

SECTION 7B

TYLERVILLE VILLAGE DISTRICT

7B.1 Purpose and Scope

The purpose of this zoning district (the Tylerville Village District) is to integrate and reconcile the protection and preservation of property values and cultural resources and promote environmental protection of the CT River, economic development, recreational development, historic preservation and the preservation of community character concerning the Tylerville area of the Town of Haddam. 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. These regulations are promulgated pursuant to C.G.S. 8-2j.

Furthermore, it is the intent of this Section to encourage the conversion and preservation of existing buildings and uses in a manner which maintains or enhances the historic, natural and community character of Tylerville, 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. 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.

7B.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 7B.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 7B.5.

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

7B.3 Minimum Standards

A. Scope of Review.

This Section 7B 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, the use of existing buildings in the district have a

functional or visual relationship to a proposed building or modification,

2. 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 character and the maintenance of views of the CT River and from the CT River,
4. That historic buildings, monuments and landscaping shall be preserved and re-used, and 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 shall incrementally improve the aesthetic of the Village by locating buildings closer to the street, creating pedestrian connections, and promote infill development through the use of pad sites and additional side streets;
2. Proposed streets that offer additional commercial frontage, and connections between Saybrook and Bridge Roads are encouraged;
3. 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;
4. As the Tylerville Village District lies completely in the Gateway Conservation Zone, the height maximum of 35 feet for new development will be strictly enforced.
5. The scale, proportion, massing and detailing of any proposed building shall be in proportion to the existing scale, proportion, and massing of the historic structures in the Tylerville Village and shall complement the District's landscape patterns;
6. The exterior signs, site lighting and accessory structures shall support a uniform architectural theme and be compatible with their surroundings;

7B.3.2 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. The landscape design of any site development proposal shall reinforce functional qualities of existing open space and landscape patterns within the Village District.
2. 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.
3. Shared parking is encouraged. 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.
4. Provision for safe and convenient pedestrian access shall be included.
5. Where square footage in excess of 15,000 sf is sought it is recommended that consideration be given dividing the square footage into multiple buildings rather than one large building.
6. To the extent possible, exposed storage areas shall be limited, and 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.
7. 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.
8. Architectural and site design shall conform to the design standards included as Appendix 2 to these Regulations.

B. In addition to 7B3.2 A, and the Section 4 Table 1, the following standards are also required for vehicle oriented establishments including, but not limited to,

gas stations, convenient stores, car washes, car dealerships, drive-through's and other businesses that provide essential services that are dependent on easy access and short term parking.

1. Vehicle-oriented establishments shall be oriented and located as to not interrupt the street frontage or pedestrian environment of the public right of way.
2. Drive-through establishments should be located on secondary 'B' roads or garden streets that connect Saybrook Road and Bridge Road.
3. All site features and accessory structures must coordinate with the building and meet the Design Guidelines attached in appendix B.
4. To reduce the impact of the vehicular focus, the building structure shall be sited to face the street and have a front door that is parallel to and accessible from the main road; all drive through's, pump islands and canopies should be located to the rear of the lot.
5. Service and gas station canopies shall be visually compatible with the main structure through consistency in roof pitch, architectural detailing, materials and color. Pitched roofs and fascia trim are preferred for canopies. Bands of bold color on the canopy and backlighting inside the canopy are prohibited.
6. Storage of parts, vehicles or related equipment essential to the service provided shall be located to the rear of a building and screened.
7. Openings for car washes or service bays must be integrated with the design of the building and sited so they are not directly visible from a public roadway or adjacent residential area.
8. The drive-through aisle/window shall be visually subordinate to the design of the main building and located to the rear
9. The Commission strongly encourages that vehicle oriented establishments be located on B Roads. The criterion outlined in this section, numbers 1-8, may be modified if a drive through establishment is located on such a side or B road.

7B.4 Permitted Uses

See the Use Chart for uses permitted by zoning permit, Site Plan Approval and Special Permit.

ZP = Zoning Permit

PA= Site Plan Approval

SP= Special Permit

Use	Existing buildings and tenant spaces less than 2,000 s.f. that do not require exterior modifications (except for signage).*	New tenant or change of use for existing buildings that do not require exterior modifications (except for signage) for buildings that are between 2,001 sf and 5,000 sf. *		All new buildings
				All additions on existing buildings*
				Change of Use or Tenant Change for existing buildings that are greater than 5,000 sf*
Assembly Uses				
Indoor theatre or assembly hall	--	SP		SP
Hospitality, Service, Tourism and Entertainment				
Banquet Facilities	SP	SP		SP
Microbreweries with no food served and no outdoor seating	PA	SP		SP
Marinas provided they are located on land with direct frontage on the CT River	PA	SP		SP
Water dependent retail and tourism such as kayak rental, boat excursions, bait sales, site seeing.	ZP	PA		SP
Pharmacies with Drive through aisles or windows**	SP	SP		SP
Businesses for the rental of equipment, automobiles**, bikes,	SP	SP		SP

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				All additions on existing buildings*
				Change of Use or Tenant Change for existing buildings that are greater than 5,000 sf*
boats or other products				
General retail including grocery stores, specialty food stores, package stores, boat supply, hardware and florists.	ZP	PA		SP
Indoor restaurant, tavern, microbrewery or food establishment with no outside seating	ZP	PA		SP
Restaurant, food establishment, tavern or microbrewery with outdoor seating	SP	SP		SP
Restaurant with drive thru aisle or window provided the drive thru aisle is to the rear of the lot and screened from view**.	SP	SP		SP
Bed and breakfast lodging where the owner resides on the premise	ZP	PA		SP
Hotels	--	SP		SP
Manufacture Maker Spaces				
Processing or assembling of goods and food for sale on the premises, such as artisan spaces, candy makers, woodworking, carpentry, pottery, glassworks etc.	PA	SP		SP

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				All additions on existing buildings*
				Change of Use or Tenant Change for existing buildings that are greater than 5,000 sf*
General Office				
Professional office	ZP	ZP		SP
Dental or medical office	ZP	ZP		SP
Veterinary office with boarding for patients only and no outdoor runs	PA	SP		SP
Banks	ZP	PA		SP
Banks with drive thru aisles**	SP	SP		SP
Residential				
Assisted Living Facilities	--	SP		SP
Single family residential	--	ZP		ZP
Conversion of an existing structure to multi-family apartments or mixed use with no exterior modifications to the structure	ZP	SP		SP
Conversion of an existing structure to multi-family apartments or mixed use with exterior modifications to the structure and site	PA	SP		SP
Service Uses				
Specialty repair shops provided that outdoor storage is screened from public view.	ZP	SP		SP
Dog grooming	SP	SP		SP
Daycare facilities	PA	PA		SP
Gyms, yoga and dance	PA	PA		SP

Use	Existing buildings and tenant spaces less than 2,000 s.f. that do not require exterior modifications (except for signage).*	New tenant or change of use for existing buildings that do not require exterior modifications (except for signage) for buildings that are between 2,001 sf and 5,000 sf. *		All new buildings
				All additions on existing buildings*
				Change of Use or Tenant Change for existing buildings that are greater than 5,000 sf*
studios, martial arts studios, fitness studios				
Gas Stations and the sale of Petroleum Products**	SP	SP		SP
Spas, barber shops, salons, studios for hair and nails and other personal services	ZP	ZP		SP
Car wash**	SP	SP		SP

* Only for buildings existing on the effective date of this Section 7B.

** Vehicle oriented establishments

Prohibited uses in the Village District:

1. Back lit or internally lit signs
2. Pylon Signs
3. Adult bookstores and adult entertainment

7B.5 Schedule of Area, Height and Placement Regulations

Minimum Lot Area: 20,000 s.f

Minimum Frontage on Town or State Road: 50 feet

Maximum Height: 35 feet

Front Setback from a Town or State Road: minimum 10, maximum 40 feet

Side Setbacks to an abutting Residential Use: 20 feet

Side Setbacks to an abutting Commercial, Industrial or TVD Use: 10 feet

Maximum Building Coverage: 50%

Maximum Impervious parking coverage: 30%

Maximum total lot coverage: 80%

Minimum open space between buildings: 20 feet

7B.6 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 a CT licensed 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.

7B.7 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.

7B.8 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.

7B.9 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 historic preservation, an applicant may seek a modification of certain regulatory requirements as provided by this subsection.

Modifications for the Tylerville Village District may be considered for properties that preserve and re-use historic structures, and, or, properties that provide easements for the creation of side streets or 'B' Streets that connect Saybrook and Bridge Roads.

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. Sizes of outdoor signs;
6. Parking requirements;
7. Construction materials

The Commission may not grant any modification in excess of 50% 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 standards set forth in Section 7B.3 and 7B.3.2, in reviewing a modification request as provided for in this Section, and the 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. Provision shall be made for parking bicycles in locations that are safely segregated from automobile traffic and parking.~~

~~D. 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.~~

E. 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.

7B.10 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 7.A.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 7.A.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.