



TOWN PLAN AND ZONING COMMISSION

SPECIAL MEETING
Wednesday, March 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. Subsection 3.12 (Uses Permitted in the B-TC Business Town Center Zone)
- b. Subsection 3.12A (Town Center Village Overlay District)
- c. Subsection 3.13 (Special Exceptions Permitted in the B-TC Business Town Center Zone)
- d. Subsection 3.14 (Uses Permitted in the B-BT Berlin Turnpike Zone)

III. ADJOURN

Submitted,

Craig Minor, AICP
Town Planner

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2015 MAR -6 AM 10:33

BY *Tanya D. Lane*
TOWN CLERK

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Section 3.12 Uses Permitted in B-TC Business Town Center Zone

In the B-TC (Business Town Center) Zone, 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)

3.12.1 Permitted Uses

- A. Any use which shall be permitted in a B Business Zone Section 3.10 ~~and by **Special Exception the uses permitted in Section 3.11**~~

Except the following: ~~sale, service, rental or repair of motor vehicles~~; amusement enterprises, including billiard and poolrooms, bowling alleys, dance halls, skating rinks, arcades and video rooms; wholesale and/or storage of petroleum products, coal and sand, stone.

- B. Parking Lots
- C. Food preparation, caterers, and bakeries.
- D. Corporate headquarters, research and development uses.
- E. Theaters, places of assembly for recreation and entertainment except as excluded in (A) above. (Effective 12-01-01)

3.12.2 Procedure

- A. Before a lot or parcel of land in a B-TC Zone may be used or a building erected, altered or changed in use, a site development plan must be approved in accordance with this section as well as Section 5.3.
- B. Any application for change to a B-TC 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

3.12.3 Frontage and Lot Area

At least 100 feet of frontage on a public street is required for each lot, excepting that a lot which deeds a portion of its development site to the Town as a part of the Municipal Parking Lot, and makes site improvements in accordance with the Municipal Parking Lot Plan, may have a frontage and lot area less than required, in accordance with the Parking Lot Plan and as specifically approved by the Commission. See Section 4. Table A B.

3.12.4 Buffer

No building, parking or loading shall be located within 25 feet of a residential zone boundary. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the nonresidential side of the street right of way. ~~However, the Commission may waive this requirement in~~

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~~**part for good cause. The reasons for any such waiver shall be made a part of the Commission record pursuant to Section 6.10.5 (c).**~~

3.12.5 Utilities

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

3.12.6 Sidewalks

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

Section 3.12A Town Center Village Overlay District (Effective 12-4-02)

General: The use of land, buildings and other structures within the Town Center Village Overlay District shall be established and conducted in conformity with the underlying zoning classification of the Business Town Center Zone (B-TC) subject to the additional requirements of this Section. No lot shall be used, any new building constructed, nor any existing building substantially improved until the Commission makes a determination that it complies with the procedures and informational requirements of this Section.

3.12.A.1 Purpose

The purpose of this Section is to provide for design review within the Business Town Center Zone in accordance with the provisions of the Village District Act, Section 8-2j of the Connecticut General Statutes. This review is not intended to discourage or prohibit the use of property; rather its purpose is to enhance the character, landscape and architectural quality of Center consistent with the Plan of Conservation and Development's Town Center Design Component and supplemental design standards contained in Newington Center's Design Guidelines, December 7, 2000.

3.12.A.2 Activities and Uses Covered

Any new building construction, substantial building improvement, free standing sign, as defined in Section 9, change of use which requires site plan or special exception approval as required by these Regulations and which is located within the Business Town Center Zone is subject to the architectural requirements of, and eligible for the special provisions of, the Town Center Village Overlay District. Review of each new building, substantial building improvement, or change of use shall cover the following to the satisfaction of Commission:

- A. The design and placement of the building in relationship to the adjacent buildings and public streets.
- B. The maintenance of public views.
- C. The use of paving materials, sidewalk treatments and landscape enhancements.
- D. Façade improvements based on the design guidelines for the Town Center. These improvements include both facades facing a public street, as well as the municipal parking lot.

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- E. The color, size, height and proportion of new buildings and proposed modifications to existing buildings.
- F. Parking layout, sidewalk location and pedestrian accessibility.
- G. Signs, both free standing and attached to building façade.
- H. Lights, both free standing and attached to building façade.
- I. Awnings, and awning signs.

3.12.A.3 Procedure

All applications for new construction or substantial improvement that require site plan or special exception approval within the Business Town Center Zone shall include the information contained in this Section 3.12.A.4. This information shall be submitted to the Town Planner for review and report to the Commission within 35 days of receipt of the application. This report and recommendations shall be entered into the public record and considered by the Commission in making its decision. Failure of the Town Planner to report within the 35 day time limit shall not alter or delay any other time limit imposed by these regulations.

3.12.A.4 Application

Application for site plan and/or special exception approval within the Business Town Center Zone shall include the following information. ~~**The Commission upon the written request of the applicant, may waive some or all of this information if it determines it to be unnecessary to process the application. A waiver by the Commission shall require a two-thirds vote of the members present.**~~

- A. Description of materials: Color and texture of major building materials, exterior wall elevations of all adjacent structures, drawn at a minimum scale of 1 inch equals 8 feet. In lieu of drawings photos may be submitted.
- B. Streetscape Facades: Detailed drawing showing design, color, texture and type of materials of proposed building façade facing the public street and, if applicable, the municipal parking lot drawn at a minimum scale of 1 inch equals 8 feet.
- C. Signs: Detailed drawing showing design, size, color, texture and type of materials. Lettering style, size and color for wall signs shall also be included as well as the illumination and light intensity. The uniformity of the signs, placement and size consistency with adjacent signs shall also be presented. Monument ground signs shall be colonial in design, made of brick and shall not exceed a total height of 12 feet. (Effective 8-15-08)
- D. Utilities: The location of all utilities serving the building such as transformers, HVAC units, gas and electric meters.
- E. Location: The placement of new or substantially improved buildings in relationship to surrounding properties, public views from roadways and nearby public spaces and parking.
- F. Lighting: The design, location and illumination of buildings and light standard fixtures and their consistency with Town Center light styles.

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- G. Compatibility: A statement of the proposed new building's or substantially improved building's compatibility with the surrounding area, with the design guidelines adopted for the Town Center Village Overlay District area, or with the "Connecticut Historical Commission – The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as revised; and the Town Center Design Component set forth in the Newington Plan of Conservation and Development, 1995 - 2005.

3.12.A.5 Special Provisions:

Properties which meet the requirements of the Town Center Village Overlay District Design Standards will be eligible to use the following incentives to facilitate their improvements subject to the approval of the Commission:

- ~~A. May reduce front yard setback from 25' to 15', except that properties on Main Street, Market Square and Lowrey Place shall be permitted to locate new and substantially improved buildings closer to the street right of way at a distance compatible with adjacent buildings. (Effective 7-19-07)~~
- B. New construction and substantially improved building(s) which abut the Municipal Parking lot and provide access and pedestrian sidewalk from the lot may not be required to provide additional new parking and may be permitted to share the existing Municipal Lot parking.
- ~~C. The parking ratio, at the discretion of the Commission, may be lowered from 6 spaces per 1000 sq. ft. gross floor area to 3.5 spaces per 1,000 sq. ft. gross floor area for retail, office, personal service and business service uses, and to 4.0 spaces per 1000 sq. ft. for medical office uses.~~
- ~~D. Side yard setback requirements may be eliminated to permit "0" lot line development when the proposed building can demonstrate compliance with applicable building and fire safety code.~~
- ~~E. The minimum frontage and lot area may be modified by the Commission when it determines the development project is compatible with the surrounding properties, adds to a block of buildings that create a strong street edge, and creates a street level store front.~~
- ~~F. May permit off site parking within the street right of way for a limited number of spaces if the Commission determines that the location of the spaces improves street level retail uses, improves pedestrian access, is safe and will not impede traffic.~~

- 3.12.A.6 If the Commission grants or denies an application it shall state upon the record the reasons for its decision. If a commission denies an application, the reason for the denial shall cite the specific regulations under which the application was denied. Notice of the decision shall be published in a newspaper having a substantial circulation in the municipality. An approval shall become effective in accordance with subsection (b) of Section 8-3c of the Connecticut General Statutes.

- 3.12.A.7 No approval of a commission under this section shall be effective until a copy thereof, ~~certified by the commission~~, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its

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decision, is recorded in the Newington land records ~~of the town in which such premises are located.~~

Section 3.13 Special Exceptions Permitted in B-TC Business Town Center Zone

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.

These uses, with their permitted density and height, are closely associated with the community business center and such use must be subject to the following standards to protect against depreciation of neighboring property and to promote the community welfare. All such uses shall be included within the building or structure or accessory to the permitted principal use.

3.13.0 Special Exception Uses

A. Any use which shall be permitted by Special Exception in a B Business Zone in Section 3.11

3.13.1 Unrestricted Multi-family Residential Buildings

A. Permitted Uses

Residential apartment and/or condominium buildings (and their necessary accessory facilities.)

B. Location

No site location shall be approved unless it will be serviced by public sewers and water supply.

C. Frontage, Lot Area and Density

The minimum lot frontage width shall be 200 feet and the lot shall contain at least 2,500 square feet of land area for every dwelling unit. Properties which donate land to the Municipal Parking lot may calculate density based on the size of the property prior to donation. (Effective 8-15-07)

D. Height of Buildings

No principal building shall exceed a height of 3 stories, and no accessory building shall exceed a height of 15 feet.

E. Spacing of Buildings

Buildings shall not be closer than the average height of such similar buildings except as permitted by Section 4.4.5 (B).

F. Dwelling Units

The basement shall not be occupied as living quarters.

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G. Parking Space

In addition to the requirements of Section 6.1 no garage or parking space shall be nearer than 30 feet from any street right of way. Parking under a building may be permitted.

H. Fire Protection

- 1 Standpipes for fire protection with hoses on each floor shall be provided, sized in accordance with standards of the National Fire Protection Association.
- 2 Automatic sprinklers with sprinkler alarms shall be provided in all stairwells, corridors, basements and in all retail service and office spaces.

3.13.2 Residential Buildings for the Elderly

- A. Residential buildings designed for the needs of the elderly shall be designed specifically for elderly residents in conformance with applicable State and Federal regulations. Occupancy of units in such housing shall be limited to persons 55 years of age or older; occupancy of a unit by a person, related by kin or blood, less than 55 years of age, may be permitted if such unit is also occupied by a person who is 55 years of age or older.

B. Community Space

Community spaces shall be provided for the special needs of residents either on each floor or in a central, easily accessible area. Such spaces shall be adequate in size, layout and furnishings for the social and community needs of the residents.

C. Site area

At least 725 square feet of land area shall be provided for each dwelling unit.

3.13.3 Apartments in Business Buildings

- A. Apartments may be permitted on the second and third floors of business buildings.

B. Standards

Apartments in business buildings can provide housing accommodation fulfilling a community need, providing the following conditions are met.

- 1 In addition to building code requirements, each apartment shall have unobstructed access to the outside, separate from any business use or activity.
- 2 Sound proofing shall be designed and installed to isolate the normal sounds of business activity from the apartments.

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- 3 At least 1000 square feet of land area is required for each dwelling unit. Properties which donate land to the Municipal Parking lot may calculate density based on the size of the property prior to donation. (Effective 12-01-01)

3.13.4 Parking Garage

3.13.5 Bonus for Affordable Housing

The Commission may authorize a reduction in the minimum site area to 750 square feet for every unit of affordable housing.

Approval of a Special Exception request increasing the density for affordable housing shall be conditional upon the following:

- A. The execution by the owner of a covenant shall be recorded in the Newington land records and be enforceable by the Town.
- B. The identification on the building plans of the specific units to be affordable. Such units shall be of comparable size and workmanship as other units in the building.
- C. The owner shall enter into a contract with the Town agency designated to implement the affordable housing program consenting to the dedication of a specific number of affordable units. Such contract shall be modeled after the criteria outlined in Public Act 88-338 "An Act Promoting the Development of Affordable Housing."

Said contract shall contain income criteria, sale price or rent levels for affordable housing as defined by State of Connecticut Affordable Housing Program or any compatible program designated by the Town of Newington.

3.13.6 Traffic and Parking Management Plan

In addition to the provisions of Section 5.2 and 5.3, applicants for Special Exception uses in the B-TC Zone shall submit a Traffic and Parking Management Plan which addresses the following items. ~~The Commission reserves the right to waive all or part of those requirements.~~

- A. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience.
- B. Parking analysis which contains number of spaces for the proposed development as required by these regulations, the location of the proposed parking, provisions for joint use parking arrangement if any, submission of written agreements for joint use or off site parking if any, provisions for alternative modes of transportation such as van pools, varied work shifts, public transit.

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Section 3.14 Uses Permitted in B-BT Business Berlin Turnpike Zone

In B-BT Business Berlin Turnpike Zone, 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.

3.14.1 Permitted Uses

- A. Any use which shall be permitted in a B Business Zone Section 3.10 **and by ~~Special Exception the uses permitted in Section 3.11~~**
- B. Contractors' equipment sales or service. (Effective 12-01-01)
- C. Hotels and motels up to a height of 4 stories or 45' (Effective 1-15-07)
- D. Light industrial operations, such as assembly of components.

3.14.2 Procedure

- A. Before a lot or parcel of land in a B-BT Zone may be used or a building erected, altered or changed 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-BT 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.

3.14.3 Frontage

At least 100 feet of frontage on a public street is required.

3.14.4 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. A buffer meeting the requirements of Section 6.10.5 is required whenever the use adjoins a residential zone. However, the Commission may waive this requirement in part for good cause. The reasons for any such waiver shall be made a part of the Commission Record pursuant to Section 6.10.5 (c).

3.14.5 Utilities

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