

Amend the following existing sections as noted:

Section 1.3 Definitions

Insert new definition:

ADAPTIVE REUSE DEVELOPMENT. A mixed-use, commercial or residential development use that converts sites with Underutilized Buildings, Brownfields or former Brownfield sites into functional facilities that, by their nature of design and redevelopment, will enhance and protect surrounding properties values and reinforce the surrounding neighborhood.

Section 8. R-40 District

Insert New: 8.3.4 Adaptive Reuse Development

Section 9. R-20 District

Insert New: 9.3.4 Adaptive Reuse Development

Section 9B R-20-M District

Insert New: 9B.2.7 Adaptive Reuse Development

Section 10. Commercial-1 (C-1) District

Insert New: 10.3.2 Adaptive Reuse Development

Section 11. Commercial-2 (C-2) District

Insert New: 11.3.2 Adaptive Reuse Development

Section 12. Light Industrial (LI) district

Insert New: 12.3.1 Adaptive Reuse Development

Section 13. Industrial (I) District

Insert New: 13.3.1 Adaptive Reuse Development

Add new section as follows:

16.13 ADAPTIVE REUSE DEVELOPMENT

16.13.1 PURPOSE

The intent of Adaptive Reuse Development is to allow flexibility to promote the renovation and reuse of sites and existing structures that are determined to be no longer viable for their prior intended use. This determination is based upon specific Adaptive Reuse Eligibility Criteria and generally includes restrictions imposed by:

- i. environmental remediation requirements of property;
- ii. aging building infrastructure;
- iii. arrangement of building patterns and floor plan;
- iv. influences of evolving economic market dynamics; or
- v. unsafe building conditions.

The Commission recognizes that the promotion of the Adaptive Reuse of Underutilized Buildings and sites classified as Brownfields reduces the demand on building resources and is vital to protecting undeveloped landscapes, protecting the environment, protecting property values and community identity, and focusing redevelopment in locations which support traffic and utility infrastructure.

16.13.2 GENERAL

1. Each application shall be acted upon by the Commission acting in its capacity as Zoning Commission in accordance with the provisions of Section 8-3(c) of the Connecticut General Statutes as may be amended.
2. The Commission, at the applicant's expense, may hire a third party to review submitted material, testimony or other information deemed necessary for the Commission to render a decision. The Commission may request a deposit to cover anticipated expenses.

16.13.3 DEFINITIONS

The following definitions(s) apply for the purpose of this Section 16.13 Adaptive Reuse Development,

1. **ADAPTIVE REUSE ELIGIBILITY CRITERIA.** Physical infrastructure, architectural, landscape (natural or manmade) characteristics used by the Commission to determine a property's appropriateness to support Adaptive Reuse Development.

2. **BROWNFIELD.** As defined by Connecticut General Statutes §32-760, as it may be amended from time to time, as “any abandoned or underutilized site where redevelopment, reuse or expansion has not occurred due to the presence or potential presence of pollution in the buildings, soil or groundwater that requires investigation or remediation before or in conjunction with the restoration, redevelopment, reuse and expansion of the property.”
3. **BROWNFIELD REDEVELOPMENT.** The redevelopment of a Brownfield and may or may not include the reuse of existing buildings.
4. **UNDERUTILIZED BUILDING.** Structures which may or may not be located on a Brownfield or considered a Historic Building and may be a structure or portion of a structure which is;
 - i. 50 years or older within R-20, R-20-M or R-40; or
 - ii. 25 years or older within C-1, C-2, I, or LI districts

In each of the above instance at least 50% of the gross building area shall have remained vacant for five (5) or more years and the building configuration is demonstrated to not be suitable to meet the needs of the previously intended use either by the nature of their configuration, market economics, or are restricted by state regulations that govern its previous use.

An Underutilized Building is also;

- i. a building
 - a. owned or formerly owned by the State, Federal or local government;
 - b. is, or is imminently being, vacated; and
 - c. cannot in its current condition reasonably be restored to its vacated use.
- ii. a building whose use
 - a. Is a special use, in that its design is driven by special needs and legal requirements, such as, but not limited to, a convalescent, nursing or group home; and
 - b. Can no longer reasonably continue due to an inability to meet current and applicable state or federal building and use standards.

Buildings used for single family or two-family residential or multi-family up to five dwelling uses shall not be considered an Underutilized Building unless it is an Historic Building.

5. **UNDERUTILIZED SITE.** A property which is or, was a Brownfield within the last five (5) years and which does not contain a building or structure. Buildings or structures may have been fully or partially demolished.

6. **BUILDING.** A structure having a roof supported by columns or walls which is permanently affixed to the ground for the housing or enclosure of persons, animals, or property. The definition shall include any independent units into which a building is divided by party walls.
 - i. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building, except in the case of a private garage so attached to a dwelling.
 - ii. The term "building" shall not include mobile homes or trailers.
7. **STRUCTURE.** Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground. Except as otherwise indicated, "structures" as used in these Regulations shall be deemed to include buildings, swimming pools, open entries, pier signs, and fences or walls. See Section 5.3.D of these Regulations for the definition of structure for floodplain management purposes.
8. **HISTORIC BUILDING.** Any Building that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

16.13.4 APPLICATION REQUIRED: SITE PLAN REVIEW W/ SPECIAL PERMIT

1. **Preliminary Review Encouraged.** Applicants are encouraged to file a preliminary application to solicit staff comments and discuss with the Commission the property's eligibility under this Section 16.13.5 Adaptive Reuse Eligibility Criteria. The applicant should provide sufficient details to help Staff and the Commission in providing guidance based upon information known at the time of this informal review. This includes pertinent reports, site plans, building plans (existing and proposed), applicable studies, and other documentation that may be available. Comments provided from Staff and the commission are non-binding and may be subject to change based upon reasons such as additional future information that is brought forth by any party.
2. **Formal Application.** All applications filed under this Section 16.3 Adaptive Reuse Development shall file applications for Site Plan review with Special Permit as

provided in Sections 15, 16 and 17 of these regulations. Review criteria outlined in subsection 16.3.9 Criteria of Decision shall be used to assist the Commission in making a decision and in addition to that listed in *Section 16.5 (Special Permits) Criteria of Decision*.

3. Minor Modification. Following an approval of an Adaptive Reuse Development by the commission, minor modifications to a plan may be, at the discretion of the Director of Land Use and Development or designee, reviewed and approved administratively by the Director unless determined by the Director to warrant a review and approval by the Commission. Minor modifications include the addition or elimination of no more than 10% of the approved total number of parking spaces, or an increase of impervious coverage of more than 10% from the approved plan. Any change in building size, location, or configuration will require review by the Commission.
4. Plan Review by Third Party. The Commission may require the services of a third party to assist in the review of application materials and may place the burden of such review costs and expenses upon the Applicant, to be paid in full prior to approval.

16.13.5 ADAPTIVE REUSE ELIGIBILITY CRITERIA

In order for a property to be redeveloped as an Adaptive Reuse Development as defined by these regulations, the Commission shall determine the property meets these Adaptive Reuse Eligibility Criteria. This burden of proof shall be placed upon the Applicant whom shall submit all necessary information to assist the Commission in making such determination, which determination will coincide with the overall application provided under the provisions of 16.13.4. Site Plan Application with Special Permit.

To be eligible as an Adaptive Reuse Development, the application must meet both items 1 and 2 below, and referred to as the Adaptive Reuse Eligibility Criteria:

1. Location. The Property must meet each of the following:
 - i. The property shall be entirely located within a C-1, C-2, I, LI, R-20-M, R-20 or R-40 district;
 - ii. The parcel shall have frontage upon or located within three hundred feet (300') of State Routes 32 or RT 163 from RT 32 to east side of Chesterfield Road intersection, as measured along the roadway center line from the properties nearest point and to the intersection of the centerlines; and
 - iii. The property shall be connected to both public sewer and water with demonstrated capacity to support the intended use as determined by a licensed professional engineer and documented in correspondence by the Montville WPCA.

And;

2. Characteristics: The Property must meet one of the following:

- i. Is a Historic Building as defined by these Regulations;
- ii. Is determined by the Commission to meet the definition of an Underutilized Site as defined by these Regulations;
- iii. Is determined by the Commission to meet the definition of an Underutilized Building as defined by these Regulations; or
- iv. Is classified or was classified as a Brownfield.

16.13.6 SPECIAL PERMITTED USES AND PROHIBITED USES

1. Uses subject to Special Permit with Site Review and provisions Section 16.13.11 include:
 - a. All Permitted Uses and Special Permit Uses as listed in the underlying zone.
 - b. Single Family Detached
 - c. Single Family Attached
 - d. Attached Single Family Flats
 - e. Multi Family
 - f. Mixed use
 - g. Artists and craft persons studio, museums, and libraries
2. The following uses are specifically prohibited in the C-1 and C-2 Districts:
 - a. Warehousing
 - b. Outdoor storage (excluding that associated with a principal building and located in the side or rear yard and adequately screened from view)
 - c. Self-storage
 - d. Earth excavation
 - e. Industrial
 - f. Kennels
 - g. Data Center
 - h. Heliport/airport
 - i. Equipment/vehicle sales/rental
 - j. Fueling stations

16.13.7 RESIDENTIAL DWELLING USES

1. Affordable Housing Required. When a residential use is proposed, including as part of a mixed-use development, at least 10% of the dwelling units must be deed restricted affordable for families earning 80% or less of U.S. HUD's Area Medium Income (AMI). The above calculations shall be determined utilizing the requirements outlined in CGS 8-30g.

2. Dwelling Unit Design. All dwelling units shall be comparable to one another in size, configuration and amenities regardless of affordability.
3. Dwelling Unit Mixture and Density. In order to offset project costs and define a feasible project, density, dwelling unit size, type and mix shall be based upon a market analysis prepared by a licensed/accredited real estate professional with demonstrated experience in preparing related market studies, which shall be submitted to the Commission with the application. This will be reviewed in tandem with the appropriateness of each unit's design as it is integrated into the floor plan(s) and building exterior design.
4. Open Space and Recreation. When a project includes residential uses, the project shall include open space, social spaces or recreational opportunities. For multifamily buildings consisting of more than eight (8) units at least one interior area, such as fitness room or lounge, shall be provided. All Adaptive Reuse Developments shall provide usable exterior spaces for residents of the development, such as courtyard, play area, or passive landscaped area. When determining the appropriateness of the spaces provided, the Commission will consider lot size, number of units, and developable land. The applicant shall provide industry standard metrics for such comparison when available.

16.13.8 BULK STANDARDS

1. All bulk standards of the underlying districts apply. However, to provide flexibility in Adaptive Reuse, and as part of the special permit review, the Commission may allow different bulk standards established by the applicant to meet the requirements of the Adaptive Reuse Development. This includes front, side and rear setbacks, building coverage, impervious coverage, and building height.

16.13.9 BUILDING DEMOLITION

Underutilized Buildings may be demolished and new buildings erected to accommodate the intended purpose of this regulation only if:

1. More than 50% of the total of all building area has been deemed unsafe by the Building Official; or
2. Substantial evidence is provided that the building's physical condition cannot support a use as a result of floor plan configuration, land use restrictions, or costs to renovate; in making such a determination, the Commission shall review evidence submitted by the applicant to support such a decision. This shall include the certification from an Architect, Structural Engineer and/or LEP, as may be

applicable, licensed in the state of Connecticut, and which addresses the functionality of the existing building.

3. The Commission may consult with their own professional to guide its decision regarding the appropriateness of demolition.

16.13.10 DESIGN STANDARDS

The architectural and site design of all buildings and improvements for an Adaptive Reuse Development, including floor plans and building elevations drawn to scale showing the proposed exterior materials and treatments to be used, shall be submitted. The plans submitted shall demonstrate how the adaptively reused building is consistent with the neighborhood in which it is located and, if applicable, how it transitions from denser Adaptive Reuse Developments to neighboring properties.

1. **Parking.** Parking for all uses shall meet the requirements set forth in Section 18 regardless of use. The Commission may allow flexibility by the Applicant providing a Parking Plan prepared by a Connecticut Licensed Professional Engineer which has been reviewed and approved by the Town Engineer and the Director of Planning in lieu of parking requirements listed in Section 18.3. The Commission shall use this Parking Plan to determine if the number of parking spaces is adequate to meet the needs of the proposed development.
2. **Preservation.** If a building is a Historic Building, or eligible to be listed as an Historic Building, the applicant shall provide a detailed report on how any new construction or renovation complements the historic nature of the structure and is integrated into the overall site in a manner consistent with these regulations and with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing (SOIS). The SOIS shall apply to the exterior of the building only.
3. **Building Siting.** Building design shall be compatible with traditional New England architectural styles with use of materials, place of fenestrations, entry styles and roof types customary to the selected style. However, the Commission may allow alternative design approaches which demonstrate unique qualities in place making, identify, sustainability measures and responsiveness to the landscape by reducing disturbance or visual impacts. For new construction along the Route 32 corridor, new buildings shall be sited within 10'-25' of the front lot line. Additions to existing buildings to remain shall, to the extent feasible, be extended toward the street frontage. The Commission may allow alternatives if the applicant demonstrates constraints exist that prohibit such placement.
4. **Siting of Parking, Loading/Refuse, and Appurtenances.** Parking, loading/refuse and appurtenances shall be located in the side or rear yard. Such elements in side

yards shall be screened from view from public rights of way with landscaping, decorative fencing or combination thereof.

5. **Building Reuse.** For Underutilized Buildings to be adaptively reused, the applicant shall certify through a licensed architect or structural engineer that the building is capable of being adaptively reused in the manner proposed.
6. **Site Reuse.** For Underutilized Site's to be adaptively reused, a Connecticut Licensed Environmental Professional (LEP) shall certify the site's remediation meets the standards for the intended use.
7. **Landscaping.** The entire parcel on which the proposed Adaptive Reuse Development is to be established shall be landscaped and screened in such a manner as to insure a safe and cohesive layout and one appropriately related with and not detrimental to nearby uses. The Commission may require the installation of fencing or the provision of suitable landscaping treatment to provide effective opaque buffers between an Adaptive Reuse Development and adjacent property on which single-family residences are located. Suitable landscaping, as determined by the Commission, shall be provided on all lots on which an Adaptive Reuse Development is located, and the existing natural landscaping shall be preserved whenever possible
8. **Streetscapes and Sidewalks.** Notwithstanding other provisions of these Zoning Regulations, the project shall provide for sidewalks along the entire frontage of the property unless it is determined by the Commission sidewalks are not feasible based upon existing nearby public infrastructure, topography, or natural resources. Shade trees at a minimum size of 3-3 1/2" caliper shall be provided for each forty feet of frontage, or fraction thereof. When adequate space is not provided, said trees shall be planted on site at another suitable location.
9. **Buffer Required.** A landscaped buffer shall be provided when abutting another Dwelling use, industrial use/zone, outdoor storage area or higher intensity commercial use. Said buffer shall include a combination of densely planted evergreen and deciduous shrubs and trees, fences if appropriate, and arranged in a manner to limit visual impact to the greatest degree possible. The depth of the buffer may vary based upon adjacent use, topography and exiting vegetation.
10. **Phasing.** When the Adaptive Reuse Development is to be developed in more than one phase, a phasing plan shall be provided at time of application outlining work limits, sequence and timeframe for each development phase.

16.13.11 CRITERIA OF DECISION

The Commission shall base their decision to approve, approve with conditions, or deny an application based upon Section 16 Special Permits and the following criteria:

1. Use Suitability. The Commission shall determine that the existing Underutilized Building and its environments will be suitable for conversion to a the use(s) and will not adversely impact the health, safety and welfare of the existing neighborhood.
2. Neighborhood Compatibility. The commission shall determine if the total number of units in new construction and/or reuse of existing buildings can be appropriately accommodated in a manner that is compatible with the surrounding neighborhood and without impacting the health, safety and welfare of the neighborhood. In order to meet this requirement, the Commission may reduce the total density by an amount deemed compatible with the context of the parcel.
3. Building and Site Design. The Commission may allow the Adaptive Reuse Development to deviate from the underlying bulk standards by making such a decision that shall take into account exceptional site and building design, restoration and preservation of historic buildings, contribution to streetscapes and traffic calming and enhancement of the properties neighborhood.
4. Cohesive Design. The Commission shall determine if the site and building design is consistent with the intent and character of the surrounding landscape. Not withstanding the above, this does not restrict architectural creativity.
5. Streetscapes. The Commission shall determine that the frontage design creates or promotes a cohesive streetscape compatible with the location.
6. Density and Intensity. The Commission shall determine if the intensity and density of the use is suitable for the Site and neighborhood. The Commission may take into consideration such factors as, but not limited to, access, trip generation, architectural and site design, stormwater management (quality and quantity), and parking.
7. Connectivity: Sidewalks and Public Waterfront Access. The Commission shall determine that the application has provided appropriate sidewalks in commercial, mixed use, and residential areas. When existing sidewalks are not present, the commission has the discretion to require sidewalks when determined to be in the best interest of public safety, convenience and promote walkability. Public waterfront access shall be provided for all parcels along tidally influenced watercourses. This may include signage to direct the public from public rights of way, walking trail, public accessible parking, seating and/or passive recreation amenities.
8. Bulk Standards Review. When the applicant selects to establish its own bulks standards as defined in 16.3.6.A, the Commission shall determine that the use of landscaping and architectural design appropriately respond to the established standards.
9. Conditions. The Commission may impose reasonable conditions as provided in these Regulations including provision for vehicular and pedestrian traffic patterns, hours of any commercial use, open space use, and recreational areas.