

Planning and Zoning Code- Section 39A

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SECTION 39A- INTERSTATE MIXED USE ZONE

39A.00- DESCRIPTION OF ZONE- This zone is designed for the development of business and professional offices and multi family residences along the existing interstate corridor in a park or campus type setting with the retention of open spaces and the preservation of the natural features of the area. Recognizing that, if properly planned, such mixed use development is beneficial to the community such uses are allowed by site plan approval and special exception. It is the responsibility of the Planning and Zoning Commission and city staff to ensure, through the site plan approval and special exception process, that this proper planning takes place.

The zone shall be limited to property which has at least 50 acres of contiguous land and which abuts an interstate highway as well as one state highway. Additionally, no site plan or special exception for such use may be approved unless the area zoned Interstate Mixed Use has an access road, public or private, within 300 feet of an Interstate Highway entrance or exit. No building constructed in this zone shall exceed eight (8) stories as measured from the property's highest grade, excluding basements and cellars as defined in the Zoning Code and excluding elevator and/or mechanical penthouse facilities. In no case shall the height of a building exceed 100 feet.

39A.01- EFFECTIVE DATE- March 28, 1990

39A.02- USES- No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used except for any use which is indicated as a permitted use or a special exception use in the IM zone of Section 60 of this Code.

- 39A.02.01- PERMITTED USES- Permitted Uses shall be Business and Professional Offices as described in Section 34.01 of this Code.
 - 39A.02.01.01 LOT AREA, WIDTH AND YARD REQUIREMENTS-

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Height
2 acres	200 ft.	75 ft.	20 ft.	25 ft.	8 stories (100 ft.)

- 39A.02.01.02- LOT COVERAGE- Only 60 percent of the total lot area will be allowed to be rendered impervious.
- 39A.02.01.03- OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS- Off-street parking and off-street loading shall be provided in accordance with the provisions of Section 40.
- 39A.02.02- SPECIAL EXCEPTION USES- Special Exception uses shall be multi-family residential as specified in Section 60 of this Code. Such uses shall not exceed 250 dwelling units in any IM zone.
 - 39A.02.02.01- LOT AREA, WIDTH AND YARD REQUIREMENTS-

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Height
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2 acres	200 ft.	75 ft.	50 ft.	50 ft.	8 stories (100 ft.)
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- 39A.02.02.02- YARD MODIFICATIONS- When the site abuts a State or Interstate highway the Commission may modify the yard requirement for the yard which abuts the highway. Additionally, the setbacks as set forth above shall be modified as follows; 1.) for those buildings which exceed six (6) stories there shall be an additional setback of five (5) feet for each additional above ground story; 2.) The above setback regulations shall control the construction of all structures except those located within 50 feet of an Interstate Highway, which structures shall be set back so that their side yard or front yard, whichever is closest to the Interstate Highway shall be at least ten (10) feet in accordance with the setback lines of the Interstate Office Park Zone. Rear yard requirements will be accordance with the Interstate Office Park zone; 3.) Within the lot, structures or parts thereof containing primary uses shall be erected no closer than 100 feet from each other. Structures or parts thereof containing accessory uses shall be erected no closer than 15 feet from any other structure. Nothing herein shall be construed to prevent the phased construction of a single and contiguous structures.
- 39A.02.02.03- RESIDENTIAL DENSITY- The density per acre of residential units shall not exceed 18 units per acre, but in no event shall the number of residential units in any IM zone exceed 250 dwelling units. Prior to the issuance of a building permit for any residential uses in this zone, at least 700,000 square feet of office space shall be under construction.
- 39A.02.02.04- LOT COVERAGE- Only 60 percent of the total lot area will be allowed to be rendered impervious.
- 39A.02.02.05- OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS- Off-street parking and off-street loading shall be provided in accordance with the provisions of Section 40.
- 39A.02.03- ACCESSORY USES- In addition to the permitted uses set forth in Section 39A.02.01-02, uses customarily incidental to the main or principle building or land use and as set forth elsewhere in this code shall be permitted, including employees within such buildings, such as garages, but not limited to cafeterias and like facilities designed to serve only the occupants of the buildings in the zone. Conference and meeting facilities, data processing and storage shall be included within the definition of accessory uses.

39A.03- SPECIAL CRITERIA- Due to the potential impacts of such high intensity development permitted and as allowed by Special Exception, in the areas where this zone could be applied, the Planning and Zoning Commission will require that, in addition to the Special Exception criteria for multi-family and the site plan approval criteria for business and professional offices in Sections 44 and 55 of this code respectively, the following requirements will be satisfied.

- 39A.03.01- TRAFFIC MANAGEMENT AND REDUCTION PLAN- Upon application for site plan approval to construct business and professional offices the applicant shall submit a preliminary schedule of employee working shifts for each proposed building in each proposed phase. This schedule will display to the Commission that every attempt will be made to stagger the shifts in order to reduce the concentration of automobile traffic and air pollutants at peak hours. Understanding tenants may not be identified prior to or during the site plan approval process the applicant is provided much flexibility in attempting to adhere to this schedule. But, compliance with this section, general intent will be strictly enforced with Section 55.09 of this Code. The applicant will also be required to recommend to tenants that they implement employer incentive programs which encourage car pooling, van pooling and other forms of mass transit among employees.
- 39A.03.02- PHASING- With application for site plan approval and/or special exception the applicant shall submit to the Planning and Zoning Commission a Development Schedule which

displays the phases of anticipated development. The commission may grant approval limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases. Buffer and setback requirements shall not apply to the common line between phases of development.

The scheduling of development shall attempt to avoid any potential detrimental effect of rapid development on surrounding roads and city services.

Moratorium on Construction - As such a large development as is contemplated by this zone could result in a large increase in multi-family housing, the commission should consider discussing with the applicant at the time such zone is to be established on a designated parcel of land within the city whether or not the developers will consent to a self-imposed moratorium or phasing of the residential multi-family housing to be contained with the zone. Prior to or at the same time as a site plan and/or special exception for a use within such a zone is approved, a Master Plan shall be presented providing for minimum of 700,000 square feet of non-residential space contained within the area designated on City of Middletown Zoning Map as Interstate Mixed Use Zone.

- 39A.03.03- ILLUMINATION- Interior or exterior lighting, including signs, shall not be of such intensity or located or directed in such a way as to produce glare or discomfort on public streets or neighboring properties.
- 39A.03.04- GROUPING- Each development plan shall group the buildings in such a manner as to reflect the existing topography, preserve as much on the natural features as possible and minimize the concentration of air pollutants. The minimum distance between any two structures containing a primary use shall be 100 feet. Structures or parts thereof containing accessory uses shall be erected no closer than 25 feet from any other structure. Courts shall be completely open on one side. The Commission may require division of, or further separation of, groups of buildings and/or facilities depending upon layout and topography in order to maintain the open character of the area.
- 39A.03.05- LANDSCAPING- In addition to the requirements in Section 40 of the Zoning Code a minimum of five percent of the total above ground parking area shall be landscaped consisting of areas at least eight feet in width and provided with a six inch bituminous concrete, concrete or granite curb as determined by the Planning and Zoning Commission. A minimum of 35 percent of the five percent requirement shall contain evergreen plantings at least three (3) feet high, planted three feet on centers. Planting areas shall be provided between all parking areas and road ways of driveways. A minimum of one properly selected, as determined by the Urban Forestry Board, shade tree at least 12 feet high and having a caliber of not less than three inches measured at four feet above the ground shall be provided within the parking area for every 10 parking spaces. At critical visual intersections, as determined by the Planning and Zoning Commission, landscaping may be required that provides unobstructed vision. The required landscaping may be modified to fit site conditions as recommended by the applicant and approved by the Commission. A landscape plan, prepared by a landscape architect registered in the State of Connecticut, displaying this information shall be submitted to the Planning and Zoning Commission as part of the site plan and/or special exception application.
- 39A.03.06- BUFFER AREA REQUIREMENTS- There shall be provided landscaped or naturally wooded buffer areas, of at least 25 feet in width, within the setback areas adjacent to existing or proposed residential properties. Where adjacent properties are non residential the buffer areas may be reduced to 15 feet. Where the property abuts an existing State of Interstate highway the Commission may modify the degree of screening. These required buffer may be modified to fit site conditions as recommended by the applicant and approved by the Commission.

All buffer areas shall be planted or preserved in a natural state with a mixture of properly selected, as determined by the Urban Forestry Board, evergreen and deciduous trees and shrubs

which shall afford an attractive year round visual screen within 12 months after initial planting. Such screening may include ornamental fences, berms and or walls, but only in combination with trees and shrubs which shall provide at least 25 percent of the effective screening. It shall be the responsibility of the owner of the building or a homeowners association to maintain all plantings, walls and fences in good condition which responsibility shall be enforced pursuant to Section 44.07 and 55.09 of the Zoning Code. All plant materials shall meet the following minimum size standards at the time of planting. Caliper measurement shall be measured at four feet above ground.

PLANT MATERIAL	MINIMUM SIZE
Canopy Tree	2 inch caliper
Single Stem	8 feet (height)
Multi-stem	4 feet (height)
Evergreen Tree Shrubs	4 feet (height)
Deciduous	18 inches (height)
Evergreen	15 inches (height)

A landscape plan, prepared by a landscape architect registered in the State of Connecticut, displaying this information shall be submitted to the Planning and Zoning Commission as part of the site plan and/or special exception application.

- 39A.03.07- ENVIRONMENTAL IMPACT EVALUATION- A detailed written document with supporting graphic material concerning the environmental impacts of a proposed development, prepared by an adequately qualified and competent professional person or firm, shall accompany the site plan and/or special exception and shall include the following:
 - a. Determination of Environmental Significance: Significant effect means substantial adverse impact on the environment. The significance of a likely consequence should be assessed in connection with its setting, its probability of occurring, its duration, its irreversibility, its controllability, its geographic scope and its magnitude. The following factors shall be considered in determining whether a proposed action may be expected to have a significant environmental effect.
 1. Direct and indirect effects. Direct effects are the primary environmental consequences which would result from the implementation of a proposed action. Indirect effects are the secondary consequences on local or regional social, economic or natural conditions or resources which could result from additional activities (associated investment and changed patterns of social and economic activities) induced or stimulated by the proposed action, both in the short term and in the long term. For the purposes of determining environmental significance, direct and indirect effects on the environment shall be considered, including but not limited to the following potential or actual consequences:
 - A. Impact on air and water quality or on ambient noise levels;
 - B. Impact on a public water supply system or serious effects on groundwater, flooding, erosion or sedimentation;
 - C. Effect on natural land resources and formation, including inland wetlands, and the maintenance of in stream flow;
 - D. Disruption or alteration of an historic, archeological, cultural or recreational building, object, district, site or its surroundings;
 - E. Effect on natural communities and upon critical species of animal or plant and their habitat; interference with the movement of any resident or migratory fish or wildlife species;

- F. Use of pesticides, toxic or hazardous material or any other substance in such quantities as to create extensive detrimental environmental impact;
 - G. Substantial aesthetic or visual effects;
 - H. Disruption or division of an established community or inconsistency with adopted municipal and regional plans;
 - I. Displacement or addition of substantial numbers of people;
 - J. Substantial increase in the type or rate of energy use as direct or indirect result of the action;
 - K. A substantial increase in the type or rate of energy use as a direct or indirect result of the action;
 - L. The creation of a hazard to human health or safety;
 - M. Any other substantial impact on natural, cultural, recreational or scenic resources.
 - N. The Commission may require a statement as to the consistency or inconsistency of the application with the Statewide Plan of Conservation and Development.
2. Cumulative Impacts. Cumulative Impacts and the impacts on the environment which result from the incremental impact of the action when added to other past, present or reasonable foreseeable future actions to be undertaken by the applicant. For the purpose of these regulations, cumulative impacts include the incremental effects of a sequence of actions undertaken pursuant to an ongoing program which may have a significant environmental impact, whereas the individual component actions would not.
3. The Environmental Impact Evaluation shall include:
- A. A brief summary which adequately and accurately summarizes the focus and conclusion of the evaluation. The summary shall include the appropriate E.I.E. contact person, who shall be the person the Planning and Zoning Commission or its representative any contact with respect to the contents of the E.I.E.
 - B. A description of the proposed action, a statement of its purposes and need and a justification for the action. Major assumptions concerning growth and population used to justify the action shall be clearly identified.
 - C. A description of the environment of the area which would be affected by the proposed action, as it currently exists prior to commencement of the action. This description shall include the cultural, economic, recreational and ecological characteristics and activities, both in the immediate location of the proposed action and areas that would be affected by the action.
 - D. A description and analysis of the reasonable alternatives to the proposed action, particularly those which might enhance environmental quality or avoid some or all of the adverse environmental effects. This discussion shall include, but not be limited to, alternatives such as taking no action or substituting an action of a significantly different nature which would provide similar benefits with different environmental impacts.
 - E. A list of the necessary licenses, permits, certifications or other approvals required to implement the action from government agencies, boards or commission having relevant regulatory jurisdiction.
 - F. A discussion of the potential environmental impact of the proposed action. This discussion shall include:
 - 1. Direct environmental effects. The primary consequences of the environment during and subsequent to the activity as set forth in this section with emphasis on the most significant effects.
 - 2. Indirect Environmental Effects. the secondary consequences for the environment as set forth in this section which result from changes in the pattern of land use, population density, and related effects on air and water or other natural resources.
 - 3. The relationship of the proposed action to approved land use plans, policies and controls for the affected areas.
 - 4. Any probable adverse environmental effects which could not be avoided if the proposed action were implemented.

5. Any irreversible and irretrievable commitments of resources which would occur should the proposed action be implemented. Resources mean materials devoted to the proposed action and the natural and cultural resources that would be committed to loss of destruction by the action.
6. Mitigation measures to the proposed action including: limiting the degree or magnitude of the action; rectifying by repairing, rehabilitation or restoring the impacted environment; reducing or eliminating the impact over time by preservation and maintenance operations; compensating for the impact by replacing or providing substitute resources or environments.
7. The effects of the proposed activity on energy consumption and energy conservation.
8. The effects of the proposed activity of any and all City services.
9. An analysis of the short term and long term economic, social, and environmental costs and benefits of the proposed action. A comparison of benefits and costs shall be made for reasonable alternatives. The comparative analysis shall explicitly state and evaluate benefits with non-quantifiable benefits and costs as well as quantitative benefits and costs.

Adopted March 14, 1990