

PROPOSED ZONING TEXT AMENDMENT: APPLICATION #901-18

• ADD TO SECTION 2.2 "Definitions – Specific Terms":

**Building Frontage** - The outside wall of the building or portion thereof that directly faces the front property line of the lot on which it is located without obstruction by any other wall or building or portion thereof, except that when none of the walls of a building meet this definition, the building frontage shall be the wall of the building containing the main entrance to the building.

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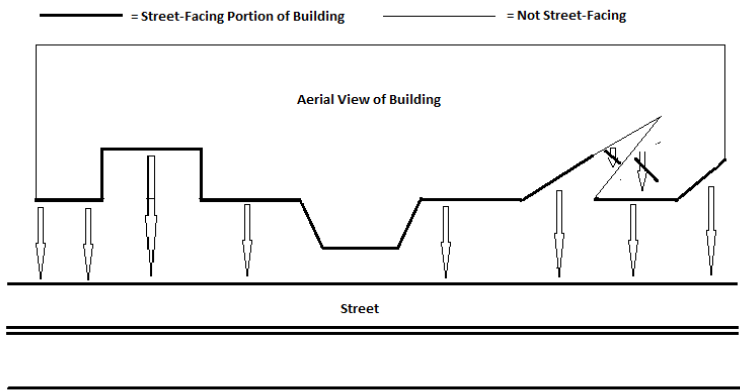
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**Ground level street-facing side-area** of a building - The entire front 50 ft. ~~portion of the floor~~ area of the first floor of a building, which shall be ~~the entire first floor area~~ measured from ~~any every~~ point of building frontage and extended ~~eding~~ 50 ft. in a perpendicular direction away from the front property line on which the building fronts.

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**Pawn Shop** - An establishment where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where pawned property may be redeemed by the seller in a fixed period of time or sold to the general public

**Parking Garage** - Any building or portion of a building used primarily for the parking of vehicles by patrons/residents of the lots on which they are located or other businesses/residences in the vicinity; buildings/structures used for private long-term storage of vehicles that are not in regular use shall be considered "storage" buildings/uses, not parking garages.

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• **ADD SECTION:**

**4.26 TOWN CENTER (TC) DISTRICT**

A. Purpose - To encourage the development and redevelopment of the entire Town Center area as a vibrant pedestrian-friendly commercial destination, with strong supportive institutional and residential components, while building off of and ~~further fostering~~ promoting a "~~Main Street~~Town Center" character.

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B. The following uses are permitted subject to either: 1) a Zoning Permit, where only a change in use is requested and no changes to the site are required/proposed; or 2) Site Plan approval in accordance with Article VII, where changes to the site are required/proposed:

1. Stores and shops where goods are sold and services are rendered primarily at retail, except that pawn shops and shops devoted primarily to sale of tobacco, "vaping" paraphernalia, or other smoking devices shall be prohibited.
2. Restaurants and other food service facilities with or without a liquor permit.
3. Laundromats, clothes cleaning services.
4. Banks and financial institutions.
5. Real estate sales agencies and travel agencies.
6. General/Business offices and conference facilities, provided they are not located on the ground level street-facing side of any building; ~~banquet facilities-~~
7. Medical/Dental offices, clinics, and outpatient medical treatment facilities, provided they are not located on the ground level street-facing side of any building.
8. Indoor recreation, including but not limited to: health/sports clubs, yoga studios, billiard and pool parlors, and other indoor places of public recreation operated as a business; instruction of indoor recreational activities; instruction in the arts (music, painting, graphic design, photography, etc.)
9. Museums; art galleries.
10. Bars, pubs, cafes, taverns; brewpubs; microbreweries with a tasting room and/or retail area, when the production area does not occupy more than 50% of the GFA of the total use.
11. Government facilities, buildings, and uses. ~~town-sponsored outdoor events, farmers'/garden markets, entertainment, etc.~~
12. Veterinary hospitals for small animals, pet grooming, day care, and/or training facilities, provided the animals are not boarded over night.
13. Service establishments (repair, rental and/or service of any item that is allowed to be sold in the zone).
14. Funeral homes.
15. Residential uses, except that only the number of units required to provide mobility features in accordance with Connecticut State Building Code and the U.S. Department of Housing and Urban

Development, provided these units do, in fact, provide mobility features, may be located on the ground floor, and no units shall be located in the ground level street-facing portion of the building. Residential uses shall be permitted at the following maximum densities:

26 units per acre in lots under 25,000 sq. ft.

30 units per acre on lots equal to or over 25,000 sq. ft.

16. Town-sponsored outdoor events, farmers'/garden markets, entertainment, etc.

C. The following uses require approval of a Special Permit in accordance with §7.5:

1. ~~Banquet facilities~~-Bowling alleys.
2. -Movie theaters
3. Clubs, lodges, fraternal organizations, places of worship.
4. Business and/or trade schools.
5. Hotels/motels with not less than 6 units.
6. Schools, colleges, universities.
7. Child day care centers, nursery schools.
8. Group day care facilities.
9. Uses permitted in Section B above and generating more than 100 peak hour vehicle trips.
10. Parking garages in accordance with the requirements of this section and that are used for parking of vehicles by patrons/residents of the lots on which they are located or other businesses/residences in the vicinity; private long-term storage of vehicles that are not in regular use shall not be permitted.

D. The following Accessory Uses are permitted:

1. Signs in accordance with Section 6.9. of these regulations.
2. Production of goods sold on the same premises, not to occupy more square footage than the area of the business used for sales.
3. Limited activities associated with special events/sales at a permitted business, in addition to Town-sponsored events, including:
  - a. Outside sale/display of merchandise up to 1 day in each calendar month, provided the sale/display is located on private property, and does not block any required vehicular or pedestrian accessways, or any required parking.
  - b. Special events that are clearly accessory to and an extension of the permitted primary use on the site, such as:
    - Mobile food vendors OR the serving of catered food/beverages indoors
    - Mobile food vendors or the serving of catered food or beverages outdoors on private property and in association with a permitted primary user on the site, for no more than 2035 days in any calendar year and provided that the any required parking spaces are not occupied

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- Temporary tents, booths, etc., provided they shall not occupy any required parking spaces.
  - Fairs, farmers markets
6. Temporary construction offices, limited to the time period during which there is an active building permit for the site and work is in progress.
  7. Off-street parking and loading in accordance with §6.11, except as noted in Sections E and F below.

**E. Building Form/Site Layout Standards** - The following lot, dimensional, intensity, building form, and site layout requirements shall apply in the TC zone:

1. Lot/Bulk Requirements

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Minimum Lot Size	25,000 sq. ft.	
Minimum Lot Frontage	50 ft.	
Minimum Front Yard	0 ft.	
Maximum Front Yard	5 ft. (1 <sup>st</sup> & 2 <sup>nd</sup> stories) N/A (3 <sup>rd</sup> & 4 <sup>th</sup> stories)	May be increased to up to 20 ft. for 1 <sup>st</sup> and/or 2 <sup>nd</sup> floor to allow for an outdoor dining area or other amenity (i.e. gathering space, green space/garden, fountain, etc.) that, as determined by the Commission, is designed and proposed in such a way as to provide a public benefit compared to the standard required building setback
Minimum Rear Yard	0 ft.;	
<u>When rear property line is adjacent to R or CLB zoning district:</u>	15 ft. for 1 <sup>st</sup> 2 stories and 25 ft. for 3 <sup>rd</sup> story and up	
Minimum Side Yard	0 ft. ; 8 ft. for residential uses when the only windows for the unit are located on the side of the building	
<u>When side property line is adjacent to R or CLB Zoning District</u>	<u>12 ft.;</u>	
Minimum Building Frontage	Building of at least 15 ft. in height must occupy at least 75% of total lot frontage	May be reduced by the Commission to allow for the vacant frontage necessary to install a driveway, as determined by the Commission

Building Height	35 ft.	May be increased to no more than 4 stories and no more than 45 ft., subject to approval of a Special Permit by the Commission. In considering such Special Permit, the Commission shall be satisfied that the additional building height is sufficiently mitigated by appropriate roof design and other building form components, as described in the building form requirements of this section
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**Comment [KC1]:** Took out stories - doesn't really matter if compliant with 35 ft. restriction

**Comment [KC2]:** Instead, we could split up "uptown" and "downtown"

2. Building Form/Site Layout

All new construction, including building additions, shall be required to comply with the following building form and site layout standards.

When existing building(s) or portion(s) thereof are to remain and are subject to Site Plan approval only, any existing building form is entitled to remain; however, renovations or improvements are encouraged to bring the existing building into compliance with these standards to the extent practical.

When any proposed use, development, or parking component(s) of a site requires a Special Permit, the entire site and any existing and remaining building(s) or portion thereof become part of the Special Permit and shall be brought entirely into compliance with these standards to the extent practicable, as determined by the Commission.

- a. Within each floor of building frontage, and each floor of any other wall or portion of a wall that is visible from a public way, A there shall be at a minimum, within any 20 ft. of contiguous horizontal building frontage of each floor, for any portion of a building wall adjacent to or visible from a public way, there shall be one or more interruptions of the façade and/or plane (projection/recess of a depth of at least 2-1 ft., window, balcony, trellis, or similar architectural feature) at least every 20 ft. Such interruptions shall ~~extend occupy, in total,~~ at least 20% of the total building frontage.
- b. Blank wall surfaces greater than 20 ft. in width along within the entire - the horizontal plane of the building square building frontage at the street level between 2 and 10 ft. above grade, ~~when adjacent to or visible from a public way,~~ are prohibited.

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- c. For any portion of a building that is not visible from the public way but is visible from ~~a public parking spaces or spaces that~~parking that is ~~are~~ made available to the general public under this section, and ~~are~~is located on the same lot as the building, there shall not be any blank portions of the wall for more than ~~25-40~~ ft. in width measured on each level.
- d. Multi-story buildings shall incorporate a distinction between the ground level floor and the upper stories by separating with cornices, banding, smaller windows on upper stories, balconies, step-backs, plane interruptions or other articulating features.
- e. Multi-story buildings shall articulate their base, middle, and top by separating with cornices, strong cornices, banding, step-backs, or other articulating features.
- f. Placement of windows and other architectural features shall be arranged with a balanced spacing and evident rhythm. Windows shall align vertically with those of stories above and/or below.
- g. ~~For buildings that are over 30 ft. in height, the top story of a building~~All roofs shall incorporate at least one of the following, or a combination thereof: mansard roofs with dormers, strong/decorative cornice at the floor level of the top story, variations in roof forms and/or parapet heights at least every 20 ft., cuppolas, decorative soffits, or a 5 to 10 ft. step-back of at least the 4th floor (where applicable) measured from the front wall of the floor below the floor being stepped back.
- h. For buildings that are over 30 ft. in height, the top story of a building shall incorporate at least one of the following, or a combination thereof: mansard roofs with dormers, strong/decorative cornice at the floor level of the top story, or a 5 to 10 ft. step-back of at least the 4th floor (where applicable) measured from the front wall of the floor below the floor being stepped back.
- ~~hi.~~ Flat roofs shall be screened from public view using parapets or other treatments, which shall count as part of the maximum building height.
- ~~ij.~~ Building Fenestration - The percentage of the area of street-level building frontage, ~~street-facing walls~~ between 2 ft. and 10 ft. above grade that consists of windows and public entrance/exit doors shall be at least 50%. The portion of the building between grade and 2 ft. above grade shall not include windows. The percentage of the area of street-level ~~street-facing building wall~~building frontage above 10 ft. that consists of windows shall be at least 15% and shall not exceed ~~80~~70%.
- ~~jk.~~ Separate and distinct entrances shall be required for first floor and upper story uses. The entrance to the second floor use may be located at the within the building

frontage, but shall not exceed 10% of the length of the building frontage or 5 ft., whichever is greater.

1. Entrances for uses that are on the ground floor but are not located within the street-facing area of the building shall be limited to one (1) within any 50 ft. of building frontage, and shall not exceed 10% of the length of the building frontage or 5 ft., whichever is greater.

km. There shall be ~~a building an~~ entrance to at least some portion of the building provided within at least every 100 ft. of building frontage.

kn. Maximum number of alleyways/walkways per lot from the rear of the lot to the front of the building shall be limited to one (1). This walkway/alleyway must have ample lighting and comply with applicable public sidewalk standards, including an unobstructed width of at least 5 ft. Any wayfinding signage shall be compliant with §6.9 of these Regulations.

ko. The entire front yard of a property, except for the area required for an existing/approved driveway and/or sidewalks, shall be composed of landscaping, public green/gathering space or other amenity as approved by the Commissions, and/or outdoor dining.

kp. Solid waste/recycling receptacles shall be grouped in one designated area on each property, shall not be located in a front yard, and shall be screened from view from other properties and public rights-of-way by an enclosure and/or landscaping.

eq. Mechanical equipment, HVAC equipment, metal chimneys, and elevator shafts on a roof shall be placed or screened, so as not to be visible from the public way or the grade level of any adjacent properties.

pr. Drive-through services ~~and~~ shall not be permitted.

### 3. Parking Design

a. Existing Parking Layout - In situations in which the layout, shape, size, and/or configuration of the existing lot and the existing/remaining building area is such that all parking design requirements cannot be complied with, or, if complied with, would significantly reduce the number of parking spaces as currently designed/utilized/configured, the Commission may determine, by Special Permit, that certain existing non-compliant elements of the parking lot (such as, but not limited to: aisle widths, existing compact car spaces, landscaping, etc.) may be allowed to continue. The Commission may require demonstration by the applicant's design professional as to the impact of full compliance with current regulations on the number of parking spaces which could be provided, and certification from an appropriate professional (i.e. engineer) that the continuance of the existing non-conformities proposed to remain will not create a public safety hazard. In considering such Special Permit, the Commission may consider

applicable elements such as: property limitations and existing building locations that limit the physical ability to comply with the applicable requirements; existing parking conditions and whether they have created any significant safety/circulations issues to date; the number of spaces that would be lost by bringing all parking up to current standards; provision of appropriate connection to adjacent parking area; safety associated with the proposed remaining non-conformities, particularly as represented by a parking professional; and other elements which the Commission deems appropriate.

- b. Access Management - In order to limit congestion, site line issues, traffic accidents, and other circulation issues attributable to poorly designed access systems; in order to better allow for more safe pedestrian and vehicular circulation, and to further the orderly layout and use of land, access management will be required for any proposal involving new construction or re-construction or any site modifications that require a Special Permit associated with parking requirements. Access Management requirements shall be as follows:
- i. Where feasible, new access driveways shall be aligned with existing driveways located on the opposite side of the road.
  - ii. Wherever possible, a drive or system of drive aisles extending the entire block and located behind the buildings shall be used to provide access to parking and loading. Such driveways shall be compliant with the requirements of these zoning regulations, except that, where it is demonstrated that the required 24 ft. width is not possible or would significantly limit the circulation and design of access and parking areas, the Commission may reduce the drive width to 22 ft., based on review and approval by the Town Engineer.
  - iii. The maximum number of curb cuts per lot shall be 1, except that properties that are located internally to a block (i.e. do not front on more than 1 street) and have easements granted to them to allow vehicular access across adjacent property, no curb cuts shall be allowed. This restriction may be modified by the Commission if it can be demonstrated that an additional curb cut is necessary for reasons of public safety and/or to improve circulation.
  - iii. In designing development, redevelopment, or site modifications, properties shall provide vehicular cross access to and from adjacent properties in order to create/perpetuate the single drive or system of drive aisles to the rear of the block. An easement shall be recorded on the Town Land Records allowing such cross-access and including a shared maintenance agreement, and stub-outs and other design features shall be provided to provide for tie-in by abutting properties.



- iv. Upon application for development, redevelopment, or site modifications, other curb cuts not consistent with this section shall be eliminated wherever possible.
  - v. The Commission may modify or waive the requirements of this Section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.
4. Surface Parking - Parking areas, including landscaping, shall comply with all applicable requirements of these Regulations, including §6.11 and §6.14, except as otherwise noted in this section.
- a. Parking shall not be located in front yards unless it legally exists at the time of application and unless there is no possible alternative and only for renovation of, and/or additions to, existing buildings (new buildings shall be located so as to place parking behind them). In such cases the commission may require a greater amount of landscaping to reduce the impact of the parking on the streetscape and any area between the existing parking and the front property line shall be landscaped in accordance with the front landscaping requirements in §6.14.C of these Regulations.
  - b. Parking that is visible from streets or public sidewalks shall be screened with a combination of landscaping and fencing, brick or stone walls, or earthen berms, such that the screening is a minimum of three (3) feet higher than the level of the parking lot and forms a substantially opaque screen, except where vehicular, pedestrian, or bicycle access ways are located or where screening must be reduced to allow for appropriate site lines, as determined by the Commission.
  - c. Where parking is located in a backyard, no landscaped area along the perimeter of the parking area shall be required, except on any side on which the parking abuts a residential zone, in which case the requirement shall be 5 ft.
  - d. Where applicable, landscaping requirements shall be reduced to 25% of the "internal landscaping" requirements in §6.14.E; however, rather than being required to be located internal to the parking area, this requirement may be located anywhere on the lot as landscaping and/or gathering space that incorporates landscaping anywhere on the lot, and may include natural and landscaped areas, pedestrian plazas, courtyards, recreation areas and the like.
  - e. Landscaping around and within parking lots shall be designed with low-impact development techniques to allow storm water runoff to drain into the landscaped areas to supplement irrigation and to pre-treat the runoff. The use of permeable pavements or surface materials is encouraged to allow infiltration of storm-water runoff, subject to appropriate maintenance agreements by the applicants and approval by the Town Engineer.

- f. The parking surface shall be treated with bituminous pavement products unless the Commission approves an alternative surface, especially proposed brick or block porous pavement that is specially designed to increase on-site water retention for plant material and groundwater recharge and to reduce problems related to runoff. In deciding on proposed alternatives, the Commission shall consider the level of traffic generation of the proposed use(s), acceptability of proposed maintenance provisions, and ability of proposed surface to increase on-site water retention.

5. Parking Garages:

- a. Garages shall be located underground or shall have a permitted commercial or residential primary use for at least 50 ft. between the parking structure or portion of the structure used for parking and the frontage of the building, except that on corner lots, this requirement shall only apply to the more primary street, based on street classification. To minimize visibility from public streets, scale and design shall match proportions of neighboring buildings.
- b. Subject to approval of a Special Permit, the Commission may determine that, due to site constraints, a garage can only reasonably be located adjacent to the street; in such case, setbacks may be increased by the Commission to allow for trees to be planted to provide visual softening of the upper levels of the structure, and the Commission may impose such other form, height, location, screening, or other requirements as it deems appropriate.
- c. Garage access points shall be clearly identified with architectural elements and signage.
- d. Garage access points shall be located to minimize the impact of vehicular turning movements on safe and efficient movement of pedestrians, cyclists, and other vehicles, and shall not be located within fifty (50) feet of any street intersection.

Signage and light fixtures within the parking structure shall not directly illuminate or produce disability glare on adjacent properties.

F. Parking Requirements - Parking requirements in the Town Center zone shall be as below, and in accordance with §6.11 of these Regulations; when the requirements of this Section are in contradiction to §6.11, the requirements of this section shall apply in the Town Center Zone.

"Compliance with the current required number of parking spaces" as referred to in this section may include approval of a Special Permit by the Commission to utilize one or more of the provisions in §4.5.D.3.d to reduce the total number of spaces required.

- 1. The minimum required number of parking spaces required shall be calculated using the chart below, and shall supersede the chart in §6.11.C.

<u>Type of Use Provided</u>	<u>Minimum # of Parking Spaces to be</u>
Multi-family dwelling units	
Studio/1 Bedrooms	1 /dwelling unit
2+ bedrooms	2/dwelling unit
Offices, financial institutions, retail stores (including Retail Restaurants), personal service shops	1/400 sq.ft. GFA
Medical offices, dental offices, clinics and laboratories, Out-patient surgical centers	1/300 sq.ft. GFA
Restaurants (with or without provisions for a dance floor and/or live entertainment); nightclubs, taverns, cafes, banquet halls, theaters, <del>religious institutions</del> <u>places of worship</u> , assembly halls with or without fixed seats	1/150 sq.ft. GFA, 1/150 sq.ft. of GFA of outdoor patio/seating/dining area in excess of footage of indoor dining area
Hotels, motels	1/unit plus see above for restaurant, tavern, banquet area, nightclub, and/or lounge area
Bed and Breakfast occupant plus	2 spaces for the owner- 1 space per guest bedroom
Other uses not listed above	Parking facilities as determined by the Commission

2. Parking Requirements for Changes of Use within Existing Buildings -

a. In the existing finished portion of a building that existed as of January 1, 2017, all uses permitted in the TC zone shall be interchangeable and exempt from providing any additional parking spaces, above that which existed as of January 1, 2017, as demonstrated by the most recently approved and implemented plan or as determined by the Commission or its agent. However, if any parking spaces are to be reserved for any particular use, compliance with ~~§ the site and number of parking spaces shall be brought entirely into compliance with the current parking requirements, except as per §4.26.E.5 below; such compliance may include approval of a Special Permit by the Commission to utilize one or more of the provisions in §4.5.D.3.d to reduce the total number of spaces required.~~

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b. However, the number of existing parking spaces as of January 1, 2017 may not be reduced unless compliance with the current requirements is achieved.

3. Parking Requirements Applied to Additions to Existing GFA/  
Increases in Residential Units - Whenever an addition to the GFA of a building or an increase in the number of residential units on a property is proposed on a site that is not compliant or would no longer be compliant with the current minimum required number of parking spaces, the site and number of parking spaces shall be brought entirely into compliance with the current parking requirements, except as per §4.26.E.5 below; such compliance may include approval of a Special Permit by the Commission to utilize one or more of the provisions in §4.5.D.3.d to reduce the total number of spaces required.

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4. Reserved Parking:

- a. Parking that is reserved for any specific use(s)/user(s)/use category(-ies) on a mixed-use site shall:
- not be counted in any "shared parking" calculation, and
  - not increase any existing non-conformities
- b. In cases where the existing number of parking spaces is non-conforming, the reservation of parking space(s) for any existing/proposed use(s)/user(s)/use categories within the existing building shall require an equal number of spaces to otherwise be accounted for, subject to approval of a Special Permit by the Commission, as follows:
- i. Additional spaces may be physically constructed on the site;
  - ii. Additional spaces may be physically provided for on another lot within 500 ft. of the property via perpetual agreement filed on the land records, provided that the spaces used for this provision are in excess of those required on said other lot, for up to 50% of the total number of existing spaces on the lot;
  - iii. Fees in lieu of the spaces may be paid using the equation in Section 4.26.F.1.b.i.
  - iv. Other spaces may be made available to the general public in accordance with Section 4.26.F.1.c.
  - v. Bicycle rack parking may be provided to account for 1 space, in accordance with Section 4.26.F.1.d.
  - vi. The maximum number of spaces which may be reserved under this provision shall not exceed 50% of the existing parking spaces.
  - vii. This provision shall only apply when no new construction or building/use expansions, increases, or additions are proposed. Therefore, compliance with the entire current parking requirement is not required per this section; only those spaces being reserved will be required to be otherwise accounted for per this section.

F. Reductions in Parking Requirements -

1. Subject to approval of a Special Permit, the Commission may allow for use of one or more of the following options, the extent of which is to be determined by the Commission. Under no circumstances shall the number of parking spaces be permitted to be reduced below the minimum number of parking spaces required for all dwelling units on the property.

a. Shared Parking for Different Peak-Peak Uses - Subject to approval of a Special Permit by the Planning and Zoning Commission, the total parking requirements for the TC zone may be modified to permit shared parking based on the Parking Credit Schedule Chart below. Multiply the minimum parking requirement for each individual use by the appropriate percentage for each of the five (5) designated time periods and then add the resulting sums for each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

PARKING CREDIT SCHEDULE CHART

	Weekday Night Midnight To 7:00 a.m.	Weekday Day 7:00 a.m. To 5:00 p.m.	Weekday Evening 5:00 p.m. To Midnight	Weekend Day 6:00 a.m. To 6:00 p.m.	Weekend Evening 6:00 p.m. To Midnight
Residential	100%	60	90	80	90
Office	5%	100	10	10	5
Retail	5%	80	90	100	70
Restaurant	10%	50	100	50	100
Entertainment/ Recreation	10%	40	60	80	100
Parking Required					

b. Fees In-Lieu of Parking Spaces - Subject to approval by the Commission of a Special Permit in accordance with §7.5 and the requirements below, and in accordance with Connecticut General Statutes, up to 65% of the minimum parking requirement for a proposal by be met by payment of a fee to the Town in lieu of the actual construction of the required spaces.

i. Dedicated Fund for Fees in Lieu of Parking: If approved, the required payment must be deposited in a fund established by the Town pursuant to and in accordance with §8-2c of the Connecticut General Statutes (as may be amended. Considerations: Such Special Permit shall only be approved if the Commission (1) finds that the number of minimum parking spaces required by these Regulations would result in an excess of parking spaces for such use of land or in the area surrounding such use of land; or (2) finds by a 2/3 vote that the number of minimum parking spaces required by these Regulations could not be physically

located on the parcel of land for which such use is proposed.

Payment: The formula for the fee in lieu of parking shall be:

# of spaces for which fee is proposed X \$2,000  
= total fee

ii. One-hundred percent (100%) of the fee required by this regulation and approved by the Commission shall be made to the Town prior to the issuance of a Building Permit for the project for which the fee was approved. Funds paid to the Town as a fee in lieu of parking shall not be refundable for any reason. Such funds shall be used only as permitted by Connecticut General Statutes §8-2c, as amended; however, ~~Nothing~~ herein shall be deemed to require the Town to undertake the acquisition, construction, expansion or development of any particular off-street public parking facility.

c. Parking Made Available to the General Public - The Planning and Zoning Commission may, subject to a Special Permit application and approval, allow privately owned/developed parking spaces that are made permanently available to the general public to be granted additional credit toward meeting the minimum parking requirement on a site as follows:

- i. A designated space approved by Special Permit under this provision, which is made available to the general public at all hours may be counted as up to 1.5 spaces, as determined by the Commission.
- ii. A designated space that is made permanently available to the general public only for evening hours of 5:00 p.m. to 11:00 p.m. may be counted as up to 1.3 spaces, as determined by the Commission.
- iii. The manner in which parking spaces approved by Special Permit under this section are made "permanently available to the general public" shall be a manner acceptable to and approved by the Commission, and shall include allowing all members of the general public to park in the designated space within the requirements of this section and appropriate designation of each space as public parking and posting of permitted applicable rules and restrictions.
- iv. Any parking time limitation shall allow for a minimum parking period of 8 hours, except where applicable for evening hours as permitted above, where spaces shall allow parking for the entire 6 hour period.
- v. There shall be no charge to the public for using the parking if private ownership is retained.
- vi. In considering such Special Permit application, the Commission shall consider the elements noted in §4.5.D. and

§7.5 as applicable, as well as the following: Compliance with all requirements of this section; the manner in which the spaces are proposed to be designated as available to the general public; the location of the proposed spaces to be designated as spaces available to the general public including their proximity to other public parking spaces and to one another; the general accessibility of these spaces as well as their accessibility from other public parking areas and from one another; the centrality of these spaces in accessing nearby businesses; the proximity of these spaces to nearby businesses; the number of spaces proposed to be designated as available to the general public and their usefulness to the public based on that number; the visibility of these spaces to the general public when looking for parking in the vicinity of the site; the need for additional public parking in the vicinity of the site; and other elements which the Commission deems appropriate.

- d. Bicycle Parking: Subject to approval by the Commission of an application for a Special Permit, a bicycle rack (or multiple racks) containing a number of bicycle spaces to be determined by the Commission may be provided to replace up to one (1) of the required parking spaces. In considering such Special Permit application, the Commission shall consider whether the provision of the bicycle parking spaces adequately eliminates the need for the auto parking space(s) that they are proposed to replace. Such bicycle racks shall be:
  - i. Located on pavement or other hard surface that is adjacent to and accessible via a sidewalk or other safely accessible bicycle travel route
  - ii. At the same grade as the sidewalk or access route
  - iii. Within 50 ft. of a main entrance to the (or one of the) primary building(s)
  - iv. Be securely and permanently anchored
  - v. Designed such that the frame of a bicycle and one wheel can be locked to the rack with a high security u-shaped shackle lock if both wheels are left on the bicycle, and a bicycle six feet long can be securely held with its frame supported.
2. In considering a Special Permit application to utilize any of the options for reduction in parking requirements as provided in this Section, the Commission shall consider whether the proposed parking lot layout is designed to coordinate circulation and layout with any adjacent parking areas, to maximize efficiency of the parking area in terms of: number of spaces that can be created, access to public parking spaces by the general public, traffic safety, and ease of circulation, with particular attention to compliance with the access management requirements in this section, as determined by the Commission. The Commission may also

require the provision of streetscape improvements on the property or within the right-of-way directly abutting the subject property, in order to maximize ease and safety of pedestrian access, and to encourage use of pedestrian access in place of or in addition to vehicle use. The applicant shall also, to the extent practicable as determined by the Commission, limit the number and location of solid waste and recycling+ receptacles, including providing for multiple tenants to share receptacles and/or the location of the receptacles.

3. In considering any applications for Special Permit under this section, the Commission may require submittal of parking studies, data, and/or any other documentation in regard to the request which the Commission deems appropriate.
4. In considering any applications for Special Permit under this section, the Commission shall consider: Availability of public/on-street parking within the vicinity of the subject property; access management; peak hours associated with the proposed use(s); physical capability of the lot to support additional parking; demonstration by the applicant of sufficiency of proposed number of parking spaces; and other elements which the Commission deems appropriate.

**• CHANGE SECTION 3.1. ESTABLISHMENT OF DISTRICTS:**

A.

Commercial Districts

CLB & YLB Limited Business Districts

RF-40 Route Five District RF-40

CA-40 Commercial District CA-40

CA-12 Commercial District CA-12

TC Town Center District

CB-40 Commercial District CB-40

CB-12 Commercial District CB-12

**• CHANGE/DELETE SECTION 4.5.D.3. (COMMERCIAL (CA) DISTRICTS, ACCESSORY USES):**

D.

3. Off-street parking and loading in accordance with §6.11.  
REMAINDER OF SECTION TO BE REMOVED



**• CHANGE/DELETE SECTION 5.1B (SCHEDULE OF LOT AND BUILDING REQUIREMENTS – LIMITED AND COMMERCIAL DISTRICTS):**

M I N I M U M    Y A R D S  
(feet)

DISTRICT	MINIMUM LOT AREA(sq .ft.)	MINIMUM LOT FRONTAGE (feet)	MINIMUM FRONT (1)	MAXIMUM *** FRONT	SIDE (each)	REAR	MAXIMUM COVERAGE (percent)	BUILDING HEIGHT (feet)
YLB	11,250	75	30	N/A	12	30	15 (3/15/92)	30*
CLB	11,250	75	30	N/A	12	30	25 (3/15/92)	30*
CA-40 and CB-40	40,000	150	50	N/A	20	50	35	30*
DA (6/18/89)	25,000	50	10	N/A	6	30	35	30**
CA-12 and CB-12	12,000	80	40	N/A	12	40	35	30*
TC	25,000	50	1 <sup>st</sup> -3 <sup>rd</sup> stories: 0	5 ft. (2); May be increased to up to 20 ft. by the Commission to allow	0	0; Shall be 20 ft. when abutting a residential	0	45 or 4 stories, whichever is more

				outdoor dining area or other public amenity per Section 4.26.E.1.b		zone		restrictive
T-30	30,000	100	30		15	40	30	30 (01/13/07)
				N/A				

- \* Maximum building height may be increased by one foot for each additional foot of front, side and rear yard setback.
- \*\* Maximum building height may be increased by one foot for each additional two feet of front, side and rear yard setback.
- \*\*\* Maximum yard requirements shall apply only to principal buildings.
- (1) See Section 5.2.F
- (2) Each floor above the 1<sup>st</sup> floor may be stepped back up to an additional 10 ft. from the front wall of the floor below it.

**• CHANGE/DELETE SECTION 6.9.B.16 (SIGNS, SIGNS NOT REQUIRING A PERMIT) :**

16. "Avenue Banners" erected by a recognized, non-profit, "Revitalization/Beautification Association", subject to the following conditions:
- a. The maximum size per banner shall be 31" X 60".
  - b. The banners shall be limited to TC zones.
  - c. Only one (1) banner per utility pole shall be permitted.

**• CHANGE/DELETE SECTION 6.9.D.4. (SIGNS) :**

4. Signs permitted in TC, CA, CB, DD, RF and I zones:
- h. In the case of a business located in the TCzone, the following additional standards shall apply:
    1. One hanging sign per business shall be permitted, subject to the following:
      - a. Illumination of hanging signs shall only be provided by down-lighting from a gooseneck type fixture.
      - b. This hanging sign shall be in addition to any signs permitted under §6.9.C.4.
      - c. Signs shall only be erected after approval by a recognized, non-profit "Revitalization/Beautification Association".
      - d. Limited to 6 sq.ft.
    2. Store identification banners hanging off of downtown light poles erected by a recognized, non-profit "Revitalization/Beautification Association" shall be permitted, subject to the following conditions:
      - a. The maximum size per banner shall be 1 ft. X 4 ft.
      - b. The banners shall be secured at top and bottom so they are rigid.
      - c. The banner shall be limited to two (2) per utility pole.
      - d. These signs shall be in addition to signs permitted under §6.9.C.4
    3. All new signs shall be naturally illuminated or illuminated by external light sources installed in a manner that shall prevent light from shining onto any street or adjacent property.

**• CHANGE/DELETE SECTION 6.14.C. (LANDSCAPING, SCREENING AND BUFFER AREAS) :**

- C. Front landscaped area - A front landscaped area shall be required for all uses in all zoning districts except for the TC zone. The required landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs...