Draft

April 1, 2015

Section 39E Riverfront Development Floating Zone

39E.01- PURPOSE- A floating zone designed to permit and encourage variety and flexibility in land development but also retaining the Commission's legislative authority to guide and ensure proper development in accordance with these regulations. The Commission may approve, disapprove or approve with modifications the application of this floating zone and a plan for the development of land, which plan may deviate from the standards in the underlying zone (s), subject to the following standards and procedures:.

39E.02 PRE-APPLICATION- It is recommended that any proposal using the Section 39E of the Zoning Code begin with a pre-application review allowed under Connecticut General Statute 7-159b. In order to conduct a pre-application review of a proposed project with the applicant shall make a request in writing to the Planning and Zoning Commission. Such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or Planning and Zoning Commission.

39E.03- APPLICABILITY- This floating zone may be applied to any lot or assemblage of lots (with owner consent) in excess of 3 acres within the Area shown on the Master Plan Map.

The Master Plan Map shows an area bounded approximately from the midpoint of the intersection of Washington Street and DeKoven Drive, running south along DeKoven drive, including the entrance to Harbor Park tunnel, to north edge of Union Street, then running west along the north edge of Union Street to the intersection of Main Street then running to the south edge of Union Street east to DeKoven drive, then running south along DeKoven Drive to the Midpoint of the Route 17/Route 9 connector, then following the path of the Route 9 east to the Silver Street exit, then following Silver Street east to the intersection of Silver Street and River Road, then running north to the midpoint of the Connecticut River and following midpoint of the Connecticut River west and then nNorthwest to a point in the vicinity of Washington Street, then returning to the intersection of Washington Street and DeKoven Drive.

In rendering a decision on a zone change the Commission acts in a legislative capacity and shall be afforded wide and liberal discretion. The Commission shall use its knowledge of the area, Section 71 of this Code, the report from the Design Review and Preservation Board and the requirements and guidelines Riverfront Development Floating Zone in rendering its decision.

39E.04- MASTER PLAN MAP- The Master Plan Map will act as a guide to Developers and the Planning and Zoning Commission for the application of the floating zone. The proposed uses shall not conflict with the Master Plan Map.

39E.05 RIVERFRONT DEVELOPMENT GUIDELINES- The intent of the floating zone is to keep development at an appropriate scale, to design elements to strengthen the downtown and the riverfront area by allowing compatible uses and connections between the two and to establish uses that will complement the downtown. The following criteria shall be considered when evaluating site plans for possible application of this zone to an particular site:

A. **Consistent and Compatible** – the proposed shall be consistent and compatible with the city's Plan of Conservation and Development, the January 2014 *Placemaking on the Middletown Riverfront Report* prepared by Project for Public Spaces and the Riverfront Master Plan Map.

B. **Mixed use** – encourage a mix of uses to create places where people can live, work, shop and play and not be dependent on the automobile.

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- C. **Protection of View corridors**– preserve and enhance property values and create a successful living environment by maintaining and creating as many views of the river as possible.
- D. **Natural systems** –preserve ~~unique~~–undeveloped natural systems that provide habitat for endangered species and natural management of stormwater and floodwater.
- E. **Encourage water dependent uses –** so as to avoid competition with other commercial areas this area encourages water dependent / water related uses.
- F. **Environmentally Sustainable –** demonstrate the use of some of the following reduce, reuse, recycle, ~~LEED and LEED ND certification~~, green buildings, green roofs, solar panels, geothermal heating, energy efficiency, water conservation and overall carbon footprint.
- G. **Permeable –** display permeability in design of required hardscapes and low impact design which promotes water quality.
- H. **Dynamic, creative and financially sustainable** –a dynamic and creative development that is long lasting, adds value to the area and the city's grand list.
- I. **Superior** – the proposed floating zone development shall be superior to development permitted utilizing the underlying zoning regulations.

39E.06- PERMITTED USES AND DENSITY- The permitted uses and density shall be requested by the applicant and determined by the Commission at the time of application to apply the floating zone to a particular parcel(s). Such uses shall include:

~~1.~~A. ~~o~~Office,
~~2.~~B. ~~m~~Multi-family,
~~3.~~C. ~~e~~Entertainment,
~~4.~~D. ~~D~~day care centers,
~~5.~~E. ~~R~~recreation,
~~6.~~F. ~~M~~marine craft and marinas,
~~7.~~G. ~~O~~other water dependent uses,
~~8.~~H. ~~R~~retail sales, specifically prohibiting automotive sales,
~~9.~~I. ~~R~~restaurants specifically prohibiting drive thru restaurants,
~~10.~~J. ~~H~~hotels and other short term lodging,
~~11.~~K. ~~M~~museum,
~~12.~~L. ~~A~~art galleries,
~~13.~~M. ~~T~~theaters,
~~14.~~N. ~~C~~community facilities,
~~15.~~O. ~~B~~bicycle facilities
~~16.~~P. ~~P~~parks and
~~17.~~Q. ~~O~~other open areas.

39E.07- COVERAGE AND YARD REQUIREMENTS – Height and yard requirement is that any building shall have maximum and minimum height and yards sufficient to insure proper design and placement of buildings as determined by the Commission during the process to apply the floating zone to a particular parcel(s). The following design guidelines shall be considered, but the the Commission may deviate from them in order to ensure that other requirements setforth in this regulation are achieved:

A. Building Height- 4 stories
B. Front Yard- The average of the front yards that have been established on adjacent properties
C. Other Yards- The average of the side yards that have been established on adjacent properties. The minimum rear yard shall be 10 feet.
D. Coverage- 50% maximum outside the flood zone and 25% maximum within the flood zone
E. Buffer between different land uses.

39E.08- PEDESTRIAN AMENITIES- Sidewalks and crosswalks will allow access for pedestrians from City Streets to the entrances of any building or buildings. ~~One bicycle rack~~Bicycle parking will be ~~installed~~ provided near the main entrance of any building. Pedestrian access and easements may be required to access adjacent areas designated as public parks or public access on the Master Plan Map.

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39E.09- PRESERVATION OF HISTORIC RESOURCES- The following properties shall be preserved, adaptively reuse and incorporated into a proposal for a Riverfront Development floating zone:

~~1.~~A. 80 Harbor Drive,
~~2.~~B. 50 Walnut Street,
~~3.~~C. 131 River Road,
~~4.~~D. 17 Eastern Drive, and
~~5.~~E. 1250 Silver Street.

39E.10- PARKING REQUIREMENTS AND MODIFCATIONS- Parking requirements are those listed in Section 40 of this zoning code. Modifications to these requirements may be requested and approved by the Commission during the process to apply the floating zone to a particular parcel(s). Parking areas will be located outside the Public Access and Public Park areas shown on the Master Plan Map.

39E.11- FLOODPLAIN MANAGEMENT- All proposed developments located within the 100 and 500 year floodplain shall comply with the standards and regulations setforth in Section 46 of the Zoning Code.

39D39E.~~11~~12- CRITERIA FOR DETERMINATION- The Planning and Zoning Commission shall consider the design, relationship and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view.

~~1.~~A. The application shall demonstrate the following:

1) ~~a)~~ that proposed buildings or modifications to existing buildings are harmoniously related to their surroundings, to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to a proposed building or modification,
2) ~~b)~~ that all spaces and structures visible to the public from public roadways are designed to add to the visual amenities of the area consistent with those of the Riverfront Master Plan Map in and around the proposed buildings or modification,
3) ~~c)~~ that the color, size, height, 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

B. ~~2.~~ All development in the Riverfront Development floating zone shall be designed to achieve the following compatibility objectives:

1) ~~a)~~ 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) ~~c)~~ open spaces within the proposed development shall reinforce open space patterns of the district in form and siting;
3) ~~d)~~ locally significant features of the site such as distinctive buildings or vistas shall be integrated into the site design;
4) ~~e)~~ the landscape design shall complement the district's landscape patterns:
5) ~~f)~~ the exterior signs, site lighting and accessory structures shall support a uniform architectural theme if a theme exists and be compatible with their surroundings; and

39E.11- PROCEDURE-APPLICATION PROCESS SITE PLAN REQUIREMENTS - An application for approval of a Riverfront Development floating zone shall be made in writing to the Planning and Zoning Commission by the owner or owners of the land which are the subject of the application, together with any other applicant.

~~1.~~A. All applications shall include the following information:

~~a.)~~1) Master Plan for entire property and concept plan for adjoining blocks, including overall design objectives and guidelines for the entire area.

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b.)2) Twenty prints of a site plan of the property drawn to scale based upon Connecticut Geodetic Survey (CGS) datum and certified by a licensed surveyor or engineer, showing the information required under Section 55 of this Code; and

c.)3) Twenty prints of all proposed building floor plans and elevations, drawn to a scale of not less than 1/16 inch equals one foot, including an indication of all materials and colors proposed to be used in all buildings, including signage.

d.)4) Twenty prints of a landscaping plan indicating the location, size and species of all plant materials proposed to be preserved and planted, including a note indicating that no CT listed invasive plants will be used and any CT listed invasive plants present on site will be removed in accordance with generally accepted removal practices.

e.)5) For each building and land area proposed to be used for other than residential purposes, a description of the proposed uses, operations and estimate of number of employees and other occupants.

f.)6) Parking and Traffic Study, prepared by a CT licensed traffic engineer.

g.)7) Storm water drainage study, prepared by a CT licensed engineer.

2.B. The Commission shall refer the proposed plan to the Design Review and Preservation Board (DRPB). The DRPB shall review landscape plans, any improvements or modifications to the exterior of existing buildings and all proposed new buildings or additions for appropriateness and architectural continuity;

a.)1) The DRPB shall consider the application and shall approve, disapprove or approve with modifications the proposed plan within 60 days after referral.

b.)2) If the DRPB fails to act on the application within the stated time limit, the application shall be presumed to be approved by the DRPB.

c.)3) The Planning and Zoning Commission shall not approve a request for a Riverfront Development floating zone if the request fails to receive approval or approval with modifications from the DRPB.

3.C. The Planning and Zoning Commission shall hold a public hearing on the proposed plan as acted upon by the DRPB and shall approve, disapprove or approve with modifications. Such development plan, if approved by the Commission, shall modify or supplement the regulations of the Zoning Code as they apply to the property included in the approved plan.

4.D. The Planning and Zoning Commission may attach any conditions to its approval as it considers necessary in order to assure continued conformance with the approved plan and the zoning regulations and may also require the submission of a suitable performance bond to assure satisfactory completion of necessary improvements.

5.E. A suitable notation shall be made in the Zoning regulation and on the Zoning Map identifying any property for which a Riverfront development floating zone has been approved.

6.F. Applications for changes in approved plans shall be made and acted upon by the DRPB and the Planning and Zoning Commission at a regular monthly meeting. Changes of a substantial nature shall require a public hearing. A substantial change shall include a proposed new use, any change that reduces public areas or access to public areas, or a change in building square footage of more than twenty-five (25%) percent.

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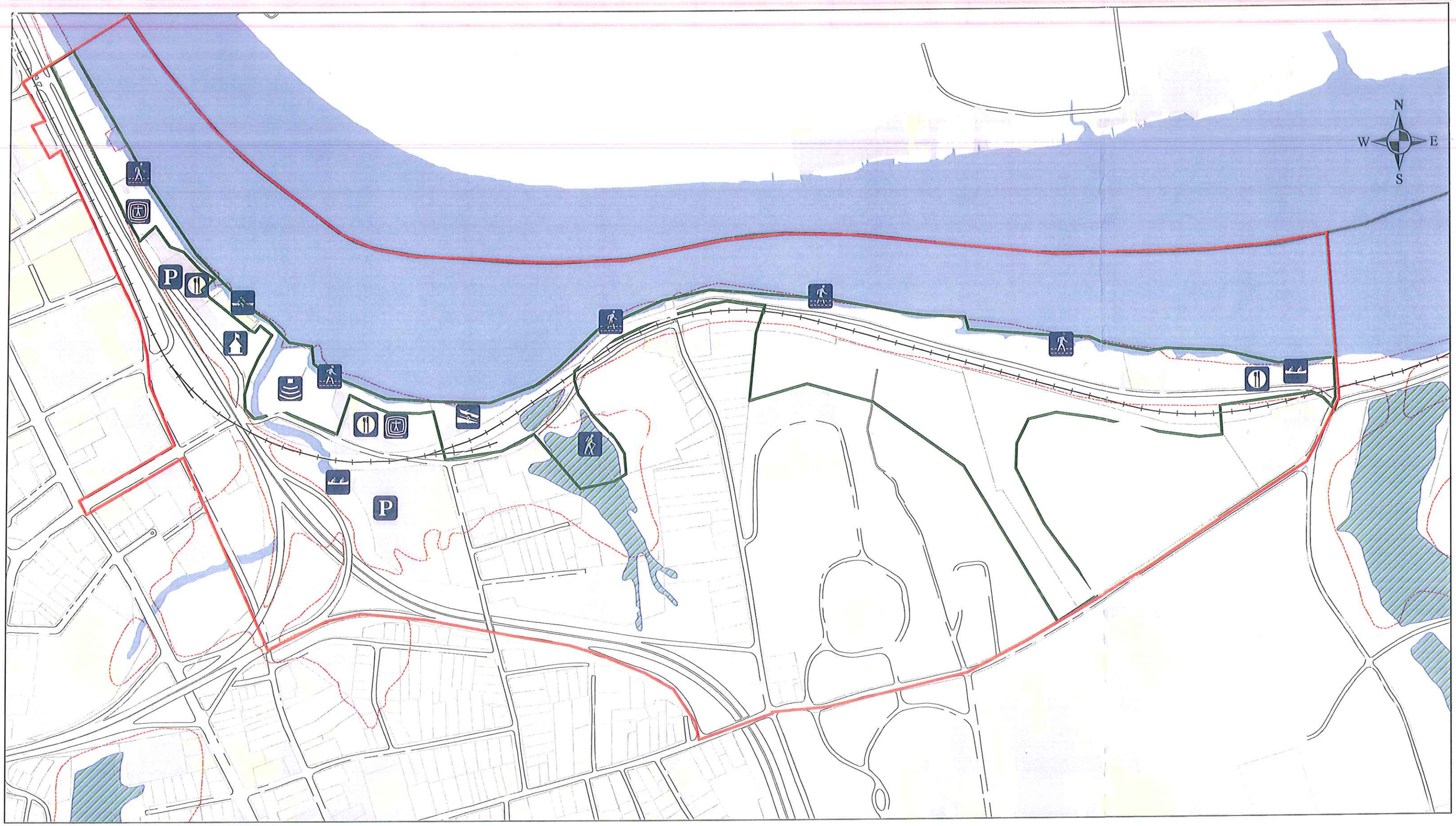

Riverfront Floating Zone and Riverfront Master Plan Map

May 28, 2014

- Public Park or Public Access Area
- Floating Zoning Area
- Floodplain
- Wetlands
- Riverfront Pedestrian Bicycle Trail
- Wetlands Nature Trail
- Playground/ Play Area
- Boathouse/ Banquet Facility
- Public Off-Street Parking
- Great Lawn
- Rowing/ Crew Launch
- Kayak/ Canoe Launch
- Motorized Boat Launch
- Restaurant/ Cafe