

SECTION 7A

VILLAGE DISTRICT

7A.1 Purpose and Scope

The purpose of this zoning district (the Village District) is to integrate and reconcile the protection and preservation of aesthetic resources and promote environmental protection, economic development, education, recreational development, historic preservation and the preservation of community character concerning the Higganum Center area of the Town of Haddam that possesses characteristics consistent with village centers. Specifically, this Village District exists to promote and preserve community assets and unique resources, and encourage denser commercial development consistent and in harmony with existing structures in the Higganum Center area of the Town of Haddam. These regulations are promulgated pursuant to C.G.S. 8-2j.

Furthermore, it is the intent of this Section to encourage the conservation, conversion and preservation of existing buildings and uses in a manner which maintains or enhances the historic, natural and community character of the Higganum Center area of the Town of Haddam, and is consistent with village center architecture, denser commercial village land use patterns, and a pedestrian friendly atmosphere. The arrangement and orientation of any proposed building or site improvement should be both appropriate for the property, and consistent with the development of the village center, adjacent properties, and properties within the immediate neighborhood.

In addition to specifying minimum standards for the Village District, and in order to encourage denser commercial development consistent with village centers, this Village District also provides a special procedure that authorizes the Planning and Zoning Commission (the Commission) to modify certain standards of the Regulations under special circumstances. The purpose of this modification procedure is to encourage property and business owners to develop commercial uses that go beyond simply meeting the minimum standards in order to substantially advance the goals of this Village District. This modification procedure is limited to certain regulatory standards, and is further limited in the degree to which any modification may be approved. Specifically, this modification procedure to be utilized by the Planning and Zoning Commission does not provide for complete variance relief as is delegated to the Zoning board of Appeals of the Town of Haddam, as provided by law.

7A.2 Application Review Process

These Village District Zoning Regulations provide for certain permitted uses within the District subject to one of the following processes:

- A. Administrative Review and Zoning Permit by the officer and/or person charged with the enforcement of these Regulations by the Commission as provided by Section 7A.6 of these Regulations;
- B. Site Plan review as provided by this Section, and as further provided by Section 14 of these Regulations; and/or
- C. Special Permit review as provided by this Section, and as further provided by Section 15 of these Regulations.

The purpose and intent of this regulatory review procedure is to promote the efficient review of proposals, and consistent application of the Regulations, whereby less intense uses may be permitted subject to the Administrative Review and Zoning Permit process, with more intense uses being subjected to either the Site Plan or Special Permit review process. The procedure further provides that the Commission may specially modify, in limited fashion, certain regulatory standards when reviewing proposed uses. This modification procedure is specified in Section 7A.5.

This Village District shall not apply to existing non-conforming buildings and uses unless otherwise provided by Section 29 of these Regulations.

7A.3 Minimum Standards

- A. Scope of Review. This Section 7A shall govern (1) the design and placement of buildings, (2) the maintenance of public views, (3) the design, paving materials and placement of public roadways, and (4) other elements that the commission deems appropriate to maintain and protect the character of the village district.
- B. General Design Standards. At a minimum, all development in the Village District shall be designed such:
 - 1. that proposed buildings or modifications to existing buildings be harmoniously related to their surroundings, and the terrain in the district and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification,

2. that have a functional or visual relationship to a proposed building or modification, that all spaces, structures and related site improvements visible from public roadways be designed to be compatible with the elements of the area of the village district in and around the proposed building or modification,
3. that the color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping, and
4. that the removal or disruption of historic traditional or significant structures or architectural elements shall be minimized.

C. Design Objectives. All development in the village district shall be designed to achieve the following compatibility objectives:

1. The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district;
2. Proposed streets shall be connected to the existing district road network, wherever possible;
3. Open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting;
4. Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the district, shall be integrated into the site design;
5. The landscape signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings; and
6. The scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district design shall complement the district's landscape patterns;
7. The exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings; and
8. the scale, proportions and massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

7A.3.1 Specific Standards.

- A. The minimum standards for all uses in the Village District are the standards set forth in Section 4, Table 1 of these regulations, plus the following standards:
1. New streets or major driveways (e.g., common driveways or driveway serving buildings of more than 15,000 square feet of total floor area) shall be connected to a state highway or town road.
 2. Notwithstanding any provision of these Regulations, and to the extent permitted by state health and sanitation regulations, shared septic and well system arrangements that facilitate denser commercial development are encouraged.
 3. The landscape design of any site development proposal shall reinforce functional qualities of existing open space and landscape patterns within the Village District.
 4. To the extent possible relative to site constraints, safety issues and traffic patterns, parking areas shall not be located in a required minimum front yard, and parking areas shall be designed with no more than ten (10) spaces without a landscaped island or buffer area.
 5. Notwithstanding any provision of Section 21 of these Regulations, parking areas shared with adjacent properties, or parking on public streets in designated places, are encouraged and may receive credit for compliance with Section 21 subject to any shared parking being consistent with the purpose and scope of this Section and the public safety. To the extent possible, given constraints, all shared parking areas shall include access to adjacent parking areas and undeveloped parcels to assure a coordinated and consistent parking area for the entire Village District. Where shared parking is provided or on street parking is available, the Commission shall have the discretion to determine the total required spaces consistent with the use of the properties.
 6. Provision for safe and convenient pedestrian access shall be included.
 7. To the extent possible given site constraints, exposed storage areas shall be limited, and machinery, waste containers, service areas, truck loading areas, utility buildings, and central air conditioning facilities shall be screened from view of public streets and abutting properties using plantings, fencing or other methods compatible with the purpose and scope of this Section as may be determined by the Commission.

8. Plain concrete, plain metal, and plain plywood are not permitted building materials for the exterior street or parking area façade(s) of any building unless such materials are approved by the Commission within its discretion, or as part of a modification request as provided herein
9. Architectural and site design shall conform to the design standards included as Appendix 1 to these Regulations.

7A.4 Permitted Uses

Any use not expressly permitted hereunder is prohibited. The following uses are permitted as of right subject to these regulations:

- A. The following uses are permitted by Administrative Review and Zoning Permit as provided by Section 7A.6 of these Regulations, where the total floor area for such proposed use does not exceed 2,000 square feet of total floor area:
 1. Retail;
 2. Business or professional office;
 3. Theatre;
 4. Barber shop, beauty salon and standard personal service establishments;
 5. Bank or financial institute (provided that no drive-through services are permitted unless the drive-through use is approved by the Planning and Zoning Commission as provided by Section 7A.5 of this Section);
 6. Restaurant (provided that no drive-through services are permitted
 7. Restaurants and taverns with outdoor seating
 8. Restaurants and taverns with seating for 51 or more patrons with or without outdoor seating.
 9. Bakery or other food service shops
 10. Bed and breakfast establishment: Single-family residential use where such residential use in part of a mixed use development the ratio of residential to commercial units shall be within the discretion of the Commission given the attendant circumstances;
 11. Artist, artisan and craft establishment; and
 12. Municipal, State or Federal park, or duly qualified private land trust subject to limitations of Section 24 of these Regulations.
 13. Buildings, uses and structures accessory to permitted principal uses, buildings and structures.

B. Site Plan Review

The following uses are permitted subject to site plan approval as provided by Section 14 of these Regulations and this Section:

1. All those uses as provided in Section 7A.4.A.1. of this Section, where such use is in excess of 2,000 square feet of total floor area. Provided, any retail use shall not exceed 15,000 square feet of total floor area, and no bakery or other food service shop shall exceed 5,000 square feet without a special permit.

C. Special Permit Review

The following uses are permitted subject to special Permit review as provided by Section 15 of these Regulations, and this Section:

1. Public transportation facility;
2. Hotel, and/or conference center;
3. Post office;
4. School or educational facilities;
5. Church or house of worship;
6. Bakery or other food service shop (in excess of 5,000 square feet);
7. Housing for the elderly (see Section 13);
8. Assisted living or congregate housing (see Section 13A);
9. A multi-family residential use where such use is part of a mixed use development (see Section 26);
10. Health club or private recreational facility (not subject to limitations of Section 24);
11. Dry cleaning facilities;
12. Clubs owned and managed by qualified charitable organizations;
13. Light manufacturing with accessory retail sales and/or storage, not to exceed 5,000 square feet in total floor area;
14. Recreational facilities including outdoor recreational facilities (see Section 24), Municipal uses except those housing public works facilities;

15. Recreational facilities including outdoor recreational facilities (see Section 24), Municipal uses except those housing public works facilities;
16. Municipal or private community sewer or sewage treatment facilities.
17. Change of Use for Non-Conforming Uses per Section 29.4
18. Microbreweries
19. Medical Marijuana Dispensaries (licensed)

7A.5 Design Review by Designated Village Architect or Equivalent

In accordance with the Connecticut General Statutes §8-2j, all applications for new construction and substantial reconstruction within the Village District and in view from public roadways shall be subject to review and recommendation by an architect or architectural firm, landscape architect, or planner who is a member of the American Institute of Certified Planners selected and contracted by the commission and designated as the village district consultant for such application. Alternatively, the Commission may designate as the village district consultant for such application an architectural review board whose members shall include at least one architect, landscape architect or planner who is a member of the American Institute of Certified Planners. The village district consultant shall review an application and report to the Commission within thirty-five days of receipt of the application. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision. Failure of the village district consultant to report within the specified time shall not alter or delay any other time limit imposed by the regulations.

7A.6 Referral of Applications to Other Agencies

The Commission may seek the recommendations of any town or regional agency or outside specialist with which it consults, including, but not limited to, the regional planning agency, the Gateway Commission, the Haddam Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

7A.7 Demolition by Affirmative Act or By Neglect; Alteration of Façade:

No building or structure shall be demolished, in whole or in part, nor shall any building or structure be allowed to deteriorate to the point where it is no longer capable of occupancy in accordance with applicable health and safety codes, except upon the approval of a Special Permit by the Commission. In addition, the façade of no building that is visible from a public space shall be altered in its architectural character, color, roof line, or other physical features except upon the approval of a Special Permit by the Commission. In evaluating such application, the Commission shall seek to minimize the removal or disruption of historic traditional or significant structures or architectural elements.

If the application may involve the removal or disruption of historic traditional or significant structures or architectural elements, the applicant may, at its option, file a simultaneous site plan review or Special Permit application (as the case may be) for modified or replacement uses, buildings, or structures in order to demonstrate that the removal or disruption sought is justified by the improvements depicted in the application for Special Permit under this section. The Commission may approve a Special Permit under this section subject to the condition that the modified or replacement uses, buildings, or structures be constructed as submitted within a specified period after the removal or disruption approved under this Section; and that any site plan or Special Permit for the modified or replacement uses, buildings, or structures be in effect. Failure to construct the modified or replacement uses, buildings, or structures shall be grounds for denial of any other application submitted for the subject site.

7A.8 Modification Procedure for Uses Permitted in Village District:

In an effort to encourage denser development within the Village District consistent with a village center, and promote environmental development, historic preservation and the preservation of community character within this Village District, an applicant may seek a modification of certain regulatory requirements as provided by this subsection. In addition, to those minimum standards required by this Section, and those standards provided by the Administrative Review and Zoning Permit, Site Plan, and Special Permit review and approval processes, the applicant must demonstrate to the satisfaction of the Commission that such modification adds to and complements the character of the Village District, does not adversely impact upon adjacent property or properties in the Village District, and substantially satisfies the

standards as provided in this subsection. This is not a variance procedure as permitted by C.G.S. 8-6 and the procedure is limited to the following regulatory requirements applicable to the Village District and if not expressly provided for herein no modification of any other requirement may be granted by the Commission nor may the Commission grant a modification or change in use:

1. Lot coverage;
2. Minimum lot size;
3. Minimum lot frontage;
4. Front, side and rear yard setbacks;
5. Building height;
6. Sizes of outdoor signs;
7. The requirement that dwelling units and other permitted uses be in the same structure (Section 26.1.(a)).
8. Dwelling density (Section 26.1.(b)), commercial gross square footage (Section 26.1.(d)), and recreation and open space requirements (Section 26.1.(i)) applicable to mixed uses under Section 26 hereof;
9. Parking requirements;
10. Construction materials

The Commission may not grant any modification in excess of 75% of the regulatory requirements sought to be modified in effect at the time of the request.

Any application to modify any of the aforementioned regulatory standards is subject to a public hearing as provided by Section 9-7d of the Connecticut General Statutes. In addition, any such application must satisfy this subsection, and Sections 14 and 15, if such proposal requires Site Plan or Special Permit approval, respectively. No showing of a hardship shall be necessary for the commission to grant any modification pursuant to Section 7 inclusive nor shall any regulation herein prohibit any applicant from seeking a variance in addition to any modification which may be granted hereby.

In addition to the regulatory standards set forth in Section 7A.3, in reviewing a modification request as provided for in this Section, the Commission may consider any of the following standards if it determines such standards to be applicable or relevant to the application, and may approve such modification application if it determines in its discretion that such application substantially satisfies such standards:

- A. The locally significant features of the site, such as distinctive buildings or vistas, shall be integrated into the site development design.

Creative reuse of existing buildings of significant historical or architectural interest is encouraged in order to reduce or minimize the removal or loss of historic, traditional or significant structures or architectural elements.

- B. Exterior signage, site lighting and accessory structures shall support a uniform architectural theme and present a harmonious relationship with the adjacent properties and properties within the Village District. The design and material of any exterior structures shall be consistent with a village theme in the Village District, including the color, size height, proportion of openings, roof treatments, building materials and landscaping.
- C. The scale, proportions, massing and detail of the proposed construction shall be comparable to the scale, proportion, massing and detailing of structures located on adjacent properties, and other properties in the Village District, and shall be consistent with a village theme.
- D. The use and integration of stone walls, landscaping, walkways, benches and attractive fences consistent with a pedestrian-friendly atmosphere shall be incorporated into the site plan.
- E. Provision shall be made for parking bicycles in locations that are safely segregated from automobile traffic and parking.
- F. The applicant shall consider minimizing parking by demonstrating whether the applicant has been able to enter into a long-term parking sharing agreement with an adjacent property owner, or owners of properties within the Village District in the immediate vicinity of the subject real property, or by making use of available on street parking.
- G. The applicant shall provide an architectural plan illustrating project elevations, architectural features, building materials, lighting designs and landscaping designs.
- H. The applicant shall demonstrate to the satisfaction of the Commission that the proposed modification will produce equal or better results than could be achieved by a site development without the requested modification, and further demonstrate that the requested proposed modification is the minimum necessary to achieve a site development consistent with the purposes, scope, goals, objectives and standards of this Section, and is consistent with the public health and safety as provided by these Regulations.

- I. If the Commission determines in its discretion that the applicant has substantially satisfied the requirements for a modification, the Commission may, by a majority vote of the commission, vote to approve the modification application request. This modification approval shall be specifically noted on the approved plans, and notice of such modification shall be recorded on the land records of the Town of Haddam within sixty (60) days of the date of approval, or within sixty (60) days of the expiration of any appeal period, as provided by law.

7A.9 Administrative Enforcement:

- A. The Planning and Zoning Commission authorizes the Zoning Enforcement Officer of the Town of Haddam (“ZEO”) to approve certain uses as provided by Section 7A.4.A of these Regulations entitled “Administrative Review and Zoning Permit” which is a subsection of Section 7A entitled “Village District Zoning Regulations”. This is not a delegation of enforcement authority for such enforcement that may be provided for under Connecticut General Statutes. 8-6.
- B. The ZEO may approve certain uses as provided by Section 7A.4.A, subject to the applicable provisions provided in these Regulations. Any application for Zoning Permit as provided by this Section 7A.6 shall be requested, in writing, by the owner of the subject property.
- C. Any decision by the ZEO concerning an application for a Zoning Permit as provided in this Section 7A.6, shall be noticed by newspaper publication within fifteen (15) days of such decision. The applicant shall be responsible for the cost of publication and the Town shall cause same to be published. Any such cost and fees shall be collected as part of the application fee when the application is submitted to the clerk of the commission.
- D. Any party aggrieved by a decision of the ZEO concerning an application for a Zoning Permit as provided by this Section, may petition the Planning and Zoning Commission within fifteen (15) days of the date that notice of the ZEO’s decision is published to review the application. This provision applies to an aggrieved applicant who must publish notice of the ZEO’s decision as provided by Section 7A.6(C) regardless as to whether the ZEO’s decision is to approve or deny the applicant’s application for Zoning Permit. The Commission shall entertain a public hearing or meeting, at its discretion, concerning such petition at the Commission’s next regular scheduled meeting provided that notice of such public hearing, in the event the Commission requires same, is published as provided by Section 8-7 of the Connecticut General Statutes.

The provisions of Section 8-7d of the Connecticut General Statutes shall apply to such public hearing. A filing fee for such appeal shall be required which shall include an amount sufficient to satisfy costs associated with all public hearing and decision publication requirements.

- E. The Commission will review de novo any application submitted pursuant to this Section 7A.6. for the purpose of determining whether the application complies with the terms and provisions of Section 7.A.7A.6. The Commission shall render a decision on any such application. Any such decision by the Commission shall be published as provided by law, and is subject to appeal as provided by Section 8-8 of the Connecticut General Statutes.