

TOWN OF SALEM
PLANNING AND ZONING COMMISSION
PROPOSED AMENDMENTS
TO THE
TOWN OF SALEM ZONING MAP
AND
TOWN OF SALEM ZONING REGULATIONS

(text to be added appears as ***bold italics***)

Public Hearing Date: June 16, 2009

AMEND the Zoning Map to ADD a new zone: Town Center Zone, as delineated in Figure 1 of the proposed regulations, AND

AMEND the Zoning Regulations to ADD:

7.C –Town Center Village District

7.C.1 - Purpose and Authority of the Town Center Village District - The purpose of the Town Center Village District is to encourage the protection, enhancement, and use of unique buildings and structures or New England Village design elements having historic and/or aesthetic value and representing or reflecting features of Salem’s cultural, social, economic, and architectural history discussed in the most current version of the Plan of Conservation and Development.

The authority for increased level of design detail scrutiny comes from Section 8-2j of the Connecticut General Statutes. The following regulations and separate design policy and guidance document are intended to describe and show what design features are important, desirable, or required for both renovated and new commercial, or mixed-use buildings or structures, within the Town Center Village District. Within this Town Center Village District, uses and development shall be compatible with the goals of the Town of Salem Plan of Conservation and Development and specifically address the goals of preserving and enhancing community character, protecting or enhancing existing property values, protect scenic resources or public views in the gateway areas and internal to Salem’s historic/cultural Town Center Village District, and promoting new commercial or mixed-use development as well as single family residential homes compatible with existing unique village features.

7.C.2 - Location/Boundaries of the Town Center Village District

The Town Center Village District defined for the full extent of all land parcels in the digital, tax-parcel Zoning Map is the area bounded by the intersections of Route 85 and Rattlesnake Road

to the north and Route 85 and Music Vale Road to the south following tax parcel boundaries as delineated in Figure (1).

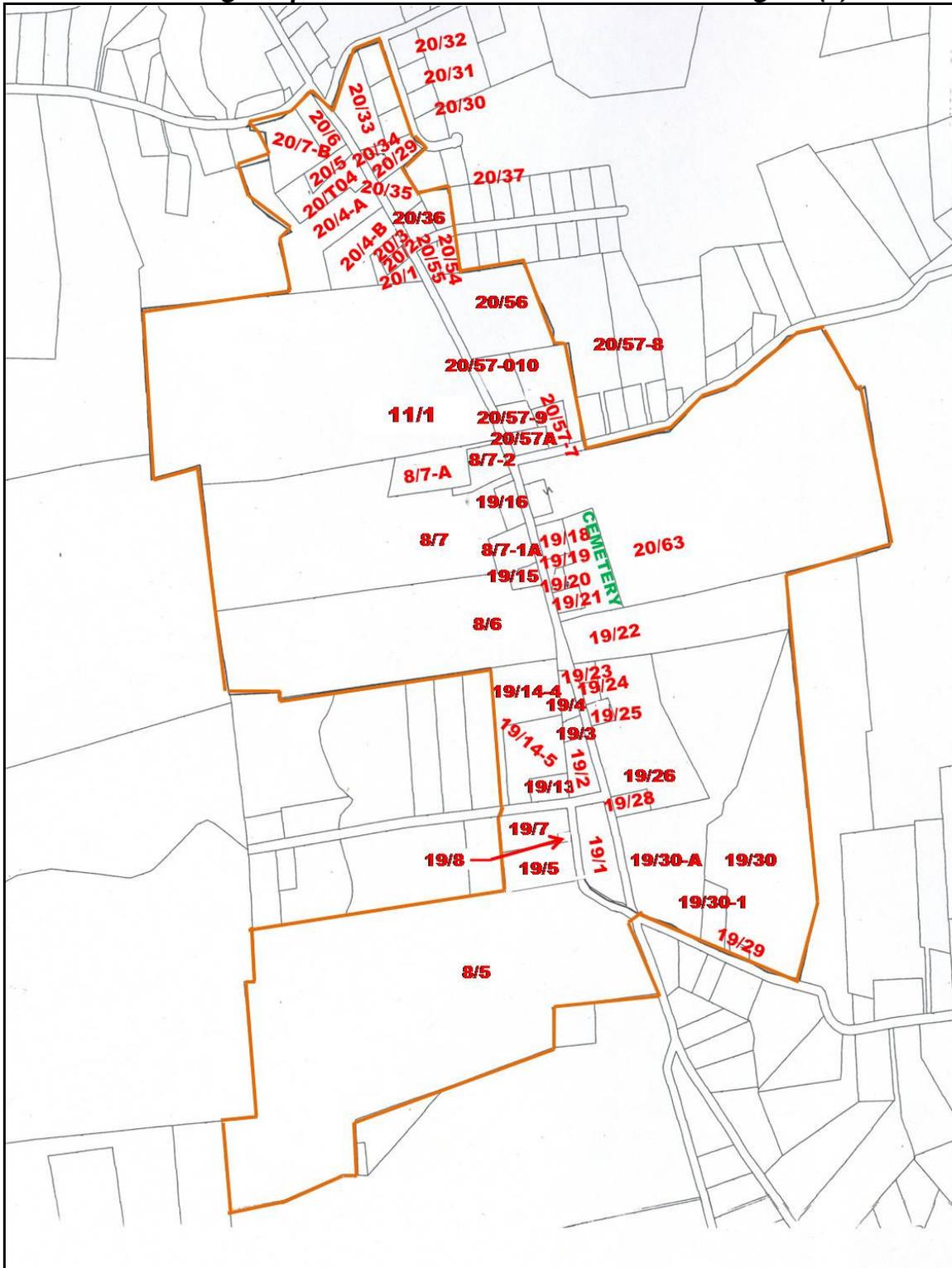


Figure 1 - Tax-Parcel Zoning Map

7.C.3 - Permitted Uses by Site Plan Review

- 1. Bed and Breakfast facilities either new or converted from single family.**

- 2. General store, retail specialty shops, trail-head supplies/hard goods (supplies for hiking and camping), and similar retail uses in buildings less than 2000 square feet first floor area.**
- 3. Craft/Art galleries/studios or museums with less than 2000 square feet first floor area.**
- 4. Residential apartments/caretaker uses on second floor with a minimum living space of 700 sq. feet.**
- 5. Cafes, coffee houses, taverns, pubs, internet cafes, sit-down restaurants and related gathering places with under 2000 square feet first floor public area and with/without seasonal outdoor service patios.**
- 6. Farmers markets for regionally grown produce.**
- 7. Community or municipal infrastructure improvements (buildings, structure, and landscaping features) including but not limited to: small community water and septic systems; access roads and service lanes; pavilions/gazebos, band-shells, walkways, trails, interconnections to walking/hiking/bicycle trails, pedestrian bridges, public restrooms, outdoor display/sales areas for special events, and parking lots.**
- 8. Home Occupations as defined in Section 3.7 of Salem Zoning Regulations.**
- 9. Expansion of existing places of worship, including new structures.**
- 10. New construction of single family residences or substantial renovations of existing residences are not exempt from architectural design review but required to be compatible in design with Salem village architectural standards.**
- 11. Single family residences may occupy Town Center Village District lots provided all Public Health Code requirements are satisfied whether through stand-alone or community water and septic systems. All requirements for Net Buildable area (as defined in Section 2 of Salem's Planning and Zoning Regulations) must be met with the exception of sub-section 1, SIZE., and 4b 1), 2) & 3) when a community septic system supports the residence(s).**
- 12. Professional office buildings up to 2000 sq. feet located only on the second floor above permitted use on the first floor.**
- 13. Accessory buildings and structures related to above uses and located in rear yard area up to 25% of the square footage of the first floor area of the primary allowed structure.**

7.C.4 - Uses Permitted by Special Exception

- 1. Specialty grocery store up to 4000 square feet total floor area.**
- 2. Art galleries/museums with over 2000 square feet on the first floor.**
- 3. Bank offices up to 3500 sq. feet.**
- 4. Professional Offices up to 4000 square feet including both first and second stories.**
- 5. Social/event center or meeting halls up to 6000 square feet.**
- 6. Municipal buildings including but not limited to: schools, public works facilities, senior centers, libraries, and town halls/administrative facilities.**
- 7. Churches and places of worship.**
- 8. Buildings/facilities specifically dedicated as training, conference or educational centers. It is understood that some uses already permitted by site plan or special exception (such as art galleries, museums, places of assembly, etc) may on occasion host classes/training of various types as part of promoting/enhancing their enterprise.**
- 9. Accessory buildings or structures to any of the above uses up to 25% of the square footage of the first floor area of the primary allowed structure.**

7.C.5 Geometric Zoning District Requirements / “Context-Sensitive Design” (DOT)

- 1. Minimum Lot Size: 10,000 square feet.**
- 2. Minimum Lot Width: 50 feet.**
- 3. Front Yard – No building shall be erected closer than 5 feet from the front property line:**
 - a. If abutting Route 85, no closer than 10 feet from State ROW.**
- 4. Side Yard – The building can be erected along the property line (0 zero feet from the property line):**
 - a. If abutting Route 85, no closer than 10 feet from State ROW.**
- 5. Rear Yard – No building shall be erected closer than 25 feet from the rear property line.**

6. **Residential and commercial building heights limited to 45 feet with the exception of appurtenances such as cupolas and steeples.**

7.C.6 Special Site Plan, Site Design and Architectural Review Requirements

1. **Construction and development of new, expansion or renovation of existing buildings or structures to commercial and mixed-use and single family homes within the Town Center Village District shall be permitted in a manner which will not be detrimental to existing neighborhood character by adhering to consistent design standards and guidelines. New construction or substantial renovation shall be consistent with the scale of the neighboring buildings or structures within at least 400 feet in any direction in terms of building height, width, proportion of height to width, proportion of wall area to door and window opening area (fenestration), size of overhangs, property line setback and other dominant site features.**
2. **Design Review Guidelines and Definitions for Buildings, Structures, and Site Plans.**
 - a. **Architectural Character: The applicant shall demonstrate that proposed buildings or structures provide visual linkages to nearby buildings using preferred elements of the Design Guidelines, Salem Village District available from the Town Planner. Applicant plans shall provide a cohesive architectural concept plan, complete building elevations and specification of materials and other details including facade modulation and articulation; windows and doorway (fenestration) patterns; trim and moldings; grilles and railings; rooflines, lighting and signage. Preferred elements of architectural character are shown in the Design Guidelines. Also, encouraged building materials, as outlined in the design manual, shall be used with the architectural plan for new or renovated commercial or mixed-used buildings.**
 - b. **Height, Bulk and Scale Compatibility. The applicant shall demonstrate compatibility of the siting, massing, and design of the proposed building with nearby existing properties. Features such as setback of nearby building, detailing to break up the facade into components, and arrangement of architectural elements, materials, and colors shall be used to establish compatibility with the height, bulk, and scale of nearby existing buildings.**
 - c. **Site Planning to Retain Historic or Cultural Village Context. The Design Guidelines shall be used to develop the site plan for new or renovated commercial or mixed-use buildings. Special components of this site plan include signage,**

enhanced streetscape design, location of parking in the rear or use of screening, location of utilities rear or properly screened, main entrance oriented to face the street, vehicular entrance resembling village driveway, pathways or walkways designed to connect pedestrians with parking or adjacent businesses, pedestrian-friendly layout and amenities such as street furniture, period lighting with full cut-off fixtures, and green-scape design for landscaping and street wall features. Walkways should be designed to allow outdoor seating.

- d. Applicant shall be guided by contents of a design development document "Design Guidelines, Town Center Village District, Town of Salem" available from the Town Planner.*
 - e. Encourage "green" design in uses of sustainable construction building materials. Examples of a sustainable construction building materials will be outlined in the Town Center Village District design guidelines.*
- 3. The provided design guidelines shall be used by an Architectural Review Board formed in compliance with CGS Section 8.2j in the Determination of Design Appropriateness which is the specific evaluation of consistency with the character and the architectural fabric of either the historic or extended Town Center Village District.*
- 4. Determination of Design Appropriateness*
- a. The Architectural Review Board shall develop a set of findings in a non-binding, pre-concept discussion where a Design Assessment Scorecard available from the Town Planner shall be used to evaluate whether any suggested design changes will be forwarded to the applicant.*
 - b. The Commission may act as the Architectural Review Board or they may form one with the guidance of Section 8-2j as a standing subcommittee or as a separate paid or volunteer board of one to five members, only two of which can be members of the Planning and Zoning Commission.*
 - c. The applicant should incorporate the suggestions from the pre-concept discussions and Design Assessment Scorecard in the formal site and architectural elevation plans presented to the Architectural Review Board for final review and issuance of a Determination of Design Appropriateness for the building, structure, and related site plan features and the neighborhood context. Failure to receive a determination of design appropriateness from the Architectural Review Board could be a basis for denial of the application by the Commission.*

5. Final Review and Decision by the Commission

- a. The applicant can apply for a Special Exception in the Town Center Village District but needs to present as a formal*

application the site plan and architectural elevations for new or renovated commercial or mixed use buildings or structures or single family residences after the granted Determination of Design Appropriateness from the Architectural Review Board for review for compliance to general site plan and special exception requirements.

7.C.7 Village District Signage

7.C.7.1 General

- 1. No part of any sign, be it permanent or temporary, be it affixed to a building, free standing or portable, shall:**
 - a. Be placed where it creates either a line of sight obstruction, an obstacle for pedestrian traffic or a distraction for vehicular traffic.**
 - b. Have blinking, flashing, neon or fluttering lights or any other illumination device that changes light density, brightness or color, except as to indicate time and or temperature.**
 - c. Advertise an activity or use tied to that property after such activity or use has been changed or modified from that for which the sign was originally permitted.**
 - d. In any way be lit, configured, designed or located in such a manner as to be confused with or construed as an official traffic control device/sign unless formally permitted by the State DOT and approved via the Town Center Village District Sign permitting process.**
 - e. Be erected until the Zoning Enforcement Officer has issued a sign permit at no charge only upon the determination that the sign conforms to the requirements of these Town Center Village District regulations.**
- 2. Information and warning signs required by local, state or federal laws, authorities or regulations are permitted. Traffic control signs shall conform to the Manual on Uniform Traffic Control Devices of the Federal Highway Administration.**
- 3. Signs may contain moveable letters provided they are legible, intelligible and accurate.**
- 4. Signs necessary to notify the community of public hearings, town meetings, re-subdivisions, etc, is permitted per Salem's current P&Z regulations in Section 13.1.3.**
- 5. The ZEO is permitted to remove any sign or issue an order to have a sign removed that does not comply with these Village District sign regulations.**

7.C.7.2 Permanent Signs

1. ***Installation permitted following evaluation and favorable recommendation by the ARB to Salem's Planning and Zoning Commission who in turn authorizes the ZEO to issue a permit.***
2. ***All permanent signs, whether affixed to a building or free standing, shall:***
 - a. ***Meet all the requirements of the State Building Code and shall be kept in good repair, (eg. no rust, no peeling paint).***
 - b. ***Be securely fastened to the building or ground upon which they are placed and are to be free from any motion either vertically or horizontally.***
 - c. ***Advertise only activities conducted or products sold or businesses present on the property on which they are erected.***
2. ***Building mounted signs are permitted in multiples when multiple individual uses for the building exist, provided they do not interfere with one another.***
3. ***Only one free standing sign will be allowed per building.***
4. ***Where more than one (1) business is conducted within a single building, the directory sign may be attached to the other signs containing the names of all the individual businesses.***
5. ***Sizes shall comply with the following:***
 - a. ***Single signs mounted flush to the wall of a building shall not exceed the lesser of 24 square feet individually or 10% of the surface area upon which they are mounted.***
 - b. ***Multiple signs mounted flush to the wall of a building shall not exceed 24 square feet individually or in the aggregate 25% of the surface area upon which they are mounted.***
 - c. ***Single signs attached to brackets mounted perpendicular to a building may not exceed 20 square feet per side and may not exceed 4 feet in width.***
 - d. ***Free standing signs may not exceed 32 square feet in size and 4 feet in width excluding their support. Double faced free standing signs count as one sign provided both faces are identical and are back to back.***
 - e. ***Directory signs shall not exceed twenty (20) square feet.***
6. ***Signs shall be placed within the following boundaries:***
 - a. ***No part of any building mounted sign shall project above the highest point of the roof or parapet of the structure to which it is attached, and under no circumstances are rooftop signs permitted.***
 - b. ***Signs attached to brackets mounted perpendicular to a building may not protrude beyond six (6) feet from the***

mounting surface. All such signs shall be double faced with the faces identical and mounted back to back.

- c. Free standing signs shall not exceed 10 feet in height when measured from the ground at a point directly below the sign.*
 - d. Free standing signs shall be located no less than five (5) feet from driveways, pedestrian walkways and building entrances.*
 - e. If/when an abutting lot owner permits a rear lot owner to erect a sign on his property said sign may be located anywhere on the side yard of said abutting lot nearest the driveway to the rear lot, except that it shall not extend closer than ten (10) feet to any travel lane or shoulder.*
- 7. The size, design and location of permanent signs notifying the general public that they are entering or leaving the Salem Town Center Village District are the responsibility of Salem's Planning and Zoning Commission.*

7.C.7.3 Portable Signs

Portable signs are those signs not permanently fixed to a building and which relate directly to the entity(s) occupying the property. Such signs include, but are not limited to a-frame, tent, wire framed, sawhorse type, and other configurations deemed portable by the ZEO.

- 1. Placement/installation permitted based on application to and approval by ZEO.*
- 2. Such signs shall comply with the following:*
 - a. Shall not exceed fifteen (15) square feet in area or 3 feet in height.*
 - b. Shall be designed to prevent movement by high winds and be suitably anchored so as to prevent it from becoming airborne.*
 - c. Must be located at least ten (10) feet from the edge of the roadway pavement, on the property which contains the business and off of any pedestrian walkways.*
 - d. A maximum of one (1) portable sign per business is permitted.*
 - e. Must be removed at the close of business each day.*
 - f. Are to be free from any motion either vertically or horizontally.*
- 3. Those portable signs such as large roadside signs with moveable letters shall comply with Section 7.C.7.3 above with the following exceptions:*
 - a. Shall not exceed twenty (20) square feet in area nor 6 feet in height.*
 - b. Shall be allowed to remain in place for a maximum of 3 weeks.*

- c. Shall be located only on the property where the activity occurs and only where designated by permit as issued by the ZEO.*

4. *Flags, Banners, Posters*

- a. Must be removed at the close of business each day.*
- b. May not exceed 15 square feet in area.*
- c. May not encroach upon vehicular lanes or pedestrian walkways.*
- d. Use is restricted to a maximum of one per building.*

7.C.7.4 *Miscellaneous Signs*

- 1. Placement/installation permitted based on application to and approval by ZEO. Such approval shall include the length of time the sign may be displayed. Permits may be renewed prior to the expiration date.*
- 2. Such signs include those placed by contractors, real estate companies and owners themselves to advertise property/facility availability and are limited to one sign per property/facility not to exceed nine (square feet) in area.*
- 3. Such signs that promote political candidates, offsite functions or events that have nothing to do with the Town Center Village District are allowed only where a public bulletin area has been designated by the ZEO in cooperation with the ARB and Salem's Planning and Zoning Commission.*