



## TOWN PLAN AND ZONING COMMISSION

SPECIAL MEETING  
Wednesday, March 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. Subsection 3.15 (Special Exceptions Permitted in the B-BT Business Berlin Turnpike Zone)
- b. Subsection 3.16 (Uses Permitted in the I Industrial Zone)
- c. Subsection 3.17 (Special Exceptions Permitted in the I Industrial Zone)
- d. Subsection 3.18 (Uses Permitted in the PD Planned Development Zone)
- e. Subsection 3.19 (Special Exceptions Permitted in the PD Planned Development Zone)
- f. Subsection 3.20 (Uses Permitted in the CD Commercial Development Zone)
- g. Subsection 3.21 (Uses Permitted in the PL Public Land Zone)

III. ADJOURN

Submitted,

Craig Minor, AICP  
Town Planner

RECEIVED & RECORDED IN  
NEWINGTON LAND RECORDS

2015 MAR 18 PM 3:07

BY Tanya D. Lane  
TOWN CLERK

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### **Section 3.15 Special Exceptions Permitted in B-BT Business Berlin Turnpike 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 Section 5.2 and 5.3. All such uses must be included within a building or structure or accessory to a permitted principal use.

- 3.15.1 Veterinary Hospitals and kennels but only when the kennel is operated as accessory to the veterinary hospital. (Effective 12-01-01)
- 3.15.2 Theaters (Effective 12-01-01)
- ~~3.15.3 Restaurants for consumption of food prepared and served within the building at tables or counters and at outside seating areas when approved by the commission; and restaurants where food is prepared within the building and sold to customers for take-out and consumption off site. (Effective 7-8-98)~~

*[I suggest making restaurants allowed by site plan approval, rather than by special exception.]*

- 3.15.4 Drive Through Restaurants (Effective 4-6-2011)  
Restaurants where food and/or beverages, excluding alcohol, are offered to customers from drive through service, walk up window service or service to customers while seated in their vehicles provided the following requirements are complied with. These requirements are in addition to the provision set forth in Section 5.2 and Section 5.3.
  - A. Traffic impact analysis describing peak hours of operations, volume of customers per hour, stacking lane length needed for the anticipated volume of drive through vehicles, turning movements, roadway capacity and level of service of nearby streets.
  - B. Driveway locations shall be spaced at least 150 feet from a Corner intersection. The Commission may limit the number of driveways with adjacent properties and/or inter property driveway connections when the reduction of curb cuts is deemed to improve safety.
  - C. Drive through windows shall be located only on one side of the proposed restaurant building and shall be positioned to minimize conflicts with doorways and pedestrians.
  - D. The restaurant structure and drive through service menu board (order intercom) shall be located not less than 300 feet from any adjacent residential structures.
- 3.15.5 Night Clubs (including discotheques, cabarets, bistros and similar places of entertainment)
- 3.15.6 Places of **physical activity or** recreation such as **gyms, training facilities,** health clubs, **and** bowling alleys, ~~and amusement enterprises but excluding arcades except that up to 10 coin operated games may be permitted as an accessory use. (Effective 12-01-01)~~

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- 3.15.7 **Places of passive amusement enterprises, but excluding arcades except that up to 10 coin operated games may be permitted as an accessory use. (Effective 12-01-01)**
- 3.15.7 In addition to the provisions of Section 5.2 and 5.3, applicants for retail developments in excess of 40,000 square feet of gross floor area shall submit a traffic impact report which addresses the following:
- 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. Impacts on streets that maybe affected by the proposed developments shall be identified and proposed mitigation measures presented for Commission consideration.
- 3.15.8 Motor vehicle service uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations. (Effective 08/11/2012)
- 3.15.9 Fueling Stations located within, or on property adjacent to a Shopping Center and subject to the following requirements:
- 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.

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- 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.
- 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)

### **Section 3.16 Uses Permitted in I Industrial Zones**

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

#### 3.16.1 Permitted Uses

- A. Manufacturing, processing or assembly of components or goods.
- B. Warehouse, storage or wholesaling within the principal building. (Effective 12-01-01)

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- C. Office and financial uses.
- D. Public utility facilities.
- E. Veterinary hospitals and kennels when operated as accessory to the veterinary hospital. (Effective 12-01-01)
- F. ~~DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY AUTO RELATED USES. (See Section 3.17.8)~~
- G. Personal and business services.
- H. Trucking terminals. (Effective 12-01-01)
- I. Contractors' storage yards, ~~equipment sale and service~~. (Effective 12-01-01)
- I. **Construction equipment sales and service.**

*[A contractor's storage yard is not really the same thing as a place where construction equipment is sold and serviced, so I recommend splitting them into two separate entries.]*

- J. Other industrial operations similar to those listed above, provided that such uses do not produce or emit objectionable dust, noise or vibrations, smoke, refuse matter, odor, gas or fumes, or have dangerous or offensive characteristics.

3.16.2 Procedure

- A. Before a lot or parcel of land in an I 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 an I 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.

3.16.3 Buffer

No parking 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, structure, raw materials, outside storage, maintenance area, etc., but not limited to the foregoing, adjoins a residential zone. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the non residential side of the street right of way. ~~However, the Commission may waive this requirement in part for good cause. The reasons for such waiver shall be made a part of the Commission record pursuant to the requirements of Section 6.10.5 (c).~~

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3.16.4 Utilities

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

3.16.5 Sidewalks

Sidewalks shall be installed along the frontage of public streets when determined to be necessary by the Commission.

### **Section 3.17 Special Exceptions Permitted in I Industrial 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. All such uses must be included within a building or structure or accessory to a permitted principal use. (Effective 12-01-01)

3.17.2 Fraternal organizations (Effective 12-01-01)

3.17.3 ~~DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY RETAIL STORES AND TRADE.~~

3.17.4 Helipad Facility

Use of land for a helipad facility may exist as an accessory use and shall meet the following standards:

- A. The size of the helipad shall be based on FAA design criteria as determined by type of helicopter.
- B. The facility shall not be within a 300 foot radius of any residential structure, schools or places of worship at the time of application.
- C. A report detailing the expected hours of use, the number of take-off/landings per month and a map indicating the planned flight path shall be submitted with the application.

3.17.5 ~~DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY RETAIL DEVELOPMENTS IN EXCESS OF 40,000 SQUARE FEET.~~

3.17.6 Adult Oriented Establishments (Effective 11-16-96)

- A. Each lot shall have an area of at least eighty thousand (80,000) square feet with a minimum street frontage of four hundred (400) feet on a State of Connecticut or Town of Newington accepted street.
- B. No adult oriented establishment as defined herein (see definitions Section 9) shall be permitted within a one thousand (1,000) foot radius of

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an existing adult oriented establishment property line. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated.

- C. No adult oriented establishment as defined herein shall be permitted within a one thousand (1,000) foot radius of a school, church, charitable institution whether supported by public or private funds, hospital, library, public playground, municipal fire or police station or municipal building. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated.
- D. No adult oriented establishment as defined herein shall be permitted within one thousand (1000) feet of any lot or parcel classified in any of the residential zones. Measurement of the one thousand (1000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated.
- E. Required off-street parking shall be in compliance with Section 6.1 of these regulations.
- F. No adult oriented establishment as defined herein, shall be conducted in any manner that permits the observation of any material depicting or describing of "specified sexual activities" or "specified anatomical areas" as defined herein, from any public way. This provision shall apply to any building exterior display, decoration, sign, show window or other building exterior opening.
- G. All adult oriented establishments which were lawfully in existence as of the effective date of these regulations shall comply with all provisions of Section 5.1 non-conforming uses.

3.17.7 Recreation Uses (Effective 1-20-98)

- A. Recreation uses such as outdoor or indoor soccer, deck hockey, ice skating rinks and other similar sports facilities but excluding billiard and poolrooms, bowling alleys, arcades and other **passive** amusement type uses. Retail sales and food service uses may be permitted in conjunction with a recreation use when determined by the Commission to be subordinate and accessory to the principal recreation use.

3.17.8 Non-profit [ 501 (c) (3)] Children's Theatre Organization (Effective 1-26-04)

- A. Theatre-related uses such as rehearsal, drama classes, costume and set construction, and public performances by both children participating in the organization's programs and small community theatre groups, as approved by the Board of Directors.

3.17.8 Auto-related **uses** and motor vehicle service uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations. (Effective 08/11/2012)

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~~3.17.9~~ **Fueling Stations located within, or on property adjacent to a Shopping Center and subject to the following requirements:**

- ~~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.~~
- ~~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.~~

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- ~~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)~~

*[Now that the vacant lot next to the Stop & Shop on Fenn Road is PD zoned, there is no need to allow fueling stations in the Industrial Zone.]*

### **Section 3.18 Uses Permitted in PD Planned Development Zones**

In PD Planned Development 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 a permitted principal use.

#### 3.18.2 Permitted Uses

- A. Uses permitted shall be any or all of those uses as regulated by Section 3.14 **and by ~~Special Exception the uses permitted in Section 3.15.~~**

#### 3.18.3 Procedure

- A. Before a lot or parcel of land in a PD 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 PD 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 procedure.

#### 3.18.4 Frontage

At least 70 feet of frontage on a public street is required for each lot or use.

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3.18.5 Buffer

No parking shall be located within 25 feet of a residential zone boundary. No business or industrial use structure, raw materials, outside storage, maintenance area, etc., but not limited to the foregoing shall be located closer than 100 feet from any residential zone boundary. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the non residential side of the street right of way. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone unless waived by the Commission pursuant to Section 6.10.5 ( c ).

3.18.6 Minimum Area

A minimum area of 5 acres is required for a change of zone to the PD Zone and individual lots within the zone shall be at least 1 acre in area.

3.18.7 Utilities

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

### **Section 3.19 Special Exceptions Permitted in PD Planned Development 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. All such uses shall be located within a building or structure or accessory to a permitted principal use. (Effective 12-01-01)

3.19.2 Those special exceptions as permitted in Section 3.15 may be permitted in this zone.

3.19.3 Residential building may be permitted subject to the following conditions.

A. Permitted Uses

- 1 Residential buildings and their necessary accessory facilities.
- 2 Retail, office or service uses on the first floor only of such buildings.

B. Conditions

This use and its permitted density and height is declared to meet a community need and to be compatible with its environment, provided that the Commission finds that all of the following conditions and standards have been met

1 Location

No site location shall be approved unless it has direct access to the Berlin Turnpike or to a public street which directly connects to the Berlin Turnpike.

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## 2 Site Area

The minimum site area shall not be less than 5 acres and the site shall contain at least 4500 square feet of site area for each dwelling unit. The computation of total number of dwelling units permitted on a site will be based on the usable area of the site. When, in the opinion of the Commission, topographic conditions with 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 portion of the site will not be used in computing the total number of dwelling units permitted and shall be set aside as conservation open space. The total ground floor area of all buildings shall not exceed 25 percent of the site area. (Effective 8-15-07)

*[See Section 3.7.1.C and use the same language for calculating "usable area".]*

## 3 Recreation Area

Suitable common open space for the recreation of children and adults shall be provided and screened from driveways, streets and parking access. At least 200 square feet of such space shall be required per dwelling unit.

*[See Section 3.7.1.G and consider using the same language for calculating "open space for recreation".]*

## 4 Height of Buildings

No principal building shall exceed a height of 4 stories or have less than 2 stories, and no accessory building shall exceed a height of 15 feet. (Effective 12-01-01)

## 5 Spacing of Buildings

- Buildings shall be so located and arranged as to permit full access to the sun.

## 6 Dwelling Units

The basement shall not be occupied as living quarters.

## 7 Parking Space

In addition to the requirements of Section 6.1, no garage or parking space shall be nearer than 35 feet from any street right of way. Parking under a building is permitted.

## 8 Fire Protection

- a) Standpipes for fire protection with hoses on each floor shall be provided sized in accordance with standards of the National Fire Protection Association in all buildings three or more stories in height and more than 10,000 square feet per floor.
- b) Automatic sprinklers shall be provided in stairwells, corridors, and basements for all buildings four or more stories in height.

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- 3.19.4 In addition to the provisions of Section 5.2 and 5.3 applicants for retail developments in excess of 40,000 square feet of gross floor area shall submit a traffic impact report which addresses the following:
- 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. Impacts on streets that maybe affected by the proposed developments shall be identified and proposed mitigation measures presented for Commission consideration.
- 3.19.4 Fueling Stations located within, or on property adjacent to a Shopping Center and subject to the following requirements:
- 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.
  - 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.

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- 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)

### **Section 3.20 Uses Permitted in CD Commercial Development Zones**

In CD Commercial Development 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 within a building or structure or accessory to a principal use. (Effective 12-01-01)

#### 3.20.2 Permitted Uses

- A. Office uses, business and professional services, including corporate headquarters.
- B. Conference centers.
- C. Research laboratories.
- D. Research and development uses.
- E. Any other use which is essentially compatible and similar to those listed above may be authorized by the Commission as a permitted use provided that the reasons and conditions, if any, appear as part of the record of the Commission.

#### 3.20.3 Procedure

- A. Before a lot or parcel of land in a CD 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.

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B. Any application for a change to a CD 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, with the applicant's approval.

3.20.4 Frontage

At least 150 feet of frontage on a public street is required for each lot or use.

3.20.5 Minimum Area

A minimum tract of 5 acres is required for a change of zone to the CD Zone, and individual lots within the zone shall not be less than 2 acres.

3.20.6 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the non residential side of the street right of way. A buffer meeting the requirements of Section 6.10 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).~~

3.20.7 Utilities

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

3.20.8 Sidewalks

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

~~3.20.9 The Commission may authorize building heights up to five (5) stories if the character of the land and the immediate neighborhood would permit such increase in height without detriment to the neighborhood or would not adversely affect the public welfare of the Town.~~

3.20.10 Parking garage as an accessory use when permitted by Special Exception procedures per Sections 5.2 and 5.3.

3.20.11 In addition to the provisions of Section 5.2 and 5.3, applicants for developments in excess of 40,000 square feet of gross floor area shall submit a traffic impact report which addresses the following:

1. 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. Impacts on streets that maybe affected by

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the proposed developments shall be identified and proposed mitigation measures presented for Commission consideration.

### **Section 3.21 Uses Permitted in PL Public Land Zones**

In PL Public Land Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other.

#### 3.21.1 Permitted Uses

Lands and buildings owned by a governmental unit, a department of a governmental unit, or a private or semi-private owner who furnishes a public service or utility; and any use which may be permitted in the charter of the owner, provided that industrial, business and/or residential uses shall be limited to and used exclusively by and for the requirements of the owner. All other uses are prohibited.

#### 3.21.2 Procedure

- A. Before a lot or parcel of land in a PL 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 PL 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.

#### 3.21.3 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. When the zone boundary follows the centerline of the street right of way the 25 foot buffer shall be measured along the non residential side of the street right of way. A buffer meeting the requirements of Section 6.10 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).~~

#### 3.21.4 Utilities

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

#### 3.21.5 Sidewalks

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