these Zoning Regulations, *harmonious streetscapes*, walkways, and plantings to **create a "sense of place"** and further develop the LCDD as a destination for shopping, services and social gatherings.

The evaluation and determination by the Commission of if a proposed USE will create "*harmonious streetscapes*, and a "*sense of place*," (consistent with the purpose of the district) requires a **special permit**.

7. Do not permit a duplex in the MFDD

(conflicts with purpose of district - same reason as single-family residences are not permitted in the MFDD.)

8. Delete "Dwelling, Multi-family" as a permitted use in the LCDD.

The "purpose" of the LCDD (§6.1.A) is to concentrate commercial businesses along a main street. The LCDD, per its "purpose", is to be developed as a *destination for shopping, services, and social gatherings*.

Although "residential" is listed as a permitted use in §6.1.A, it is intended to be minor, such as for mixed uses with apartments above commercial businesses. Large multi-family developments are not intended for "downtown" Ledyard (ok in the MFDD).

9. Require a special permit for "*Dwelling, Multi-family*" in the MFDD, GFDD & RCCD'

10. Require a special permit for "*Assisted Living Facility*" in the LCTD, MFDD, & RCCD"

11. Require a special permit for "*Bed & Breakfast*" wherever the use is allowed.

12. Require a special permit for "*Nursing Home & Residential Care Home*" in LCTD, MFDD, and RCCD."

Large developments, including multi-family developments, assisted living facilities, large bed and breakfast establishments, and nursing homes, **should always require a special permit**, so conditions of approval can be imposed where necessary for health, safety, convenience, and the protection of property values. For example, additional screening may be appropriate to block headlight glare, or a fence to block noise or create privacy. A wider turn radius may be needed for refuse trucks or fire trucks, or an area established for exercise. These are areas where appropriate conditions of approval may be necessary, which were not anticipated in the regulations.

14. Regarding §6.4 (chart on page 6-3) Schedule of "*Permitted and Specially Permitted Uses*" - All Non-Residential " This chart contains dimensional requirements, not uses. The title is wrong.

15. Regarding §6.4 (chart pages 6-4 to top of page 6-8)) Schedule of "*Permitted and Specially Permitted Uses*" - All Non-Residential "

1. The chart shows "ZP/SPL" for accessory structures in all districts except for MFDD, which is blank. §8.2 does not differentiate when the zeo makes the decision and when the Commission makes the decision. For example, if the owner of a gas station wants to add a storage shed to the rear of his property, who reviews and approves? Not clear.

Most new Accessory Uses in all districts should be allowed by-right with ZEO approval (ZP)

2. Home occupations should not be allowed in duplexes (not fair to adjacent residents).
3. Adult or Child Day Care Centers should require a special permit (SUP) (for public safety).
4. An STR should not be allowed in a DUPLEX (not fair to adjacent resident - same reason an STR is not allowed in a mulifamily)

16. Regarding §6.4 Schedule of "*Permitted and Specially Permitted Uses*" - Non-Residential (page 6-5) (Agriculture)

The existing regulations do not permit home husbandry in commercial districts.

The proposed regulations (page 6-5, 5th box from top) allow home husbandry by right in commercial districts per §8.5.J. **However, there is no §8.5.J.**

More importantly, the regulations should not allow animal husbandry in commercial districts unless on a farm, and if on a farm animal husbandry should not require a zoning permit.

17. The proposed regulations (page 6-5, 5th block down) shows that Animal Husbandry is allowed by right in all commercial districts.

Animal husbandry should not be an allowed accessory use on any property with a duplex or multifamily residence.

(Other residents in a duplex or multifamily may not want a goat or chickens in their common or shared areas.)

18. Regarding the Civic/Institutional Uses in Commercial Districts (page 6-5) - the proposed regulations show civic/institutional uses allowed by right with commission review in the LCDD, MFDD, GFDD, RCDD, and NC, **but require a special permit in the CIP.**

It is unclear why? All civic/institutional uses in all districts should require a special permit.

Suggestion: Revisit all listed uses in all districts to **determine if their requirements require "subjective" analysis and decisions and therefore require a special permit**, or if their requirements require "objective" decisions and can be reviewed by the zeo or by the commission as a site plan review.

The assessment may depend on if (a) a public hearing is appropriate (*may bring important insight to the decision-making process*) (b) there are *subjective (vs objective) requirements* in the regulations for the use, (c) there are *few or missing regulations* for the use, and/or (d) it is likely that *conditions of approval may be necessary*.

For example, conditions of approval are often necessary for safety, such as improving sightlines, improving ventilation, facilitating internal traffic circulation, moving a dumpster to keep out of the reach of children, etc., or improving queuing for drive-throughs, or making exiting of property safer.

IMO, almost all principal commercial, civic, or municipal uses used by the public should require a special permit.

19. The "Hotel or Motel" use (page 6-6, 8 blocks up from bottom of age), shows that Hotels and Motels are allowed by right with commission review (SPL) in the LCDD, GFDD, RCCD, districts, but require a special permit (SUP) in the LCTD and MFDD districts.

Why? A special permit should be required for hotels or motels in any district.

20. Miscellaneous –

1. Hotels and motels should not be allowed in the MFDD, even with a special permit.
Hotels and motels are commercial uses that should not be commingled with residential uses. Hotels and motels are also in conflict with the purpose of the MFDD.
2. New & used **Motor vehicle, RV, and light-truck sales & rentals** should be an allowed use in the LCDD by special permit.
3. Motor Vehicle Rental/Sales should not be allowed in the RCCD, I, and CIP districts.
4. Campgrounds should not be allowed in the LCTD or R60 districts.
5. Campgrounds should only be allowed in the RCCD.
6. Campgrounds should require special permits.

7. Warehouses should not be allowed in the LCDD (in conflict with the purpose of the LCDD)
 8. Warehouses should not be allowed in the GFDD (in conflict with the purpose of the GFDD)
 9. **LCDD should replace LCCD throughout.** (page 6-5, 7th block up from bottom, page 6-6, 4th block down from top, page 6-7, 7th block down from top; page 6-7, bottom block; & page 6-8, 5th block down from top.)
 10. Mixed uses should require a special permit in the LCDD.
 11. Small wind energy systems should not be allowed in Ledyard Center or Gales Ferry.
(Too noisy, eyesores, do not attract people to downtown)
 12. Solar energy systems should not be allowed in Ledyard Center unless roof-mounted & out of view.
(Too much land coverage, an eyesore, does not attract people to downtown.)
 13. Drive-through windows should either have or reference regulations regarding speaker boxes, volume, headlight glare, screening of lane, etc., or require a special permit.
21. Regarding §6.5 and §6.5.1 (Special Development Techniques and Floating Zones) & (Technology Park Districts)

The proposed regulations were adopted in response to a request by a prospective developer to allow a data center "by right" so, after a generic master plan is approved, there would be no public hearing on a specific application. Since then, we have learned that data centers have unusual requirements regarding noise, continuously operating diesel generators, security, fencing, and lighting requirements. The TPD regulations are complex and, as written, will allow uses that sometimes should not be allowed. They also consume huge amounts of land. Why should TPD regulations continue to exist?

Floating zones, by definition, are not site-specific, cannot be predicted exactly where they will land, and should be discouraged or prohibited.

In addition, §6.5.1.A.2 states, "... It is recognized that the Master Plan may require certain fluidity to accommodate market changes ... ". What does "certain fluidity" mean? What does "market change" mean in the context of land use? Where can a TPD "land"? Unclear

SUGGESTION: DELETE §6.5 IN ITS ENTIRETY.