AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, April 8, 2010 RPC Meeting, 5:15pm @ SCRCOG Conference Room; 127 Washington Ave, 4th Floor West, North Haven, CT 06473

1. Administration

1.1. Minutes of the March 11, 2010 RPC Meeting

2. Statutory Referrals – April Action Items

2.1. Town of East Haven: Small Cities Community Development Block Grant Application for Home Rehabilitation Revolving Loan Fund.


3. Other Business
MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, March 11, 2010 Meeting

Present: Peggy Rubens-Duhl, Brian Cummings, Christopher Traugh, Charles Andres, Sharon Huxley, David Anderson, Carl Amento, Eugene Livshits.

1 Administration

1.1 Minutes of the February 11, 2010 RPC meeting. Motion to accept the minutes as presented: Brian Cummings. Second: David Anderson. Vote: Unanimous.

2 Statutory Referrals

2.1 Town of Orange: By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Sharon Huxley. Second: Christopher Traugh. Vote: Unanimous.

2.2 Town of Hamden: By resolution, the RPC has determined that the proposed Zoning Regulation Amendment does not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Sharon Huxley. Second: Christopher Traugh. Vote: Unanimous.

2.3 Town of Cheshire: By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Peggy Rubens-Duhl. Second: Brian Cummings. Vote: Unanimous.

2.4 Town of Cheshire: By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Brian Cummings. Second: Sharon Huxley. Vote: Unanimous.
2.5 Town of Bethany: By resolution, the RPC has determined that the proposed Plan of Conservation and Development for the Town of Bethany appears consistent with the policy statements of both the State and Regional Plan of Conservation and Development.

In addition to the above comments, maps listed in the Table of Contents should be represented in Appendix E (Maps) of the proposed Plan of Conservation and Development. Motion: Christopher Traugh. Second: David Anderson. Vote: Unanimous.

The Commission moved the Staff Recommendation with the additional comments pertaining to the maps represented in Appendix E.

3 Other Business

Motion to Adjourn: Sharon Huxley. Second: Peggy Rubens-Duhl. Vote: Unanimous.
April 8, 2010

Tara Pisaturo-Pelatowski
Community Development Coordinator
Town of East Haven
250 Main St.
East Haven CT. 06512

Re: Small Cities Community Development Block Grant for the Town of East Haven’s Housing Rehabilitation Loan Program.

Dear Ms. Pisaturo-Pelatowski:

The South Central Regional Planning Commission (RPC) is writing to indicate our strong support of the application by the Town of East Haven for a Small Cities Community Development Block Grant to continue to fund the Town’s Housing Rehabilitation Loan fund. The success of the program can be seen in the 35 rehabilitations, for low to moderate income households completed in 2008.

By resolution, the RPC recommends that the Department of Community and Economic Development award the Town of East a grant to continue to fund this important and much needed program as the application proposal meets important housing goals identified in the South Central Regional Plan of Conservation and Development of providing a diverse and affordable housing stock.

Please contact us if we can provide any additional information.

Sincerely,

Peggy Rubens-Duhl

Chairwoman
Regional Planning Commission
April 8, 2010

South Central Regional Council of Governments
127 Washington Ave., 4th Fl., West
North Haven, CT 06473

To Whom It May Concern:

As you might be aware, the Town of East Haven has maintained a Housing Rehabilitation Loan program to eligible residents of the town through the State of Connecticut Department of Economic and Community Development Small Cities Block Grant.

This program has been quite successful and since 2008, the Town has been able to complete 35 rehabs for low- to moderate income households. The Town currently has a waiting list of 40+ applicants pending funding to conduct the necessary home improvements such as new roots, windows, updates to make their homes safe and code complaint.

The Town is once again applying for funding in order to be able to continue to offer this vital and successful program. I am asking community members and leaders to submit a letter of support so that I may include it in my grant application packet to make our application more appealing. If you could submit a letter to me, preferably on your company letterhead, if applicable, stating that you support the Town of East Haven in our application and that in doing so, it is consistent with your organizations goals and objectives. In addition, please site what your feel the need is, in relation to your area of expertise, in having such a program offered in East Haven.

Please feel free to contact me should you have any questions. Please submit your letter no later than April 29, 2010.

Warm Regards,

Tara Pisaturo-Pelatowski, MPA
Community Development Coordinator

250 MAIN STREET • EAST HAVEN, CONNECTICUT 06512
www.townofeasthaven.com • (203) 468-3204 • FAX (203) 468-3372 • email: mayor.towneh@att.net
Referral 2.2: City of Meriden

Subject: Proposed Zoning Regulation Amendment to add Section 213-26.7 “Interstate Development District” to the City’s Zoning Code

Staff Recommendation: The proposed Zoning Regulation Amendment does not appear to cause any negative inter-municipal impacts to the Towns in the South Central Region nor do there appear to be negative impacts to the habitat or ecosystem of the Long Island Sound.

Background: The City of Meriden has proposed a Zoning Regulation Amendment to add Section 213-26.7 “Interstate Development District” (IDD) to the City’s Zoning Code. The proposed amendment establishes a new Zoning District, which promotes development along the I-691 and I-91 corridor. The proposed district encourages commercial development, but has a mixed unit component. Residential development is permitted, excluding detached single family development.

The proposed regulations identify numerous objectives for the district including: enhancing the tax base, providing common parking areas, mix of uses, protect existing adjoining residentially zoned neighborhoods, control strip and “Big Box” development, development enhances natural settings, facilitate traffic and pedestrian circulation through necessary roadway infrastructure. For an “Interstate Development District” designation a property must be 55 acres or more, contiguous to the I-691 and/or I-91. The regulations require the property to be under single ownership, but there are provisions for the consolidation of smaller contiguous lots.

The permitted uses in the IDD Zoning District are: retail, office/corporate high tech, financial institutions, restaurant (not fast food), conference center hotel, college/university, attached residential, health and wellness center. Fast-food restaurants (without drive-thrus), coliseums, arena, stadium are permitted subject to a Special Exception. Accessory uses need to be reviewed and approved by the Planning Commission.
The district has minimum frontage on a city Street requirement of 1,000 feet and minimum lot width on I-691 and/or I-91 of 1,000 feet. The perimeter buffer regulation is 40’ and landscaped (not required along the I-691 and/or I-91) and utilities are permitted within the perimeter buffer. The setback requirements are 25’ front and 10’ side and rear, which will begin at the edge of the interior of the 40’ buffer (parking structures are not allowed within the building setback). The maximum impervious coverage is 60% and the maximum building height is 45’; the commission can grant a height waiver, which would allow a maximum height of 75’. The permitted residential density in the district is 5 units per acre.

Part of the regulations is a section on Design Standards, which encourages pedestrian friendly and human scaled development. There is recognition that historic structures should be preserved. There are several design standards applicable to the roadway infrastructure in the district. Shared driveways and parking are encouraged and there is a requirement for a design of a pedestrian circulation system separate from the vehicular component. All of the utilities in the IDD would need to be underground and if the district is included in the Meriden Transit Route a bus shelter must be provided. Other requirements in the district pertain to landscaping and an application procedure process is identified.

The adjacent municipality in the South Central Region is the Town of Wallingford. The Zoning Districts in Wallingford adjacent to possible locations of the “Interstate Development District” are industrial. Overall the proposed regulations create a district, which can expand the City’s tax base using large undeveloped lots along the Interstate. The district allows a mixed use land pattern of commercial, residential, institutional and cultural.

**Communication:** In researching this proposal, I spoke to the Planning Staff in Meriden and notified the adjacent municipalities in the South Central Region (Wallingford)
March 24, 2010

South Central Regional Council
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

Dear Regional Planning Agency;

Per State Statutes, the City of Meriden hereby refers the following proposed zoning amendment for your review and comment. Enclosed please find the legal notice and resolution for the following:


Thank you for your consideration.

Respectfully,

Brian P. Daniels

Chairman, Economic Development, Housing & Zoning Committee

BPD/Inc
Enc.
cc: Dominick Caruso, Director of Development & Enforcement
File: Regional Planning Letters

RECEIVED
MAR 25 2010
SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS
LEGAL NOTICE

Economic Development, Housing & Zoning Committee
Meriden City Council

The Economic Development, Housing & Zoning Committee of the Meriden City Council will hold a public hearing on Tuesday, April 20, 2010 at 6:00 p.m. at City Hall in the City Council Chambers, Room 206, 142 East Main Street, Meriden, CT to consider the following:

1. Item #1 of 4/5/2010: Res. re: Adding Section 213-26.7 "Interstate Development District" to the Zoning Text.

At this hearing, all interested parties may appear and be heard and written communications will be received. The text of the resolution is on file for public review in the City Clerk's Office, Room 124, City Hall.

Brian P. Daniels, Chairman

TO BE PUBLISHED: APRIL 9 AND APRIL 16TH, 2010.

RECEIVED
MAR 25 2010
SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS
March 16, 2010

Members of the
City Council
City of Meriden
Meriden, Connecticut 06450

Re: Interstate Development District

Honorable Councilmembers:

The Planning Commission at its regular meeting of March 10, 2010 voted to refer the attached Resolution and proposed Interstate Development District zoning text amendment to the City Council.

Upon the Council’s direction, the Planning staff will prepare the required application form and submit such to the City Clerk.

Respectfully,

Dominick J. Caruso, AICP
Director of Development and Enforcement

DJC/twc

Cc: L. Kendzior, City Manager
    D. Moore, Corporation Counsel
WHEREAS, the Plan of Conservation and Development (POCD) calls for the City to increase the non-residential tax base by various means including through development of large planned mixed commercial and residential developments in the downtown and in areas along the Interstate highways; and

WHEREAS, the Plan of Conservation and Development (POCD) specifically studied potential development of vacant land along the I-91/I-691 corridor, and designated the future land use of the area for a large commercial development, including mixed uses; and

WHEREAS, the City’s Planning Director and staff reviewed the Zoning text and found that no existing Zoning District currently exclusively promotes large planned mixed commercial and residential development outside the downtown consistent with the envisioned development of the I-91/I-691 corridor; and

WHEREAS, the City’s Planning Commission and staff have created new proposed text for a Zoning District to exclusively promote large planned mixed commercial and residential development that could be applied to the I-91/I-691 corridor area; and

WHEREAS, the proposed Interstate Development District is highly sensitive and protective of the natural environment and neighboring properties;

WHEREAS, the new proposed Interstate Development District includes special design provisions to promote an interesting, quality architectural and site design; and

WHEREAS, the new proposed Interstate Development District presents a development alternative that should be especially desirable to the City fiscally, as well as desirable to property developers and consumers; and

WHEREAS, the new proposed Interstate Development District, when approved will provide an opportunity for I-91/I-691 corridor area property developers to apply for a zoning map change with submission of a detailed overall development plan;

NOW THEREFORE, BE IT RESOLVED THAT:
The Meriden City Council, acting in its capacity as zoning authority, adds Section 213-26.7 “Interstate Development District” to the Zoning text. The proposed section is attached.
§213.26.6 INTERSTATE DEVELOPMENT DISTRICT

A. PURPOSE:
The stated purpose of this section is to encourage the growth and diversity of the City's economic base in an efficient, planned, environmentally and aesthetically sensitive manner along the I-691 and I-91 corridor. Further, this section is meant to allow the city to compete in the region's growth and take advantage of the city's central location and the site's locale on the interstate highway system. This section of the Meriden Zoning Regulations is prescribed by the city's 2009 Plan of Conservation and Development.

B. STATEMENT OF OBJECTIVES:
1. Development within the IDD may receive favorable consideration where the following conditions are present and the following objectives are achieved:
   a. To accommodate future growth which will enhance the tax base through the optimum use of appropriate parcels for economic development purposes;
   b. To encourage maximization of building coverage by discouraging excess parking spaces and providing common parking areas;
   c. To provide for the appropriate use of undeveloped land;
   d. To maintain proper mixture of uses to insure overall sustainability;
   e. To protect the existing adjoining residentially zoned neighborhoods by appropriate buffers and by additional landscaping along the perimeter of the zone;
   f. To control strip development and "Big Box" development through design controls and restrictive regulations so as to insure a positive image and to prevent blighting influence; and to encourage application of creative design techniques to foster attractive, well planned developments which will be aesthetically integrated with adjacent areas;
   g. To provide appropriate landscaping for green areas and development schemes and enhance natural settings;
   h. To protect the integrity of environmentally sensitive areas;
   i. To facilitate traffic and pedestrian circulation and safety by providing the necessary roadway infrastructure;
   j. To provide for the development of a capital plan for general improvements which insure that the private sector will participate in the financing improvements, thereby relieving the public burden;
   k. To provide adequate facilities for sanitary sewerage, water supply, stormwater drainage and other utilities for the life of the development.
2. If any of the conditions noted above are not present when a developer submits an application for development within the IDD, the Planning Commission may decide not to give further consideration to the application unless the developer presents adequate evidence of his ability and willingness to correct any condition not meeting these objectives or the official action of the municipal or state agency which will satisfy the condition within a time period acceptable to the Planning Commission.

3. This statement of objectives shall not be subject to variation or exception by any city agency.

C. PLANNING COMMISSION AUTHORITY:
The Planning Commission is hereby designated as the agency to administer and enforce this section.

D. APPLICABILITY:
The Interstate District shall apply only to a tract of property of 55 acres or more contiguous to I-691 and/or I-91, which tract is under single ownership and shall remain under single ownership. This district is intended to encourage smaller sites to combine with other sites to provide larger scale developments, therefore special provisions are included to allow consolidation of smaller contiguous lots. Contiguous lots zoned differently than IDD, will continue to be conforming until included in the IDD Overall Development Plan and zoned IDD.

E. PERMITTED USES:
Primarily a commercial district which will allow a fully integrated mixed-use land use pattern of, commercial, residential, institutional, and cultural uses to further the purpose of this regulation. These uses are to be developed in a compatible and attractive manner per standards set forward in this regulation and best practices of Urban Design principles.

Further, the initial structures within the IDD must be commercial (retail and office) of a minimum size of 50,000 sq. ft. A Certificate of Occupancy must be issued for this initial commercial buildings prior to the issuance of a building permit for any other use.

Permitted uses include:
1. Permitted Uses by Right:
   a. Retail
   b. Office/Corporate high tech
   c. Financial institutions, including drive-thru
   d. Restaurant (not fast food)
   e. Conference Center Hotel
   f. College/University
g. Health and wellness center
h. Attached residential (maximum of 50% of total developed floor area per density requirement); detached single family structures are prohibited.

2. Uses permitted subject to issuance of a special exception permit by the Zoning Board of Appeals in accordance with the requirements of §213-56/ Fast-food restaurants, without drive-thrus. Coliseums, arenas, or stadiums shall be permitted only where there is direct access to I-691 or I-91.

3. Accessory uses – Accessory uses need to be reviewed and approved by Planning Commission. Uses customarily accessory to permitted uses if constructed concurrently with or subsequent to the main building.
   Signs, as regulated in §213-42
   Heliport subject to conditions of §213-19B (2)(m)
   Off-street parking in accordance with §213-41

Understanding that site appearance and performance determine the appropriateness of a use, and that there will be appropriate uses that have not yet been developed, future permitted, special exception or accessory uses will be those that are able to meet all the standards of these regulations.

F. LOT & BULK REQUIREMENTS:

1. Min. lot Area = 55 acres
2. Min. lot frontage on City Street = 1,000’
3. Min. lot width on I-691 and/or I-91 = 1,000’
4. Setback requirements:

   a. Perimeter buffer:
      A forty-foot landscaped buffer is required around the entire perimeter of the Interstate Mixed Use Development district. Said buffer is not required for such portions of the perimeter along I-691 and/or I-91. Only crossing access drives, landscaping and utilities shall be permitted in this buffer area. The Commission may grant a waiver to allow for art/sculpture or other decorative items within the buffer.

   b. Building setback line:
      The building setbacks of 25’ front and 10’ side and rear shall begin at the edge of the interior 40’ buffer line or that portion which abuts I-691 and/or I-91 and shall apply to all buildings within the interior. No parking or structures shall be allowed within the building setback.
5. Lot Coverage:

Maximum impervious coverage is 60%

6. Building Height:
   a. Maximum building height of buildings shall be 4 stories, not to exceed 45 feet, except that antennas, elevator stacks and other similar uses may be erected to a reasonable and necessary height but not greater than 10 feet above the roof line.
   b. The Commission, upon the applicant's request, may grant a height waiver to increase the building height to 75' (7 stories) for a non-residential building or portion thereof located at least 500' from any city streets and from any residential zone boundary, if the Commission determines that the site is suitable for a taller building and that the Interstate Mixed-Use District is enhanced rather than diminished by a taller building. To qualify for height waiver, the applicant must demonstrate that the taller building conforms with the following criteria:
      1. Site location and topography are such that the taller building blends in with its surroundings rather than standing out. This criteria will generally be met when the site elevation is substantially lower than the adjacent public street(s).
      2. The taller building does not unduly disrupt the character of a residentially-zoned neighborhood.

7. Residential Density:
   a. 1 unit per 8,700 sq. ft. of lot area (5 units per acre).
      See "Residential Design Standards" for details.
      Sequence Requirement:
      - The floor area of the aggregate of all residential units in the development shall be limited to a maximum ratio of 1:1 to the non-residential floor area in the development.
      - Construction of residential units must be preceded by construction of non-residential space at a ratio of 3:1 non-residential to residential floor area. Therefore, for every square foot of residential floor area constructed, there must exist 3 sq. ft. of non-residential floor area. This required sequence ceases upon the construction of 50% non-residential floor area per the adopted Overall Development Plan.
G. DESIGN & APPEARANCE STANDARDS

1. General Concepts:
   a. The development shall be human scale, pedestrian friendly and oriented. It is the expressed intention not to resemble a typical strip commercial center;
   b. These standards require a basic level of architectural variety and compatible scale. The standards are intended to be a useful tool for design professionals engaged in site-specific designs;
   c. Applicants should avoid stereotypical franchise-type buildings unless the building demonstrates architectural and compatibility excellence;
   d. Street trees/landscaping shall be incorporated into landscaping plans. All buildings elevations that are visible from a public street must be designed with windows and/or other architectural elements and features such that no visible elevation looks like the back of a building.
   e. Historic structures shall be preserved and incorporated into site design to the maximum extent possible.
   f. Existing healthy trees of 6 inch caliper and greater (to be survey-located either singly or as groups) shall be incorporated into the site plan to the maximum extent possible. Similarly, significant stands (10 or more trees) of related species, or consistent scrub-shrub groupings occurring in front, side or rear yards shall be preserved whenever feasible. Welling or mounding are recommended techniques when grade changes are required.
   g. Driveway lighting shall incorporate standard fixtures and poles in order to obtain a uniform lighting appearance.
   h. All business, servicing, or processing, shall be conducted within completely enclosed buildings, with the following exceptions:

1) Off-street parking/loading;
2) Seasonal outdoor dining;
3) Outdoor amenities normally conducted as accessory uses to a hotel, such as a swimming pool and patio;
4) Outside display of merchandise for sale on the interior part of a pedestrian environment such as in a village-style shopping center, or a courtyard area with kiosks or market carts, where outside merchandise display is an integral part of the theme and thus enhances the appearance of the site. This section is not intended to allow outside display of merchandise typically sold inside retail stores in conventional shopping areas; rather it is intended to encourage true pedestrian-oriented areas in a village atmosphere.

   i. Outside dining and display areas shall not occupy sidewalks intended for pedestrian passage and access. Outside dining and display areas must be shown on the site plan and approved by the Commission;
j. For the purpose of this Section, garden shops that are contained within walls shall be permitted even though the enclosure does not have a partial or complete roof. The applicant may propose, and the Commission may accept, a ventilated wall similar in appearance to the rest of the building.

k. Areas reserved for open space and set aside to meet impervious coverage requirements shall be distributed throughout the site in such a manner that the land is visible (from public streets) and/or usable (e.g. for pedestrian circulation, outdoor entertainment and cultural events, band shall, or arts/crafts shows).

l. Outdoor storage is prohibited.

m. Loading docks/receiving areas shall not be visible from public streets or from residential zones. All loading docks shall be designed as an integral part of the building, shall be suitably screened, and shall not detract from the appearance of the building and site;

n. Satellite dishes shall be screened so they are not visible from public streets.

o. Detention basins should work with natural water flow system and when not working with the flow should be an enclosed system or located to the rear and visually obstructed from the street. Agreements for maintenance of detention basins must be filed on the Land Records;

p. Rear road connection between properties is encouraged;

q. Dedication of land along the street may be required for future road

r. Sharing of driveways to eliminate excessive curb cuts is encouraged;

s. Lamp posts, trees, retaining walls and other streetscape features should be compatible to each other and the environment;

(t. Additional parking spaces over the required number of parking spaces should be paved where possible with geo-pavers or similar permeable material and not asphalt;

u. Shared parking to reduce the area of land used for parking is encouraged. A pedestrian circulation system must be designed to provide a separation between vehicular and pedestrian traffic;

v. All utilities including electricity and telephone on site shall be underground;

w. All outdoor lighting should be appropriately shielded from and should not cast glare on adjoining properties and city right of way. Outdoor lighting should not exceed a height of 20 feet;

x. Accommodate existing natural features including topography where possible;

y. If included in the Meriden Transit route, a bus shelter must be provided after the initial building is occupied. An agreement for maintenance of the bus shelter must be filed in the Land Records;
2. Non-Residential Site Standards
The following additional objectives and standards apply to all non-residential establishments. Items designated as “objectives” are not mandatory, but are stated in order to provide insight regarding the design objectives. Items designated as “standards” are mandatory. All design details are subject to Commission approval.

a. Facades and Exterior Walls
Objective: Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of non-residential buildings and provide visual interest. The intent is to encourage a more human scale.

Standards:
1) Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plan projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20% of the length of the façade. No uninterrupted length of any façade shall exceed 100 horizontal feet.
2) Ground-floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other architectural features along no less than 60% of their horizontal length. Alternatively, other pedestrian-attractive features such as benches, niches, plantings, and pavers may be used to create pedestrian interest, subject to Commission approval.

b. Detail Features
Objective: Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian and reduce massiveness effects. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

Standards: Building facades must include a repeating pattern of at least 2 of the elements listed below or of other architectural features. At least 1 of the elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet.

1) Color change;
2) Texture change;
3) Material module change; or
4) Expression of architectural or structural bay through a change in plan no less than 12 inches in width, such as an offset or reveal.
c. Roofs
Objective: Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings.

Standards: Roofs shall have no less than 2 of the following features:

1) Overhanging eaves, extending no less than 3 feet past the supporting walls;
2) Three or more roof slope planes; or
3) Other roof features;
4) In addition, rooftop mechanical equipment must be set back from building edges, appropriately screened and/or located so equipment is not visible from public streets. Also, such equipment shall be integrated into the architecture design of the building as to be inconspicuous.

d. Back and Side Facades
Objective: All facades of a building should contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front façade.

3. Residential Site Standards
The site shall be designed to integrate the multi-family residential use with other approved non-residential uses (including, but not limited to, retail, office, and recreation uses) to achieve a village-styled mixed use environment with the residential use fully integrated into the site in residential buildings and in buildings that also contain non-residential uses. Such integration shall also include shared roadways/parking, utilities, appropriate open space area, landscaping/buffers, strong pedestrian interconnections within the commercial/residential development and to other adjacent non-residential uses, and related improvements.

a. Residential uses shall be permitted in separate residential buildings and/or in buildings which include non-residential uses.
b. Residential units shall be either studio/efficiency units, 1-bedroom units, or 2-bedroom units. Not more than 50% of the total number of residential units within first phase of the development shall be 2-bedroom units.
c. The floor area of the aggregate of all residential units in the proposed development shall be limited to a maximum ratio of 1:1 to the non-residential floor area within the entire development. Facilities for the sole purpose of support of a residential use, such as club house, meeting rooms, shall not be counted as either residential or non-residential floor area in determining
compliance with the ratio. Offices and garages within residential buildings shall be counted as residential floor area.

d. The construction of a development plan may be approved by the Commission to be done in phases, but construction of residential units must be preceded by construction of non-residential floor area at a ratio of 3:1 non-residential to residential floor area. Therefore, for every square foot of residential floor area constructed, there must exist 3 sq. ft. of non-residential floor area. This required sequence ceases upon the construction of 50% non-residential floor area per the adopted overall development plan.

e. Each residential unit shall require a minimum of 725 sq. ft. of open space within the site. Such open space may be for recreation purposes (active or passive) or for preservation of natural features (wetlands, wooded areas, open lawns, etc.) or both.

f. Parking shall be provided at a minimum of 1.75 spaces per residential unit and may be designated in open lot parking, carports, or garages. Parking spaces shall be a minimum of 9 feet wide by 18 feet deep. Parking spaces in multi-story parking garages may be smaller subject to approval by the Planning Commission.

g. Infrastructure improvements as utilities, roadways, and related improvements shall conform to city design standards. Twenty-four (24) foot pavement width for driveways is acceptable. Standards may be reduced or waived as deemed appropriate and approved by the Planning Commission. All utilities shall be underground. Concrete sidewalks shall be required to appropriately interconnect the proposed development with other uses on the site or adjacent sites and also wherever deemed necessary by the Commission.

h. Roadways and utilities: Unless specifically noted by the applicant at the time of site plan application and specifically approved by the Commission, all roads and utilities within the site shall be owned and maintained by the owner of the site, an association or other entity formed to carry out maintenance, and/or the utility company.

i. Residential Building Design Requirements

Objective: Buildings shall have architectural features and patterns that provide visual interest, are at human scale, reduce building massing to residential scale. The elements in the following standards shall be integral parts of the building design.

Standards:

1) Roofs: Roofs shall be identifiable with roof patterns normally seen in residential structures in the local and New England area and considered to be part of an architectural period design.

2) Roof-top mounted and at-grade installed mechanical equipment must be installed, screened, and/or located so the equipment is not visible from streets as defined in these Regulations.
3) Housing unit types: The site shall include buildings which contain a mixture of housing unit types. Housing types may include units that allow the occupant to also conduct a small business within the unit (live/work for professional and home occupation).

4) Exterior building materials and colors are a significant part of the visual impact of a building. They must be aesthetically pleasing, use materials normally found in residential construction in the local area and New England, and, where appropriate, be compatible with other residential construction in the local area.

5) Back and side facades of a building shall contribute to the pleasing scale features of the building and shall be integrated with the front façade by featuring materials and characteristics similar to the front façade;

6) Any portion of a building fronting on a city street must have the appearance of the front of building as not to “turn its back to the street”

H. LANDSCAPING

A detailed landscaping plan shall be required as part of the final Certificate Approval application. The landscaping plan shall include a detailed planting layout, planting schedule, and shall note the type and size of all plantings.

1. General Requirements
   a. Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
   b. To the extent possible, existing trees, vegetation, and unique site features shall be retained and protected. Existing healthy, mature trees, if property located, shall be fully credited against the requirements of these regulations.

2. Standards. The following minimum landscaping standards shall be met:
   a. Perimeter buffer. There shall be a landscaped strip equal to at last 30% of the required perimeter buffer along the property. The required landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs.

   One shade tree having a caliper of not less than 2” (12”) shall be planted within the front landscaped area for each 20’ or fraction thereof of lot frontage.
b. Side and Rear Yards. All unpaved areas not utilized for parking and storage shall be landscaped utilizing lawn ground cover and/or shrub and tree material.
Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition but need not be landscaped.
Areas used for parking shall be screened from view or have the view interrupted by landscaping and/or fencing from access streets, highways and adjacent properties. Plant materials used for screening purposes shall consist of lineal or grouped masses of shrubs and/or trees of a sufficient size and height to meet this requirement when initially installed.

c. Sloped Banks. All sloped banks greater than five to one and adjacent to public right-of-way shall be stabilized, planted and irrigated with full coverage in accordance with plans submitted to and approved by the Planning Commission.

d. Pedestrian Access. The site Plan shall detail consideration for pedestrian access to the subject property and to adjacent properties. The plan shall show all interior walkways and all walkways in the public right-of-way if such walkways are proposed or necessary.

e. Loading docks, truck parking, utility meters, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties, public streets, pedestrian ways and public sidewalks; and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building landscape.

I. SIGNS

The following signs are allowed in the Interstate Development District.
The following signs may be illuminated indirectly and are allowed by Planning Commission, except if otherwise noted:

1. One freestanding sign at the primary entrance to the site from the major local street, which may be a business identification, area identification, directory sign or a combination, not exceeding the following dimensions: one-hundred (100) square feet in area per side, up to twenty-five (25’) feet in height, and set back ten (10’) feet from the street line.

One freestanding sign along the frontage of I-691/I-91 which may be a business identification, area identification directory sign or a combination, not exceeding the following dimensions: three-hundred (300) square feet in
area per side, up to thirty-five (35') feet in height, and set back ten (10') feet from the property line.

2. Wall Signs
   a. One wall sign per building occupant, which may be either a business, area identification or directory sign. Total wall signs shall not exceed five (5%) percent of the wall to which it is attached.
      1) For those lots bordering I-691 or I-91, one additional wall sign is allowed for walls facing the highway. Such signs shall not exceed five (5%) percent of the building wall to which it is attached.
      2) For multi-tenanted buildings, a sixteen (16) square foot directory sign may be affixed to the entrance wall of buildings with a common entry.
   b. One sign per building occupant which may be either a business, area identification or directory sign, not exceeding 6 sq. ft. in area per face.
   c. One door identity/logo per occupant entrance to be affixed at height of pull hardware. Not to exceed 12” in height
   d. One window decal per glass panel – to be affixed to inside face of tenant’s storefront glass. Not to exceed 4” in height.
   e. Mailing Address – occupant address number discretely affixed to storefront.
   f. Site banners – up to two banners per light pole – not to except 16 sq. ft. per face.
   g. Awnings – Signage integral to storefront awnings shall be permitted.

3. Multiple freestanding directory/directional signs are allowed on properties with businesses located in two or more buildings. Such signs shall be located in areas designed to facilitate proper vehicular and/or pedestrian circulation. The sign shall contain only the names of occupants and an indication of where they are located. The sign area shall not exceed 60 square feet per face.

4. One (1) freestanding temporary identification sign listing the name of future tenants, responsible agent or realtor and the identification of the complex. The sign may remain until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy or the tenant(s) are occupying said building(s), whichever occurs first. The sign may not exceed a maximum of forty (40 square feet, and may not be illuminated.

J. APPLICATION PROCEDURE

1. Overall Development Plan:
   The initial step in the planning and zoning application/review process is the Planning Commission’s approval, following a public hearing, of an Overall
Development Plan. The Overall Development Plan is a plan of the entire Interstate Development District showing in schematic form, the areas of the proposed development with the following elements:

a. Proposed use areas, density, acreage and the general floor area assigned to each.
b. Proposed vehicular and pedestrian circulation patterns, prepared by a Certified Traffic Engineer. Said plan shall include location, size and adequate number of parking stalls, access management strategies, parking barriers, walk, recreational and bicycle ways, curb cut and crossing locations on existing and proposed streets.
c. Proposed open space areas, such as parks, lawn areas, recreational and natural spaces.
d. Proposed general landscaping including modifications to present treed, sloped, and watercourse areas, areas of formal plantings, and related treatment of open space, present screening and proposed topography.
e. Schematic layouts of utility systems, including water, sewerage, and drainage including capacity and additional flow into water courses and ponds and the location of connections of the proposed utility system to present utilities.
f. Proposed location and height of buildings and other structures, indicating feasibility in relation to the above elements.
g. Proposed architectural and design features.
h. Proposed boundaries for stages of development within the district, if applicable.

2. Certificate of Approval
   a. For any development within an Interstate Development District, a site plan must be reviewed and a certificate of approval must be issued by the Planning Commission in accordance with the requirements and procedures of Article XI, §213-55, of the Zoning Regulations prior to the issuance of a building permit.
   b. In order to aid the Planning Commission’s review of an Interstate Development District proposal, the Commission shall require that the developer submit for review the following information and studies in addition to the information required for a certificate of approval application:

      1) A traffic study, prepared by a Certified Traffic Engineer, which identifies the probable impacts of a proposed development on the road network in the surrounding area and the measures necessary to mitigate the negative traffic impacts, if any;
      2) Parking, traffic and pedestrian circulation plan;
      3) Architectural elevations and renderings of buildings and structures;
      4) Landscaping plan;
5) Lighting plan;
6) Soil erosion control plan;
7) An economic feasibility report which provides sufficient evidence that the developer has the financial means and experience necessary to successfully carry out the project and identifies the fiscal impact of the project on the city. Fiscal impact should include but not be limited to: the anticipated change in Grand List, the effect on city services to be provided and associated cost. The Commission may require the applicant to pay for an independent consultant used by the city to advise the commission regarding the economic feasibility report
8) The site plan shall include all buildings, utilities, grading and structures, both for principal and accessory uses;
9) An environmental impact report;
10) Inland Wetlands plan;
11) A written statement must be provided by the applicant addressing the following:
   a) The reasons the particular proposal is consistent with the statement of objectives;
   b) A detailed description of all uses and how each use is related to the primary use. This statement shall include area calculations, employment projections, time of operation, storage and equipment area and special needs.
12) In the case of plans that call for development over a period of years, a schedule showing the time within which the phase will be completed;
13) Plans for each development shall be accompanied by an updated Overall Development Plan showing all existing developments and the proposed development at a scale of one (1") inch equals two hundred (200') feet;
14) Proposed and approved Certificate of Approval and Overall Development Plans shall be provided in PDF form. Three hard copies of all plans must be submitted to the Planning office.

K. CONSOLIDATED PROPERTIES

1. Purpose
   In the interest of promoting development continuity, the consolidation of contiguous parcels to the Interstate Development District is encouraged. "Consolidation" is defined here as the integration of two or more individually owned parcels into a single Consolidated Parcel for the purposes of creating a shared-use arrangement of selected site components, e.g. common points of access/egress, drive passage, parking, loading/unloading, and yards. Said consolidated parcel then is added to the overall Interstate Development District
parcel and could be used in all aspects to enhance the zone once it is shown on the Overall Development Plan and approved as a formal zone change.

2. Procedure
   a. A consolidated parcel shall be developed with an amendment to the Overall Development Plan of buildings, parking, loading and unloading, and open space.
   b. A zone change to IDD must be approved by the Commission and City Council for each consolidated parcel;
   c. The consolidated parcel must be legally combined with the initial IDD zoned parcel.
   d. Certificate of Approval is required prior to the development of any consolidated parcel of access/egress. Such restriction would be in accordance with current access management policies and plans.

L. DEFINITIONS

Floor Area: Does not include stand alone parking structures or parking lots.

Human Scaled: Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g. as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, shorter light poles (usually 10'-14'), weather protection (e.g. awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Pedestrian Amenities: Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of a particular area and contribute to a walkable center. Typical amenities include extra wide sidewalks, street trees, sitting spaces, weather protection (awnings or canopies), pedestrian scale lighting, bus stop seating, sidewalk dining, etc.

Pedestrian-Friendly/Pedestrian-Oriented: Development which is designed with an emphasis primarily on the sidewalk and pedestrian access to and within the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street.
Strip Commercial Center: Strip commercial centers are typically developed, owned and maintained as a unit and have large parking lots in front, with many/most of the stores arranged in a straight row and an automobile-centric design. Proliferation results in a pattern of development wherein commercial development is strung along an arterial thoroughfare.

M. OFF-SITE IMPROVEMENTS

1. Approval prerequisites. Prior to the receiving of a building permit for any Interstate Development District, the developer and city shall agree on the developer's share of specific improvements related to the project to be maintained by the city within the city Right of Way or easement. The developer shall pay a pro rata share of the cost of proving any reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefore, located outside the property limits of the development. All payments shall be in the manner provided herein, it being the intent of this section that the developer bear that portion of the cost which is related to improvements.

2. Mitigation Fee. A mitigation fee will be charged to all new development, including expansions of current uses. The mitigation fee will be primarily for applicable off site traffic improvements required in the study area that are not part of site plan approval. The mitigation fee will be proportionate to the development's impact on the area. This amount will be determined by the Commission. The mitigation fees will be based on the parking spaces provided. The fee structure will be determined by the Commission.

N. PRECEDENCE OVER INCONSISTENT PROVISIONS OF ZONING ORDINANCE.

Section 213-26.6 shall supersede all sections of the Zoning Ordinance of the City of Meriden where they may conflict.

O. MODIFICATION – SPECIAL PERMIT

The Planning Commission by Special Permit is authorized to allow a Limited Modification in excess of the Interstate Development District standards as herewith provided. The Limited Modification could allow an applicant to modify the certain standards (setbacks, coverage, building height, landscaping requirements, parking and signs) NOT to exceed five percent (5%) of the required standard. Density, use ratios (commercial to residential), permitted uses, façade and wall standards cannot be modified by either the Planning Commission or Zoning Board of Appeals.
Referral 2.3: Town of Beacon Falls

**Subject:** Proposed Zoning Regulation Amendments to Section 10 - Nonconformity of the Town’s Zoning Regulations.

**Staff Recommendation:** The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Town’s in the South Central Region nor do there appear to be any negative impacts to the habitat or eco-system of the Long Island Sound.

**Background:** The Town of Beacon Falls has submitted proposed Zoning Regulation Amendments to Subsection 10.5.1 and a new Subsection 10.5.3 of the Town’s Zoning Regulations. The amendments pertain to Residential Uses located in the Business or Industrial Section of the Town; currently Beacon Falls only has Residential Zoning Districts adjacent to a municipality the South Central Region (Bethany).

The Subsection 10.5.1, which is being amended is applicable to all non-conforming uses and proposed provision would require the expansion of a residential use in a Business/Industrial Zone to conform to the requirements in the R-1 Zone. The addition of Subsection 10.5.3 introduces requirements for maintenance of Residential Uses in Business or Industrial Districts.

**Communication:** In researching this proposal I spoke to the Planning Consultant in Beacon Falls and notified the adjacent municipalities in the South Central Region (Bethany)
On May 20, 2010 at 7:15 P.M. in the Meeting Room, 10 Maple Avenue, Beacon Falls, Ct., the Planning and Zoning Commission of the Town of Beacon Falls will hold a Public Hearing for Proposed Amendment to Section 10 of the Zoning Regulations. Materials relevant to this application are available for viewing at the office of the Town Clerk, 10 Maple Ave., Beacon Falls, CT. 06403.

Mary Ellen Fernandes
Clerk, P & Z Commission

Please publish on May 7, 2010 and May 17, 2010
PROPOSED AMENDMENT
SECTION 10 OF THE ZONING REGULATIONS

10.5.1 The use, building or other structures shall conform to all other requirements of these regulations; except that residential uses or structures located in a business or industrial zone may be expanded or enlarged provided any building expansion complies with all requirement of the R-1 Zone and the number of dwelling units does not increase.

10.5.3 A building or structure containing a residential use and located in a business or industrial zone may be maintained or repaired including the making of structural alterations. Such buildings or structures may be demolished and replaced by a new building or structure provided any expansion of said building or structure does not violate any requirements of the R-1 Zone and if such building or structure is located on the site, it shall conform to all requirements of the R-1 Zone.
Mr. Kurt Novak  
Town Clerk  
10 Maple Avenue  
Beacon Falls, CT. 06403

Mr. Novak,

The following is the agenda for the Planning and Zoning Commissions Public Hearing on Proposed Amendment to Section 10 of the Zoning Regulations, to be held at the Town Hall, Meeting Room, 10 Maple Avenue, Beacon Falls, CT. 06403 on May 20, 2010 at 7:15 P.M.

I  CALL TO ORDER

II  NEW BUSINESS
   1) Proposed Amendment – Section 10, Zoning Regulations

III  ADJOURNMENT

Respectfully Submitted,
Mary Ellen Fernandes  
Mary Ellen Fernandes  
Clerk  
20 March 2010
Referral 2.4: Town of Clinton

Subject: Proposed Zoning Regulation Amendments to Section 10 - Nonconformity of the Town’s Zoning Regulations.

Staff Recommendation:

Background: The Town of Clinton has submitted proposed Zoning Regulation Amendments to Sections 9.20.4 (b) (3) (i) – Gathering events and Section 29.3.25 (e) – Outdoor event parking. The amendment to the Section on “Gathering events” will no longer limit tents to 1,800 sq. ft. The regulations would require the tents to be put up no more than two days in advance of the event and removed from the property (unless stored in a permanent structure) no more than two days after the event. The existing regulation limits new structure or temporary structures or the floor area within an existing structure or temporary structure, housing to 1,800 square feet. The Section on “Outdoor event parking” permits 1 space for every 36 square feet of event area in which the public will be allowed access (excludes the parking area).

Communication: In researching this proposal I spoke to the Planning Staff in the Town of Clinton and notified the adjacent municipalities in the South Central Region (Madison)
March 29, 2010

Certified Mail

Eugene Livshits
South Central Regional Council of Governments
127 Washington Avenue, 4th Floor West
North Haven, CT 06473-1715

Re: AR 10-022: Proposed Amendment to the Zoning Regulations: Changes to Sections 9.20.4(b)(3)(i): Gathering events and Section 29.3.25(e): Outdoor event parking.

Dear Mr. Livshits:

Please be advised that the above referenced amendment to the Zoning Regulations (please see enclosed text) will be heard at a public hearing commencing on Monday, May 3, 2010 at 7:00 p.m. in the Green Room of the Andrews Memorial Town Hall.

Please forward any comments that you may have to:

Planning & Zoning Commission
54 East Main Street
Clinton, CT 06413

If you have any questions, please contact this office at (860) 669-6133, Monday through Friday, or at zoningwetlands@clintonct.org.

Sincerely,

[Signature]

Julia N. Pudem
Land Use Technician

[Stamp: RECEIVED
MAR 31 2010
SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS]

Phone: (860) 669-6133  FAX: (860) 664-4469
AR 10-022: Proposed Amendment to the Zoning Regulations: Changes to Sections 9.20.4(b)(3)(i): Gathering events and Section 29.3.25(e): Outdoor event parking.

9.20.4(b)(3)(i) New structure(s) or temporary structure(s) or the floor area within an existing structure or temporary structure, housing this use shall not exceed one thousand eight hundred square feet (1,800 sq. ft.). When used in this category, tents (otherwise a temporary structure) may exceed the area limitations, above. However, they must be put up no more than two days in advance of the event and removed from the property unless it is to be stored in a permanent structure located on the site no more than two days after the event for which they are first set up.

29.3.25(e) Outdoor Attraction Events, Other than Fairs, Markets, Weddings, Receptions, or Concerts: 1 space for every 36 square feet of event area in which the public will be allowed access, including ticket sale queuing areas, excluding parking area.
Referral 2.5: Town of Southington

**Subject:** Proposed Zoning Regulation Amendments to Sections 2, 4 and 11-17 (Adult Oriented Businesses)

**Staff Recommendation:** The proposed Zoning Text Amendments do not appear to cause any negative inter-municipal impacts to the Town’s in the South Central Region nor do there appear to be any negative impacts to the habitat or eco-system of the Long Island Sound.

**Background:** The Town of Southington has submitted proposed Zoning Text Amendments, which revise the Adult Oriented Business Regulations in the Town. The revised regulations delete the terms related to Sexually Oriented Business from the definition Section, and replace the existing Section 11-17 – Sexually Oriented Business with 11-17 Adult Oriented Businesses. The use is allowed under Special Permit and Site Plan Approval within the Central Business, Limited Business, Business, and Business Overlay Zoning Districts.

In the existing regulations the location of a Sexually Oriented Business could not be within a 750’ radius in any direction of a Single Family or Multi Family zoning District or any lot used for a public or private school, church/other religious facility or institution, public park, residential dwelling or any other sexually oriented business. The Zoning Text change proposed the following separation requirements 1,500’ from another Adult Oriented Business; 1,000’ from a church, school, public building, public park, or recreation area (including private); 250’ from any residentially zoned land; adult oriented businesses cannot be within the same structure as residential use or another adult oriented use.

The regulations intent is to prevent clustering of such uses in a particular section in Town and minimize adverse impacts to neighborhoods, commercial districts, property values and the quality of urban life. The adjacent municipality in the South Central Region is the City of Meriden. The Zoning Districts in Southington, which border Meriden are residential and there is a requirement for a 250’ separation requirement between the use
and residentially zoned land. The definitions have been incorporated into the Zoning Text change in Section 11-17 and have been significantly expanded.

**Communication:** In researching this proposal I spoke to the Planning Staff in the Town of Southington and notified the adjacent municipalities in the South Central Region (Meriden)
March 30, 2010

RPC Referral
South Central Regional COG
127 Washington St., 4th Fl
North Haven, CT 06473

RE: Proposed Zoning Regulation Amendments – Adult Oriented Businesses
Sections 2, 4 and 11-17 (Z.A #553)

Dear Sir or Madam:

In accordance with the provisions of the Connecticut General Statutes, attached are copies of proposed Zoning text revisions to Sections 2, 4 and 11-17 of the Town of Southington Zoning Regulations.

The Planning and Zoning Commission anticipates opening the public hearing on these items on May 4, 2010. The complete file is available for review in the Planning Department, the Town Clerk’s office and is on the web page. If you have any questions regarding this proposal, please feel free to contact me at (860) 276-6248.

Respectfully,

Mary F. Savage-Dunham, AICP
Town Planner

enclosures
RPC Referral Submission Form
South Central CT Regional Planning Commission

1.) General Information:
   Date Sent: March 30, 2010
   Subject: Zoning Regulation Revision
   Applicant Name: Town of Southington
   Property Address (if applicable): n/a
   Town/City: Southington CT
   □ Referral is from a private individual
   □ Referral is from the Town/City Planning Department or the P & Z Commission
   Public Hearing Date: tba - hopefully May 4, 2010

2.) Statutory Responsibility:
   □ Application involves a subdivision of land within 500 feet of a town/city border
   □ Application involves a proposed change to a town/city zoning regulation
   □ If neither, applicant requests a voluntary RPC review for informational purposes
   □ Material is for informational purposes only; an RPC resolution is not necessary
   □ Other: ____________________________

3.) Process:
   □ Material sent “Return Receipt Requested” (as required by law)
   □ Information on proposed change included
   □ Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:
   Name: Mary Savage-Dunham
   Telephone Number: 860-276-6248
   E-mail Address: savagem@southington.org
   Comments: Revisions to regs on "Adult Oriented Establishments"

Questions: (203) 234-7555
South Central Regional Council of Governments | http://www.scrcog.org
Proposed revisions -- ZA #553

Section 2-01.A

**ADULT ORIENTED BUSINESS** – *as defined in Section 11-17.*

Section 2-19 S

**SEXUALLY ORIENTED BUSINESS** - Means a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or any business that features, sells or rents films, motion pictures, video cassettes, slides, books, magazines, newspapers or other forms of visual or audio presentations in which more than 10% of the total presentation time or more than 10% of the stock material is devoted to the showing of material that is characterized by any emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Specified Anatomical Areas - Means:
1. Less than completely and opaquely covered
   A. Human genitals, pubic region;
   B. Buttock; or
   C. Female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities - Means:
1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
Section 4

4-01.2

F. Adult oriented businesses in accordance with Section 11-17.

4-02.2

B. Adult oriented businesses in accordance with Section 11-17.

4-03.2

E. Adult oriented businesses in accordance with Section 11-17.

4-04.3

B. Adult oriented businesses in accordance with Section 11-17.
Section 11-17

11-17 [SEXUALLY ORIENTED BUSINESS]

11-17.1 No building or premises shall be used and no building shall be erected or altered, which is arranged, intended or designed to be used for a sexually oriented business if any part of such building or premises is situated on any part of a lot within a seven hundred and fifty foot radius in any direction of a single family or multi-family zoning district or any lot used for, or upon which is located any building used for:

1. Any public or private school;
2. Any church or other religious facility or institution;
3. Any public park;
4. Residential dwelling; or
5. Any other sexually oriented business.]

new text:

Section 11-17 Adult Oriented Businesses

1. Purpose. The intent of this section is to regulate uses that have been proven to adversely affect neighborhood children, community improvement efforts, retail trade, commercial and residential property values, particularly when several of such uses are concentrated in a small area of the community. The primary purposes of these regulations are to prevent a concentration of these uses in any one area, to minimize any adverse impacts, and to protect and preserve the quality of Southington's neighborhoods, commercial districts, property values and the quality of urban life through effective land use planning.

2. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. Adult arcade means any establishment where one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides or other photographic reproductions that are
characterized by the depiction or description of specified anatomical areas or specified sexual activities.

b. Adult cabaret means any nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

(1) Persons who appear nude or seminude;
(2) Live performances that are characterized by the exposure of specified anatomical areas; or
(3) Films, motion pictures, videotapes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

c. Adult Books means any books, magazines, periodicals, pamphlets, or other printed materials that depict, display or describe specified anatomical areas or specified sexual activities.

d. Adult entertainment means:

(1) Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type that has as a significant or substantial portion of such performance any performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect; or
(2) Any amusement machine that is regularly used for presenting material that is characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons thereof.

e. Adult minihomie picture theater means any enclosed building with a capacity of 50 or less persons regularly used for showing films, motion pictures, videotapes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

f. Adult Motel means a commercial establishment which offers public accommodations, for any form of consideration or gratuity, and provides patrons with closed circuit television transmissions, images transmitted by computer, films, video cassettes, slides or other photographic reproductions which are characterized by an emphasis of depicting or describing specified sexual activities or specified anatomical areas and which advertises the availability of this type of material by means of a sign(s) visible from a public right of way or by means of off premises advertising in newspapers, magazines, leaflets, radio or television; offers a sleeping room for rent for a period of time less than ten hours or allows a tenant or occupant to sub-rent a sleeping room for
a time period of less than ten hours; or defines itself as such by advertising as an adult oriented business to the general public.

g. Adult motion picture theater means any enclosed building with a capacity of more than 50 persons regularly used for showing films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

h. Adult Novelties means: (a) instruments, devices, toys or paraphernalia that are designed for or marketed primarily for stimulating human genital organs, sexual arousal or sadomasochistic use; (b) instruments, devices, gag gifts; toys or paraphernalia that depict, display or are shaped in the form of specified anatomical areas; (c) oils, lotions, gels or creams that are designed for or marketed primarily for use upon specified anatomical areas and intended for stimulating human genital organs, sexual arousal or as an aid to enhance or promote specified sexual activities; and (d) supplements, vitamins or similar products designed or marketed for enlarging, extending or otherwise enhancing human male genitals or for stimulating, enhancing or extending male or female sexual arousal or libido.

i. Adult oriented business means:

1. An adult arcade, adult oriented store, adult cabaret, adult minimotion picture theater, adult motion picture theatre, adult motel, adult theatre, escort agency, massage parlor, nude model studio or sexual encounter establishment;

2. Any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides adult entertainment, or which premises are so physically arranged as to provide booths, cubicles, studios, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented motion pictures of wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect;

3. Any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import; or

4. Any establishment that advertises itself as an adult oriented business to the general public.

j. Adult Oriented Store means any establishment having:

1. a substantial or significant portion of its stock in trade in Adult Books, Adult Videos or Adult Novelties or any combination thereof;

2. any portion of its stock in trade in Adult Books, Adult Videos or Adult Novelties and in conjunction therewith has rooms, designated areas or
facilities for the presentation, observation or use by patrons of any item sold or rented in such establishment.

For the purpose of this definition, factors indicating that a "substantial or significant" portion of a business is devoted to the sale or rental of such items include without limitation any one or more of the following criteria:

(1) Twenty percent or more of all inventory consists of such items at any time;
(2) Twenty percent or more of the merchandise displayed for sale consists of such items at any time;
(3) Twenty percent or more of the stock in trade consists of such items at any time;
(4) Twenty percent or more of the floor area of the business (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) is devoted to such items at any time;
(5) Twenty percent or more of the sales, measured in dollars over any consecutive ninety-day period, is derived from such items;
(6) Twenty percent or more of the number of sales transactions, measured over any consecutive ninety-day period, is of such items; or,
(7) Twenty percent or more of the dollar value of all merchandise displayed at any time is attributable to such items.

k. Adult Theater means any theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear nude or seminude or who appear in live performances that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

l. Adult Videos means films, motion pictures, videocassettes, DVDs, software, slides or other photographic reproductions that depict, display or describe specified anatomical areas or specified sexual activities.

m. Church means any church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.

n. Employee means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult oriented business.

o. Entertainer means any person who provides adult entertainment within an adult oriented business, whether or not a fee is charged or accepted for such entertainment and whether or not such entertainment is provided as an employee or independent contractor.
p. **Escort** means any person who, for any form of consideration, agrees or offers to act as a social companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

q. **Escort agency** means any person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

r. **Inspector** means the town manager, chief of police, fire marshal, chief building official, director of health, zoning enforcement officer, their agent or representative, or any town or state employee designated to make inspections for public safety, fire code, building code, public health, zoning purposes, violations of this article, or for violations of other laws and ordinances of the town or state.

s. **Licensed premises** means any premises that requires an adult oriented business license pursuant to this article, including any buildings, parking areas and all other portions of the property of which the licensee has control.

t. **Licensee** means any person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on an application for a license.

u. **Live adult entertainment** means any live performance by a person who appears nude or seminude or any live performance that is characterized by the exposure of specified anatomical areas.

v. **Massage parlor** means any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electric apparatus or appliance with or without any supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. The definition of massage parlor shall not include the practice of massage:

1. In any state-licensed hospital, nursing home, clinic, medical office or rehabilitation facility;
2. By a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist;
3. By any registered nurse, licensed practical nurse or technician working under the supervision of a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or certified massage therapist who shall be present on the licensed premises during the time the service is rendered;
4. By trainers for any amateur or professional athlete or athletic team or school athletic program; or
(5) By any state-licensed barber or beautician with regard to the massaging of the neck, face, scalp and hair for cosmetic or beautifying purposes.

w. Masseur means any person who, for any form of consideration, performs massage activities as described in the previous definition of this section.

x. Minor means any person under the age of 18 years.

y. Nude model studio means any place where a person, for any form of consideration, regularly appears nude or seminude or displays specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A nude model studio shall not include a modeling class operated by an accredited public or private school or college.

z. Nudity means:
   (1) The appearance of human bare buttocks, anus, genitals, pubic region or the areola or nipple of the female breast; or
   (2) A state of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region or areola or nipple of the female breast.

aa. Operator means any person operating, owning, managing, conducting or maintaining an adult oriented business.

bb. Public building means any building owned, leased or otherwise held by the United States, the state, the town, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the state, which building is used for governmental purposes.

cc. Private recreation area means any private business, whether for-profit or not-for-profit, intended to serve or attract clients, customers, or users under 18 years of age, for the purpose of engaging in indoor or outdoor youth-oriented programs or activities, including but not limited to sports or fitness centers, martial arts, dance, gymnastics, music or art studios, indoor open or guided play areas, camps, and the like.

dd. Public park and recreation area means public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within the town that is under the control, operation, or management of the town, any other town, or the state.

ee. School means any public, private or parochial educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds,
but does not include any facility used primarily for another purpose and only incidentally as a school.

ff. Seminude means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

gg. Sexual activities is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications that devote at least 25 percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical that reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films that describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or seminude persons who describing cultures in which nudity or seminudity is indigenous to the population.

hh. Sexual encounter establishment means a business or commercial establishment that, for any form of consideration, offers a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas. A sexual encounter establishment shall not include an establishment where a state-licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medically approved and recognized sexual therapy.

ii. Specified anatomical areas means:
   (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
   (2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

jj. Specified sexual activities means:
   (1) Showing of human genitals in a state of sexual stimulation or arousal;
   (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
   (3) Fondling or touching of another person's genitals, pubic region, buttocks or female breasts;
   (4) Lap dancing; or Excretory functions as part of or in connection with any of such activities.

3. Applicability. Adult oriented businesses shall be permitted only in the Central Business Zone (CB), Business Limited Zone (BL), Business Zone (B) and Business Overlay Zone (BOZ), subject to a special permit and site plan approval in accordance with sections 8 and
9 of these Regulations and the requirements of this section, and only after approval of an adult oriented business license.

4. Separation Requirements. All regulated uses identified in this section shall be subject to the following separation restrictions:
   a. No adult oriented business shall be permitted on a site that is less than 1,500 feet from any other site containing an adult oriented business;
   b. No adult oriented business shall be permitted on a site that is less than 1,000 feet from any site containing a church, school, public building, public park or recreation area, or private recreation area;
   c. No adult oriented business shall be permitted on a site that is less than 250 feet from any residentially zoned land as defined in the town’s zoning regulations;
   d. No adult oriented business shall be permitted within the same building, structure or portion thereof that is used for residential purposes or that contains another adult oriented business;
   e. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site;

5. Sign and exterior display requirements. No adult oriented business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public way or from any property not licensed as an adult oriented business. This provision shall apply to any display, decoration, sign, show window or other opening.

6. At the time of the public hearing on the special permit, the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. Reasonable limitations on hours of operation may be imposed as a condition of the special permit.