



TOWN PLAN AND ZONING COMMISSION

SPECIAL MEETING

Wednesday, January 14, 2015

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

6:00 p.m.

A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. REVIEW OF ZONING REGULATIONS

a. Section 3 (Zone Use Regulations) continued:

1. Subsection 3.3 (Uses Permitted in All Residential Zones)
2. Subsection 3.4 (Special Exceptions Permitted in All Residential Zones)
3. Subsection 3.5 (Uses Permitted in R-20, R-12 and R-7 Residential Zones)

III. ADJOURN

Submitted,

Craig Minor, AICP
Town Planner

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BY *Tayga D Lane*

1 TOWN CLERK

STAFF REPORT
Complete Review of Zoning Regulations

January 8, 2015

Petition #47-14:
Zoning Amendments
Town-wide
Town Plan and Zoning Commission, applicant

Description of Petition #47-14:
Complete review of current zoning regulations.

Staff Comments:
Attached are the sections that the Commission will review at this meeting, picking up where we left off at the December 10, 2014 meeting.

The text in bold (either underlined or in strike-through) are changes that I am suggesting.

cc:
file

New text is shown in **bold underline**. Deleted text is shown in **~~bold strikethrough~~**.

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Section 3.3 Uses Permitted in All Residential Zones

In residential zones, buildings, structures and lots may be used and structures may be altered or erected for the following uses.

3.3.3 Use of residence for personal business purposes:

The use of a residence by the occupant for business purposes is permitted subject to the following requirements.

- A. No business is conducted on the premises except by mail, telephone or data terminal.
- B. No persons other than members of the resident family are employed in such activity.
- C. No external evidence of the business is visible.
- D. No business signs are erected.
- E. No pedestrian or automobile traffic other than that normally generated by a residence is permitted.
- F. **See Section 3.4.4 (Home Occupation and Professional Office) to obtain approval of a proposed business that exceeds these requirements.**

3.3.4 A driveway or walk for access to a business or industrial use only when no other access exists, and when the residentially-zoned property is in the same ownership as the business or industrial property.

3.3.5 Bed and Breakfast

[requirements and restrictions to be drafted]

Section 3.4 Special Exceptions Permitted in All 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 in any residential zone, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

3.4.1 Golf course or country club whether operated as profit-making or non-profit, or other non-profit similar recreation uses including clubhouses, provided that:

- A. Such uses shall occupy not less than 10 acres.
- B. No land actively used for recreation or other purpose shall be located less than 50 feet from any property line.

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3.4.2 Private Stables

Land and accessory buildings associated with a private residence may be permitted by the Commission for private equestrian use when located not less than 100 feet from any property line and having a minimum size of one acre for each animal in addition to the minimum lot area required for the zone in which the property is located. (Effective 12-01-01 **and _____**)

3.4.3 Commercial Stables

Land, buildings and other structures may be permitted by the Commission for commercial use involving the following horse-related activities: riding academies, livery and boarding stables, rental and hacking stables, providing the following standards or conditions are met.

- A. Acreage: The barns, riding rings, corrals and accessory facilities shall be contained within one parcel of suitably drained land consisting of at least 10 acres.
- B. Parking: Sufficient off-street parking facilities shall be provided to accommodate all users and visitors to the property, including spectators for horse shows and similar events. The roads for entering and leaving the property shall not be located or placed in a manner to create pedestrian or vehicular traffic hazard on any public street or highway. There shall be one off-street parking space for each 5 users of, or visitors to, the property, including spectators for horse shows and similar events.
- C. Health: Stable manure must not create a health hazard. No air or water pollution is permitted and no odor shall be present beyond the property boundary. The stabling of horses shall conform to all regulations of local and state health authorities. Toilet facilities shall be provided for in accordance with local health requirements for normal operations as well as for horse shows and similar events.
- D. Safety: Adequate fencing shall be installed and maintained to reasonably contain the horses within the property.
- E. Fire: Fire control facilities for the barns, buildings and other facilities shall be acceptable to the Fire Marshal.
- F. Noise: The use of public address systems shall be controlled in order to avoid becoming a nuisance to surrounding neighbors, as determined by the Commission.
- G. Set Back: No building, riding ring, corral, manure pit, used for or in conjunction with the operation, shall be located in a manner that any part thereof shall be less than 100 feet from the nearest line of any road, street or highway abutting the property or any side or rear boundary line.
- H. Use of Buildings: The use of temporary buildings or trailers for the stabling of horses in excess of 15 days is prohibited.
- I. Maintenance: The area shall be landscaped so as to harmonize with the character of the neighborhood. The land shall be so maintained that it will not create a nuisance as determined by the Commission.

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- 3.4.4 Home occupations and professional offices, such as, but not limited to, ~~TV and radio electronics and~~ **electronics and** appliance repair, **music, art, language or dance instruction,** doctors, attorneys, accountants and architects in a dwelling subject to the following conditions:
- A. The dwelling shall be the full time residence of the person or persons conducting the home occupation or office; and there shall be no more than one non-resident person or employee engaged in the conduct of the office or occupation.
 - B. No evidence of the **home** occupation or **professional** office shall be visible outside the dwellings, except an announcement sign not to exceed 2 square feet is permitted.
 - C. The floor area for conduct of the **home** occupation and/or **professional** office shall not exceed 25 percent of the floor area of the dwelling.
 - D. Any parking proposed or required in excess of 2 cars shall be behind the building line and shall be so screened or hidden from view that no intrusion is made in the residential integrity of the neighborhood.
 - E. **Zoning Permit:** The home occupation or **professional** office shall not be detrimental to the health, safety, welfare and property values in the neighborhood, and to ensure this condition a zoning permit will be issued for 1, 2 or 3 years, starting on the approval date. The permit may be revoked for due cause after a public hearing. The permittee must apply for permit renewal and pay a permit **application** fee. The permit shall become null and void if not renewed. Renewals shall be applied for no later than 45 days prior to the expiration of the permit. The permit shall continue in force until the renewal **application** is acted upon by the Commission. Permits are not transferable.
 - F. For the purpose of this section **home occupations and** professional offices do not include personal service uses such as, but not limited to, **pet grooming,** barbers, hair salons, and nail salons. (Effective 12-01-01 **and** _____)
- 3.4.5 RESERVED.
- 3.4.6 Group homes and community residences (Effective 12-01-01) subject to the following conditions:
- A. Group homes run by non-profit organizations.
 - B. Group homes are expressly limited to the habitation by adult mentally or physically handicapped citizens with supervision provided by full time State-approved resident personnel. ~~Drug treatment or criminal~~ **Criminal** rehabilitation facilities are expressly prohibited.
 - C. For the purpose of this section, group homes and community residences which house fewer than six mentally ~~retarded~~ or physically handicapped persons and necessary staff licensed by the State of Connecticut are exempt and shall be treated as a single family home. (Effective 12-01-01)

New text is shown in **bold underline**. Deleted text is shown in ~~**bold strikethrough**~~.

3.4.7 Conversion of Older Homes

~~to provide suitable uses for older~~ **Older**, larger residential homes, which by ~~reason of~~ contemporary standards are energy inefficient and ~~which by~~ **whose** conversion to smaller residential units could provide uses for the general public health and welfare, **may be permitted by the Commission** subject to the following conditions:

- A. The use of such homes and additions to such homes as may be approved shall be limited to residential uses only.
- B. Areas: The site shall be at least 20,000 square feet in size and the structure shall be at least 1,800 square feet in area. Individual units in the proposed multiple dwelling shall not be less than 600 square feet and shall include a full bath and kitchen. Basements shall not be used for living areas. At least 6,000 square feet of land area is required for each dwelling unit.
- C. Age: Only structures which were principally constructed prior to ~~1920~~ **1940** shall be eligible for conversion under this regulation.
- D. Parking: Paved parking shall be provided on the premises at the rate of one and one-half car spaces per dwelling unit. Parking shall be behind the front line of the principal structure.
- E. Additions: Expansion of the existing structure shall not exceed 20% of its current gross floor livable area. The architecture of the addition must be essentially the same as the existing structure.

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.