



TOWN PLAN AND ZONING COMMISSION

SPECIAL MEETING
Wednesday, October 14, 2015

Town Hall Conference Room L-101
131 Cedar Street, Newington, CT 06111

6:00 p.m.

A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. REVIEW OF ZONING REGULATIONS

- a. Discuss Procedures for Approving Ground-Mounted Solar Panels
- b. Discuss Proposed Amendments to Temporary Sign Regulations
- c. Section 6.13: Accessory Apartments
- d. Section 6.14: Residual Lots
- e. Section 6.15: Stormwater Management
- f. Section 6.16: Medical Marijuana Dispensary and Production

III. ADJOURN

Submitted,

Handwritten signature of Craig Minor in black ink.

Craig Minor, AICP
Town Planner

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2015 OCT -8 AM 10: 29

BY Tanya D. Lane
TOWN CLERK

STAFF REPORT
Complete Review of Zoning Regulations

October 8, 2015

Petition #02-15:
Zoning Amendments Town-wide
Town Plan and Zoning Commission, applicant

Description of Petition #02-15:

This is a complete review of the current zoning regulations, making for minor adjustments.

Staff Comments:

1. Ground-Mounted Solar Panels: At the last meeting Commissioner Aieta questioned the staff's approval of commercial ground-mounted solar panels without prior TPZ site plan approval. My position was that so long as they aren't a "solar farm" they are merely accessory structures and don't need site plan approval, just monitoring to make sure they don't get installed less than 5' from the property line. Commissioner Aieta asked me to find out how other towns handle these.

I posted a query on the Connecticut planners' listserv. I got numerous responses that were not all on point, but of the three that were, they all said that they require site plan approval. I will make ZEO Mike D'Amato aware of this for future reference.

2. Amendments to Temporary Sign Regulations: Attached is the proposed revision drafted by ZEO Mike D'Amato. He will be at the meeting to go over this with the TPZ members.

3. Section 6.13 (Accessory Apartments): The only change I recommend is taking the last sentence in the last paragraph, and making it a separate paragraph. This is the sentence which states that accessory apartment approvals are not transferrable.

4. Section 6.14 (Residual Lots): No change.

5. Section 6.15 (Stormwater Management): No change.

6. Section 6.16 (Medical Marijuana): No change.

cc:
file

F. A temporary permit for a sign advertising a real estate development may be issued for a six month period and may be renewed for an additional six month periods.

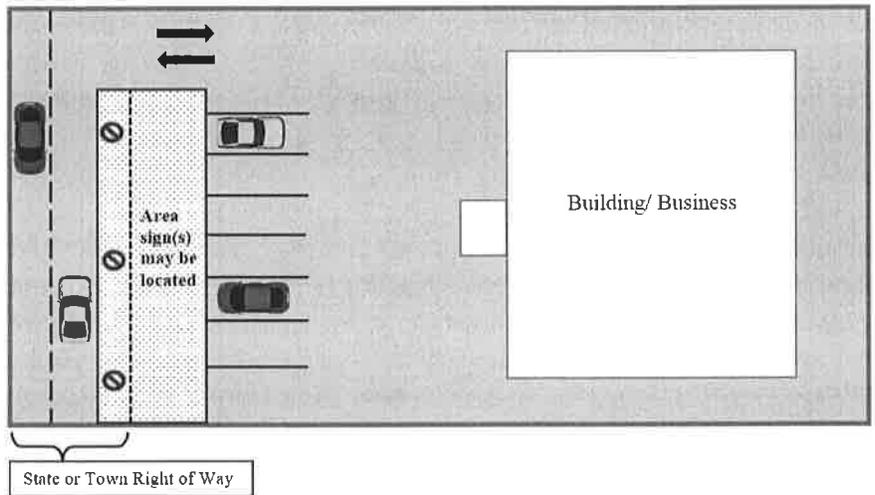
F. Temporary Signs Advertising Special Events

- i. Temporary permits for a sign advertising a special **charitable, educational or civic** event **within the Town of Newington** may be issued by the Zoning Enforcement Officer for not more than ~~twenty five~~ **thirty (30)** consecutive days per calendar year upon approval of a **sign** permit prior to placement. **Proof of the issued permit must be displayed in a conspicuous place on the exterior of all signage.**

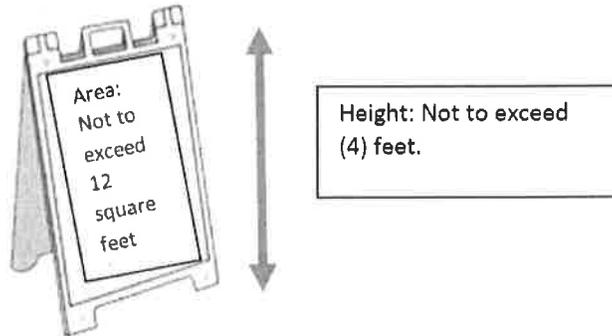
- ii. **Permits may be issued for no less than 14 days for one (1) ground sign and/or one (1) banner. Only the zoning permit fee shall be charged.** ~~A building permit shall not be required. for special even signs and only the zoning permit fee shall be charged.~~

- iii. A new business coming or an existing business relocating or expanding within Newington may request an additional ~~twenty~~ **fourteen** (14) days for promotional advertising.

- iv. Temporary signs shall only be displayed on the property of the business/**organization** advertising the sale and/or event and cannot be placed in the State/Town right of way. **Town staff shall have the option to remove any and all such temporary signs that are in violation of this provision after endeavoring to notify the sponsor. Such signs shall be brought and stored at Town Hall. If unclaimed, these signs will be discarded after 10 days.**



- v. A Temporary sign shall not be more than twelve (12) square feet in area nor be more than four (4) feet in total height. A banner may not be larger than 40 square feet per side.



- vi. Temporary signs shall not be internally or externally lighted, flashing, digital or rotating, or move in any way either mechanically or naturally and may be denied if determined by the Zoning Officer to be a hazard to the public.

- vii. All signs must be in good repair and have a professional appearance. Any sign not specifically allowed under this subsection is prohibited. Temporary signs may be pennants, streamers or banners attached to the building promoting the sale event and ground signs, not to exceed two, not higher than 10 feet and larger than 50 square feet per side. Not more than one ground mounted cold air inflatable sign, not to exceed 18 feet in height is permitted. No roof mounted sign or cold air inflatable tethered to the roof are permitted.



Town of Newington

Proof of Temporary Sign Permit

MUST BE AFFIXED TO SIGN

THIS PERMIT SHALL BE VALID ONLY FOR THE DAYS APPROVED BY THE TOWN OF NEWINGTON

ALL SIGNS MUST BE LOCATED ON THE PROPERTY OF THE EVENT AND MAY NOT BE PLACED IN RIGHTS OF WAY OR TO OBSTRUCT SIGHTLINES

PERMIT NUMBER: _____

PERMIT ISSUED TO: _____

CONTACT INFO: _____

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Section 6.13 ACCESSORY APARTMENTS (Effective 2-20-09)

The Commission may grant a special exception for one accessory apartment in an existing or proposed single-family dwelling located only in an R-20 or R-12 zone, subject to the following standards and conditions and the provisions of Section 5.2.

- 6.13.1 The owner of the property subject to the permit shall reside on the property throughout the duration of the permit. The accessory apartment shall be limited to a maximum occupancy of two persons. The owner of the property may reside in the accessory apartment or in the principal residence.
- 6.13.2 The building shall be determined to be capable of being added to in a safe manner. An applicant for an accessory apartment special exception shall submit a Zoning Location Survey, Class A-2, verifying compliance with the zoning regulations, Section 4 Height, Area and Yard requirements.
- 6.13.3 An accessory apartment shall contain at least 500 square feet. Additions may be made to the side or rear of the single-family dwelling, but the new floor area for the accessory apartment shall not exceed 300 square feet. The accessory apartment shall not exceed 30% of the gross livable floor area of the entire structure excluding garages and basements. The remaining living area of the principal residence shall not be less than 900 sq. ft. Basements and garages shall not be used for an accessory apartment living unit.
- 6.13.4 The apartment shall have at least one means of its own outside access and at least one internal doorway connection into the principal dwelling unit. A floor plan layout showing the proposed means of access shall be submitted to the Building Official for review and approval. The outside access to the accessory apartment shall not front the adjacent public street unless otherwise approved by the Commission.
- 6.13.5 The architectural style of the single family residence shall be maintained. Exterior stairs for a second floor living space shall not be visible from the street. Photos of the existing single family residence and drawings of proposed exterior changes shall be submitted as part of the application.
- 6.13.6 The accessory apartment shall not have more than one bedroom and shall be equipped with its own bath and kitchen. The accessory apartment shall have common utilities and shall not have separate metering devices. A floor plan showing the living area of both the principal residence and the accessory apartment identifying alterations, the location of internal doorway connection, additions and the sizes of each residence shall be submitted with the application.
- 6.13.7 Not more than three parking spaces shall be provided for the use of the principal dwelling unit and the accessory apartment unless otherwise approved by the Commission. This parking shall be in Section 6.1.1 (B).

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- 6.13.8 An affidavit certifying ownership and occupancy signed by the owner of the premises stating that the owner will occupy one of the dwelling units shall be submitted with the application. The Commission may attach a time limit to a special exception when it determines that such a condition will protect adjacent property and the character of the neighborhood. If a time limit is made a condition of approval the special exception may be revoked for due cause after a public hearing. ~~**A request to renew the accessory apartment use or transfer it to another property owner shall require the approval of a new special exception.**~~

- 6.13.9 A request to renew the accessory apartment use or transfer it to another property owner shall require the approval of a new special exception.**

Section 6.14 Residual Lots (Effective 2-13-02)

Statement of Purpose: To further the housing production policies of the Town Plan of Development the following standards and conditions are adopted to facilitate moderate cost housing compatible with neighboring properties.

The Commission may issue a Special Exception for a single family dwelling when a lot does not conform to the minimum lot standards for the district in which it is located and the lot does not meet the requirements as a legal non conforming lot as provided in Section 5.1.1. In acting upon an application for a Special Exception the Commission shall consider all of the requirements of Section 5.3 and in addition shall apply the following standards: (Effective 12-1-06)

- 6.14.1 The granting of the Special Exception shall not result in the creation of any other lot which will not meet the current requirements of the zone in which the lots are located.
- 6.14.2 The Commission shall set forth the minimum area and frontage requirements of the lot as part of its approval of a Special Exception under this section. These area and frontage requirements as set forth in the Special Exception approval shall supersede those requirements set forth in Table A of Section 4. All minimum yard set back requirements for the zone in which the property is located as set forth in Table A of Section 4, shall be met unless modified as provided in section 4.3.4. All minimum height requirements for the zone in which the property is located shall be met as set forth in Table A of Section 4. (Effective 12-1-06)
- 6.14.3 The longest side of any proposed house shall front the street. No house shall be positioned sideways.
- 6.14.4 The parcel proposed for Special Exception approval has remained unchanged in size and shape for a minimum of ten (10) years.
- 6.14.5 The parcel proposed for Special Exception approval has not been created by a conveyance occurring within five (5) years of the date immediately preceding the date of application for a permit.
- 6.14.6 The present owner of such parcel, at no time shall have owned adjacent land, which may or could have been merged with part of the parcel in question to render the parcel a conforming zoning lot.

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- 6.14.7 In acting upon the application, the Commission shall consider:
- A. The age of the subdivision in which the lot is located;
 - B. The size of other lots in the neighborhood;
 - C. The compatibility of the lot with the abutting properties and the street on which it is located; and
 - D. The size, height, style and bulk of the proposed house is architecturally compatible with the abutting properties.
- 6.14.8 In addition to the Application the applicant shall submit the following:
- A. Elevations, drawn to scale, of the proposed structure
 - B. Photos of the adjacent property, including any structures visible from the street; and
 - C. Photos of existing homes across the street from the subject property
- 6.14.9 No approval of a Special Exception shall result in the creation of an interior lot.

Section 6.15 Stormwater Management (Effective 3/14/14, Revised 02/25/15)

- 6.15.1 Applicability
- Unless modified by the Commission, every application shall provide for a stormwater management system, including low impact development techniques, as specified in this section.
- 6.15.2 Residential Lots
- Any new construction or development on a residential lot which increases the impervious surface area by 600 square feet or more shall demonstrate conformance with the Low Impact Development and Stormwater Manual for the Town of Newington.
- 6.15.3 Other New Construction or Development
- Any other new construction or development resulting in increased impervious surface area shall demonstrate conformance with the applicable standards for stormwater management be as specified in Section 2.1 of the Low Impact Development and Stormwater Manual for the Town of Newington:
- A. Standard 1 – Use of Low Impact Development to Reduce Stormwater Runoff and Pollutants (maximum extent practicable standard).
 - B. Standard 2 – Peak Flow Control and Flood Protection.
 - C. Standard 3 – Construction Erosion and Sediment Control.

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D. Standard 4 – Operation and Maintenance.

E. Standard 5 – Redevelopment.

6.15.4 Interior Renovation and Change of Use

Interior renovation of an existing building and/or change of use within an existing building shall only be required to conform to Section 2.1 of the Low Impact Development and Stormwater Manual for the Town of Newington when:

- A. Such interior renovation or change of use includes an increase in impervious surface area of 600 square feet or more, or
- B. Such interior renovation or change of use results in a requirement for more parking spaces.

6.15.5 Temporary Moratorium

A. Intent and Purpose: The Town Plan and Zoning Commission has found that choosing the appropriate LID technique in strict compliance with the Low Impact Development and Storm Water Manual puts a significant burden on the owner of an existing single-family house, often imposing financial costs that outweigh the environmental benefits. A temporary, limited moratorium is needed in order to properly develop appropriate amendments to the Manual and/or Section 6.15 of the Zoning Regulations.

B. Activities Subject to this Moratorium:

- 1. Addition to an existing single-family house;
- 2. Construction of a detached garage or other residential accessory building.

C. Application: The owner of an existing single-family house who wishes to conduct an activity described in Section 6.15.4.B shall not be required to comply with the requirements of Section 6.15.

D. Effective Date and Expiration: This moratorium shall take effect upon publication of the notice of adoption by the Town Plan and Zoning Commission. This moratorium shall expire not more than 365 days from the effective date.

Section 6.16 Medical Marijuana Dispensary and Production (Effective 4/28/14)

6.16.1 Purpose. The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities and production facilities. The intent of these regulations is to minimize any adverse impacts of such facilities, and to protect and preserve Newington's neighborhoods, commercial districts, property values and quality of life.

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6.16.2 Definitions. For use in this section of the Regulations:

- A. "Dispensary facility" means a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under CGS Sec. 21a-408 et seq. as they may be amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended;
- B. "Production facility" means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended.

6.16.3 Applicability:

- A. Medical marijuana dispensary facilities and production facilities shall be governed by CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special exception approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section:

- 1. I Industrial Zone

6.16.4 Separation Requirements. Uses identified in this section shall be subject to the following separation restrictions:

- A. No medical marijuana dispensary facility shall be allowed within 1,000 feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or a school, playground, park or child day care facility;
- B. No medical marijuana production facility shall be allowed within 100 feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or a school, playground, park or child day care facility;
- C. No medical marijuana dispensary facility shall be allowed on a site that is less than 1,000 feet from any property that is zoned for single-family residential use as a permitted use;
- D. No medical marijuana production facility shall be allowed on a site that is less than 100 feet from any property that is zoned for single-family residential use as a permitted use;
- E. No medical marijuana dispensary facility or production facility shall be allowed within 1,000 feet of any other site containing a medical marijuana production facility;

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- F. No medical marijuana dispensary facility or production facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary facility or production facility;
- G. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

6.16.5 Minimum Floor Area Requirements.

- A. No medical marijuana production facility shall be allowed in a building with less than 25,000 square feet of gross floor area.

6.16.6 Sign and exterior display requirements:

- A. Exterior signage shall be restricted to a single sign no larger than 16" x 18" containing the legal name of the entity and the street address of the facility. Section 6.2.3b shall not apply.

6.16.7 Off-Street Parking requirements:

- A. Required off-street parking shall be in compliance with Section 6.1 of these regulations.

6.16.8 Security Requirements:

- A. All medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations;
- B. The hours of operation for medical marijuana dispensary facilities shall be limited to between 7:00 a.m. and 7:00 p.m., all days of the week;
- C. There shall be no limitation on the hours of operation for medical marijuana production facilities, all days of the week.

6.16.9 Conditional Approval:

- A. Special Exceptions shall be approved with the condition that the applicant obtains the appropriate Dispensary or Production Facility license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur);
- B. The conditional approval shall become finalized upon the receipt by the Town Planner of a copy of the Department of Consumer Protection-issued license;
- C. The conditional approval shall expire if the applicant fails to provide the Town Planner with a copy of the Department of Consumer Protection-issued license within six months of the date of the TPZ's conditional approval;

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1. A six month extension of such conditional approval shall be granted to the applicant upon written notification to the Town Planner that an application for a Department of Consumer Protection license has been filed, indicating the expected decision date of the Department of Consumer Protection license.

D. No entity shall operate without a valid, current license.

6.16.10 Connecticut Department of Consumer Protection Approval:

- A. The applicant shall provide the Town Planner with a copy of the appropriate Dispensary or Production Facility license issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed license.