

Proposed text amendments to allow commercial space reduction

4.13 Town Center Zone

4.13.1 Purpose and Intent

The purpose of the Town Center Zone is to provide a uniform set of regulations for Glastonbury's Town Center that allows for compatible mix of commercial and residential uses at a density and scale supportive of development and redevelopment that will enhance and strengthen this area as a vital center for the Town. The primary objective of this zone is to ~~implement recommendations of the 2007-2017 Plan of Conservation and Development and the Glastonbury Center 2020 Shared Vision Plan~~ maintain the Town Center as the commercial center of the community while enabling new residential opportunities that can support a vibrant commercial district. Key considerations ~~recommendations~~ include retaining quality commercial space in balance with residential growth ~~new mixed-use projects~~, enhancing ~~ged~~ streetscapes and publicly accessible open spaces, improving ~~ged~~ vehicular, pedestrian and bicycle circulation ~~and new residential opportunities, preserving historic structures, supporting small business retention and development, and promoting quality new buildings.~~

4.13.2 Permitted Uses

Land areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for the uses or use categories listed below and indicated in Section 5: Table of Permitted Uses of these Regulations, subject to such standards as may be referred to herein.

Permitted Uses and Use Categories

Unless otherwise indicated, all uses and use categories require a Section 12 Special Permit with Design Review from the Town Plan and Zoning Commission.

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Prmt Uses and use categories permitted as of right subject to the requirements of the Town Center Zone and any other applicable provisions of these regulations.

Dwelling, single family, if existing on or before January 30, 2014

Dwelling, two-family, if existing on or before January 30, 2014

Assisted living, convalescent or nursing home, if existing on or before January 30, 2014

Sp Uses and use categories permitted following approval of Special Permit with Design Review by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations.

Any Special Permit use existing within the TC Zone on or before January 30, 2014 is deemed to have been granted a Special Permit for such use.

Assisted Living, convalescent or nursing home (expansion of existing facilities only)

Bed and Breakfasts/Inn

Business services, except for warehousing and motor vehicle rental services

Day Care Center

Dwelling, multiple (14)

Fitness club

Government services

Historic and monument sites (21)

Library

Mixed use development – unified residential and commercial uses*

Museum

Office, general or professional

Office, medical

Personal Service
Places of worship
Recreation uses
Retail, including sale of alcohol for off-site consumption
Restaurant, including sale of alcohol for on-site consumption
Theater, legitimate and/or motion picture
Utility- electric, gas and water

*For any building for which both residential and commercial uses are proposed, first floor and basement uses shall be limited to commercial uses only, except as provided for in Section 4.13.6(k). In mixed use structures where first floor or basement residential uses are existing on or before January 30, 2014, said residential uses shall be permitted. For existing developments where a residential use is added, the area (square footage) containing existing commercial uses shall not be reduced, except as provided for in Section 4.13.6(k). This shall also apply to the area of commercial space on a site where any and all buildings are demolished and the site is redeveloped.

4.13.3 Permitted Accessory Uses

Customary accessory uses are permitted in accordance with the list below and as indicated in Section 5: Table of Permitted Uses of these Regulations, subject to such standards as may be referred to in Section 5 and herein.

Permitted Accessory Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

4.13.4 Development Plan

No existing building, structure or use, other than existing single and two-family dwellings, shall be enlarged or altered until a Development Plan has been approved by the Town Plan and Zoning Commission in accordance with Section 12 of the Building Zone Regulations.

4.13.5 Change of Use

Within the TC Zone, any non-residential change of use that does not involve exterior building modifications or require the construction of additional parking shall be permitted as of right. Any change of use that does require the construction of parking or proposed exterior building modifications or additions shall require submission of a Special Permit Application to the Office of Community Development. Determination of whether a change in an approved Development Plan shall be deemed a Section 12.9 minor change, a Section 12.10 insignificant change or a Special Permit with Design Review in accordance with Section 12 of these Regulations shall be made by the Office of Community Development.

4.13.6 Development Requirements

Uses in effect prior to the enactment of the Town Center Zone on January 30, 2014 that do not meet the Development Requirements outlined herein shall be considered grandfathered uses -provided that they met the Development Requirements of the previously existing zone. Any new additions or buildings on such sites shall not increase non-compliance within the ~~new~~ Town Center Zone. Any change of use that is not considered a minor change or insignificant change in accordance with Section 12 of these Regulations shall be subject to the Development Standards outlined herein and will require Development Plan approval from the Town Plan and Zoning Commission in accordance with all requirements set forth in Section 12 of these Regulations

a) Lot Area

Minimum lot area shall be 40,000 square feet, except that smaller legal lots of record under separate ownership may be developed and used for a permitted use provided that the Town Plan and Zoning

Commission finds that the proposed Development Plan for such lots complies with the criteria set forth in Section 12 of these Regulations. There shall be no limit to the number of smaller lots of record that may be combined and developed as a single/unified development plan.

b) Building Coverage

Maximum floor area ratio (FAR) shall be 0.5 for all commercial, multifamily residential and mixed use buildings. FAR shall be calculated per Section 2.54 of these Regulations. FAR shall not apply to single family and two-family dwellings.

c) Lot Frontage

Every lot shall have a minimum lot frontage of not less than 100 feet, except that the provisions set forth in 4.13.6(a) above for smaller lots shall also apply to lot frontage.

d) Setbacks

1. Front Yard

There shall be a minimum front yard of 20 feet for every principal building. Placement of parking to the rear or side of the building is encouraged. No driveway serving a drive-up customer service window shall traverse the area in front of the subject building and within the front yard setback.

2. Side Yards

There shall be a minimum side yard of 8 feet for every principal building, excluding those buildings attached at the side property line to a building on an adjoining property.

3. Rear Yard

There shall be a minimum rear yard of 20 feet for every principal building.

e) Maximum Height Limit

No building shall exceed a height of three (3) stories or forty-two and three-fourths (42 3/4) feet. Amended 1/4/21

f) Required Open Space

Open space for commercial, multifamily dwellings and mixed use buildings shall be equal to 15 percent of lot area.

g) Design Standards

As part of Development Plan approval the applicant shall demonstrate to the Plan and Zoning Commission that the project appropriately includes the use of distinctive paving materials; incorporation of trees, shrubs and seasonal plantings; placement of street furniture; and use and placement of appropriate lighting fixtures. **EFFECTIVE March 28, 2022**

Where parking areas are contiguous with adjacent parking areas, whether within the same or different ownership, no fencing, screening, shrubbery or other barrier shall be used to prevent the movement of vehicles from one parking area to another.

h) Signage shall be in accordance with Section 10 of these regulations.

i) Parking

1) Parking Requirements

The following parking requirements shall apply to uses within the Town Center Zone:

a) Residential

Dwelling, single family: 2 spaces per unit

Dwelling, two-family: 2 spaces per unit

Dwelling, multiple

Studio: 1 space per unit

One-bedroom: 1.5 spaces per unit

Two bedrooms or more: 2 spaces per unit

b) Commercial

Shall be in accordance with Section 9 of these regulations

2) Shared Parking

Joint use of off-street parking spaces may be permitted by the Town Plan and Zoning Commission.

This provision shall apply to all uses within the Town Center Zone.

Any application for shared parking must include:

a) An analysis of parking demand for each use by time period, demonstrating compatibility of shared parking between uses; and

b) A written permanent easement between the use parties, which clearly stipulates the terms of the joint use of the parking spaces and ensures that such spaces are committed and available to the respective users on a non-conflicting basis. Said easement to be filed on the land records.

j) Floor Area – Retail Trade

The floor area of any individual retail trade use shall not exceed 40,000 square feet. Mezzanine access up to 10% of the principal floor area shall not be included in this calculation.

k) Public Benefits

Mixed-used developments that provide public benefits, as listed in the table below, may submit a Special Permit with Design Review application to request a one-time reduction of the existing gross commercial square footage and location of non-commercial uses on the first and basement floors, provided that:

i. The development site retains 50% of the existing gross commercial square footage, with a minimum 1,500 gross square feet of commercial space; and,

ii. Commercial space is located at the ground floor level along the site's primary street frontage; and,

iii. Further reductions of commercial space are prohibited as part of the Special Permit approval and recorded on the land record.

| <u>Public Benefit</u> | <u>Benefit Description</u> | <u>Percentage Reduction in Existing Commercial Square Footage (50% Max)</u> |
|---|---|---|
| <u>Historic Preservation</u> | <u>Preservation of any structure, per the Secretary of the Interior's Standards for the Treatment of Historic Properties, that is: (a) listed in the National or State Registries of Historic Places either individually or as a contributing property within a historic district; or (b) determined to be eligible for listing in the National or State Registries of Historic Places by an architectural historian who meets the Secretary of the Interior's Standards professional qualifications.</u> | <u>25%</u> |
| <u>Affordable Housing</u> | <u>Inclusion of a 5% increase in the percentage of housing units required to be affordable for 40 years to residents earning 80% of Area Median Income (AMI); OR,</u> | <u>15%</u> |
| | <u>Inclusion of a 5% increase in the percentage of housing units required to be affordable for 40 years to residents earning 60% of Area Median Income (AMI); OR,</u> | <u>20%</u> |
| | <u>Inclusion of a 5% increase in the percentage of housing units required to be affordable in perpetuity to residents earning 60% of Area Median Income (AMI).</u> | <u>25%</u> |
| <u>Sustainability</u> | <u>Incorporation of the LEED silver certification requirements for new construction or substantial rehabilitation established by the U.S. Green Building Council, as determined by a LEED certified professional.</u> | <u>25%</u> |
| <u>Small Business* Priority</u> | <u>Commitment to retain one or more existing small business commercial tenants for 5 years after certificate of occupancy; AND/OR,</u> | <u>10%</u> |
| | <u>Commitment to lease exclusively to small business commercial tenants for 5 years after certificate of occupancy.</u> | <u>10%</u> |
| <u>Universal Design</u> | <u>Incorporation of Universal Design standards in all residential and publicly-accessible spaces.</u> | <u>5%</u> |
| <u>Publicly-Accessible Site Amenities</u> | <u>Provision of 50% or more publicly-available parking between 9am – 5pm, Monday – Friday only; AND/OR,</u> | <u>5%</u> |
| | <u>Provision of permanent open space at the ground level, which is open to the public at all times for passive recreational uses and may include pedestrian walkways, seating areas, landscaped plazas, or art installations.</u> | <u>5%</u> |

| <u>Public Benefit</u> | <u>Benefit Description</u> | <u>Percentage Reduction in Existing Commercial Square Footage (50% Max)</u> |
|--|--|---|
| <u>Culturally Significant Features</u> | <u>Retention of culturally significant site features, including signs, artwork, gardens, structures, or other architectural or site features determined to be important expressions of the Town’s culture and history that contribute to the design quality of the streetscape upon recommendation by the Architectural and Site Design Review Committee or Town Council to the Town Plan and Zoning Commission.</u> | <u>5%</u> |

*See Small Business definition in Section 2.40

EFFECTIVE [approval date]

Proposed Section 2.40 Small Business

A business or non-profit organization that has fewer than 10 business locations nationally and which is independently owned and operated. **EFFECTIVE [approval date]**