



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Clerk Tanya D. Lane, MMC
From: Town Planner Craig Minor, AICP *CM*
Date: February 19, 2016
Subject: **Petition #07-16: Zoning Text Amendment (Section 3.15; 3.17; and 6.11: Auto-Related Uses). Modern Tire Recapping Company Inc., applicant; Attorney Timothy J. Hollister, One Constitution Plaza, Harford CT, contact.**

The attached petitioned zoning amendment has been submitted to the Town Plan and Zoning Commission. A public hearing on this amendment has been scheduled for March 23, 2016.

If approved, this amendment would make certain existing non-conforming auto-related activities conforming, and would allow new auto-related activities in zones where they are currently prohibited or restricted.

A copy of the proposed amendment is hereby filed with your office in accordance with Section 8-3(a) of the Connecticut General Statutes.

cc:
Attorney Tim Hollister
file

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Proposed Zoning Regulation Amendments February 2016

Note: The proposed text amends the existing regulations with new provisions and revised wording, so it is presented as a SUBSTITUTE rather than in redlined format. The existing regulations are attached.

Section 3.15 Special Exceptions Permitted in B-BT Business Berlin Turnpike Zone

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission subject to the following conditions and the provisions of Section 5.2 and 5.3. All such uses must be included within a building or structure or accessory to a permitted principal use.

- 3.15.8 Auto-related uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations.

Section 3.17 Special Exceptions Permitted in I Industrial Zones

- 3.17.8 Auto-related uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations.

Section 6.11 Auto-Related Uses

For the purpose of this section, "auto-related uses" are those listed in Sec. 14-51 of the Connecticut General Statutes; and the sale of gasoline or any other product under the provision of Sec. 14-319 of the Connecticut General Statutes.

- 6.11.1 Any auto-related use in existence and commercial operation as of _____, 2016 [effective date of amended regulation] shall be deemed a conforming use, not subject to Section 5 of these Regulations, and any expansion, modification, repair, or rehabilitation of the existing use shall require a special exception and site plan approval in accordance with Sections 5.2 and 5.3 of these Regulations.
- 6.11.2 Equipment used in an auto-related use, such as a fuel dispenser, shall be located at least 30 feet from any public or private street right-of-way.
- 6.11.3 If an auto-related use includes repairs or services, such repairs or services shall be entirely within a building, which building must comply with setback requirements for the zone in which the use is located, and at least 30 feet from any public or private street right-of-way.
- 6.11.4 Entrances and exits to or from a public or private street for an auto-related use shall be at least 100 feet from a school, religious use, hospital or residence.

- 6.11.5 Display, sale, rental, or storage of any motor vehicle shall be permitted except in any public or private street right-of-way.
- 6.11.6 No portion of any use relating to motor vehicles shall be within 200 feet of a structure used as a residential dwelling or a residential zone unless all automotive service occurs completely within an air-conditioned structure.
- 6.11.7 Wall signage shall be uniform in size, design and lighting. The applicant shall submit proposed architectural elevations to the Commission for review. Architectural style and design shall blend harmoniously with neighboring structures.
- 6.11.8 Any auto-related use approved subsequent to _____, 2016 shall not have any overhead service doors facing either a public street, a structure used as a residential dwelling, or a residential zone. Auto-related uses operating prior to _____, 2016 that have existing overhead doors that do not meet this requirement shall not be permitted to increase the number of overhead doors facing a public street, a structure used as a residence, or a residential zone, and any such use that is within 200 feet of a residential dwelling or zone shall be equipped and operated so that no more than one overhead door may be opened at one time, except for emergency purposes.
- 6.11.9 All auto-related uses shall be operated at all times in compliance with the Town of Newington's noise ordinance, which shall be enforced by the Commission and the ZEO as to auto-related uses. The Commission shall have the authority to impose approval conditions to ensure compliance with the noise ordinance.
- 6.11.10 The minimum lot area for a parcel containing an auto-related use shall be one (1) acre.
- 6.11.11 Pursuant to Sec. 14-321 of the Connecticut General Statutes, effective June 6, 2006 the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Gasoline and Motor Oil Sales).
- 6.11.12 Pursuant to Sec. 14-54 and Sec. 14-55 of the Connecticut General Statutes, effective June 6, 2006 the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Dealers and Repairers Licenses)