



Town of Berlin

Planning and Zoning Department

240 Kensington Road
Berlin, Connecticut 06037
www.town.berlin.ct.us

Planning and Zoning Commission
Zoning Board of Appeals
Conservation Commission
Historic District Commission

MEMORANDUM

TO: Kate Wall, Town Clerk

FROM: Maureen K. Giusti, AICP, Acting Town Planner & ZEO

DATE: February 18, 2020

RE: **Approved Zoning Text Amendment**
Berlin Zoning Regulation Section IX.A. Supplementary Regulations. Signs
Regarding Public Service signage with electronic messaging

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BERLIN TOWN CLERK
2020 FEB 18 PM 12:19
Kate Wall
BERLIN CT

The following text amendment to the Berlin Zoning Regulations was approved by the Berlin Planning and Zoning Commission on February 6, 2020. The approval was published in the New Britain Herald on February 12, 2020. Per BZR §XVI.D. the effective date will be February 19, 2020.

[**Bold Text:** Added
~~Strikethrough Text:~~ Deleted]

Amendment:

II. Definitions.

Sign, electronic display, including ***electronic message center (EMC)***: the lettering or display area of a sign which is illuminated through use of changeable copy or messages that are electronically controlled, often remotely. An electronic message sign shall not be defined to include time/temperature displays or stagnant price digits within approved fuel signs.

5. *Prohibited signs.*

- i. **Electronic display and EMC signage except as expressly allowed in these regulations for public service signs.**

6. *Permitted signs.*

- l. Public service signs may be permitted only after issuance of a special permit by the Commission. These signs may be permitted in the BT-1, BT-2, GC, PS-A, PS-B, CCD-1, and CCD-2 zones, provided they meet the following criteria:
 - i. The premises upon which the signs are to be located shall have frontage on a state highway.
 - ii. Signs shall be located at least ten feet from the street line.
 - iii. No such sign shall be permitted within a ~~3,000~~**2500**-foot radius of another public service sign.

- iv. For properties within one-half mile radius of the Berlin Train Station (building entrance), No sign shall exceed 20 square feet in area nor 12 feet in height. For properties more than one-half mile from the train station, and as otherwise permitted, the maximum allowable size of the electronic messaging copy area may be up to one-half the size allowed for the freestanding identification sign in that zone.
- v. If the use of said sign is discontinued for a continuous period of 90 days, the commission may revoke said special permit and take action to cause said sign to be removed.
- vi. Electronic message center technology (EMC) may be used provided:
 - (1) The message is stagnate, changing no more than once every ten (10) seconds, but with no flashing, rotating, animation or otherwise distracting copy so as to cause a nuisance for drivers;
 - (2) The EMCs have automatic dimming capability that adjusts the brightness to ambient light for day and night, and provided no more than one third (1/3) of the display area is of a white or bright off-white background at any time.
 - (3) Each line of message lettering is not to exceed 12 inches in height;
- (i) Sponsorship acknowledgement may be provided on the sign provided it does not exceed 20% of the total sign area, is non-electronic, carries only the name or logo of the sponsoring entity (business, institution, organization or person(s)) and does not advertise the entity by use of address, or contact information,... etc.

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2017 FEB 18 PM 12:19

Kathy Jones
Director

The following text amendment to the Berlin Zoning Regulations was approved by the Berlin Planning and Zoning Commission on August 20, 2020. The approval was posted in the Town Clerk's Office on September 1, 2020. Per BZR §XVI.D. the effective date will be September 2, 2020. Filed in accordance with the Governor's Executive Order and the Berlin Zoning Regulations.

[Bold underlined] Text: Added

~~Strikethrough~~ Text: Deleted

BB. Workforce Housing Development (WHD)

1. Definition. Workforce Housing Development. A multi-family housing development that qualifies as an "assisted housing" development as defined in Connecticut General Statutes §8-30g (a)(3).

2. Purpose and standards. The purposes of this section are to provide standards for development or redevelopment, on a cooperative basis between the Town and an identified development entity with experience in mixed-income, multifamily workforce housing, on parcels identified by the Town as appropriate for such housing; and to provide dimensional and design standards that will ensure a high-quality residential environment that is compatible with adjacent and neighboring commercial and residential uses.

3. Zoning requirements. A ~~WFD~~**WHD** housing site development plan shall be approved only on land ~~that has been zoned and~~ for which a site plan has been filed that complies with Section XIII of these regulations and the following conditions and design requirements:

a. Eligible location. A workforce housing development may be located only on a parcel of land at least five but not more than ~~seven~~**eight** acres; currently zoned BT-1; having access to public water and sewer; having no less than 500 feet of frontage on an existing public street other than the Berlin Turnpike.

b. Density. The number of dwelling units in the development shall not exceed fifteen (15) units per gross acre, with fractional coverage rounded down to a whole number.

c. Accessory building. A WHD site development plan may include one

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BERLIN, CT.

accessory building not to exceed 1,500 square feet, one story/20 feet in height, as a resident services building.

d. Grouping. Each development plan shall group the building in such a manner as to reflect the existing topography and preserve as much of the natural features as possible. The minimum distance between any two residential structures, excluding decks or patios, shall be ~~75~~20 feet.

e. Architectural style. Buildings shall be designed to achieve a residential appearance. All buildings shall have pitched roofs and architectural projections per unit. Vertical and horizontal roof articulation is encouraged. Rooftop mechanical equipment, other than solar energy panels, shall be concealed, inconspicuous, and architecturally integrated into the structure. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible. All accessory buildings shall have the same architectural style and character as the principal buildings. The architectural style of the development shall be approved by the Planning and Zoning Commission.

f. Building size. Each residential building shall contain no more than 16 dwelling units and shall be no more than two stories in height, with the interior dimensions of the footprint not to exceed 20,000 square feet. The exterior elevation of each residential building shall not be continuous horizontal planes and shall be broken with setbacks in all instances, to the satisfaction of the Planning and Zoning Commission.

g. Unit size. The living area of each dwelling unit, inclusive of bathrooms and exclusive of building corridors, if any, shall contain a maximum of ~~1,200~~1,350 square feet.

h. Setbacks from interior roads. All residential buildings shall be set back a minimum of 10 feet from the edge of pavement of interior

roads, which shall be private. For the purposes of this section, interior roads are those to be constructed within and as part of developments within the WHD zone.

i. Landscaped buffers. A WHD site development plan shall include a plan for landscape buffering within the minimum front yard, side yard, and rear yard set forth in Section XI.BB.3.p. of these regulations, in accordance with Section IX.C of these regulations. The applicant shall demonstrate to the satisfaction of the Commission that the proposed landscaping adequately screens mechanicals, dumpsters, parking and ground-level utilities and lighting glare.

j. Phasing. The Planning and Zoning Commission may approve a development plan to be completed in phases. If so, minimum yard and setback requirements shall not apply to the common line between phases of development.

k. Fire hydrants. Fire hydrants shall be installed in locations acceptable to the Fire Marshal.

l. Parking and circulation requirements.

i. There shall be at least ~~2.25~~1.5 parking spaces for each dwelling unit. ~~No parking shall be allowed within a minimum yard.~~

ii. Interior road standards. All interior roads shall have a minimum paved width of 24 feet.

iii. Adequate pedestrian circulation, including a sidewalk on at least one side, shall be required along the interior roads of the development.

iv. Parking facilities for both passengers and vehicles shall be convenient to building entrances, adequately graded, drained, paved, and maintained in all seasons to prevent dust, excessive water flow and congestion of driveways, and to promote the safety of residents and visitors.

- v. Driveways shall be arranged in a suitable and convenient traffic pattern and adequately graded, drained, and maintained in all seasons to accommodate traffic and to afford satisfactory access to police, firefighting and snow removal equipment.
- m. Private open space. Each residential unit shall be provided with a patio or deck with a maximum of ~~150~~175 square feet that is directly accessible to the residential unit.
- n. Recreation. A minimum of 10,000 square feet of the total site shall be lawn or landscaping, which may include walking paths, suitable for passive recreation.
- o. Workforce housing requirements. With its site plan application, the developer shall file an Affordability Plan that demonstrates how the Workforce Housing Development will qualify as "assisted housing" in compliance with Connecticut General Statutes §8-30g(a)(3) and sets forth:
- i. a draft of the covenants and restrictions that will be recorded on the Berlin Land Records and will govern maximum household incomes, maximum rental, and the administration of the Workforce Housing program;
 - ii. identification of the person or entity responsible for administration of the Workforce Housing program;
 - iii. standard for tenant eligibility and calculations of rental amounts for the Workforce Housing Units; and,
 - iv. standards for the issuance of notice of availability of rental units, including an affirmative fair housing marketing plan.
- p. Area and bulk requirements: The following area and bulk requirements shall apply to a workforce housing development:
- Minimum front yard, excluding patio 50 feet
 - Minimum side yard 20 feet
 - Minimum rear yard 25 feet

Minimum parking space setback from property line:

2015 feet, in front yard

20 feet and in side yards,

15 feet in rear yard

Maximum building height 35 feet

Maximum building stories 2.0

Minimum building to building separation 20 feet

Maximum building coverage 25 percent

Maximum impervious coverage 60 percent

Minimum street frontage 500 feet

Minimum lot size 5 acres

Maximum lot size 8 acres

q. Approval criteria. In determining whether to approve a WHD site development plan, the Planning and Zoning Commission shall consider the following criteria:

i. The proposed use of the subject site is consistent with the purpose, intent, and provisions of the Town's adopted land use plan, and the proposed use is one which is permitted to be established within the zoning district in which the subject site is located.

ii. The development and its utilities shall be suitably located, adequately designed, and properly installed to serve the proposed uses, and to protect the environment from adverse air, water, or land pollution.

iii. The development of the site shall preserve, to the maximum extent possible sensitive, environmental land features such as steep slopes, wetlands, and large rock outcroppings; shall attempt to preserve public scenic views or historically significant features; and, shall be designed to ensure visual compatibility with structures within view of the site.

- iv. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with appropriate and orderly development of the area including all adjacent zoning districts in which it is located.
- v. Loading and parking areas shall be of adequate size for the particular use, and attractively screened from adjoining residential uses, and shall be laid out so as to prevent traffic hazards provided that, at a minimum, the specific provisions of Section IX.B shall be met.
- vi. As demonstrated by a traffic study, the use shall not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation.
- vii. The subject property is suited environmentally for its intended use.

4. Alternative eligible location and standards. In addition to the foregoing regulation, a WHD housing site development plan may be located on a parcel or contiguous parcels of land at least 11 but not more than 13 acres; currently zoned R-43 or part OT and part R-43; having access to public sewer and water; and having no less than ~~1000~~900 feet of frontage on State Route 160/Deming Road. On such an eligible parcel, all regulations and requirements set forth in Section XI.BB.3 above shall apply, with the exception that density shall not exceed ~~1.5~~8 units per gross acre.

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Kathryn H. H. H.
BERLIN, CT

Berlin Zoning Regulations Text Amendment

APPROVED: August 20, 2020

POSTED with Town Clerk: September 17, 2020

EFFECTIVE: September 18, 2020

BERLIN, CT.
K. J. [Signature]
2020 SEP 17 PM 5:59
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PROPOSED AMENDMENTS TO SECTION VII OF BERLIN ZONING REGULATIONS

I. Section VII.C.3.e. - General Industrial 2 (GI-2)

3. *Special permit uses.* The following principal uses shall be permitted subject to special permit and site plan approvals in accordance with Sections XII and XIII:

e. Contractor shops for establishments providing courier services, industrial repair services, irrigation services, landscape services and building trades such as carpentry, electrical, HVAC, and plumbing services provided that, notwithstanding Section VII.G.3 of the regulations, all materials and equipment are stored inside approved structures or on a contractor's utility truck and specifically excluding the outside parking of trailers shall only be permitted pursuant to such conditions as the commission may impose.

II. Sections VII.D.3.g. and VII.D.5.a. - Planned Industrial (PI)

3. *Special permit uses.* The following principal uses shall be permitted in the PI district, subject to special permit and site plan approvals by the commission in accordance with Sections XII and XIII:

g. Contractor shop(s) for establishments providing courier services, industrial repair services, irrigation services, landscape services and building trades such as carpentry, electrical, HVAC, and plumbing services provided that, notwithstanding Section VII.G.3. of the regulations, all materials and equipment are stored indoors and specifically excluding the outside parking of trailers shall only be permitted pursuant to such conditions as the commission may impose.

5. *Additional requirements for permitted uses.* Additional requirements for permitted uses in the PI district are as follows:

a. All permitted operations and related storage, except for the parking of motor vehicles, shall be conducted within a building, except in accordance with Section VII.D.4.f. and/or Section VII.G.3.

III. Sections VII.E.3.m. and VII.E.5.a – Planned Industrial 2 (PI-2)

3. *Special permit uses.* The following principal uses shall be permitted subject to special permit and site plan approvals by the commission in accordance with Sections XII and XIII:

m. Contractor shop(s) for establishments providing courier services, industrial repair services, irrigation services, landscape services and building trades such as carpentry, electrical, HVAC, and plumbing services provided that, notwithstanding Section VII.G.3. of the regulations, all materials and equipment are stored indoors and ~~specifically excluding the outside parking of trailers shall only be permitted pursuant to such conditions as the commission may impose.~~

5. *Additional requirements for permitted uses.*

a. All permitted operations and related storage, except for the parking of motor vehicles, shall be conducted within a building, except in accordance with Section VII.E.4.e. ~~VII.C.4.F~~ and/or Section VII.G.3.

IV. Section VII.G.3. of General Requirements for all industrial zones.

3. Outside storage including the storage of merchandise, supplies, machinery and/or other materials directly related to the operation of the principal use may be permitted shall be allowed in the town's ~~Town's~~ general industrial and planned industrial zones (general industry, planned industry and office laboratory) subject to site plan approval by the commission in accordance with Section XIII. Outside storage areas ~~shall be located in the rear or side yards on the same premises of the principal use building and~~ shall not extend into the area required for setback from the street line or into the required side yards adjacent to any nonindustrial zone. Outside storage areas shall be enclosed by buildings, fences, walls, landscaped earthen berms, ~~or~~ evergreen shrubs or trees, and/or other acceptable structures or screening as determined by the commission, so as to provide an ~~opaque~~ suitable screen from adjacent lots or streets. All outside storage areas shall be subject to site plan review by the commission. In no case shall stored merchandise, supplies, and/or other materials exceed the height of the screening. The commission has the discretion to require non-permeable ground barriers and storage covers, ~~where appropriate. No tractor-trailer or truck loaded with merchandise, supplies, and/or other materials shall be parked in a lot for a period exceeding five (5) consecutive days in one calendar month. Proper access to all buildings shall be maintained at all times and outside storage shall not interfere with access or required parking.~~

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Kathy G. Galloway

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