

PLANNING & ZONING COMMISSION  
1 ELIZABETH ST. , DERBY , CT 06418

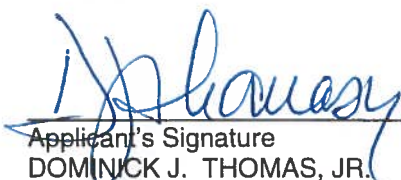
**APPLICATION FOR CHANGE OF ZONE OR ZONE TEXT CHANGE**

The undersigned applicant hereby requests the Zoning Commission of the City of Derby to change the zoning regulations in accordance with the state and local zoning laws applicable thereto.

DATE SUBMITTED: **December 31, 2018**

FEE: **\$1,000.00**

1. APPLICANT: **49 PERSHING DRIVE, LLC**
2. ADDRESS: **c/o Atty. Dominick Thomas, 315 Main Street, Derby, CT 06418**
3. TELEPHONE #: **203-735-9521** E-MAIL: **djt@cohen-thomas.com**
4. INTEREST: ☒ Owners ☐ Agent
5. Other persons, firms or corporations represented by applicant: **N/A**
6. ADDRESS:
7. TELEPHONE #:
8. INTEREST: ☐ Owners ☐ Agent
9. LOCATION OF PROPOSED CHANGE: **N/A**
10. LEGAL DESCRIPTION OF PROPERTY: LOTS ( ) BLOCK ( ) ADDITION ( )
11. AREA OF SUBJECT PROPERTY - SQ. FEET OR ACRES: **N/A**
12. PRESENT ZONE: **N/A**
13. PROPOSED ZONE: **N/A**
14. Describe briefly the nature and expected effect of the change. Be sure to include an explanation legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed change necessary:  
  
**THE PROPOSED TEXT CHANGE IS TO PERMIT ELECTRONIC SIGNS IN THE BUSINESS-1 (B-1) ZONE FOR SHOPPING CENTERS WITH 100,000 SQUARE FEET OR GREATER OF BUILDING.**
15. Use and development proposed for the property to be re-zoned, including time schedule for such development. **N/A**
16. Exhibits submitted, number & kind: **PROPOSED TEXT CHANGE LANGUAGE.**

  
Applicant's Signature  
DOMINICK J. THOMAS, JR.  
ATTORNEY FOR APPLICANT

Section 195-67

S. Electronic Message Displays: (Amended 11/4/2013)

(1) The City of Derby, acting by and through its Planning and Zoning Commission, finds it necessary for the promotion and preservation of the public health, safety and welfare, to regulate the location, construction, size, brightness, operation, messaging, and maintenance of signs that display electronic messages. Electronic signs have been found to have a direct impact on traffic safety, pedestrian safety, community appearance and property values. Electronic signs that display messages are highly visible have wide viewing angles, during the day and night and are designed to attract the attention of persons in viewing sight lines for an extended period of time.

The purposes of the regulations promulgated in this Section include:

(a) To eliminate potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights-of-way;

(b) To safeguard and enhance property values;

(c) To control nuisances;

(d) To protect government investments in public buildings, streets, sidewalks, traffic control and utility devices, parks, and open spaces;

(e) To eliminate excessive and confusing sign displays;

(f) To promote the public health, safety, and general welfare;

(g) To provide advertising signage for commercial shopping centers over 100,000 square feet where the commission deems appropriate; and

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(g.h) To provide for fair and consistent enforcement of the regulations set forth herein.

(2) Any sign utilizing electronic message displays in whole or in part must meet the following operational standards:

(a) The use of electronic signs shall only be permitted by Special Exception in

the P and B-1 Zones. The message must have a minimum duration of fifteen (15) minutes and/or be a static display in the P zone and thirty (30) seconds in the B-1 zone, and be limited to text only. No portion

of any electronic message display shall fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or in any manner creates the illusion of movement. No portion of any electronic message display shall change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes; and

(b) Electronic message displays shall be limited to no more than one (1) sign per lot;

(c) Electronic message displays shall be limited to no more than sixteen (16) square feet in area per side, and no more than thirty-two (32) square

feet in total area of both sides combined in the P zone and no more than one hundred (100) square feet in area per side and no more than two hundred (200) square feet in total area of both sides combined in the B-1 zone. The size limitation shall apply to the electronic display portion of the sign. Additional non-electronic signage or structure shall be permitted at the discretion of the Commission;

(d) No electronic message display shall be closer than ten (10) feet to any property line abutting a street or closer than six (6) feet to any other lot

line PROVIDED THAT, in the B-1 zone if the property abuts a State Highway and the Right of Way line is greater than fifteen (15') from the edge of pavement the Commission may reduce the setback up to the State Right of Way Line;

(e) No electronic message display shall exceed twenty-five (2025) feet in height;

(f) No illumination from an electronic message display shall cause objectionable glare onto or toward any residential properties. In addition, no illumination from such sign shall interfere with the safe movement of motor vehicles on public thoroughfares;

(g) Electronic message displays shall not display any off-premises advertising;

(h) Audio speakers or any form of pyrotechnics are prohibited in association with a sign.

#### 195-71 SIGNS PERMITTED BY DISTRICT:

C.

(4) Shopping centers occupying less than 10 acres: One freestanding sign not exceeding 50 square feet per side, solely to identify the center. Shopping centers in the B-I District occupying 10 acres or more; One freestanding sign identifying the center and its occupants, the allowable sign area for said sign shall equal .75 square feet for each linear foot of the front wall of the building but in no event shall the total area of a sign face per side exceed 300 square feet.

Due to the complexities of site design and occupancy associated with large shopping centers in excess of 100,000 gross square feet and similar mixed use developments, the Commission may permit signs, including electronic signs and the number and location of signs, differing from the standards

contained in this section by granting a special exception for an Alternative Signage Program when the Commission finds that;

(a.) Such signage program would be consistent with the purpose and intent of this Article XI; and

(b.) Such signage program would result in a more comprehensive and attractive arrangement and display of signs that could otherwise be accomplished under the standards of this article.