



TOWN PLAN AND ZONING COMMISSION

SPECIAL MEETING
Wednesday, February 25, 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 3.7.3 (Single Family Entry Level Housing)
2. Subsection 3.8 (Conversion of Rental Apartments to Condominiums or Town Houses)
3. Subsection 3.9 (Uses Permitted in R-D Residential Designed Zones)
4. Subsection 3.10 (Uses Permitted in B Business Zones)
5. Subsection 3.11 (Special Exceptions Permitted in B Business Zones)

III. ADJOURN

Submitted,

Craig Minor, AICP
Town Planner

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2015 FEB 20 PM 3:50

BY
TOWN CLERK

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3.7.3 Single Family Entry Level Housing

A. Statement of Purpose

It is recognized that there is a need to provide **a range of** 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 creation** of Single Family Entry Level Housing.

B. Criteria

In evaluating the appropriateness of an application for a 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, **as defined as.....**.
- 3) ~~Demonstration by the applicant that moderate priced~~ **affordable** 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 a Single Family Entry Level Housing will be met, as well as any other reasonable conditions that the Commission may impose.

In ~~modifying these standards~~ **approving an application** 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.~~

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- 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.
- 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. The minimum lot frontage shall be 70 feet. 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. The minimum side yards shall be 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. The minimum rear yard shall contain not less than 30 feet of usable area as defined in Subsection 6 above. 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).

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- 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.

- 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 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.

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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.
- 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.

Section 3.10 Uses Permitted in B Business Zones

In B Business Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be included within a building or structure or accessory to the permitted principal use. (Effective 12-01-01)

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3.10.1 Permitted Uses

- A. Retail stores and trades including banks.
- B. Personal service shops or stores.
- C. Business or professional offices.
- D. Clubs or fraternal organizations.

~~3.10.2 Procedure~~

- ~~A. Before a lot or parcel of land in a B Zone may be used or a building erected, altered or change in use, 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 a B Zone must be accompanied by an application for site development plan approval, in accordance with Section 5.3. The Commission will consider both applications simultaneously within the appropriate public notice and scheduling procedures.~~

3.10.3 Buffer Areas

A landscaped buffer area is required along any portion of the property which abuts single family residential use, in accordance with Section 6.10.5. ~~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)~~

Section 3.11 Special Exceptions Permitted in B Business 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.

- 3.11.1 Places of assembly for recreation, such as health clubs and dance studios. All such uses shall be completely enclosed in a building or structure or accessory to the permitted principal use. (Effective 12-01-01)
- 3.11.2 Funeral parlors or mortuaries.
- 3.11.3 ~~DELETED (EFFECTIVE 8-15-07)RESERVED, FORMERLY AUTO RELATED USES.~~
- 3.11.4 Services which customarily use specialized equipment, such as printers, dry cleaners, and the like.
- 3.11.5 Coin-operated games and devices may be allowed, not to exceed 10 in number in any single place of recreation, amusement, or the like, as an accessory use to the principal activity.
- 3.11.6 Restaurants (excluding drive-in or curbside service restaurants.) Restaurants may offer outside temporary seasonal seating areas when approved by the Commission. (Effective 12-01-01)

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- 3.11.7 A Fueling Station located within a Shopping Center and subject to the following requirements: (~~EFFECTIVE 11-9-14~~)
- ~~A. Shopping center shall have a principal building containing a supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.~~
 - ~~B. Principal Tenant must be the beneficiary of the Special Permit.~~
 - ~~C. Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations.~~
 - ~~D. The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.~~
 - ~~E. The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.~~
 - ~~F. No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building.~~
 - ~~G. There shall be no repairs or vehicle maintenance performed on the premises.~~
 - ~~H. The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11.~~
 - ~~I. No outside storage of any motor vehicles shall be permitted.~~
 - ~~J. There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.~~
 - ~~K. Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.~~
 - ~~L. There shall be no storage and/or dumping of waste materials.~~
 - ~~M. There shall be no sleeping quarters in the building.~~
 - ~~N. The sign provisions of Section 6.2 shall apply.~~
 - ~~O. There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.~~

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- ~~P. The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the shopping center of which it is to be a part.~~
- Q. ~~In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use.~~
- A. Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.
- B. The Fueling Station must be on the Shopping Center Premises or it must be on property that abuts and is adjacent to the Shopping Center.
- C. Principal Tenant must be the beneficiary of the Special Permit
- D. Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations;
- E. The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.
- F. The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.
- G. No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building.
- H. There shall be no repairs or vehicle maintenance performed on the premises.
- I. The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11 excluding the provisions of Sections 6.11.6 and 6.11.8.
- J. No outside storage of any motor vehicles shall be permitted.
- K. There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.

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- L. **Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.**
- M. **There shall be no storage and or dumping of waste materials.**
- N. **There shall be no sleeping quarters in the building.**
- O. **The sign provisions of Section 6.2 shall apply.**
- P. **There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.**
- Q. **The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.**
- R. **In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use. (Effective 3-4-14)**