To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Thursday, January 14, 2016 RPC Meeting at 5:15pm at Adriana’s Restaurant:
771 Grand Ave, New Haven, CT 06511

AGENDA

1. Administration
   1.1. Minutes of the December 10, 2015 RPC Meeting

2. Action Items

3. Other Business
   3.1. Election of Officers and Executive Committee

The agenda and attachments for this meeting are available on our website at www.scrcog.org. Please contact SCRCOG at (203) 234-7555 for a copy of agenda in a language other than English. Auxiliary aids/services and limited English proficiency translators will be provided with two week’s notice.

DRAFT - Not yet approved by the Commission

MEETING MINUTES
To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, December 10, 2015 Meeting

Present: James Giulietti, Charles Andres, Christopher Traugh, David White, Michael Calhoun, Fran Lescovich, Eugene Livshits

1 Administration

1.1 Minutes of the November 12, 2015 RPC meeting.

Motion to accept the minutes as presented: Christopher Traugh. Second: David White. Vote: Unanimous. Abstain: Michael Calhoun.

2 Statutory Referrals

2.1 City of New Haven: Proposed Zoning Regulation Amendments pertaining to Article V Section 42.0 (Use Table) concerning uses in the IL District and certain other Business and Industrial Districts

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 in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.


2.2 City of Milford: Proposed Zoning Regulation Amendment pertaining to Structures or Accessory Buildings in Residential Districts

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 in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.


2.3 Town of Prospect: Proposed Zoning Regulation Amendment pertaining to Section 3.1, Uses by District

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 in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.


Motion to add North Branford Referral to RPC Agenda: Christopher Traugh. Second: Charles Andres. Vote: Unanimous.
2.4 *Town of North Branford: Proposed Zoning Regulation Amendments pertaining to Sections 54.4.1 and 42.5.16*

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 in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.


3 **Other Business**


Motion to Adjourn: Christopher Traugh. Second: Michael Calhoun. Vote: Unanimous.
Subject:
Proposed Zoning Regulation Amendments pertaining to Article XVIII – Off-Street Parking and Loading

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

Background:
The Town of Orange has proposed Zoning Regulation Amendments to Article XVIII - Off-Street Parking and Loading. The sections have been reformatted and language was added pertaining to a Special Permit for a temporary change of use exception in Section 383-173 – Parking Requirements. Provisions pertaining to joint parking area have been expanded to provide specific uses. The parking standards for retail uses has been reduced from 4.75 per 1,000 S.F to 4 spaces per 1,000 S.F. The parking requirements for restaurant uses have been reduced from 16 spaces to 10 spaces per 1,000 S.F of patron floor area. The parking requirements for hotels and motels has been reduced from 1.5 spaces per room to 1 space per room and 1 space per employee. The specific changes can be reviewed in the agenda packet.

Communication:
In researching this proposal, I notified the adjacent municipalities in the South Central Region.
December 10, 2015
CERTIFIED MAIL
& emailed camento@scrcog.org

Mr. Carl Amento, Executive Director
Council of Governments
127 Washington Avenue
4th Floor - West
North Haven, CT 06473-1715

PETITION TO AMEND THE ORANGE ZONING REGULATIONS & REVISIONS TO THE ORANGE PARKING REGULATIONS

Submitted upon the initiative of the Orange Town Plan & Zoning Commission.

Proposed amendments include “change of use” exemption; location of parking spaces; joint parking spaces; number of spaces required; parking reduction; loading space reduction; trees & shrubs within parking areas; and access management.

Dear Mr. Amento:

In accordance with the Connecticut General Statutes, enclosed for your review are “draft” regulations to amend the Orange Zoning Regulations. I have also attached a copy of our existing parking regulations.

A Public Hearing on this matter is tentatively scheduled for either February 2, 2016 or February 16, 2016. If you have any questions, please contact me at 203-891-4743.

Very truly yours,

Paul Dinice,
Zoning Administrator
& Enforcement Officer

enclosures (2)
cc: TPZC Members
    V. Marino, Esq.
    J. Zeoli, First Selectman
Article XVIII. Off-Street Parking and Loading

§ 383-171. Purpose.

It is the purpose and intent of this Article to assure that parking and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of occupants, employees, customers, suppliers and other persons normally visiting or servicing a use at any one time.

§ 383-172. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

GROSS FLOOR AREA (GFA) - The entire floor area of a structure including exterior walls with the following deductions:
A. Parking and loading areas within the building or structure.
B. Floor area occupied by heating, ventilating, air conditioning, mechanical or electrical equipment.

GROSS LEASABLE AREA (GLA) - The GFA defined above with the following deductions:
A. Permanently designed atriums, courtyards, accessways, common areas, public lobbies and plazas.

§ 383-173. Parking requirements.

A. Off-street parking and loading spaces, required to be provided by this Article, shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such structures are herein required.

B. If any existing use of land, buildings or other structures, conforming to the requirements of this Article, is changed to a use requiring additional off-street parking or loading spaces to comply with this Article, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified unless a Special Permit for a temporary change of use exemption in accordance with Section § 383-175.F is granted by the Commission.

C. When the calculation of the number of required off-street parking or loading spaces results in a requirement of a fractional space, any fraction shall be interpreted as one whole space with a minimum of one space for any use that requires the provision of parking or loading spaces.
D. Parking spaces shall be located on the same lot with the use they are intended to serve except that:

1. the following uses may, with approval of the Commission, utilize parking spaces on a lot that is in a Commercial or Industrial District and not more than 500 feet distant as measured along the line of public access:
   - Hospitals; and healthcare facilities with inpatient beds
   - Churches and places of worship
   - Theaters, including movie theaters and assembly halls, or stadium

2. joint parking areas may be established by the owners of separate lots in order to provide the total number of off-street parking spaces required for the following uses provided that evidence as to the permanency of jointly provided parking spaces shall be provided by the applicant:
   - Shopping centers, retail stores, and garden center
   - Motor vehicle service stations and repair garages
   - Funeral parlor
   - Business and professional offices
   - Financial institutions and similar institutions
   - Medical and dental clinics
   - Restaurants and other food or beverage service establishments
   - Hotels and motels
   - Funeral parlor
   - Places of amusement
   - Establishments for manufacture, processing, assembling of goods
   - Warehouses, wholesale businesses, truck terminals

E. Where the parking standards provided in § 383-174 are based on legal occupancy, such legal occupancy shall be determined by the Fire Marshal.

F. Whenever two or more classifications provided in § 383-174 shall apply to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each part.

G. All required parking spaces shall be available for use at all times. No sales or servicing or dead storage of automobiles, trucks, or automotive equipment shall be carried on in any parking or loading space.
§ 383-174. Number of spaces required.

Unless otherwise authorized in accordance with § 383-175 or any other section of these Regulations, the following number of parking spaces shall be provided:

<table>
<thead>
<tr>
<th></th>
<th>Residential-Type Uses</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Structures containing one dwelling unit</td>
<td>2.0 spaces</td>
</tr>
<tr>
<td>2.</td>
<td>Structures containing two dwelling units</td>
<td>2.0 spaces per dwelling unit</td>
</tr>
<tr>
<td>3.</td>
<td>Structures containing three or more dwelling units (when not part of a Planned Residential Development)</td>
<td>1.5 spaces per dwelling unit</td>
</tr>
<tr>
<td>4.</td>
<td>Multiple dwelling units (in a Planned Residential Development)</td>
<td>2.0 spaces per dwelling unit</td>
</tr>
<tr>
<td>5.</td>
<td>Rooms to rent in a dwelling unit</td>
<td>1.0 space per two beds offered for rent</td>
</tr>
</tbody>
</table>

**B. Institutional-Type Uses**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Churches and places of worship</td>
</tr>
<tr>
<td>2.</td>
<td>Educational facilities including vocational, trade, business schools, colleges and similar</td>
</tr>
<tr>
<td>3.</td>
<td>Hospitals; and healthcare facilities with inpatient beds</td>
</tr>
</tbody>
</table>
## C. Public Assembly-Type Uses

<table>
<thead>
<tr>
<th>Description</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Theaters, including movie theaters and assembly halls, or stadium</td>
<td>1.0 space for each four legal occupants</td>
</tr>
<tr>
<td>2. Places of amusement, including bowling alleys, recreational facilities,</td>
<td>1.0 space for each three legal occupants. The</td>
</tr>
<tr>
<td>arcades and similar</td>
<td>Commission may, by Special Permit, allow a lesser</td>
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<tr>
<td></td>
<td>number of parking spaces than required above, if it</td>
</tr>
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<td></td>
<td>finds that the applicant has demonstrated that the</td>
</tr>
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<td></td>
<td>peak demand for parking would not require this</td>
</tr>
<tr>
<td></td>
<td>number of spaces, or that adequate off-street</td>
</tr>
<tr>
<td></td>
<td>parking exists elsewhere that can be utilized by</td>
</tr>
<tr>
<td></td>
<td>the visitors or patrons.</td>
</tr>
</tbody>
</table>

## D. Retail / Service Type Uses

<table>
<thead>
<tr>
<th>Description</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Shopping centers and retail stores up to 25,000 square feet of gross</td>
<td>4.00 spaces per 1,000 square feet of gross</td>
</tr>
<tr>
<td>leasable area</td>
<td>leasable area.</td>
</tr>
<tr>
<td>2. Shopping centers and retail stores of more than 25,000 square feet of</td>
<td>4.00 spaces per 1,000 square feet of gross</td>
</tr>
<tr>
<td>gross leasable area</td>
<td>leasable area.</td>
</tr>
<tr>
<td>3. Garden center — <strong>Stand-alone, with a permanent roof, or when comprising</strong></td>
<td>4.00 spaces per 1,000 square feet of gross</td>
</tr>
<tr>
<td>20% or more of the ground floor area of the retail establishment it is</td>
<td>leasable area.</td>
</tr>
<tr>
<td>attached to and part of</td>
<td></td>
</tr>
<tr>
<td>4. Garden center — <strong>Without a permanent roof and when comprising</strong></td>
<td>No additional spaces required.</td>
</tr>
<tr>
<td>less than 20% of the ground floor area of the retail establishment it is</td>
<td></td>
</tr>
<tr>
<td>attached to and part of</td>
<td></td>
</tr>
<tr>
<td>5. Motor vehicle service stations and repair garages</td>
<td>4.0 spaces for each service bay.</td>
</tr>
<tr>
<td>6. Funeral parlor</td>
<td>1.0 space for each three legal occupants.</td>
</tr>
</tbody>
</table>

## E. Office-Type Uses

<table>
<thead>
<tr>
<th>Description</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Business and professional offices</td>
<td>4.0 spaces per 1,000 square feet of gross floor</td>
</tr>
<tr>
<td>2. Financial institutions and similar institutions</td>
<td>4.0 spaces per 1,000 square feet of gross floor</td>
</tr>
<tr>
<td>3. Medical and dental clinics</td>
<td>5.0 spaces per 1,000 square feet of gross floor</td>
</tr>
</tbody>
</table>

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Clariﬁed that a modiﬁcation requires a Special Permit (due to the McKenzie decision)

Reduced the parking standard for retail uses from 4.75 spaces per 1,000 SF to 4.00 spaces per 1,000 SF
### F. Hospitality-Type Uses

| 1. Restaurants and other food or beverage service establishments | 10 spaces per 1,000 square feet of gross floor area. |
| 2. Hotels and motels | 1.0 space for each sleeping room plus 1.0 space per employee on the largest shift plus any spaces as required for restaurant and/or banquet or conference facilities. |

### G. Industrial Uses

| 1. Establishments for the manufacture, processing or assembling of goods | 2.0 spaces per 1,000 square feet of gross floor area. |
| 2. Warehouses, wholesale businesses, truck terminals | 4.0 spaces per each 1,000 square feet of office space plus 3.0 spaces per loading bay. |

### H. Other Uses

| 1. Daycare facilities | 1.0 space per employee plus 1.0 space per eight licensed client capacity. |
| 2. Other uses not listed in this § 383-174 | Off-street parking spaces as approved by resolution of the Commission as sufficient to preserve the purpose and intent of this Article. |
Chapter 383. Zoning

Article XVIII. Off-Street Parking and Loading

§ 383-171. Purpose.

It is the purpose and intent of this section to assure that parking and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of occupants, employees, customers, suppliers and other persons normally visiting or servicing a use at any one time. Off-street parking and loading spaces, required to be provided by this section, shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such structures are herein required. If any existing use of land, buildings or other structures, conforming to the requirements of this section, is changed to a use requiring additional off-street parking or loading spaces to comply with this section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. All off-street parking and loading spaces hereafter established, whether required to be provided by this section or not, shall conform to the design and construction standards specified in this section as well as to any standards and conditions for approval of a site plan or special use under these Regulations.

§ 383-172. Parking spaces: number and location.

For residential uses of land, buildings and other structures, parking spaces shall be provided off the street in such number and location specified as follows:

A. Dwelling unit structures located in the residential district as follows:

(1) One- or two-dwelling unit structures: 2.0 spaces per dwelling unit and located on the same lot with the dwelling.

(2) More than two-dwelling unit structures but not part of a PRD: 1.5 spaces for each dwelling unit, and located on the same lot with the dwelling.

(3) Rooms to rent in a dwelling unit: 1.0 space for each two beds offered for rent, and located on the same lot with the dwelling.

B. For the following uses located in any district:

(1) Multiple dwelling units: the provisions of Section 30 of these Regulations, planned residential development, shall apply.

(2) Churches and places of worship; theaters, including movie theaters and assembly halls, or stadium: 1.0 space for each four legal occupants, and located on the same lot with the building or on a lot that is in a Commercial or Industrial District and distant not more than 500 feet as measured along the line of public access.
(3) Hospitals; and healthcare facilities with inpatient beds: 1.0 space for each three beds for patients and one space per each 1.5 employees during the largest daily work shift period, and located on the same lot with the building or on a lot that is in a Commercial or Industrial District and distant not more than 500 feet as measured along the line of public access.

[Amended 2-18-2003]

(4) Shopping centers and retail stores of less than 25,000 square feet of gross leasable area: 4.75 spaces per 1,000 square feet of gross leasable area.

(5) Business and professional offices: 4.0 spaces per 1,000 square feet of gross floor area.

(6) Financial institutions and similar institutions: 4.0 spaces per 1,000 square feet of gross floor area.

(7) Shopping centers and retail stores of more than 25,000 square feet of gross leasable area: 4.75 spaces per 1,000 square feet of gross leasable area.

[Amended 2-18-2003]

(8) Medical and dental clinics: 5.0 spaces per 1,000 square feet of gross floor area.

(9) Restaurants and other food or beverage service establishments: 16 spaces per 1,000 square feet of patron floor area.

(10) Hotels and motels: 1.5 space for each sleeping room plus spaces as required for restaurant and/or banquet or conference facilities.

(11) Motor vehicle service stations and repair garages: 4.0 spaces for each service bay.

(12) Funeral parlor: 1.0 space for each three legal occupants. Legal occupancy will be determined by the Fire Marshal.

(13) Places of amusement, including bowling alleys, recreational facilities, arcades and similar: 1.0 space for each three legal occupants. Legal occupancy will be determined by the Fire Marshal. The Commission may, at its discretion, permit a lesser number of parking spaces than required above, if it finds that the applicant has demonstrated that the peak demand for parking would not require this number of spaces, or that adequate off-street parking exists elsewhere that can be utilized by the visitors or patrons.

[Amended 11-6-2006]

(14) Establishments for the manufacture, processing or assembling of goods: 2.0 spaces per 1,000 square feet of gross floor area.

(15) Warehouses, wholesale businesses, truck terminals: 4.0 spaces per each 1,000 square feet of office space plus 3.0 spaces per loading bay.

(16) Daycare facilities: 1.0 space per employee plus 1.0 space per eight licensed client capacity.

(17) Educational facilities including vocational, trade, business schools, colleges and similar: 1.0 space for each nonresident student, plus 1.0 space per each four resident students, plus 1.0 space for each two employees.

(18) Garden centers: to be considered a retail use. However, accessory garden centers, or portions thereof, without permanent roofs which are attached to a retail establishment are not required to provide parking spaces for the accessory garden center provided that the garden center comprises less than 20% of the ground floor area of the retail establishment it is attached to.

(19) Other uses: sufficient off-street parking spaces shall be provided in connection with any use not listed in this §383-172 as approved by resolution of the Commission as sufficient to preserve the purpose and intent of this section.

http://e-code360.com/print/OR1871?guid=8946241,8846242,8846257,8846298,8846269,8846270,8846271,8846281,8846286,8846292,8846293,8846294,8846295&c...
§ 383-173. Classification of uses.

Whenever two or more classifications provided in §383-172 shall apply to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each part.

§ 383-174. Joint use of parking area.

Except where off-street parking spaces are required under §383-172 to be located on the same lot with the building, joint parking areas may be established by the owners of separate lots in order to provide the total number of off-street parking spaces required. Evidence as to the permanency of jointly provided parking spaces shall be provided by the applicant.

§ 383-175. Parking exemption areas.

The Commission, after due notice and public hearings as required for adoption or amendment of these Regulations, may delineate areas which shall be exempt from the required provisions of off-street parking spaces under §383-172. Such delineation shall be shown on the Zoning Map and be made only after the Commission determines that the Town of Orange, or a combination of the Town and property owners, will provide sufficient and permanent off-street parking spaces to carry out the purpose and intent of this section.

§ 383-176. Loading spaces: number and location.

Each building having a ground floor area in excess of 5,000 square feet shall have 1.0 off-street loading space for each 40,000 square feet of gross floor area, or fraction thereof, excluding basements, and located on the same lot with the building. No off-street loading space shall be located in the area required for building setback from a street line or Residence District boundary line.

§ 383-177. Design and construction standards.

Each off-street parking and loading space, whether required to be provided by this section or not, shall conform to the following design and construction standards:

A. Dimensions: Each parking space and each loading space shall have the following minimum dimensions and shall have a shape, vertical clearance, access and slope to accommodate 1.0 vehicle as follows:

(1) 9.0 feet wide and to accommodate an automobile 18 feet in length;
(2) 8.0 feet wide when located in or on a building or structure and to accommodate an automobile 18 feet in length;
(3) 15.0 feet wide to accommodate an automobile 18 feet in length, and reserved for use by physically handicapped persons; and
(4) 12.0 feet wide, 30 feet in length and 14 feet vertical clearance to accommodate a truck, or such greater dimensions as are necessary to accommodate the type of trucks regularly serving the premises.
B. Access:

(1) Each parking space shall be provided with adequate area for aisles and access lanes, so that an automobile, having an overall length of 18 feet, can approach the space and execute any necessary backing and turning movements without need to use any part of the right-of-way of a street and can exit onto the street in a frontward direction; the requirement for frontward exit shall not apply to parking spaces provided in connection with a dwelling containing one or two dwelling units, or rooms to rent in a dwelling unit, when the exit from such spaces is onto a street that is not a state highway.

(2) No loading space, including any truck loading bay, ramp or dock, shall be arranged in a manner that trucks must back within any part of the right-of-way of a street in order to use such space. Entrances and exits from parking areas and loading spaces into streets shall be located and arranged in such a manner as to minimize hazards to pedestrian and vehicular travel in the street.

C. Improvements: All parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any street. In other than Residence Districts, all off-street parking and loading spaces shall be paved with an all-weather surface, shall be suitably marked to conform to required minimum dimensions and shall be maintained in such a manner that, in the opinion of the Commission, allows convenient occupancy for the duration of the use for which the spaces are required. Marking between the sides of adjacent parking spaces shall be by printed double lines unless the Commission approves an alternate marking method, taking into account the size and layout of the parking area. Any parking or loading spaces, and any aisles and access lanes in connection therewith, located within 10 feet of any street or property line, other than a property line authorized by grant of a special use under §§383-21A, 383-23G and 383-24A and Article XIV, shall be separated from such street or property line by a concrete curb, a fence or a wall or by an embankment not less than 24 inches in height, and shall be provided with the curb, fence, wall or embankment in such a manner that vehicles will not overhang the street or property line.


The Commission, in connection with the approval of a site plan under Article XIII of these Regulations and after due notice and public hearing as required by law, may grant a special exception authorizing modification of off-street parking and/or loading standards as follows:

A. Number: The Commission may authorize off-street parking and/or loading spaces less in number than specified in §§383-172 and 383-176 if the Commission determines that all of the following standards and conditions are met:

(1) The number of spaces provided on the site plan are sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the application for certificate of zoning compliance;

(2) There is sufficient and suitable area on the lot to provide the full number of spaces specified in §§383-172 and 383-176; and

(3) The special exception shall be applicable only to the particular use or occupancy of land, buildings, or other structures specified in the application, and such special exception and certificate of zoning compliance issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy.

As used in this article, the following terms shall have the meanings indicated:

**GROSS FLOOR AREA (GFA)**
The entire floor area of a structure including exterior walls with the following deductions:

A. Parking and loading areas within the building or structure.
B. Floor area occupied by heating, ventilating, air conditioning, mechanical or electrical equipment.

**GROSS LEASABLE AREA (GLA)**
The GFA defined above with the following deductions:

A. Permanently designed atriums, courtyards, accessways, common areas, public lobbies and plazas.

§ 383-180. Fraction of a space.

When the calculation of the number of required off-street parking or loading spaces results in a requirement of a fractional space, any fraction shall be interpreted as one whole space with a minimum of one space for any use that requires the provision of parking or loading spaces.


Parking shall be provided for the physically handicapped in accordance with the Basic Building Code of the State of Connecticut.

§ 383-182. Provision of trees and shrubs in parking areas.

In addition to the provisions of Article XIII of these Regulations, any parking area for 30 or more vehicles will be landscaped with one tree and one low shrub per every 10 vehicles accommodated by the parking area.

§ 383-183. Restrictions on use of required parking spaces.

All required parking spaces shall be available for use at all times. No sales or servicing or dead storage of automobiles, trucks, or automotive equipment shall be carried on in any parking or loading space.
Referral 2.2: Town of Wallingford

Subject:
Proposed Zoning Regulation Amendments pertaining to Farm Winery

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

Background:
A private applicant in the Town of Wallingford has proposed Zoning Regulation Amendments pertaining to farm winery. The definition has been expanded to include a requirement for a minimum lot size of ten acres and references to the Connecticut General Statutes. A new section has been added which describes uses specific to farm wineries. Provisions pertaining to special promotion events have been added and would allow up to four special promotion events open to the public between May 1st and the end of Columbus day weekend of any calendar year. A farm winery would be allowed to conduct special reserved events not otherwise available to the public such as dinners, luncheons, customer appreciation events, etc…at which catered hot and cold food may be served. Service of food at this events would only be in the indoor and/or outdoor seating areas as permitted in any approved site plan. This type of use can only be held once a month, and the farm winery will remain open to the public during these events. Provisions pertaining to music have been added in the proposed amendments and have the following requirements: reasonable indoor and outdoor recorded music would be permitted; unamplified outside live music shall occur no more than twice in any one calendar week (between noon and 9:00PM, from May 1 through Columbus Day); unamplified and amplified indoor live music shall occur no more than twice in any one calendar week (noon – 9:00PM, Columbus Day through April 30th); unamplified and amplified live music shall be permitted outdoors at each event allowed under Section A(2); farm winery shall not charge for admission in connection with any musical performance. In the site plan requirements, the following has been deleted “No parking or loading areas shall be within 100 feet of a property boundary. In the site plan requirements to additional provisions have been added: “No sales of wine either by retail or by the glass may occur before 11:00AM or after 9:00PM or in accordance with applicable state or federal law, whichever is more restrictive” and “Signage must conform to Section 6.9 of the Wallingford Zoning Regulations.

Communication:
In researching this proposal, I notified the adjacent municipalities in the South Central Region.
WALLINGFORD PLANNING AND ZONING COMMISSION
INTER TOWN/CITY/AGENCY REFERRAL
NOTICE OF PROPOSED DEVELOPMENT

APPLICATION: #507-15

DATE OF SUBMISSION: December 09, 2015

DATE OF RECEIPT: December 15, 2015

SCHEDULED MEETING: January 11, 2016

NAME & APPLICATION OF PROPOSED DEVELOPMENT: Zoning Amendment (Sec. 4.1.E.3)/Paradise Hills Vineyard & Winery/Windswept Hill Road

LOCATION: Windswept Hill Road
Ms. Kacie Costello  
Town Planner  
Town of Wallingford  
45 South Main Street, Room #G-40  
Wallingford, CT 06492

Re: Paradise Hills Vineyard & Winery, LLC - Application for Amendment to the Zoning Regulations

December 3, 2015

Dear Ms. Costello:

Enclosed is a proposed amendment to the current definition of a “farm winery” and proposed amendments and additions to Article 4, Section E.3 of the Wallingford Zoning Regulations submitted on behalf of Paradise Hills Vineyard & Winery, LLC. We are also enclosing the required filing fee of $550.00.

Proposed amending language is reflected in italics and underlined in the attached. Language that no longer fits is removed by strike-through.

The proposed changes in the definition of “farm winery” are fairly self-explanatory. We are also seeking to add to the types of activities allowed at a farm winery under Article 4, Section E3 of the Town regulations. We propose that farm wineries be allowed limited promotional events (similar to the “parties” you and I discussed), fundraising activities and group visitations. We are also proposing that unamplified and amplified live and recorded music and entertainment be allowed in certain circumstances, and we are seeking leave to sell or provide cold pre-packaged food and souvenirs.

Some of these amendments are meant to expressly allow for activities long occurring at Wallingford wineries (i.e. retail sales of wine by the glass and tasting rooms). Some of these amendments have been the subject of significant discussion with your office and the commission.

We appreciate the Commission’s time and consideration in the various workshops that lead up to this proposed text amendment. We’ve made substantial changes to our initial proposals based on comments from your office and as a result of our meetings with the Commission. We hope to continue to work towards a constructive resolution to the farm winery issues in Wallingford.

Very truly yours,

[Signature]
Daniel N. Mara

Cc: Paradise Hills Vineyard & Winery (w/enc.)
Farm/Winery Use with Related Accessory and Incidental Uses to Farm Winery shall conform to the following Standards:

Definition. Any place or premises, located on a farm comprising a minimum of ten (10) acres on which fruit is grown and wine/wine products (limited to wine and brandies distilled from grape products and other fruit products, including grappa, eau-de-vie, flavored brandies, ciders, and hard cider) are manufactured, stored and sold, meeting the permit requirements of Connecticut General Statutes §30-16 (as amended) and applicable definitions and guidance of Title 22 (as amended) of the Connecticut General Statutes where wine is manufactured or sold, and which may or may not include a residential dwelling. Any such wine manufacture or sale shall be done only with proper-licensing from State of Connecticut.

Amendment to Article 4 Section E.3 (New)

A. General. (1) A farm winery is a specific type of "Farm" use. In addition to uses allowed in Section 4.2 and as allowed for a "farm", the following activities are recognized as a normal part of a farm winery use and are therefore allowed as part of the permitted use: a) bulk sales and distribution of products produced at the farm winery as permitted under Connecticut General Statutes Section 30-16(e), as amended, b) retail sales, by glass or bottle; c) a tasting room; d) product tastings and winery tours; e) group visitations for the above purposes. f) incidental service and sale of other non-alcoholic beverages and cold pre-packaged food for consumption on the premises; g) incidental sale of souvenirs and winery-related items provided that any area designated for such sales shall not exceed the lesser of ten (10%) of the Gross Floor Area or 150 square feet, and h) events and promotions as provided herein. Any person or group of persons may bring food for consumption on the premises. Said uses shall be incidental, complementary and secondary to the farm winery approved hereunder.

(2) Between May 1st and the end of Columbus Day weekend of any calendar year, a farm winery may organize and host up to four (4) special promotional events that shall be open to the public.

(3) A farm winery may also conduct special reserved events not otherwise made available to the public, such as dinners, luncheons, customer appreciation events, etc., at which catered hot and cold food may be served, provided that (i) the service of food and/or wine at such special events shall occur solely on the indoor and/or outdoor seating areas as permitted in any approved site plan and (ii) such use is held no more frequently than once in any month.

The winery may not charge a use or rental fee for such events. The farm winery will remain open to the public during such events.

(4) A farm winery may from time to time also conduct or permit others to conduct on the premises incidental marketing, charitable fundraising and other activities generally available and open to the public, provided that such
use is held during hours when the winery is generally open to the public and the winery remains open to the public during such activities. The farm winery may reasonably require advance notice for any such use by a third party and may not charge a use or rental fee for such events.

**B Music and Entertainment:** (New)

(1) Reasonable indoor and outdoor recorded music is permitted anytime.

(2) Unamplified outside live music and entertainment shall occur no more than twice in any one calendar week between the hours of noon and 9:00 PM, from May 1st through Columbus Day.

(3) Unamplified and amplified indoor live music and entertainment shall occur no more than twice in any one calendar week between the hours of noon and 9:00 PM, from Columbus Day through April 30.

(4) Unamplified and amplified live music and entertainment shall be permitted outdoors at each event allowed under Section A(2).

(5) The farm winery shall not charge for admission in connection with any musical performance.

**C. Site Plan Requirements.**

a. Shall be on lots of not less than 10 acres

b. Shall provide parking as §6.11. Parking landscaping as required by §6.14E may be modified by the Commission to preserve scenic views.

c. All compost piles shall be a minimum of two hundred (200') feet from any body of water, watercourse or wetland.

d. Shall provide a plan acceptable to the Water & Sewer Division and/or Health Department, for waste disposal, including pretreatment of wash-down and processing wastewater.

e. If applicable, shall comply with the requirements of the Watershed Protection District.

f. No parking or loading areas shall be within 100 feet of a property boundary

f. No sales of wine either by retail or by the glass may occur before 11:00 a.m. or after 9:00 p.m. or in accordance with applicable state or federal law, whichever is more restrictive. (new)

g. Signage must conform to Section 6.9 of the Wellingford Zoning Regulations (new).