

§30 HISTORIC DESIGN DISTRICT (HDD)

30-1 Purpose

The purpose of the Historic Design District is to:

- (a) prevent the potential loss of significant exterior historic factors and public buildings;
- (b) preserve the visual character and appearance of historic buildings that are on the National Register of Historic Places;
- (c) reduce traffic impacts on local streets and intersections;
- (d) provide additional parking;
- (e) discourage traffic generation and parking demand during peak periods on the local streets;
- (f) encourage residential land uses; and
- (g) encourage visual and physical access to and along the waterfront.

Such special purpose districts should be limited to areas where buildings are on the National Register, where areas are served by public utilities, where areas are served by mass transit, where areas have frontage on two State Highways, and where areas have frontage on the Saugatuck River and areas where buildings are recommended to be preserved by the HDC.

30-2 Permitted Uses

In a Historic Design District (HDD), no land, building or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

30-2.1 Principal Uses

Any use permitted in the Residence AAA District subject to the same approval and conditions specified in §11-2, herein.

30-2.2 Special Permit Uses

The following additional uses are permitted subject to Special Permit and Site Plan Review in accordance with §43 & 44, herein.

- (a) Residential Units (apartments, condos and/or co-ops) not to exceed 3 bedrooms and averaging 2,000 square feet in size; maximum unit size shall not exceed 3,500 SF;
- (b) Hotels, with a conference and/or seminar facility not to exceed 400 square feet area;
- (c) Restaurants, cafes and taverns not to exceed the gross interior square footage of the ground floor area of a building existing on the effective date of the HDD;
- (d) In-door commercial recreation and entertainment uses;
- (e) Retail stores and retail service establishments on the ground floor; and on the upper floors not to exceed 10% of the sum of the gross floor area of all buildings existing on the effective date of the HDD.
- (f) Grocery stores and delicatessens on the ground floor only;

- (g) Surface parking lots;
- (h) Business, professional, insurance, real estate and other offices, excluding healthcare professional and medical of the sum of gross floor area of the HDD.
- (i) Banks with a sidewalk walk-up window only, but no bank drive-in.
- (j) Commercial Wireless telecommunication service facilities, in conformance with §32-16.

30-2.3 Liquor Establishments

- 30-2.3.1 Notwithstanding the provisions of §31-9, Liquor Establishments, the Planning and Zoning Commission Special Permit and Site Plan review may authorize the approval of only one (1) hotel liquor permit for on-premises consumption in a HDD; provided that:
- (a) no valid liquor permit exists in the HDD on the effective date of the HDD, and
 - (b) at least one or more valid liquor permits existed in the HDD within five years prior to the effective date of the HDD. Said liquor permit shall only be permitted in an existing building with a gross interior floor area greater than 5,000 square feet and for a restaurant with a patron floor area greater than 1,000 square feet.

30-2.4 Accessory Buildings, Structures and Uses

Uses customarily accessory to a permitted principal use including the manufacturing, processing or assembly of goods which is incidental to the conduct of a retail business conducted on the premises, subject to the provisions of §32-7, herein.

- 30-2.4.1 Wholesaling, Warehousing and Storage.
- 30-2.4.2 Boat docks.
- 30-2.4.3 Boardwalks and other Riverfront Amenities.
- 30-2.4.4 Outdoor eating areas for restaurants subject to annual Zoning Permit approval, annual Health Permit and the following conditions:
 - (a) The outdoor eating area shall be accessible through the restaurant only.
 - (b) The outdoor eating area shall not exceed either 20% of the interior patron floor area or 6 tables and 24 chairs, whichever is less.
 - (c) The outdoor eating area shall be a largely open to the elements, and shall not be permanently enclosed with a roof and walls.
 - (d) The outdoor eating area shall be a seasonal operation not to exceed a six month period from May 1 to November 1 of the year.
 - (e) Such outdoor eating area shall be exempt from the off-street parking requirements.

30-2.5 Prohibited Uses

In addition to those listed in §32-7, herein, no use shall be permitted on the highest main roof top of any building.

30-3 Lot Area (see Definitions)

No minimum requirement.

30-4 Setbacks (See §31-4 through §31-8, also.)

30-4.1 General Setbacks

Buildings, structures and uses shall be set back from property lines and Mean High Water Line and shall be separated from one another as deemed necessary by the Planning and Zoning Commission to allow for adequate light and air, fire, safety, emergency access, facade maintenance, public access to and along the waterfront, river views and vehicular sight lines.

30-4.2 Front Lot Line Setbacks

No principal building, structure or use and no accessory building or structure shall extend closer to the front lot line than the setbacks existing on the effective date of the HDD.

30-4.3 Side Yard Setbacks

The side yard setbacks may be reduced to zero where necessary either to allow the construction of a common fire wall on the lot line or to allow two adjacent buildings to be inter-connected across the lot line.

30-5 Height

30-5.1 Maximum Height

No building or structure shall exceed the height of the main roof line of a building existing on the lot on the effective date of the HDD or 30 ft., whichever is less; except for an addition or alteration that does not exceed the height of the existing main roof line of the building existing on the lot on the effective date of the HDD.

30-5.2 Number of Stories

There shall be no restriction on the number of stories allowed within the height limit.

30-5.3 Incidental Architectural Features

The Planning and Zoning Commission may allow incidental architectural features to exceed the height limit by up to three (3) additional feet.

30-6 Coverage

30-6.1 Building Coverage

The building coverage shall not exceed either the existing building coverage on the lot at the effective date of the HDD or 25% of the area of the lot within the HDD, whichever is greater.

30-6.2 Recaptured Coverage

In order to provide more off-street parking or additional site amenities, existing building coverage may be reduced by up to 50% on the ground floor level of the building. The ground floor space

lost by such a reduction may be recaptured, square feet for square feet, and be relocated to upper floor levels in the building or elsewhere within the HDD.

30-6.3 Coverage Exemptions

The Planning and Zoning Commission may exempt open porches, ramps, decks, balconies and other similar open structural projections from building coverage; provided that such open structural projection will benefit public access, safety or convenience. The ordinary projection of entry platforms, steps, cantilevered roofs, eaves, cornices, chimneys, windows, awnings and similar incidental architectural features, however, shall be exempt from building coverage; provided such architectural features will not impair the historic appearance or integrity of the building.

30-7 Building Area

No mandatory requirement.

30-8 Floor Area

30-8.1 Existing FAR

No building or structure shall exceed either the FAR existing on a lot on the effective date of the HDD or 0.25 FAR, whichever is greater.

30-8.2 Relocated FAR

Any portion of the FAR existing on a lot on the effective date of the HDD may be relocated on the same lot within the allowable height, coverage and setback standards, herein.

30-8.3 Combined FAR

Any portion of the combined FAR existing on two (2) or more lots within a HDD may be relocated on the same or other lot(s) within the allowable height, coverage and setback standard, herein, as applied to such lots on the effective date of the HDD.

30-8.4 Total FAR

The total combined FAR of all buildings on all lots within the HDD on the effective date of the HDD shall not be increased.

30-9 Architectural Design

The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roof line, and building elevations shall be of such character as to harmonize and be compatible with the historic buildings in the HDD District so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district, in whole or in part.

30-9.1 Building Facades

Building facades along public streets and riverfronts shall be restored and preserved, and facade easements may be granted to the Town. Proposed new exterior building additions and alterations

and roof top mechanical units shall be submitted to the Historic District Commission for review and recommendation. Architectural Review Board review and recommendation is not required.

30-9.2 Streetscape Amenities

Streetscape amenities (e.g. pavers, lighting, signage, landscaping, curbing, benches, etc.) shall adhere to a uniform design scheme throughout the HDD District. The uniform design scheme for the entire district shall be submitted to the Historic District Commission for review and recommendation.

30-9.3 River Frontage Amenities

The immediate river frontage shall be primarily devoted to pedestrians, e.g. parks, landscaping, walkways, plazas, etc.

30-10 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

30-11 Parking and Loading

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations, except that the Planning and Zoning Commission may modify the following specific standards:

- (1) Loading space requirements and number of loading spaces;
- (2) Parking area trees and islands;
- (3) Parking back-up areas;
- (4) Parking stall widths to 8';
- (5) Parking aisle widths; and
- (6) Other parking design standards commensurate with public safety.

30-11.1 Tandem Parking Spaces

The Planning and Zoning Commission may permit tandem parking spaces for long-term users, e.g. employees.

30-11.2 On-site Parking for daytime uses

On-site parking for daytime office and retail uses shall comply with the use requirements.

30-11.3 Parking Increase

On-site parking shall be increased to the greatest extent possible.

30-12 Off-Site Parking on a Different Lot

Off-site parking on private property within 1,000 feet of the site with a long-term lease of 99-years or more may be utilized to satisfy not more than 65% of the total required parking; provided that the time and days of shared use does not conflict with the existing use of said private property.

30-13 Fees-In-Lieu of Parking

Pursuant to §8-2c of the Conn. General Statutes, the Planning and Zoning Commission may allow that fees be paid in lieu of providing all or a portion of the off-street spaces required for a use or structure providing:

- (a) that the use or structure is located within an HDD Zoning District; and
- (b) that the total number of off-street parking spaces needed to meet all the requirements of §34 cannot be physically accommodated on the same lot with the proposed use or structure and are not otherwise provided for and/or accounted for §34-8 (joint parking on-site) and/or §30-12 (leased parking off-site), herein.

30-13.1 Application

An application for fees-in-lieu of parking must be submitted to the Planning and Zoning Commission and shall include:

- (a) Three (3) copies of a site plan showing layout, number, size and location of all parking spaces existing or to be provided on the lot; and
- (b) A written statement identifying the use or uses to be contained within the premises or building; area of the building or premises devoted to each use; detailed breakdown by use showing the number of parking spaces required per §34; the number of spaces that can be accommodated on the lot; and the deficit between the required and proposed parking spaces.

30-13.2 Determination of Parking Deficit

The Commission with staff assistance will make a preliminary determination of parking deficit by using parking standards under §34 of the Zoning Regulations. The Commission shall notify the applicant within 30 days of its decision. Following receipt of written notification, the applicant shall notify the Commission and the Traffic Authority that (a) he/she concurs with the Commission preliminary determination, and (b) that payment of fees in lieu of parking will be made to the "Fees-in-lieu of Parking Fund." A final agreement detailing the amount of fees due the Fund and the number of parking spaces in deficit, will be entered into by the applicant and the Commission after a 2/3 vote of approval of its members. The final agreement shall be filed in the office of the Town Clerk. The Commission shall consider the Site Plan application as if all parking requirements have been met by the final agreement.

30-13.3 Determination and Payment of Fees

Fees in lieu of parking shall be \$2,000 per deficit parking space and shall be paid in full by the applicant prior to the issuance of a Zoning Permit.

30-14 Total Required Parking

The total amount of parking spaces required pursuant to §34, herein, for all uses of a lot shall be provided for and/or accounted for by one or more of the following means:

- (1) Required off-street parking spaces on the same lot pursuant to §34-5;
- (2) Joint parking on the same lot pursuant to §34-8;
- (3) Off-street parking on a different lot pursuant to §30-12;

- (4) Fees-in-lieu of parking pursuant to §30-13; or
- (5) Any combination of the above.

30-15 Landscaping, Screening and Buffer Areas

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations except that the Planning and Zoning Commission may modify any landscape requirement therein.

30-16 Exemption of Floodplain Regulations

The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places and located within a HDD shall be exempt from the provisions of §31-9, Flood Plain Regulations, provided that:

- (1) A determination is made by the Planning and Zoning Commission that the proposed reconstruction, rehabilitation, or restoration will not destroy the historic character and design of the building;
- (2) A determination that the reconstruction, rehabilitation or restoration will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

30-16.1 Written Notice Required

Upon approval of any such reconstruction, rehabilitation or restoration, the Planning and Zoning Commission shall give written notice to the applicant specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25. for \$100. of insurance coverage and shall maintain the records of all such actions and any appeals therefrom for the benefit of FEMA.