

MEMORANDUM

To: Rebecca Augur, Director of Planning and Land Use Services

From: Richard J. Johnson, Town Manager

Date: April 27, 2022

Re: Town Council Action – Building Zone Regulations – ARZ & PAD

This will confirm the Council by action at its meeting of Tuesday, April 26, 2022 voted to readopt the amendments to the Building Zone Regulations originally approved in February 2017. The specific amendments involve 4.17 – Adaptive Redevelopment Zone and 4.12 – Planned Area Development as outlined on the attached pages. The effective date of these amendments is May 20, 2022 per formal Council action. Please note your record accordingly, amend the Building Zone Regulations to include these amendments, timely file with the Town Clerk and take all other actions necessary to formally implement these amendments to the Building Zone Regulations. Many thanks with your assistance in this regard.

Should you have any questions, please let me know.

RJJ/adg
Attachments

AMENDMENTS TO SECTION 4.17 - ADAPTIVE REDEVELOPMENT ZONE

4.17 ADAPTIVE REDEVELOPMENT ZONE (ARZ) effective September 11, 2012

4.17.1(0) Purpose

To facilitate the reuse and redevelopment of property containing underutilized or distressed historic buildings that require renovation/redevelopment and/or environmental remediation. This zone change/site development plan approval regulation shall apply only to properties that present unique development and redevelopment opportunities but include particularly challenging building and site conditions requiring a flexible regulation that can permit innovative development while protecting the general health, safety and welfare. Successful projects will create a rejuvenated property that contains land and/or building uses consistent with the adopted Plan of Conservation and Development. Expected benefits would include appropriate environmental remediation, environmental enhancement and natural resource protection, new economic development and/or housing opportunities and the adaptive reuse of historic buildings and the preservation of historic property features. Mixed use projects shall be designed in a manner that ensures consideration of the character of the surrounding and underlying district and its suitability for the proposed uses and adequate availability of infrastructure and services.

4.17.1 Definitions

- a. Tandem Parking Space: The placement of no more than 2 parking spaces one behind the other, so that the space nearest the driveway or street access serves as the only possible means to access the other space.

4.17.2 Standards

4.17.2 (a) Permitted Land/Building Uses

Residential: Single family, two-family and multiple-family dwellings in detached or attached format

Commercial: Office - general or professional, personal services, restaurants, recreation uses, day care facilities, health and fitness uses.

A mix of residential and commercial land uses listed above shall be permitted only within underlying non-residential zoning districts. Only residential uses and day care facilities shall be permitted within underlying residential zones.

4.17.2 (b) Existing Property, Building(s)

To be eligible for a Change of Zone to ARZ and concurrent approval of a Site Development Plan the subject property shall meet the following standards:

- Shall contain a building(s) with a substantial portion at least 75 years old with a minimum floor area of 7,500 square feet of usable floor area (excluding unfinished basements and attics and incomplete full-sized floors such as garrets, eaves and any garages, barns, storage buildings or other accessory structure(s)).

- Shall provide for the substantial reuse of a building in a manner that preserves historically relevant and significant building components and facades and/or significant site features including, but not limited to such features as stone and brick facades, cornices, lintels, unique architectural features of the historic period or historic use of the property, stacks, chimneys, mill ponds, dams, waterfalls, hydropower waterways, environmental and natural features and assets, historical signage, and architectural embellishments.
- Shall enhance the overall economic sustainability of the property.
- Shall be served by public water and sanitary sewer.

4.17.2 (c) Development Intensity/~~Parking Calculation~~

i. Floor Area Ratio

The Floor Area Ratio (FAR = total building floor area between exterior walls/total lot area) in the ARZ shall not exceed 0.5 unless the FAR of existing structure(s) exceeds 0.5 in which case the total new redevelopment FAR shall not exceed the existing FAR. For example, a 20,000 square foot site containing an existing building with a floor area of 7,000 square feet would have a FAR (7,000/20,000) of 0.35. In this scenario, redevelopment would allow for an increase to a total of 10,000 square feet for a FAR (10,000/20,000) of 0.5. A 20,000 square foot site containing an existing building with a floor area of 12,000 square feet would have a FAR (12,000/20,000) of 0.6. Under this scenario, redevelopment could not allow for an increase in floor area above the existing FAR.

The total lot area calculation shall not include the area of any of the following natural features: Inland wetlands and/or watercourses, slopes with an incline of 25% or greater or ~~400~~ ~~year~~ ~~100~~ ~~year~~ flood hazard area (Zone A/AE). This is the buildable area calculation.

ii. Parking Calculation

The Development Intensity Calculation shall be further limited by the ability of the site to provide adequate off-street parking that shall be not less than 1.5 parking spaces per residential unit and parking spaces meeting the requirements of Section 9 of the Building-Zone Regulations for all non-residential uses. ~~Provided, provided~~ however, the ~~zoning authority~~ Zoning Authority may reduce the number of ~~residential and non-residential parking spaces required by waiver upon a finding up to 10% if warranted based on evidence including, at least, an actual parking count study of appropriateness similar facilities located in Glastonbury.~~

In the case of proposed tandem parking as defined in section 4.17.1, each proposed tandem parking space, if approved, shall be considered 1 parking space in determining compliance with the parking requirements. All parking spaces shall be otherwise designed to meet the general standards of Section 9 of the Building-Zone Regulations.

Notwithstanding the above-specified Development Intensity Calculation requirements, the maximum number of dwellings allowed on that portion of an ARZ property in excess of 5

buildable acres shall not exceed the number allowed by an FAR of 0.25 or 15 dwelling units/acre, whichever is less.

4.17.2 (d) Building Height

Buildings shall not exceed a height of forty-two and three-fourths (42 $\frac{3}{4}$) feet as measured in accordance with the Building-Zone Regulations and shall not exceed three stories of living space, except that any existing building that exceeds that height may remain and utilize existing stories, even if greater than the new construction limitation of three stories.

Amended 1/4/21

4.17.2 (e) Open Space

Open space set aside or established as part of the Site Development Plan shall be made available for public use if deemed to be a public benefit and if required by the Town Council as part of the Site Development Plan. If not so dedicated, adequate provisions shall be made for the maintenance and upkeep of such open space, including any recreational facilities provided therein, by an organization established by the developer with the power to obtain assessments through enforceable covenants against privately owned land within the development. Nothing set forth above shall be construed either as a requirement or obligation on the part of the Town of Glastonbury to make any repairs or improvements to any property subject to these covenants and restrictions or to enforce any covenant or restriction contained herein.

4.17.3 Procedure and Application

An application for Change of Zone to ARZ shall be made in accordance with the provisions of Section 16 of the Building-Zone Regulations and shall include Site Development Plans containing the following data/information:

1. Location and zone of property and nature of owner's interest, including a boundary map certified to State of Connecticut A-2 map survey standards, which map is to be adopted as description of the zone boundaries.
2. Present and proposed land and building uses, categorized as residential, non-residential, or both; wetland and watercourses, topography and grading plan.
3. Development intensity pursuant to Section 4.17.2 (c) above, including use, dimensions and locations of proposed structures and structures to remain.
4. Proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets and common drives.
5. Location of proposed off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, parking barriers and walkways.
6. Proposed pedestrian walks, malls and other paths, public and private.

7. Proposed open space such as parks, lawn areas, and recreational facilities, and such proposed covenants, easements and other provisions relating to dimensions, location and density of such building units and public facilities as are necessary for the welfare and maintenance of the development and are not inconsistent with the best interests of the Town.
8. Landscaping, present and proposed, including major tree and shrub area, present and proposed water elements, and related treatment of open space, screening, present and proposed topography.
9. Proposed utilities, including water supply, sanitary sewers, electrical, gas, exterior lighting and stormwater management infrastructure.
10. Building plans, including floor plans and exterior elevations with exterior material specifications.
11. Relation to existing and future land uses in the surrounding area.
12. Priority schedule of construction of the various units, buildings, landscaping, and other elements of the plan.
13. Future division of property among landowners either by building or other reasonable separations.
14. Any other information which the Commission may reasonably require or the applicant may wish to submit.
15. A traffic survey of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances serving the development shall be done by a professional engineer licensed to practice in the State of Connecticut. In addition, a report on these items and other security-related items shall be submitted from the Chief of Police (Legal Traffic Authority).
16. A statement from the Fire Marshal concerning the adequacy of layout and design as it pertains to fire prevention and protection.
17. A statement from the Health Director concerning any public health matters
18. A statement from the Town Engineer in reference to adequacy of drainage, public street design, the design of elements to be maintained by the Town, and the engineering validity, as the design relates to the roads and utilities of the Town.
19. A statement from the Water Pollution Control Authority on the adequacy of the sanitary sewer service.

20. A statement from the Community Beautification Committee on the adequacy and design of proposed planting and landscaping plans and implementations program thereof.
21. A statement from the Conservation Commission on the environmental impact of the proposed development. The Conservation Commission shall be authorized to require the submittal of an Environmental Impact Report completed by the applicant.
22. A statement from any other advisory committee whose opinion is deemed appropriate by the Town Plan and Zoning Commission and Town Council.

Review and recommendation following a public hearing by the Town Plan and Zoning Commission prior to final action by the Town Council shall include a finding that a complete Site Development Plan has been submitted.

The Town Council (Zoning Authority) may require additional documents to be submitted and explanatory statements or descriptive material to be appended. The Zoning Authority shall approve or disapprove the Zone Change and Site Development Plan as one single motion after a public hearing in the manner as required by law for a change of zone. Approval of the Site Development Plan may include such changes, limitations, restrictions or conditions, as the Zoning Authority shall consider necessary to protect the public health, safety, convenience and property values. Adherence to applicable standards and requirements of Section 12.4 of the Building-Zone Regulations shall be required.

A certified mylar of the approved Site Development Plan, shall be filed in the Office of the Town Clerk by the owner at his expense within one hundred and eighty (180) days following approval by the Zoning Authority and any Development Plan not so filed within this time frame shall be void.

4.17.4 Findings Required

Because the intent of this ordinance is to approve a Zone Change to ARZ only when a Site Development Plan is approved concurrently, the zone change to ARZ and the Site Development Plan will be approved or denied as one motion. The Town Plan and Zoning Commission may recommend and the Zoning Authority may approve a creation of an ARZ provided that finding is made that the facts submitted with the application establish that:

- a. All standards and requirements of this regulation (Section 4.17) as well as all applicable standards and requirements of Section 12.4 have been met.
- b. The developer has provided, as necessary and appropriate, for the sustained maintenance of the development in general, and also for any open space created in accordance with Section 4.17.2 (f) above.
- c. Utilities, drainage and other infrastructure have been designed in a manner that ensures satisfactory operation for the life of the project, and components that have a shorter useful

life have been designed in accordance with sound engineering practice, state and local requirements and guidance documents to ensure satisfactory operation.

- d. The streets and drives will be suitable to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network in the area.
- e. The development is consistent with the adopted Plan of Conservation and Development and is in accordance with the comprehensive plan (Building-Zone Regulations).
- f. The development protects public health, safety, welfare, commerce and property values.
- g. The development preserves and substantially reuses historic buildings located on the site, and retains their historic structural elements, exterior appearance and visual setting as seen from surrounding public viewpoints.

4.17.5 Project Phasing

The Zoning Authority may establish phasing reasonable time limits with such time limits controlling the completion of the development or phases within. Each phase shall contain an approximately proportional amount of new construction and preservation of the historic buildings on site. Such time limits may be revised by resolution of the Zoning Authority following a review and a finding that said revision will provide for the successful completion of the project.

In addition to any time limits imposed above, all work on an approved ARZ development (including all phases thereof) must be completed within five years of the effective of date of the approval, provided the Town Council may, upon application prior to the expiration date, approve extensions of one year for up to a maximum of five additional years. The Town Council, when considering an application for extension, may refer the matter to the Town Plan & Zoning Commission for a report and recommendation. Failure to complete all of the work required under an ARZ approval prior to the expiration date shall result in automatic expiration of the approval with respect to the remaining unfinished work and forfeiture of the bond provided under Section 4.17.7. In addition, the Town Council, as zoning authority may, file a notice of expiration on the land records but is not required to do so. Any future improvements after the expiration date shall require a new application and will not be considered a minor change.

The Town Council's resolution of initial approval shall state (1) the five year deadline and (2) any other phasing time limits controlling the completion of the development or phases within (collectively the "deadlines"). All deadlines shall start to run from the effective date of approval by the Town Council unless otherwise specified in the resolution of approval. The deadlines in the resolution of approval shall be included on the Final Development Plan.

4.17.6 Approved Site Development Plan Changes

a. Minor changes to an approved Site Development Plan may, with the written approval of the Town Manager, be made, provided such changes shall not substantially affect the overall architectural and site design of the Adaptive Redevelopment Zone. Such changes shall in no way affect overall density, impact or nature of the development. Such minor changes may include but are not limited to, the locations of catch basins, manholes and other technical aspects of drainage, slight alteration of the location of roads, sidewalks, structures or buildings due to unforeseen topographic or geologic features, slight alteration of finished contours, minor re-arrangement of lighting standards, benches and other incidental street furniture. If the Town Manager shall have any questions to whether such a proposed change is minor or not, such change shall require the review and written approval of the Town Council, after receiving a report of its recommendation from the Town Plan and Zoning Commission.

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Since the ARZ is approved by the Town Council as permitting only those uses and improvements as proposed by the application, a change in an Approved Final Development Plan which is not considered to be a minor change as permitted in Section 4.17.6.a above, shall be considered and processed as a completely new application for a change of zone to ARZ.

4.17.7 Financial Guarantee

Prior to the issuance of a building permit, the developer shall submit acceptable financial guarantees to ensure the installation of any incomplete public improvements. The financial guarantee shall be in an amount approved by the Town Engineer and in a form authorized by Connecticut General Statutes and approved by the Town Plan and Zoning Commission. Upon completion of public improvements, the financial guarantee shall be released by the Town Plan and Zoning Commission as recommended by the Town Engineer. The Town Plan and Zoning Commission may require that up to 5% of the financial guarantee be retained for a period of 1 year to ensure against any defects.

**AMENDMENTS TO SECTION 4.12 - PLANNED AREA
DEVELOPMENT**

4.12.6 Project Phasing

- a. The Town Council establish as a condition of approval reasonable time limits for any development or phases thereof, such time limits apply to the start and completion of construction of the development or phases thereof. Such time limits may be revised by resolution of the Town Council, upon application, provided the Town Council shall find the revision to be in the public interest.

- b. In addition to any time limits imposed above, all work on an approved PAD development (including all phases thereof) must be completed within no more than ten years of the effective of date of the approval; provided the Town Council may, upon application prior to the expiration date, approve extensions of one year for up to a maximum of four additional years. The Town Council, when considering an application for extension, may refer the matter to the Town Plan and Zoning Commission for a report a recommendation. Failure to complete all of the work required under a PAD approval prior to the expiration date shall result in an automatic expiration of the approval with respect to the remaining unfinished work and forfeiture of the bond provided under Section 4.12.17. In addition, the Town Council, as zoning authority, may file a notice of expiration on the land records but is not required to do so. Any future improvements after the expiration date shall require new application and will not be considered a minor change.

- c. The Town Council's initial resolution of approval shall state (1) the ten year deadline and (2) any other phasing time limits controlling the completion of the development or phases within (collectively the "deadlines). All deadlines shall start to run from the effective date of approval by the Town Council unless otherwise specified in the resolution of approval. The deadlines in the resolution of approval shall be included on the Final Development Plan.

4.12.7 Bonding

- a. Prior to the issuance of any building permit, the developer shall provide the Town with a performance bond in a form satisfactory to the Town Manager covering the costs of public improvements unless said public improvements are bonded under the provisions of the Glastonbury Subdivision Regulations. Said bond shall be in a sum satisfactory to the Town Manager and shall be conditioned on completion of

said public improvements within two (2) years of the date of issuance of the first such building permit, except that such The developer has provided, as necessary and appropriate, for the sustained maintenance of the development in general, and also for any open space created in accordance with Section 4.17.2 (t) above.

- b. Utilities, drainage and other infrastructure have been designed in a manner that ensures satisfactory operation for the life of the project, and components that have a shorter useful life have been designed in accordance with sound engineering practice, state and local requirements and guidance document to ensure satisfactory operation.
- c. The streets and drives will be suitable to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network in the area.
- d. The development is consistent with the adopted Plan of Conservation and Development and is in accordance with the comprehensive plan (Building-Zone Regulations).

The development protects public health, safety, welfare, commerce and property values.

- g. The development preserves and substantially reuses historic buildings located on the site, and retains their historic structural elements, exterior appearance and visual setting as seen from surrounding public viewpoints.