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PETITION FOR A ZONING REGULATION AMENDMENT
Section 213-39.1 Adaptive Reuse

§ 213-39.1 ADAPTIVE REUSE

A. Purpose.

The purpose of this regulation is to encourage flexible and creative approaches to the re-use of vacant and underutilized historic industrial buildings, with a view toward conserving and preserving the value of historic buildings, encouraging the most appropriate use of those structures, and reasonable consideration as to the character of the neighborhood.

The development shall promote the economic, cultural and general welfare of the citizens of Meriden through the preservation and protection of the distinctive characteristics of Meriden's historic industrial buildings and provide for appropriate and compatible uses, otherwise not allowed in the underlining zoning district, that complement the surrounding neighborhood.

B. Applicability.

Adaptive reuse shall be allowed by special exception and limited to the properties listed in Appendix 1, otherwise known as the Adaptive Reuse Overlay Zone, as amended, provided that:

- 1) Above described principal building is at least 50 years old;
- 2) The property is no longer productively utilized, or is severely underutilized, and it has been in that state for at least one year;
- 3) The Planning and Zoning Commission finds the proposed adaptive reuse in the proposed location is consistent with the Plan of Conservation and Development (POCD)

C. Allowed Uses

Adaptive reuses shall include the following uses:

Artisan Industrial
Artist Studio
Banquet Hall
Brewery
Brewpub
Brewpub-restaurant
Commercial Club
Daycare
Farmers Market
Health care services/medical offices
Hotel
Indoor arts, recreation, and entertainment
Indoor storage facilities

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Laboratories and Research
Light Industrial
Membership Clubs
Multiple-family Dwelling
Planned Elderly Housing Development
Professional Offices
Recreation Center
Retail Sales and Service Excluding Package Stores
Restaurant
A mix of any permitted uses

D. Development Standards - Site Development Criteria

Since prior building development has determined the character of the site, land development shall be consistent and shall be in harmony with the established physical relationship of existing buildings to land area. Such site area may be developed and used for the special exception use provided that the Planning Commission finds that the site development plan for the lot or site area has been formulated and integrated in a proper manner with the adjacent developed lots with respect to height, building coverage, building line and building placement on the site and takes into consideration the criteria set forth in the following provisions:

1. Building setbacks, coverage, frontage and height requirements shall not apply to existing buildings but shall apply to any proposed building additions, or new proposed structures.
2. Height:
 - a. Existing principal and accessory buildings shall not be increased in height except to allow accessory building utilities including but not limited to radio and television antennae, air conditioners, ventilation, solar heating and elevator systems.
 - b. New principal buildings shall not exceed the height of existing principal buildings adjacent to the new building.
 - c. New accessory buildings shall not exceed 18 feet in height.
3. Minimum Yards
 - a. The minimum front yard and side yard requirements abutting public streets for new buildings shall be the same as the greatest existing front or side yard dimension on adjacent properties. Additions to existing buildings shall not encroach into those existing yard dimensions.
 - b. The minimum requirement for all other side yards shall be consistent with the underlying zone or 40 percent of the height of the principle building.
 - c. The minimum requirement for all rear yards shall be consistent with the underlying zone or 40 percent of the height of the principle building.
4. Sidewalks and Curbs

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The developer shall construct or reconstruct sidewalks and curbs to City standards along all sides of the site which abut a public road. The Planning Commission may waive this requirement for sections of sidewalk that are found to be in good condition and are in compliance with City standards.

5. Site Drainage

- a. The site shall be adequately designed to convey storm water. The storm water drainage system shall meet the City of Meriden Development Stormwater Management Standards outline in Title V of the City of Meriden Subdivision Regulations (as amended).
- b. Roof drainage pipes shall not discharge onto or across sidewalks, driveways, roadways or parking areas.

6. Roadways, Driveways

- a. All roadways which are proposed to become City-owned streets shall be constructed in accordance with the City of Meriden standards.
- b. All private roadways, driveways, and parking areas shall be:
 - i. designed to facilitate traffic circulation and emergency vehicle movement;
 - ii. subject to modifications recommended by the cognizant fire chief and the traffic authority and required by the Commission.

7. Vehicle Parking and Loading

- a. The applicant shall demonstrate that adequate parking is available for all existing and proposed uses on the site.
- b. The required parking for all new buildings and building additions is calculated based on newly constructed gross leasable area and shall be provided in accordance with § 213-55.
- c. The vehicle parking area may be within the building, underground, elevated, or at grade level.
- d. All loading and parking spaces required by these regulations shall be located on the same lot as the use with which such parking spaces are associated, except as may otherwise be permitted by the Planning Commission as part of an approved site development plan and provided the following requirements are met:
 - i. Vehicle parking in the front yard shall be separated from the public sidewalk by a landscaped area not less than eight feet in width.
 - ii. Parking spaces shall not occupy any part of a minimum yard abutting a public right-of-way unless specifically permitted by the Commission and separated from the public right-of-way by a landscaped border of not less than eight feet in width.
 - iii. Loading space shall not be construed as supplying any required parking space.

e. Development and maintenance of off-street parking areas or facilities

Every parcel used in whole or in part for off-street parking or loading purposes shall be developed and maintained by the owner of said premises in accordance with the following requirements:

- i. Adequate ingress and egress to an off-street parking area or facility shall be provided for all vehicles by means of clearly limited and defined drives.
 - ii. Separate pedestrian walkways and/or means of pedestrian ingress and egress to the parking area of the facility shall be required by the Commission in appropriate instances because of the size, layout or location of the parking area or facility.
- f. Nothing in these regulations shall be construed to prevent the collective use of off-street parking areas or facilities for two or more structures or uses, provided the total of such off-street parking spaces supplied collectively shall be not less than the sum of the requirements for the various structures or uses computed separately.
- g. In the case of buildings containing a mix of uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately and adjusted for use scheduling allowances.
- h. Specific and appropriate joint use of off-street parking spaces may be permitted by the Commission in response to a particular development situation, only after it has received a written agreement made between the use parties involved clearly stipulating the terms of the joint use of the parking spaces, and that such spaces are committed and available to the respective users on a non-conflicting basis.

8. Landscaping

Every developed site shall be landscaped in accordance with these regulations and approved by the Commission. The intent of landscaping, screening and site preservation is to enhance the visual quality of the area, to protect the integrity of the uses, and to preserve the historic environment.

- a. There shall be provided a landscaped border not less than eight feet in width adjacent and parallel to all sides of the site except points of entry. This requirement may be waived by the Commission for borders which abut public streets, which have existing adequate landscaping, or which are determined to be incompatible with good site planning.
- b. Landscaping shall be designed to complement site areas such as pedestrian access, off-street loading areas, parking areas, the building perimeter, etc.
- c. Landscape treatment shall consist of shrubs, ground cover, and trees. Existing trees shall be conserved and integrated into the landscape plan wherever possible. Small or inaccessible areas should be planted with a ground cover other than grass. On large sites

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the use of knolls, berms, etc. to visually break up large flat areas is encouraged. All new deciduous trees shall be a minimum of 2" inch caliper measured on foot above the root crown when planted and all evergreen trees shall not be less than 6 feet in height when planted unless otherwise noted or required by the Commission. All plant materials shall be selected on the basis of hardiness and appropriateness to its intended use.

d. Landscaping shall be installed and maintained consistent with the approved site plan.

9. Screening for specific accessory uses and structures

Facilities for the storage of refuse and garbage shall be located in such a manner as to make the facilities inconspicuous to the general public view with suitable materials to harmonize with the building. Such materials may include, but not be limited to, fencing and plantings. Screening for roof top equipment shall be designed as an integral part of the building.

10. Lighting

- a. All flood lighting and all other types of lighting which are intended to illuminate the building or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.
- b. The Commission shall require that an off-street parking area, loading area, or parking facility be properly lighted as determined by its size, layout, location or the particular use served by it. Any lighting used to illuminate any off-street parking area, loading area, or parking facility shall be so arranged as to direct the light away from any adjoining premises, not shine into the eyes of any person external to the site, and not cause a nuisance from excessive glare.

11. Fire Protection

Fire hydrants shall be installed on the water lines either within the site or external to the site in accordance with recommendations of the cognizant fire chief.

12. Noise Abatement

All machinery and devices such as ventilation fans, drying fans, air compressors, air-conditioning unit, etc. shall be screened for visual impact as well as shielded and insulated in a manner which shall deaden noise and deflect sound waves away from abutting premises.

13. Utilities

- a. If improvements to the City water, sanitary or drainage system are necessary to accommodate sanitary and drainage discharge from the site or increased water service to the site, the developer shall make such improvements as may be required by the Commission and such improvements shall be shown on the site development plan.
- b. All new site utilities shall be located underground. The requirement for underground

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utilities may be waived by the Planning Commission if underground installation is found to be infeasible.

14. Proof of Land Interest/Restrictions

- c. The applicant or applicants seeking approval of a site development plan shall submit evidence of their interest in all land included in the application. In addition, the applicant shall supply the Commission with information on all easements and restrictions.
- d. The developer will be responsible to obtain any covenants, easements or other provisions necessary for the development of the site prior to filing an application for a building permit.
- e. Where it is necessary to place public utility lines across the land comprising the site, or on land not contained in the site, the developer shall provide easements in favor of the City of Meriden on said lands.
- f. Development of all sites shall be designed in such a manner as to minimize erosion from the site both during construction and after development and to prevent sedimentation of watercourses and storm drainage system both on and off the site. Disturbed areas shall be kept to a minimum and seeded as soon as is practicable. Reasonable erosion / sedimentation controls shall be used including but not limited to staked hay bales, drainage, diversion, temporary seeding, sedimentation basins or chambers, watering, and application of chemical agents.

15. Additional Site Development Requirements applicable to Multiple-family Dwelling, Planned Elderly Housing Development and Elderly Living or Care Facilities

- a. Multiple-family Dwelling, Planned Elderly Housing Development, Elderly Living or Care Facilities site(s) shall be landscaped, graded and developed to preserve and establish natural vegetation for recreation, screening, shade, and soil stabilization in addition to the other pertinent landscaping requirements
- b. One-bedroom and efficiency units are a minimum of 500 square feet. Two-bedroom units are a minimum of 650 square feet.
- c. Units shall be designed to provide an acoustically controlled environment in relation to exterior noise and noise from adjacent dwelling units and public spaces.
- d. On-site active or passive recreational facilities and open space areas may be required by the Commission to serve the needs of those living on the site, in consideration of the residential density, and the proximity and adequacy of municipal recreation facilities.

E. Development Standards-Building Criteria

The exterior rehabilitation of all segments of the visible structure shall be subject to review and approval by the Planning Commission at the time of application. If a building facade is replaced

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or significantly modified, the Planning Commission may refer the application to Design Review Board.

Findings to the design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, commercial or other purposes and, by so doing, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas and produces degeneration of property with deterioration of conditions in the area affecting the health, general safety and welfare of the community.

Designs for exterior building rehabilitation shall consist of appropriate material, colors, etc. intended to maintain or restore the integrity of the original architectural character of a given structure.

Property to be rehabilitated shall be required to meet the following level of rehabilitation:

- a. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed unless specifically approved by the Commission. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- b. All buildings, structures, and sites shall be recognized as products of their own time.
- c. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and shall be recognized and respected as such.
- d. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site as determined by the Commission shall be treated with sensitivity.
- e. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities to the extent possible. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- f. The surface cleaning of structures shall be undertaken with the gentlest means possible.
- g. Modifications and additions to existing buildings shall not be discouraged when such modifications and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color and material of the

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structure and character of the property, neighborhood or environment.

- h. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

F. Planning Procedures

- a. Application for Special Exception will be filed to the Planning Commission in accordance with requirements of § 213-73, and it may be filed concurrently with the C.A. Site Plan application pursuant to § 213-72.
- b. Amendments and Modifications to the Special Exception and to the Site Plan shall be made per the procedures outlined in § 213-73 and § 213-72.
- c. Criteria for Approval of the Special Exception:

Prior to the approval of a special exception, the applicant must show that the special exception, proposed use and proposed general plan of development shall comply with the following criteria:

- 1) The proposed plan of development shows an appropriate and beneficial use of the land and structure thereon.
- 2) The proposed use is compatible with the character of the neighborhood.
- 3) The proposed use allows the land and structures thereon to retain the historic qualities which allow the City to maintain a reference to its past.
- 4) The Commission shall consider the basic design of the proposed use, buildings or development; the relationship between the buildings and the land; the relationship between the use and between buildings or structures; the overall physical appearance of the proposed use, building or development; and its subsequent compatibility with surrounding development and the neighborhood.
- 5) The Commission shall also consider the type, size and intensity of the proposed use and compatibility with the adopted City Plan of Conservation and Development, adjacent zones, and the neighborhood.
- 6) This special exception approval may or may not be deemed appropriate at every or any location therein or without restrictions or conditions being imposed. The Commission may impose reasonable conditions by reason of the natural location and incidence of the use. In addition to the standards imposed in any referenced section of these regulations as to this particular use, the applicant must comply with these additional conditions as they may apply to the specific use proposed:
 - a. The use will not create or aggravate a traffic hazard, fire hazard, or panic hazard.
 - b. The use will not block or hamper the City pattern of highway circulation.
 - c. The use will not tend to depreciate the value of property in the neighborhood,

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- or its residences or alter the neighborhood's essential characteristics.
 - d. The use will not obstruct light or air.
 - e. The use will not create the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities.
 - f. The extent, nature and arrangement of parking facilities, entrances, and exits are appropriate for the use.
 - g. There is adequate public sanitary sewer and water available.
 - h. The use conforms with the City of Meriden's Plan of Conservation and Development and other applicable laws, codes or ordinances.
- 7) Accessory uses will be permitted including but not limited to:
- Radio and television antennae; signs; maintenance and elevator buildings; vehicle parking areas and parking structures for residents, customers, visitors and employees of the uses conducted and for which the parking use is appurtenant.