



## TOWN PLAN AND ZONING COMMISSION

SPECIAL MEETING  
Wednesday, February 11, 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. Section 3 (Zone Use Regulations) continued:

1. Subsection 3.5 (Uses Permitted in R-20, R-12 and R-7 Residential Zones)
2. Subsection 3.6 (Special Exceptions Permitted in R-7 Zones)
3. Subsection 3.7 (Special Exceptions Permitted in R-12 and R-7 Residential Zones)
4. Subsection 3.8 (Conversion of Rental Apartments to Condominiums or Town Houses)
5. Subsection 3.9 (Uses Permitted in R-D Residential Designed Zones)

**III. ADJOURN**

Submitted,

Craig Minor, AICP  
Town Planner

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BY   
TOWN CLERK

**STAFF REPORT**  
***Complete Review of Zoning Regulations***

February 6, 2015

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

**Description of Petition #02-15:**

Complete review of current zoning regulations.

**Staff Comments:**

At the last meeting several Commissioners commented on the fact that there does not appear to be any consistency between the various requirements of the different types of higher density housing types.

I had prepared a chart describing the different types of higher density housing in Newington Junction and at the intersection of Fenn Road and Cedar Street for the CTfastrak housing moratorium discussion, and I realized that with some tweaking it would be helpful in this discussion too. See attached.

cc:  
file

## Higher-Density Housing Requirements

<u>Type</u>	<u>Section</u>	<u>Zones Permitted In</u>	<u>Maximum Density</u>	<u>Minimum Project Size</u>	<u>Minimum Unit Size</u>	<u>Maximum Height</u>	<u>Location Requirements</u>	<u>Comments</u>
Senior Independent Living	3.2.5	All	20 units per acre	5 acres	none	3 stories or 35'	On or within 300' of an "arterial road".	
Housing for Seniors	3.7.2	R-12 and R-7 only	20 units per acre	2 acres	none	none specified	On a bus line, or within "walking distance" of "services".	"Affordable", age-restricted
Conversion of Older Homes	3.4.7	All residential	7.26 units per acre	20,000 s.f.	600 s.f.	2.5 stories or 35'	none.	House must be at least 1800 s.f. and predate 1920
Single-family Entry Level Housing	3.7.3	R-12 and R-7 only	5.8 units per acre	10 acres	6000 s.f.	none specified	none.	Subdivision or PUD
Alternate Residential Building Types	3.7.1	R-12 and R-7 only	5.4 units per acre	10 acres	8000 s.f.	none specified	On or within 300' of an "arterial road".	Patio; duplex; condos. PUD or subdivision.

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### Section 3.5 Uses Permitted in R-20, R-12 and R-7 Residential Zones

In R-20, R-12 and R-7 Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other:

- 3.5.1 One-family detached dwellings and accessory uses and structures.

### Section 3.6 Special Exceptions Permitted in R-7 Residential Zones

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission subject to the following conditions, and the provisions of Sections 5.2 and 5.3.

- 3.6.1 Two-family attached dwellings and accessory uses and structures.
- A.** Each dwelling unit shall have individual and separate utility connections and/or meters in accordance with State, local and public utility regulation. Also, firewall protection, independent access to attic and independent lighting in attic space.
  - B.** For resubdivision of existing duplex structures the petitioners shall receive certification from the Building ~~Department~~ **Official** that these utility services are separate. This certificate shall be obtained prior to submission of an application for resubdivision.

### Section 3.7 Special Exception Permitted in R-12 and R-7 Residential Zone

The following uses are declared to possess such special characteristics that ~~they~~ **each** must be considered special exceptions. They shall only be permitted by the Commission subject to the following conditions and standards, and the provisions of Sections 5.2 and 5.3.

- 3.7.1 Alternate residential building types

**Alternate residential building types** may be permitted as a special exception when, after a public hearing, the Commission makes a finding that such uses provide wider housing variety and choices, and when the following standards are satisfied:

A. Parcel Size

The minimum parcel size shall not be less than 10 contiguous acres. The applicant shall submit a Class A-2 Boundary Survey certifying the parcel area. Contiguous acres shall mean sharing a common boundary, but shall not include parcels separated by a Town Road or State highway.

B. Location

No site location shall be approved unless it is on or within 300 feet of an arterial street as set forth in the Town's Plan of **Conservation and** Development, and unless it is to be served by public water and sewer.

C. Density

At least 8,000 square feet of land area is required for every dwelling unit. Such computation of total number of dwelling units permitted on a site will be based on

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the usable area of the site. When, in the opinion of the Commission, geologic or topographic conditions, slopes in excess of fifteen (15%) percent gradient, inland wetlands and flood hazard areas render any portion of the site unsuitable for ~~use by the residents of the~~ development, such portions of the site will not be used in computing the total number of dwelling units permitted ~~and shall be set aside as conservation~~ **but may be used to provide the required** open space. (Effective 3-4-2011 and \_\_\_\_\_ )

D. Building Types

Subject to the requirements of the Height, Area and Yard Requirements listed in Section 4, TABLE A the following building types are permitted:

- 1) Detached single family (patio houses)
- 2) Semi-detached dwellings (duplex houses)
- 3) Attached dwellings (townhouses)
- 4) For multiple family structures the maximum number of dwelling units per structure shall not exceed 12. (Effective 12-01-01)

E. Frontage

Frontage shall mean a linear distance measured along a street, principal driveway or parking lot. Where principal driveways or parking lots are used as frontage, there shall be a direct connection between such areas and a public street. Such connections must be entirely suitable for emergency vehicles as well as normal access services and needs. In the cases of patio houses, duplex houses and town houses, such direct connections shall be shown and described in the site development plan.

F. Court Yards

Court yards enclosed on all sides shall not be permitted, and no open court shall in the least dimension be less than 50 feet.

G. Open Space Area

Suitable common open space for the recreation of adults and children shall be provided and screened from driveways streets and parking access. At least 1000 square feet of open space shall be required per dwelling unit. Recreational space and facilities for pre-school children are required in suitably protected locations. A 30 foot rear area or yard suitable for outdoor living space shall be provided behind each living unit. In computing the required open space area the Commission shall be guided by the standard that at least twenty percent (20) of the common open space shall be useable for active recreational purposes and the balance may be designed for open space conservation protection.

H. Utilities

All electric and telephone utility installations shall be located underground, excepting required or necessary light standards, etc. Patio houses, duplex

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houses and townhouses shall have individual, separate and self contained heating and/or air conditioning systems and separate meters.

I. Sidewalks

Sidewalks shall be installed along the frontage of public streets according to the Town of Newington standards.

~~J. Spacing Modifications~~

~~The Commission may vary the requirements regulating spacing of buildings, distance requirements for improvements, and height and number of dwelling units per building, when in its judgment such variations contribute to the overall improvement of the project.~~

K. Buffer Areas

A landscaped buffer area is required along any portion of the property which abuts single-family residential, commercial or industrial use, in accordance with Section 6.10. ~~However, the Commission may waive this requirement in part for good cause. The reasons for any such waiver shall be made part of the Commission's record pursuant to Section 6.10.5 (c).~~ (Effective 12-01-01)

L. Roadway and Sidewalks

Roads proposed **to remain private or** for dedication as a public street shall be designed and constructed in accordance with the Newington Subdivision Regulations. All improvements that will be deeded to the Town shall meet the requirements of the Standard Specifications published by the Town of Newington Engineering Department.

A private roadway system serving not more than 75 dwelling units may be permitted when approved by the Commission. Each private roadway shall connect to a public street. The private roadway shall have a pavement width of 30 feet and connections to parking areas, recreation areas, etc. shall be at least 24 feet in width.

Private sidewalks shall be at least 4 feet back from curbs, or may be 6 feet wide from the curb and parking areas. Sidewalks within the proposed development shall be concrete and at least 4 feet in width.

Sidewalks along drives and connections to parking areas shall be at least 4 feet back from curbs, or may be 6 feet wide from the curb and parking areas. Sidewalks within the proposed development shall be concrete and at least 4 feet width

M. Homeowners' Association

When common parking, **private streets, is proposed** and/or when common recreation areas and/or facilities are proposed or required, a homeowners' association will be required. The association must fulfill the following requirements:

- 1) The association must be limited to homeowners within the development.

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- 2) Membership must be mandatory for each home buyer, and any successive buyer.
- 3) The open space restrictions must be permanent, not just for a given period of years.
- 4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- 5) Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien upon the property.
- 6) The association must be able to adjust the assessment to meet changed needs.
- 7) The association must be so established that, in the event of dissolution, all open space shall be offered first to the town, and free of charge.
- 8) A draft of the proposed association documents must be submitted to the Commission for determination of adequacy in meeting the requirements prior to Special Exception approval.

3.7.2 **Affordable Age-Restricted** Housing for ~~the~~ Seniors and Service Use Buildings  
(3-31-09 revised \_\_\_\_\_.)

A. Statement of Purpose.

It is recognized that there is a growing need to provide appropriate affordable age-restricted housing opportunities for Newington's aging (55 or older) population.

B. Development Requirements

~~Housing for the seniors shall conform to the requirements of these regulations except that the~~ **The** following requirements are specifically designed for the development of affordable age-restricted senior housing sponsored by **either** the Newington Housing Authority, **a** non-profit or limited-profit developer for the health and welfare of the Town of Newington and its residents.

Recognition is hereby given to the special housing needs of senior persons. The following standards are determined to be suitable to the requirements of senior persons.

~~Since the above-described limitations apply particularly to seniors, an exception is herewith provided for housing approved and constructed under this section to be occupied solely by persons aged 55 or older or persons associated with a head of household of that age by reason of marriage or kinship.~~

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C. Standards

~~Housing for seniors under this section may be permitted as a special exception when, after a public hearing, a special exception is granted by the Commission upon its finding that the following standards are satisfied:~~

- 1) The minimum parcel size shall not be less than 2 contiguous acres. The applicant shall submit a Class A-2 Boundary Survey certifying the parcel area. Contiguous acres shall mean sharing a common boundary, but shall not include parcels separated by a Town Road or State highway.
- 2) The proposed site is on a bus line; or is within reasonable walking distance to facilities that serve the necessity and convenience of the senior person; or transportation is provided by the facility for its residents; or a dial ride service is provided.
- 3) The number of dwelling units shall not exceed 20 per acre. ~~The parcel size may be reduced to not less than 1.5 acres with a density of 2,175 square feet of land per dwelling unit when the Commission determines the site has exceptional location qualities that benefit seniors; such a reduction shall require a two-thirds vote of the Commission members present.~~ The proposed housing for the senior is not likely to have an adverse effect upon adjacent properties and other properties in the neighborhood.
- 2) Reasonable traffic circulation exists to and from the site, taking into consideration such items as amount of parking, location and access to parking traffic load, circulation problems on existing streets and access to the site in case of fire or catastrophe.

D. Affordability

- 1) The applicant shall submit documentation showing that the initial rent or dwelling unit purchase price will be within the limits set by the CT Housing Finance Authority.
- 2) The applicant shall execute documentation restricting the future rent or dwelling unit purchase price to within the limits set by the CT Housing Finance Authority.

3.7.3 Single Family Entry Level Housing

A. Statement of Purpose

It is recognized that there is a need to provide housing opportunities for the citizens of Newington. It is also recognized that the regulation of building density and development design affect housing cost. To promote wider housing choices and to protect the public health, safety, convenience and property values the following criteria, standards and conditions are established for the regulation of Single Family Entry Level Housing.

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B. Criteria

In evaluating the appropriateness of an application for Special Exception under this Section, the Commission shall give consideration to, among other things, the following factors:

- 1) The supply of land available in the present zone.
- 2) The supply of moderately priced affordable housing in the Town.
- 3) Demonstration by the applicant that moderate priced housing will be created and maintained.
- 4) The impact on surrounding property values.
- 5) Preservation of the character of existing neighborhoods.
- 6) The physical suitability of the land.
- 7) The environmental impact.
- 8) The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements.
- 9) The protection of historic factors.
- 10) Any other impacts on the surrounding area.

C. Standards for Use, Design and Development

The Commission may grant a Special Exception to allow higher density single family dwellings ~~and may vary the Subdivision Regulations and Zoning Regulations standards~~ when it finds that the conditions for approval for Single Family Entry Level Housing will be met as well as any other reasonable conditions that the Commission may impose.

In modifying these standards the Commission shall use its discretion as guided by the enabling language of Section 8-2 Conn. General Statutes, in particular consideration as to the character of the area and its suitability for higher density single family homes and with a view to conserving the value of property and encouraging the most appropriate use of land throughout the municipality.

~~Modification of the Zoning Regulations and Subdivision Regulation shall only apply to the following specified standards.~~

- 1) Permitted Uses-Single-Family houses subject to the following design standards.
- 2) Each single-family house shall be on a separate subdivided lot and be intended for private ownership of house and lot.
- 3) The minimum lot area and minimum lot frontage may be modified by the Commission at the time of subdivision plan approval in accordance with the standards of this Section.
- 4) All roads which are proposed to become Town-owned streets and all improvements which are constructed within public right-of-way or which are to be dedicated to the Town shall be constructed in accordance with the Subdivision Regulations except that the street design criteria for local road right-of-way may be reduced from 60 feet to 50 feet and the paved width may be reduced from 30 feet to 24 feet provided that adequate off street parking is available and the street will not function as a collector road for abutting development.

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- 5) The parcel proposed for Single Family Entry Level Housing shall contain not less than 10 contiguous acres. The applicant shall submit a Class A-2 Boundary Survey certifying the parcel area. Contiguous acres shall mean sharing a common boundary, but shall not include parcels separated by a Town Road or State highway.
- 6) The average lot size for building lots in the development shall not be less than 7500 square feet. The minimum lot size shall not be less than 6000 square feet. Each lot shall contain not less than 5500 square feet of net buildable area. (Effective 12-1-01)

Wetlands, flood hazard area and slopes in excess of 15 percent shall not be counted as buildable area. The Commission reserves the right to exclude proposed lots where major site grading will alter existing topography.

- 7) Lot frontage may be reduced to 70 feet width. Depending on site conditions, house size, style and location of the house on the lot, frontage width may be further reduced to 60 feet for up to 25 percent of the approved lots.
- 8) The application for Single Family Entry Level Housing Special Exception shall include elevations of each proposed house style. The Commission reserves the right to approve the number of house styles and the placement of styles within the subdivision. Site design features such as staggered building setback and juxtaposition of buildings should be part of the subdivision site development plan.
- 9) Side yards may be reduced to 10 feet on one side and 5 feet on the other side with the minimum spacing between houses not less than 15 feet. Front yard setback from the street right of way shall not be less than 35 feet. Rear yard setback shall not be less than 30 feet of useable area and not inland wetlands or slope in excess of 15 percent. (Effective 12-01-01).
- 10) Maximum lot coverage of building and parking and driveway surface shall not exceed 45 percent of the total lot area.
- 11) The Commission may waive Section 3.5.3 of the Subdivision Regulations to permit more than one rear lot when it finds that the location of the proposed rear lots are safe and accessible and that the siting of proposed houses will permit adequate rear yards for privacy and play space.
- 12) The Commission may require the developer to set aside up to 10% of the tract for open space (i.e. active recreation areas or passive conservation areas). The method of set aside shall be approved by the Commission.

#### D. Conditions

When granting a Special Exception for Single Family Entry Level Housing the Commission shall require the developer to comply with the following conditions and may impose other reasonable conditions to insure the project meets the intent of Section 3.7.3 (1) and will be compatible with the surrounding neighborhood, protect property values and not overburden public utilities and street system.

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- 1) The developer of a Single Family Entry Level Housing project shall enter into a contract with the Newington Affordable Housing Monitoring Agency. Such contract shall require the developer to abide by the income criteria for Single Family Entry Level Housing to persons and families satisfying such income criteria as from time to time may be established.
- 2) A draft of the proposed contract with the Newington Affordable Housing Monitoring Agency shall be submitted at the time of the application for the Special Exception.
- 3) At the time of application for a Single Family Entry Level Housing Special Exception the developer shall submit a report with the schedule of proposed sale prices by unit size and type.

### Section 3.8 Conversion of Rental Apartments to Condominiums or Town Houses.

Before any rental apartments may be converted to condominiums or townhouses, all requirements of the regulation and the following procedure must be complied with:

- 3.8.1 Application to amend the site development plan shall be filed with the Commission, containing the information required by these regulations.
- 3.8.2 Specific plans and statements, which identify and explain how utility, access and parking are to be converted meet the standards of this regulation, are required
- 3.8.3 Approval: If all land use and planning standards are complied with, the Commission may approve the change in the site plan and such plan shall be signed by the Chairman of the Commission and shall show the date of such approval.

### Section 3.9 Uses Permitted in R-D Residential Designed Zone

In R-D Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other.

- 3.9.1 Uses permitted may be any or all of those uses which are stated in Sections 3.5 and 3.7.
- 3.9.2 Procedure
  - A. Before a lot or parcel of land in an R-D Zone may be used or a building erected, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.
  - B. Any application for a change to an R-D Zone must be accompanied by an application for site development plan approval, in accordance with Section 5.3. The public hearings shall be held on both applications simultaneously.
- 3.9.3 Applicable height, area and yard requirements shall be those required for the uses in Sections 3.5 and 3.7.
- 3.9.4 All electric and telephone utility installations shall be located underground, excepting required light standards, etc.

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3.9.5 Sidewalks will be installed along the frontage of public streets according to the Town of Newington standard.

3.9.6 Allocation of Land Uses

The following minimum and maximum land use requirements must be met and shown on the site development plan.

- A. Permanent open space shall comprise at least 20 percent of the proposed parcel or lot and shall be an integral part of the overall design.
- B. Multi-family dwellings, as permitted in Section 3.7, shall not exceed 25 percent of the total area of the proposed parcel or lot.
- C. Single-family lots and uses meeting the R-12 Zone area and yard requirements shall not be less than 45 percent of the total area of the proposed parcel or lot.
- D. The overall density of the proposed parcel or lot shall not exceed 3.5 dwelling units per acre.