

Planning and Zoning Code- Section 39D

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[Return to Zoning Code- Table of Contents](#)

SECTION 39D- DOWNTOWN VILLAGE DISTRICT (DVD)-

39D.01- AUTHORITY- This regulation is adopted pursuant to Public Act 98-116, as amended, an Act Concerning Village Districts, and is authorized by Section 8-2 of the Connecticut General Statutes.

39D.02- PURPOSE- The purpose of this regulation is to protect the distinctive character, landscape, and historic structures within said district.

39D.03- APPLICABILITY- These regulations shall pertain to:
New construction and substantial, as determined by staff, reconstruction and rehabilitation of properties within the district and in view from public roadways including but not limited to:

- A. the design and placement of buildings;
- B. the design, paving materials and placement of public roadways; and
- C. other elements that the Approving Authority staff deems appropriate to maintain and protect the character of the DVD.

39D.04- REVIEW- Applications for permitted uses shall be treated as a Section 55 Category 3 Site Plan Review. Application for Special Exception uses shall be treated in accordance with Section 44 of the Zoning Code and Section 8-2 of the Connecticut General Statutes. Only construction expanding the existing footprint by more than twenty percent (20%) shall require the submission of an A-2 survey.

39D.05- ADVISORY OPINION- All applications for construction and substantial reconstruction within the district and in view from the public roadway shall be subject to an advisory review and recommendation by the Middletown Design Review Preservation Board. The report and recommendation shall be entered into the public record and considered in the decision. The Approving Authority may seek other reports and recommendations in accordance with Section 55 of this Code.

39D.06- APPROVAL- The Approving Authority shall state on the record the reasons for any decision and if the Authority denies an application, it shall cite the specific regulations under which the application was denied.

39D.07- EFFECTIVE DATE- No decision shall be effective until a copy thereof, certified by the Chairman, containing the name of the owner of record, a description of the

premises to which it relates and specifying the reasons for its decision is recorded on the land records.

39D.08- CRITERIA FOR DETERMINATION- The Approving Authority shall consider the design, relationship and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view.

The Approving Authority shall follow the "Connecticut Historical Commission - The Secretary of the Interims Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and the following:

- Criteria

Applications shall demonstrate the following: (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, (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 village district in and around the proposed buildings or modification, (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 (d) that the removal or disruption of historic traditional or significant structures or architectural elements are minimized.

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 vistas shall be integrated into the site design; (5) the landscape design shall complement the district's landscape patterns; (6) 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 (7) the scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

- USE

Uses within the DVD shall be limited to one and two family homes. churches, daycare centers and public libraries are permitted by Special Exception.

Non-residential or business uses in excess of 7,500 square feet that currently exist (12/10/03) in the DVD District shall be deemed permitted uses and allowed to expand up to 100% of their current size while maintaining their current use. Furthermore, these structures shall comply with Section 30- Institutional Development zone. (Added effective 12/31/03)

- Lot size, Setbacks, Lot Coverage
No minimum lot area or frontage required. Yard requirement is that any building shall have yards sufficient to insure proper design and placement of buildings as determined in the site plan review process and shall generally adhere to the setbacks of surrounding properties which are in keeping with the historic layout of the neighborhood.
- Height
The maximum height in the DVD zone shall not exceed three (3) stories or thirty-six (36) feet.

(Section adopted effective 10/15/99)