CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY

Serving Berlin, Bristol, Burlington, New Britain, Plainville, Plymouth, and Southington

225 North Main Street, Suite 304
Bristol, CT 06010-4993

Internet: http://ccrpa.org
Fax/TDD: (860) 589-6950

Tel: (860) 589-7820
or (860) 224-9888

TO:	COMPREHENSIVE PLAN COMMITTEE
FROM:	Kristin Thomas, PLANNER
DATE:	November 22, 2011
RECEIVED BY CCRPA ON:	November 7, 2011
REFERRAL NAME:	Meriden Zoning Regulation Amendments
INITIATOR:	City of Meriden
MUNICIPAL HEARING:	November 22, 2011
REFERRED TO:	CCRPA
DESCRIPTION:	The City of Meriden proposes a series of text amendments to their Zoning Regulations. The amendments aim to: create more compatible single family and two family building heights; prohibit the expansion of non-conforming and two and three family residences; and provide for improving more livable yards on residential lots. See attached referral for further information.
COMMENTS:	No comments have been received from any neighboring town.
STAFF RECOMMENDATION:	CCRPA recommends that this proposal be found ***Not in Conflict*** with the Regional Plan of Conservation and Development or any other Agency plan.

PLANNING
COMMISSION-DIVISION
CITY OF MERIDEN

Telephone (203) 630-4081 • Fax (203) 630-5883

Sent out
11/10

November 2, 2011

Central CT Regional Planning Agency
225 North Main Street, Suite 304
Bristol, CT 06010

Dear Regional Planning Agency:

Enclosed are proposed text amendments to Zoning for the City of Meriden. A hearing is tentatively scheduled for November 22, 2011 depending upon your schedule. Please consider at your earliest convenience.

Sincerely,

Thomas Skoglund, AICP
Assistant Planning Director

142 East Main Street, City Hall, Meriden, Connecticut 06450

PROPOSED ZONING AMENDMENTS RE:

Height of structures on narrow lots; suitable (liveable) yards;
non-conforming two and three family homes.

(Planning Staff 10/28/11)

The proposed amendments addressing this height issue include:

1. Amend Section 213-7 "Definitions – H" after definition of "Height of Building" by adding the following new definition:
   "HEIGHT RESTRICTED BAND – An area parallel to the minimum side yard setback requirement for a distance of 5' towards the center of the lot". (See Diagram 5B)

2. Amend Diagram 5B "Various Lot and Bulk Definitions" to show the "Height Restricted Band".

3. Amend Section 213-49A "Exceptions and Modifications – Height Limits" by adding two subsections (3) and (4) to read:

   "(3) On 60' or wider lots in the S-R, R-1 and R-2 zones, the maximum height of buildings within the Height Restricted Band shall be 30';

   (4) On lots narrower than 60' in the S-R, R-1, R-2 zones, the maximum height of buildings shall be 2 stories (not to exceed 30')."

4. Amend Section 213-12B "SCHEDULE OF LAND USE AND BULK REGULATIONS":

   - Add "/30[12]" to the existing 35' in the "Maximum Height" column in the S-R, R-1 and R-2 zones"

   - Add footnote #12 to read: "within the Building Restricted Band, this maximum building height is 30'; On nonconforming lots narrower than 60' in the R-R, S-R, R-1 and R-2 zones, the maximum height of buildings shall be two stories (not to exceed 30')".

The proposed amendments addressing the suitable (liveable) yards include:

1. Amend Section 213-48D(1) "Yards", specifically subsections a and b which shall read:
   "a. Suitably landscaped residential yards shall include a large front, rear or side yard area of lawn.
      (1) No single family residential lot shall be created without an approved (suitable) Landscape Plan showing grading and groundcover for which development will need to conform with. Said large lawn area should be at least equivalent to the size of the single family home structure's footprint, generally rectangular with the smallest dimension at least 25' in length. Said large lawn area shall be generally level (not exceeding 10% grade in any direction). Said large lawn area may include garden or mulch, or host an uncovered patio or pool as allowed under regulation.

(2) No building permit for a new or expanded footprint residence shall be granted on any single family lot of nonconforming size or lot with area and/or density variance, without an approved (suitable) Landscape Plan. For lots created prior to approval of this section, and not modified thereafter, the Planning Department may approve two smaller lawn areas, greater in overall size than the home footprint, to meet the intent of the large yard requirement. Other lawn areas may be approved for singe family lots in Multiple-Family Districts.

b. The required front yards of residential lots in all zones should be landscaped and not be impervious except for driveway and walks. There should be no vehicle parking created, expanded, or made more permanent in the front yard beyond the driveway described in (e) below, unless a Landscape Plan has been approved."

2. Amend Section 213-48D(1) "Yards", by adding subsection (e) to read:

" e. Driveways on residential lots in all zones and garages are accessory and should be incidental and subordinate features rather than dominant; garage location to the rear of residential structures, or to the side for wide lots, should be considered, and excess protruding garages avoided.

(1) Driveways on all residential lots in all zones, including shared driveways, shall not exceed 24' in width for access to the street.

(2) There shall not be more than one driveway in front of the residential structure for a lot of 60' in width or less.

(3) The total surface area for vehicles between the front of the residential structure(s) and the street being accessed shall not exceed 24' in width except in a case where the City Planning Department, following a review of alternatives, finds the layout for such vehicle accessory use is otherwise necessary, a Landscape Plan is approved, or a site plan is approved by the Planning Commission.

(4) For multi-family development said total surfaced area for vehicles leading to garages shall not exceed 50% of the front width of the residential building except that the Planning Commission as part of an overall site plan that includes significant offsetting beneficial design aspects may consider approval of such design as an alternative."

3. Amend Section 213-48D (3) by adding the following sentence to end of the existing requirement: "Further, no residential garage shall be closer than 20' from the street line".

The proposed amendment addressing the expansion of non-conforming two and three family homes is to revise Section 213-60B (1) "Existing non-conforming uses, buildings and structures – Englargement" by adding the bolded text:

(1) Nonconforming uses. No nonconforming use of land shall be enlarged, extended or altered and no building or other structure or part thereof devoted to a nonconforming use, **including two family, three family, and multi family residential uses in Districts and lots that only allow single family homes**, shall be enlarged, extended, reconstructed …

MEMORANDUM

TO: City Council
Planning Commission
South Central Regional Council of Governments

FROM: Planning Staff (DJC & TS)

DATE: October 28, 2011

SUBJECT: Zoning Amendments:
- More compatible Single Family and Two Family Building Heights;
- Prohibiting Expansion of Nonconforming and Two and Three Family Residences; and
- Provide for and Improving more livable yards on residential lots

---

The Plan of Conservation and Development (POCD) calls for review of the City's Zoning Regulations and other land use regulatory documents and instruments, and to revise regulations as necessary to ensure that residential development will occur in the areas desired and in forms and densities that are appropriate.

In December 2009, the City Council approved most of the proposed targeted improvements in lot dimensional standards, erosion control, fill, and yards. Three items were tabled to allow for rewording and further consideration:

1) Height of structures on narrow lots;
2) Suitable (liveable) yards;
3) Nonconforming two and three family homes.

Following are the two revised zoning amendments and explanatory summary for each of the proposed amendments.

HEIGHT OF STRUCTURE ON NARROW LOTS

Meriden's residential single and two family neighborhoods include thousands of relatively narrow existing lots. Redevelopment or infill of narrow lots has a greater chance of incompatible building heights. For instance, narrow lots (such as 60 ft. wide) in a neighborhood of single story ranches might be built/rebuilt with a three story 35 ft. high structure up to required side yard (6 ft. on 60 ft. lot). The narrowness of such a lot would increase the likelihood such structure would be built right to the allowed side yard setback (6 ft.) possibly interfering with sunlight to the adjacent lot as well as creating incompatibility. Also, possible incompatible situations from a tall building addition (between 30-35 ft.) on a lot greater than 60 ft. of width, can be softened by not building to the maximum height at the side setback line.

The current proposal reduces the maximum height of building to 30 ft. within a 5 ft. wide strip inward from the required setback.

There are a significant number of lots that are narrower than 60 ft. and are considered non-conforming. Lot size and building height equal bulk. Therefore, on the relatively smaller lots, taller buildings cause an incompatible bulkiness. Infill, additions and rebuilds to a lower height level may have a decent chance of being positive and compatible, but cases of overbuilding beyond two stories could be negative. Changing the regulation to prevent vertical overbuilding is proposed by limiting the height of buildings on non-conforming lots in the S-R, R-1 and R-2 zones to two stories.

The proposed amendments addressing this height issue include:

1. Amend Section 213-7 "Definitions – H" after definition of "Height of Building" by adding the following new definition:
   "HEIGHT RESTRICTED BAND – An area parallel to the minimum side yard setback requirement for a distance of 5' towards the center of the lot". (See Diagram 5B)

2. Amend Diagram 5B "Various Lot and Bulk Definitions" to show the "Height Restricted Band".

3. Amend Section 213-49A "Exceptions and Modifications – Height Limits" by adding two subsections (3) and (4) to read:

   "(3) On 60' or wider lots in the S-R, R-1 and R-2 zones, the maximum height of buildings within the Height Restricted Band shall be 30';

   (4) On lots narrower than 60' in the S-R, R-1, R-2 zones, the maximum height of buildings shall be 2 stories (not to exceed 30')."

4. Amend Section 213-12B "SCHEDULE OF LAND USE AND BULK REGULATIONS":

   - Add "/30[12]" to the existing 35' in the "Maximum Height" column in the S-R, R-1 and R-2 zones"

   - Add footnote #12 to read: "within the Building Restricted Band, this maximum building height is 30'; On nonconforming lots narrower than 60' in the R-R, S-R, R-1 and R-2 zones, the maximum height of buildings shall be two stories (not to exceed 30').".

SUITABLE (LIVEABLE) YARDS

In recent years Meriden has revised its single family lot dimensions in several ways. In December 2009, the City approved some zoning informational requirements for lands with sensitive resources as part of the effort to qualitatively improve single family lot yards. However, this covers only a small percentage of single family residential lands, and the term "suitable yards" remains undefined, and therefore is difficult to implement.

An objective for newly created single family home lots is to include a sizeable usable yard; if there is an addition or rebuild, adequate usable yard space should be maintained. One of the questions raised by City Council was: would it be feasible or appropriate to implement the proposed suitable yard requirements for single family homes on very small non-conforming lots, including those in multi-family districts? To answer this question, staff considered different sized lots. It appears that the vast majority of existing lots include enough yard space to meet the requirement, especially when the yard space can be provided in two places. With very small existing lots, the proposed regulation could have the effect of preserving grassed yards, and limiting additions that would eliminate said yard. There are still pockets of single family homes in the R-3 District. The density allowed by zoning only encourages very small single family home lots; therefore a flexible standard is needed. The yard standard is not proposed for lots with more than one unit because the parking requirements start to make the yard hard to achieve on small non-conforming lots.

Design of residential parking can have a significant influence on neighborhood appeal. The proposed standards should help lessen future incompatible situations. In some districts, residential building is allowed closer than 20 ft. from the street. In such cases a garage may be built too close to the sidewalk, thus the car parked in front of the garage hangs over the sidewalk.

Therefore, the proposal is to:

a. Enhance yard landscaping provisions;
b. Better describe and define "suitably landscaped" yards;
c. Discourage expansive parking area in the front to reduce detrimental impacts;
d. Make sure single family residential lots have a usable landscaped yard in proportion to the home footprint. This would normally be easy but on completely sloped lots it could require a retaining wall(s) or for an abnormally small lot it could (appropriately) limit the home footprint;
e. Place emphasis on review of single family yards to avoid/reduce bad lots.

The proposed amendments addressing the suitable (liveable) yards include:

1. Amend Section 213-48D(1) "Yards", specifically subsections a and b which shall read:
   "a. Suitably landscaped residential yards shall include a large front, rear or side yard area of lawn.
      (1) No single family residential lot shall be created without an approved (suitable) Landscape Plan showing grading and groundcover for which development will need to conform with. Said large lawn area should be at least equivalent to the size of the single family home structure's footprint, generally rectangular with the smallest dimension at least 25' in length. Said large lawn area shall be generally level (not exceeding 10% grade in any direction). Said large lawn area may include garden or mulch, or host an uncovered patio or pool as allowed under regulation.
      (2) No building permit for a new or expanded footprint residence shall be granted on any single family lot of nonconforming size or lot with area and/or density variance, without an approved (suitable) Landscape Plan. For lots created prior to approval of this section, and not modified thereafter, the Planning Department may approve

two smaller lawn areas, greater in overall size than the home footprint, to meet the intent of the large yard requirement. Other lawn areas may be approved for singe family lots in Multiple-Family Districts.

b. The required front yards of residential lots in all zones should be landscaped and not be impervious except for driveway and walks. There should be no vehicle parking created, expanded, or made more permanent in the front yard beyond the driveway described in (e) below, unless a Landscape Plan has been approved."

2. Amend Section 213-48D(1) "Yards", by adding subsection (e) to read:

" e. Driveways on residential lots in all zones and garages are accessory and should be incidental and subordinate features rather than dominant; garage location to the rear of residential structures, or to the side for wide lots, should be considered, and excess protruding garages avoided.

(1) Driveways on all residential lots in all zones, including shared driveways, shall not exceed 24' in width for access to the street.

(2) There shall not be more than one driveway in front of the residential structure for a lot of 60' in width or less.

(3) The total surface area for vehicles between the front of the residential structure(s) and the street being accessed shall not exceed 24' in width except in a case where the City Planning Department, following a review of alternatives, finds the layout for such vehicle accessory use is otherwise necessary, a Landscape Plan is approved, or a site plan is approved by the Planning Commission.

(4) For multi-family development said total surfaced area for vehicles leading to garages shall not exceed 50% of the front width of the residential building except that the Planning Commission as part of an overall site plan that includes significant offsetting beneficial design aspects may consider approval of such design as an alternative."

3. Amend Section 213-48D (3) by adding the following sentence to end of the existing requirement: "Further, no residential garage shall be closer than 20' from the street line".

NONCONFORMING TWO AND THREE FAMILY HOMES

Because the zoning is not completely clear, there have been cases where additions have been allowed that increase overbuilding on non-conforming lots. The single family districts specify only single family homes, therefore a proper interpretation of zoning seems to be that if there is more than one residential unit (2 or 3 units) it is a non-conforming use and there should be no building enlargement allowed. In the R-2 District, single family dwellings are listed as a use separate from two and three family uses. The two and three family use is only a conforming use if there is a lot large enough to accommodate it (minimum of 4,000 square feet per unit in the R-2 District). Therefore, a proper interpretation of zoning is that a residential use with more than one unit on a lot of less than 8,000 square feet in R-2 is non-conforming and should not be enlarged. This has not always been the interpretation the therefore it needs to be explicitly stated in zoning. The scale of building and parking to land area is sometimes a neighborhood compatibility issue when there is more density than intended and allowed in zoning.

The proposal specifically identifies two families, three family residential uses in Districts and lots that only allow single family homes as non-conforming and prohibits the expansion of such structures. The result would preserve the reasonable scale of building to land existing in most single family and R-2 neighborhoods, not allowing worst cases of overly dense non-compatible and non-conforming development.

The proposed amendment addressing the expansion of non-conforming two and three family homes is to revise Section 213-60B (1) "Existing non-conforming uses, buildings and structures – Englargement" by adding the bolded text:

(1) Nonconforming uses. No nonconforming use of land shall be enlarged, extended or altered and no building or other structure or part thereof devoted to a nonconforming use, **including two family, three family, and multi family residential uses in Districts and lots that only allow single family homes**, shall be enlarged, extended, reconstructed …

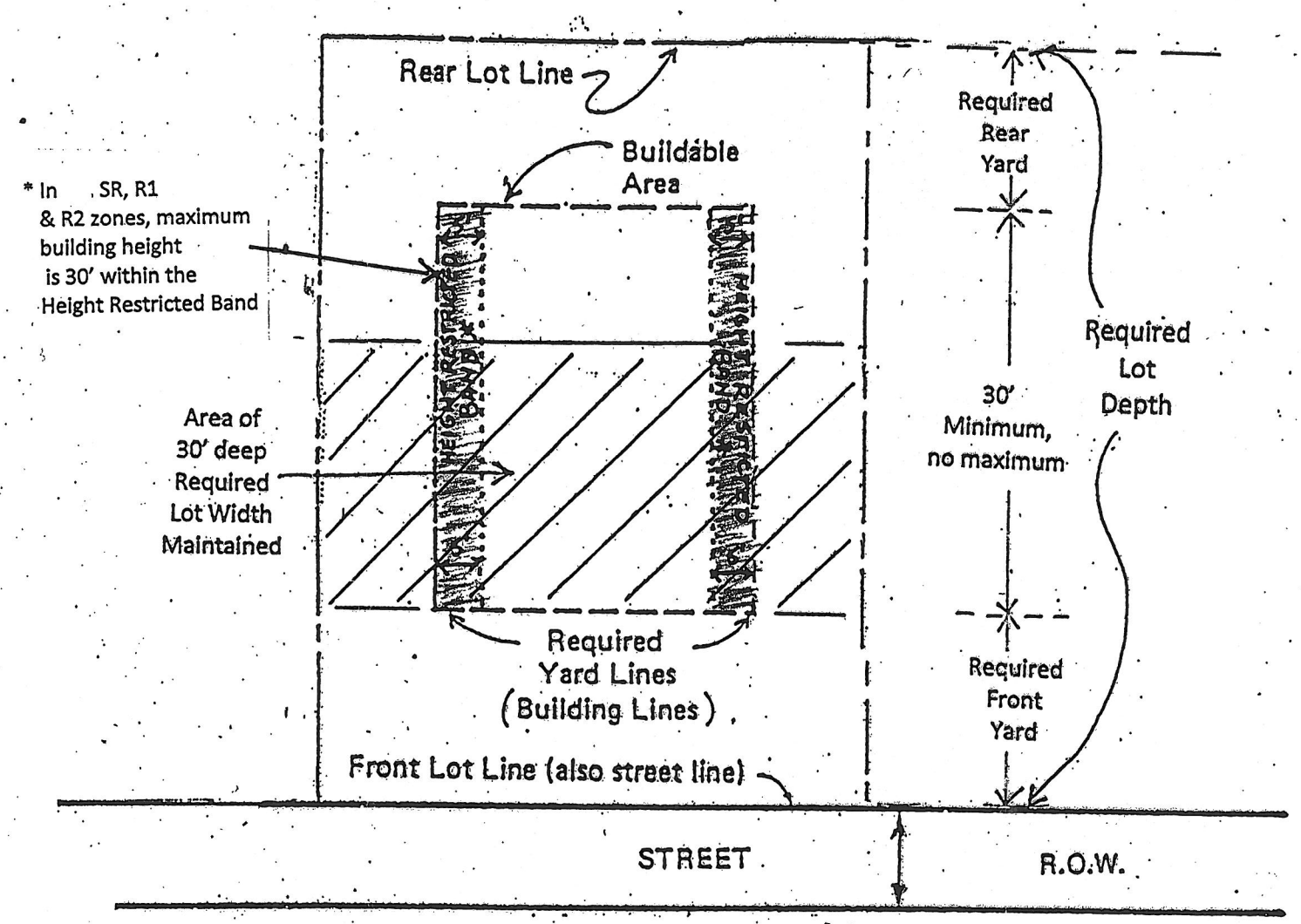

DIAGRAM 5B.

VARIOUS LOT AND BULK DEFINITIONS

CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY

Serving Berlin, Bristol, Burlington, New Britain, Plainville, Plymouth, and Southington

225 North Main Street, Suite 304 Internet: http://ccrpa.org Tel: (860) 589-7820
Bristol, CT 06010-4993 Fax/TDD: (860) 589-6950 or (860) 224-9888

TO: COMPREHENSIVE PLAN COMMITTEE
FROM: Kristin Thomas, PLANNER
DATE: November 22, 2011

RECEIVED BY CCRPA ON: November 16, 2011
REFERRAL NAME: Newington Zoning Regulation Amendments

INITIATOR: Nutmeg State Crematorium, LLC
MUNICIPAL HEARING: TDB
REFERRED TO: CCRPA

DESCRIPTION: Nutmeg State Crematorium, LLC proposes amendment to the Business-Berlin Turnpike (B-BT) Zone District to permit by Special Exception crematories. See attached referral for further information.

As explained by Newington Town Planner, Edmund J. Meehan: *"The petition to amend the zoning regulations to permit crematories by special exception to the Berlin Turnpike Business district is from Nutmeg State Crematorium,LLC. Newington zoning regulations state "uses not listed are not permitted" thus the petition to allow this new use. The applicant for the zone amendment has also submitted a special exception petition for the property at 151 Kitts Lane, which is in the Berlin Turnpike Business zone. The special exception criterion sets a separation distance of 500 feet from any residential structure or land zoned for residential purposes. This is all the information that we have for this petition at this time."*

COMMENTS: Comments have been received from New Britain City Planner Steven Schiller: *"I don't like the cumulative style zoning ordinance and would probably recommend against inclusion of some of the BT zone uses in the PD district. No objections to crematory subject to 500 foot setback from NB residential zones, which I believe is state statute for crematoriums."*

STAFF RECOMMENDATION: CCRPA recommends that this proposal be found ***Not in Conflict*** with the Regional Plan of Conservation and Development or any other Agency plan.

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

John Salomone
Town Manager

Edmund J. Meehan
Town Planner

CERTIFIED MAIL NO. **7196 9008 9040 0584 1708**

RECEIVED NOV 1 2011

Memorandum

To: Central Connecticut Regional Planning Agency

From: Ed Meehan, Town Planner

Date: November 14, 2011

Re: **Notice of Intertown Zone Referral Section 8-3b**
Proposed amendment to the Business-Berlin Turnpike (B-BT) Zone District to permit by Special Exception **Crematories**.

The Business Berlin Turnpike (B-BT) Zone District abuts the Town of Wethersfield. Newington Zoning Regulations are based on the "cumulative principle," uses permitted in the Business Berlin Turnpike Zone District are also permitted by Special Exception in the Planned Development PD Zone District.

The PD Zone District abuts New Britain and Berlin.

Attached is the proposed amendment to add Section 3.15.8.

File: Petition 34-11

Phone: (860) 665-8575 Fax: (860) 665-8577
planning@newingtonct.gov
www.newingtonct.gov

PROPOSED AMENDMENT TO NEWINGTON ZONING REGULATION

Purpose of the amendment is to allow crematory use in the B-BT Business Berlin Turnpike Zone by Special Exception.

Amendment to Section 3.15 Special Exceptions Permitted in B-BT Business Berlin Turnpike Zone

ADD:

Section 3.15.8 Crematories except that the location of which shall not be within five hundred feet of any residential structure or land zoned for residential purposes.