

Proposed Text Amendment - *edit to 6-1-2023*

Planning and Zoning Staff

Modify Berlin Zoning Regulation Section XI.DD Planned Residential Infill Development

As relating to modifying the standards for development

PROPOSAL

Maureen Giusti, AICP, Town Planner is seeking a text amendment to the Berlin Zoning Regulations under the direction of the Commission. The amendment is proposed to modify the existing language to clarify language and allow development with standards more consistent with surrounding neighborhoods and businesses.

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Amendment:

DD Planned Residential Infill Development

1. Purpose. The intent of this section is to provide an economic incentive for the redevelopment of existing Motel properties which are considered inefficient and underperforming by contemporary land use standards. This section provides standards and procedures for the design and development of Planned Residential Infill Developments in an effort to expand the scope of land planning and development from the concept of individual lots and structures to the planning and development of small areas with groups of structures erected thereon as a coordinated entity and to provide for more efficient use of existing motel parcels and Town resources, but it is not intended to facilitate the conversion of non-residential uses, **nor preclude redevelopment for other conforming uses provided for in the zone.** but to redevelop motel uses into permanent dwellings in their entirety and no mobile home trailer units are permitted.
2. Qualifying Standards. No tract of land shall be considered for a Planned Residential Infill Development unless it meets the following minimum qualifying standards.
 - a. The tract shall consist of a single lot under one ownership or control in existence prior to the effective date of this regulation **(November 16, 2021)** with its current use of a Motel having a total area of not less than one-half (.5) acre nor more than three (3) acres and shall be served by public water and public sanitary sewer.
 - b. The tract shall have frontage on State Highway 5/15. In addition to frontage on State Highway 5/15 as described above, **where the parcel has frontage along other roads,** the tract may have access ~~on from~~ other roads if the Planning and Zoning Commission finds traffic conditions warrant it or that is desirable to facilitate public safety. Nothing herein shall be construed to require that access be required from State Highway 5/15.
 - c. Procedure. An application for a Planned Residential Infill Development use for a tract of land that meets the standards set forth in Section DD must be approved as a Special Permit pursuant to Section XII of these Regulations.

In addition to the requirements of Section XII, the applicant shall:

- i. ~~s~~Submit a storm water management plan prepared by a professional engineer addressing any increase in surface water runoff from the proposed development.
- ii. ~~The applicant shall also s~~Submit a written traffic statement addressing prospective traffic of the proposed development.

The Commission shall find that the location, orientation, design scale, texture, materials, landscaping, general bulk, height and other features shall be consistent with the physical characteristics of the Town and surrounding neighborhood(s) to which the proposed development is located and shall take into account, where appropriate, the nature of the surrounding area and the extent to which the proposed use and its features and appearances will be in harmony with the surrounding area, including the density and uses and the effect upon property values in the neighborhood.

The application and required documents be submitted per the department checklist and shall include the following:

- (i) ~~six (6) copies~~ Copies of an overall site plan per department requirements prepared by a licensed professional engineer of the entire tract of a scale of Section XIII Site Plan, and
- (ii) ~~six (6) copies~~ Copies of architectural drawings per department requirements containing all of the information required by Section XIII together with a range of proposed textures, materials and colors of the buildings. The hearing described in Section XII shall be for the purpose of determining whether the tract described in the application meets the standards contained in these Regulations for a Special Permit. If the Commission finds the proposed use to be in accord with the public convenience and welfare and to meet the standards of these Regulations, it shall approve the Special Permit for the entire tract subject only to conditions imposed pursuant to Sections XII.

3. Design Standards. The following standards shall apply to the design and development of Planned Residential Infill Developments:

- a. There shall be a maximum of six (6) dwelling units per acre, the calculation for residential density shall exclude any area of the parcel categorized as wetland or floodplain. ~~The maximum number of dwelling units shall be determined as follows: Total gross land area ÷ 4,000 sq. ft. = maximum number of dwelling units allowed. Any fraction that results~~ of units calculated shall be rounded down to the nearest whole ~~lot number of units.~~
- b. ~~No building shall contain more than six (6) dwelling units. Unless the~~ Commission determines that due to unique characteristics of the parcel an alternate design is appropriate, units shall be stand alone, unattached dwelling units with a minimum separation of Twenty (20) feet between units with the area between units landscaped but may include pedestrian pathways, and fenced storage for waste containers.
- c. No building shall exceed ~~2 1/2~~ 1.5 stories nor ~~35~~ 18 feet in height.
- d. No dwelling unit shall ~~be less than 500 square feet or exceed 1000 square feet of living area~~ GFA including unfinished basement capable of being finished and attached garages.

Detached banks of garages for the development and not for habitation, are not subject to this calculation.

e. The existing motel building shall be demolished to the extent that **at least** fifty percent (50%) of the dwelling units are new construction and no structure or portion thereof would be allowed to remain motel.

f. **With the intent of supplying housing units that qualify as affordable in accordance with Connecticut General Statutes §8-30 g,** ~~the~~ application shall require twenty percent (20%) of the total number of units as affordable housing units which are subject to binding recorded deeds containing covenants or restrictions in perpetuity which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent (30%) or less of income, where such income is less ~~that~~ **than** or equal to eighty percent (80%) of the median income as defined under Connecticut General Statutes §8-30 g. The Application shall include an affordability plan specifying the procedures for establishing and monitoring the affordability restrictions and identifying the Administering Agency which will monitor and enforce the affordable housing restrictions.

g. **Bulk requirements:**

Minimum setback requirements for any ~~No~~ building or accessory structure:

1. ~~shall extend within less than~~ **Front: forty (40) feet of from** any Street Line
2. **Side: or fifteen (15) feet of any other property line twenty-five (25) feet** regardless of whether a property line abuts a residential, commercial or other non-residential zoning district;
3. **Rear: Forty (40) feet when abutting a residential zoning district and twenty-five (25) feet when abutting non-residentially zoned districts.**
4. **Subject to Commission determination,** ~~provided however~~ **nonconforming structures renovated in accordance with this section, may remain in accordance with Section IV.C.4.** ~~at the request of the applicant made in writing at the time of the filing of the application, the Planning and Zoning Commission may waive the setback requirements where there is an existing structure on the tract of land which the Commission determines merits saving. The lot shall only be required to have one (1) Street Line which shall be State Highway 5/15. All utilities shall be underground~~
5. Maximum Lot Coverage shall be ~~fifty (50)~~ **forty (40) percent.**

h. Notwithstanding any other provision of these Regulations, **detached accessory structures:**

1. under 100 s.f. provided they are limited to a single story with no wall greater than 8ft high and a Certificate of Zoning Compliance is obtained, with a minimum setback of 20 ft in the side and rear yards may be permitted provided that its placement does not encroach into an approved buffer

2. detached accessory structures such as banks of garages, storage for community maintenance and common facilities for the benefit of the community 100 s.f. or larger may be permitted subject to site plan approval and the structure shall 1) be located not less than half of the required distance

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for dwelling units from the property line and, provided: ~~1) the side lot abuts a commercial or other non-residential district;~~ 2) the height of the accessory structure shall not exceed 15 feet; and 3) the applicant demonstrates to the satisfaction of the Commission that the accessory structure is designed and located to be architecturally compatible with the principal structure(s) and neighborhood character.

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i. The requirements of Section IX C shall not apply to this Section XI DD, but unless waived by the Commission, a minimum landscape buffer of 20 feet shall be maintained or provided around all non-frontage perimeters of the site and the Commission may impose landscaping, screening and buffer conditions it determines necessary for the public health, welfare and safety.

j. Parking shall be provided at a rate of two (2) spaces per dwelling unit, including garage and driveway spaces. The applicant shall demonstrate there is sufficient off-street and off-travelway visitor parking as determined by the Commission.

k. A minimum of 400 square feet of usable, screened private outdoor space shall be provided for each unit and All land not utilized for dwellings and private usable outdoor space shall be considered common land. Such land shall be in such condition, size and shape as to be readily usable for circulation, parking, and other uses of the occupants of the dwelling units. To foster a community environment, common land elements such as gazebo, community garden, pet area, gathering area or other suitable community areas shall be provided to the satisfaction of the Commission.

l. Additional Requirements a) Where dwelling units are to be individually owned, a community association must be established and maintained prior to the issuance of the first Certificate of Occupancy. Membership shall be mandatory for all owners of dwelling units within the development and shall be so stipulated in the declaration establishing the common ownership interest community and the deeds to the dwelling units.

m. Certificate of Occupancy. No certificate of occupancy shall be issued until the following items have been submitted to the Planning Department: 1. Verification that the Community Association, if necessary, has been established. 2. Copies of all bonding documents for all uncompleted common area improvements.

n. All utilities shall be underground.