

Key: New text is **boldfaced**

Amend SECTION VI – COMMERCIAL AND INDUSTRIAL ZONES as follows:

I. Avon Village Center.

1. Preamble

The Avon Village Center Zone was developed as part of a comprehensive Village Center planning process, reflecting existing conditions in the center of Avon within the context of the Town's historical past. Through this planning process, it was recognized that Avon Center differs from the traditional concept of the New England town center in that it represents a historical composite of development rather than a formally designed area centered around a formal public open space. The planning process has resulted in the development of the new Avon Village Center Zone with the intention to create a zone and associated regulations that permits flexibility in future development that will still adhere to design principles and standards that are supportive of Avon Center's unique history and development pattern.

2. Purpose

The purpose of the Avon Village Center Zone is to provide for village center-scale development that reflects the historic character of Avon Center while enabling flexibility in development styles and uses. When applying for any Special Permit use in the Avon Village Center Zone, the applicant must provide a comprehensive master plan that encompasses and plans for the entirety of all property owned by the applicant within the Avon Village Center Zone. Development within the Avon Village Center Zone is intended to meet the following criteria:

- a. Promote the goals and objectives of the Town of Avon's Plan of Conservation and Development (POCD), including the Design Guidelines and Recommendations for the Avon Village Center Zone;
- b. Maintain and enhance village center-style character through architectural design, building orientation, street design and layout, pedestrian and non-motorized vehicular accommodations, landscaping and the provision of public open space;
- c. Establishing controls that will facilitate development while protecting the public interest and will promote a range and balance of land uses;
- d. Protect, preserve and promote the unique historic and environmental character of the Avon Village Center area;

- e. **Provide for uses and activities that complement and reinforce those uses and activities existing in areas adjacent to the Avon Village Center, thereby facilitating integrated physical design and encouraging interaction among activities;**
- f. **Promote the development of housing types and forms that meet the needs of smaller households and families;**
- g. **Promote Low-Impact Development (LID) principles, techniques and best management practices;**
- h. **Provide a system of roads and streets that connects with the surrounding transportation network in a cohesive manner, accommodates pedestrians and non-motorized vehicles; and**
- i. **Be consistent with the principles, objectives and guidelines of Section 8-2j of the Connecticut General Statutes, as amended and generally known as the “Village Districts Act.”**

3. Establishment as Floating Zone and Identification of Landing Area

- a. **The Avon Village Center Zone is established as a floating zone within the Town of Avon.**
- b. **When an applicant requests a Zoning Map Amendment to “land” the AVC Zone, the Zone Map Amendment application must be accompanied by a Mixed Use Development Plan (MUDP), as described in greater detail in Section VI.I.6 below.**

4. Architectural Review

- a. **The Avon Village Center Zone is hereby designated as a Village District as authorized by Section 8-2j of the Connecticut General Statutes, as amended.**
- b. **All new construction and substantial reconstruction activities for buildings existing as of the effective date of the landing of an Avon Village Center Zone that are visible from public roadways and that have not previously received Special Permit and/or Site Plan approval from the Commission shall be reviewed by an architectural or design professional designated by the Commission. Those reconstruction activities that constitute substantial reconstruction shall be determined by the Town’s director of planning. All such activities shall comply with the general design guidelines and principles contained in C.G.S. 8-2j, as amended, as well as the specific design guidelines provided in Appendix A herein.**
- c. **In all cases, the determination of compliance with said design guidelines and approval of construction and modification activities shall be governed by the regulations and conditions contained in C.G.S. 8-2j, as amended.**

5. Special Permit Uses

The following Special Permit uses may be permitted subject to the standards and requirements contained in Section VI.I.6 below and Section VIII of these regulations:

a. Mixed use development, within which the following uses may be permitted:

- 1) Retail stores;**
- 2) Business and professional offices;**
- 3) Medical offices;**
- 4) Personal services;**
- 5) Trade, business or commercial instruction services, such as martial arts studios and dance studios;**
- 6) Hotels and other hospitality uses;**
- 7) Financial institutions;**
- 8) Municipal buildings and uses;**
- 9) Recreation facilities and youth centers;**
- 10) Educational and civic buildings and uses;**
- 11) Arts centers and performance venues;**
- 12) Multifamily residential units;**
- 13) Elderly housing units;**
- 14) Class I, II and III restaurants;**
- 15) Other uses that the Commission, in its sole discretion, may deem to be similar in nature and scale to those identified in this section.**

6. Mixed Use Development Plan (MUDP)

a. *Intent*

A Mixed Use Development Plan is intended to provide for a multi-step process that permits development flexibility within the context of a unified general master plan. It is also intended to define mixed use development projects in terms of physical

design, architectural character, public amenities, site improvements, traffic improvements, mitigation actions, categories of uses and the general location of buildings. MUDP applications that provide a balanced variety of different uses compatible with the intent of the AVC Zone are strongly encouraged.

b. Definitions.

Mixed Use Development Plan (MUDP) – A generalized plan of proposed development within the Avon Village Center Zone. The MUDP is a required submittal as part of a Zone Map Amendment application to “land” the AVC Zone. The requirements for the submittal of a MUDP are set forth in Section I.6.c below. The MUDP will become the formally adopted master plan for the Avon Village Center Zone upon approval of the Zone Map Amendment by the Commission.

Avon Center Design District – An individual development block identified within a MUDP. After the approval of a MUDP, individual Avon Center Design Districts (ACDDs) plans may be submitted to the Commission as Special Permit and Site Plan applications. The requirements for the submittal of an individual ACDD plan are set forth in Section I.6.g below.

Each ACDD plan shall define in detail the site, the site plan, the proposed uses, site improvements, traffic impacts and their mitigation, environmental impacts and their mitigation, future division of the property, and other information required for the public, the Commission and other municipal boards, agencies and departments. In order for an applicant to receive approval for any ACDD, the applicant must demonstrate, and the Commission must make a determination, that the application is in compliance with the MUDP.

Main Street – The primary roadway bisecting a MUDP, whether public or private, along and around which the proposed land uses and buildings are designed in a manner that provides a traditional “village center” or “downtown” atmosphere. A “main street” is often a relatively short segment of minor arterial or collector roadway forming the spine of a network of local roads and accessways that support the compact, mixed use center of the MUDP. “Main streets” also generally include on-street parking, ample pedestrian infrastructure, buildings and uses directly oriented toward the street itself, and properties with either very limited front yard setbacks or no front yard setbacks at all.

Mixed Use Development Plan – MUDP

c. MUDP Requirements

A MUDP must meet the following requirements:

- 1) Encompass and plan for the entirety of all property owned by the applicant or its successors in interest, as of the effective date of these regulations, within the proposed Avon Village Center Zone;

- 2) **Provide for a direct traffic connection that links all ACDDs within the MUDP and is designed, in both physical form and function, in the manner of a traditional “main street,” as further defined under Section VI.I.6.b above;**
- 3) **Provide a general conceptual site development plan (prepared by a licensed landscape architect in collaboration with an architect and/or other pertinent design/engineering professionals) showing the location and size of footprints for all proposed buildings; architectural style; a site grading plan indicating spot grade elevations; a parking plan; a landscaping plan; a roadway and traffic circulation plan; a preliminary earth removal and filling plan; a sidewalk plan illustrating walkways and accessways; an open space plan; and a description and map identifying any environmental constraints within the MUDP;**
- 4) **Provide maps, plans and other graphic illustrations that identify the general layout and organization of individual development blocks, referred to as “Avon Center Design Districts,” including building footprints, heights, scale and massing. The applicant shall include a building setback schedule for each ACDD, identifying the proposed front yard, side yard and rear yard setbacks. Where necessary, the building setback schedule shall differentiate between setbacks for the perimeter of each ACDD and setbacks along new public or private streets within the ACDD. In addition, the applicant shall provide a building height schedule for each ACDD, identifying both maximum and minimum building heights.**
- 5) **Provide a preliminary utilities plan showing the general location of wastewater collection facilities; the location and type of storm water management facilities; and the water distribution system to be used on the site;**
- 6) **Provide a preliminary parking and traffic circulation plan that demonstrates both how the parking and traffic circulation system for the entire mixed use development will function cohesively and that each ACDD will have sufficient parking and traffic circulation to function independently during the course of a phased development. Such plan shall include a description of the proposed roads and streets within the mixed use development, including roadway classification, roadway ownership (private or public), typical sections and details for proposed roads and streets, and specific information regarding the integration of pedestrian connections and non-motorized vehicular accommodations within the overall MUDP development plan;**
- 7) **Provide an ownership, maintenance and management plan for all internal streets and roads, both private and public; sidewalks and other pedestrian circulation elements; and other areas of public use and congregation. All streets and roads that remain in private ownership shall have dedicated public easements of travel;**

- 8) **Provide text-based narrative that lists and discusses:**
- a. **The potential mix of uses in the proposed development;**
 - b. **Descriptions and estimates of the total square footage of each use;**
 - c. **Total number of dwelling units (where applicable);**
 - d. **Public and private amenities included as part of the proposed development;**
 - e. **Amount of open space acreage;**
 - f. **Discussion of traffic and environmental impacts resulting from the development;**
 - g. **Any mitigation actions that may be required; and**
 - h. **General information regarding site lighting, signage and other site furnishing and amenities.**

All of these items must be addressed both in aggregate for the entire proposed development and for each individual development block (ACDD).

- 9) **Provide reports or studies conducted by a qualified third-party professional firm or individual to address the following potential impacts from the proposed development in the areas of traffic, the environment, the provision for and utilization of public services, and surrounding property values.**

d. **MUDP Review Criteria**

All MUDP applications shall be subject to the requirements and criteria set forth in these regulations and the following additional requirements:

- 1) **The Commission shall determine that the MUDP either is in conformity with the purpose of the Avon Village Center Zone, the intent of the MUDP process, and the MUDP requirements under Section VI.I.6.c above.**

e. **Peer Review and Professional Studies**

As part of the MUDP application review process, and in addition to the design professionals retained under the authority of Section 8-2j of the Connecticut General Statutes as amended, the Commission may engage qualified peer reviewers to review all MUDP applications-and subsequent ACDD applications. The applicant shall be required to pay for all peer review costs associated with the assessment of submitted data and analyses, in accordance with Ordinance #55 of the Town of Avon, effective March 31, 2010.

f. Individual ACDD Application Submission Procedure and Approval Process

- 1) The application procedure for an individual ACDD application shall be the same as for other Special Permit and Site Plan applications as described in Section X of these regulations and Section VI.I herein. In addition, the ACDD applications shall include sufficient information for the Commission to assess the proposed development's ability to meet the performance standards contained in Section VI.I.6.l herein.**
- 2) The application review and approval process for an individual ACDD application shall be the same as for other Special Permit and Site Plan as described in Section X of these regulations, and in conformance with the requirements of Section 8-3 of the Connecticut General Statutes, as amended.**
- 3) All individual ACDD applications must comply with the table of uses, the dimensional requirements and the aggregate limits established in Section VI.I.6.j.5 herein, with the design guidelines established in Section VI.I.6.j, and with the performance standards established in Section VI.I.6.l herein.**

g. ACDD Application Submission Requirements

All individual ACDD applications shall be subject to the requirements and criteria set forth in Section X.A.1 (a) of these regulations and the following additional requirements:

- 1) Include a copy of the MUDP and accompanying text describing how the subject ACDD Special Permit and Site Plan applications provide the level of integration with other portions of the Avon Village Center Zone as envisioned in the MUDP;**
- 2) Include a phasing schedule for construction of each component part of the project which ensures integration of residential, non-residential and recreational uses;**
- 3) Include a demolition and construction schedule, including a construction traffic management plan;**
- 4) Provide a detailed site development plan (prepared by a licensed landscape architect in collaboration with other pertinent design/engineering professionals) showing the location and size of footprints for all proposed buildings; architectural style; a site grading plan with finished floor elevations; a parking plan; a landscaping plan; a roadways and traffic circulation plan; an earth removal and filling plan; a sidewalk plan illustrating walkways and accessways; an open space plan; and a description and map identifying any environmental constraints within the ACDD;**

- 5) Provide a detailed narrative description outlining the proposed ACDD development plan and the manner in which it functions effectively within the previously approved MUDP.

h. *Modifications to the MUDP*

Amendments to, and modifications of, the MUDP may be permitted with the separate submission of a *ACDD Site Plan – Plan Modification* subject to the following restrictions:

- 1) Modifications to the mix of uses in an ACDD shall not consist of more than 20% of floor area changing from either a commercial use to a residential use or from a residential use to a commercial use.
- 2) Modifications to the gross floor area of all uses in an ACDD shall not consist of a change of more than 20% in the amount of gross floor area in the ACDD.
- 3) Modifications to the height (in feet) of any structure in an ACDD shall not change by more than 25% of the original base height of the subject structure.
- 4) Modifications in the amount of usable open space shall not reduce the allocation of open space with the Site Plan without compensation elsewhere within the development areas approved under the MUDP.
- 5) Modifications to roads and accessways shall not eliminate the direct traffic connection that links all ACDDs within the MUDP designed as a “main street.”

In addition, any changes proposed to the individual ACDD plans that would clearly result in a significant alteration to the character, function and/or the composition of the MUDP, as determined by the Commission, shall require the submission of a new Special Permit application. The new Special Permit application must follow the same process as described in Section X of these regulations, and in conformance with the requirements of Section 8-3c of the Connecticut General Statutes, as amended.

i. *Additional Development Requirements*

1) Subdivision of ACDDs

If the subdivision of a ACDD into individual parcels is required for development purposes, the design guideline standards contained in this Section VI.I will govern in place of the design guideline standards contained in the Subdivision Regulations of the Town of Avon.

2) Public Gathering Space

Any MUDP must include a centrally-located open space available for public use and congregation. Such open space must be a minimum of 4,000 square feet in size, and shall be composed of a mix of appropriate landscape and hardscape elements. The design and selected location for this open space must be appropriately and effectively integrated into the overall site design for the MUDP, with particular attention paid to its connection to pedestrian circulation systems and elements.

3) Development Phasing – Land Uses

The intent of the AVC Zone regulations is to encourage cohesive mixed use developments with a balance of uses designed in a walkable, village center style. As such, any AVC Zone should be developed in a balanced manner throughout its development phasing cycle.

The phasing plan for any MUDP must take into account the need for a balanced approach for the development of individual uses. It is the Town’s intention and desire that any MUDP must be composed of a mix of land uses during all phases of its development, not just as an end product. Therefore, the following sequence of requirements for pro rating the development of specific uses shall apply to all MUDPs:

- Zoning certification for up to but not exceeding 25% of the residential units proposed in a MUDP may be issued only if 20% of the total non-residential gross floor area proposed in the MUDP has also received zoning certification.**
- Zoning certification for up to but not exceeding 50% of the residential units proposed in a MUDP may be issued only if 40% of the total non-residential gross floor area proposed in the MUDP has also received zoning certification.**
- Zoning certification for up to but not exceeding 50% of the residential units proposed in a MUDP may be issued only if all of the parks, recreation and open space elements proposed in the MUDP also have been constructed and, when required, conveyed to the Town of Avon.**
- Zoning certification for the full number of residential units proposed in a MUDP may be issued only if 60% of the total non-residential gross floor area proposed in the MUDP has also received zoning certification.**

The Commission, in its discretion, may modify these percentage requirements by up to ten (10) percentage points if the applicant can demonstrate, and the Commission determines, that doing so would still enable the proposed development to meet the purpose and intent of the AVC Zone and would result in a development that is generally consistent with the Town of Avon’s Plan of

Conservation and Development. It shall be the responsibility of the applicant to notify any future purchasers of property within the MUDP of these conditions.

4) Development Phasing – Infrastructure

Given the intended unified nature of development within a MUDP, the construction phasing for infrastructure components that effectively link individual ACDDs together to form a complete MUDP is a critical element in the MUDP development process. Therefore, all MUDP applications must include a descriptive narrative and associated graphic illustration of the proposed phasing of infrastructure components. The Commission shall have the ability to modify the proposed infrastructure phasing plan, in its sole discretion, as a condition of approval of the MUDP.

5) Parking – Modified Standards

In general, the standards for the required number of parking spaces for each land use as established under Section VII.B of these Zoning Regulations shall apply in the Avon Village Center Zone. However, it is recognized that the Avon Village Center Zone encompasses a unique area of the Town that is envisioned as mixed use development, many of which uses may have shared and complementary off-street parking needs. Therefore, in cases where the required number of parking spaces for a particular land use under Section VII.B is greater than an applicable standard for the number of parking spaces required for such use according to data from the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI), the Commission in its sole discretion may allow the use of the lesser parking space requirement standard. The applicant must provide sufficient evidence indicating that such parking reduction will neither create a shortage of parking spaces nor create ancillary negative traffic circulation impacts.

6) Aggregate Development

Total aggregate development within the AVC zone shall adhere generally to the following guidelines:

- a. The total residential development component within the AVC shall be composed of approximately 400 to 500 dwelling units for the entire mixed use development, of which no less than 10% shall be situated in mixed use structures. All dwelling units generally shall have two bedrooms or fewer.**
- b. The total non-residential development component within the AVC shall be composed of approximately 500,000 to 600,000 square feet of gross floor area.**

7) Cul-de-sacs and Dead End Streets

Streets shall be laid out in a manner that promotes safe and logical traffic circulation. Unless specifically approved by the Commission, the use of cul-de-sacs and other types of dead end streets should be avoided in all ACDDs that have any non-residential land uses. Within ACDDs consisting entirely of residential uses, cul-de-sacs and other types of dead end streets may be permitted at the Commission's discretion.

8) Earth Removal and Filling

In general, all earth removal, grading and filling activities shall be conducted in a manner such that these activities will result in no net change in the amount of earth material brought into or removed from within the MUDP. Within each individual ACDD, the applicant shall demonstrate a balance of cuts and fills, unless waived by the Commission. At the Commission's discretion, removal of earth material from the MUDP may be permitted if it can be demonstrated by the applicant that doing so would produce a better overall development design.

9) Utilities

All utility lines serving new construction shall be buried underground in any MUDP.

j. Design Guidelines

1) Introduction

The AVC Zone is intended to implement the policies, goals and urban design principles articulated in official Town documents, calling for preservation and development of a mixed use and pedestrian-friendly "Main Street" character for the Avon village center, including the development of new structures and uses with appropriate architectural designs and the conservation and enhancement of the character of existing buildings, sites, streetscapes and pedestrian environments. This is accomplished through compliance with the following design and use standards that apply to new and existing architectural facades, sites and buildings, applied under the review procedures of this district. These design guidelines are intended to preserve, restore and enhance resources, improve property values, promote and support a vibrant business and residential environment, and enhance the architectural character and attractiveness of the village center.

These design guidelines are intended to be implemented through the Avon Village Center Zone regulations. They are intended to be used during review of projects proposed within the approved redevelopment areas. These guidelines were created to assist both the Commission and the project proponents with direction to maintain the quality of character in Avon's village center.

2) Context

The Avon Village Center Zone is a subset of the larger town center of Avon, which includes architecture representative of a mix of periods and design styles. This variation contributes to the unique character of Avon’s village center. These design guidelines seek to emulate the many positive elements of Avon’s existing town center architectural landscape.

Notable village center buildings from historic periods are the complex of buildings associated with Ensign Bickford and the stores and offices situated on the north side of West Main Street between Ensign Drive and Woodford Avenue. While these buildings may not be assumed as models for improvements in village center buildings and properties, the unique design and construction of these buildings could be used as a comparison for new construction.

Notable contemporary buildings are also present in the village center area. While these buildings do not conform to older historic character, they define some of the more recent periods of architecture, and must be considered as to what contributions they may provide to the overall uniqueness and character of the Avon village center. However, changes in the buildings have not all contributed to the aesthetics of the architecture or the character of Avon’s village center. Many of the single-story commercial buildings in the surrounding area are examples of contemporary commercial buildings which are effectively only distinguishable by their tenant signage.

3) Principles of Village Center Design

These design guidelines are meant to apply to the “public realm;” those building facades and spaces that are subject to public view from public areas and in public use. Interior spaces and building code compliance are not the subject of these guidelines but may be considerations under these design standards.

Overall principles include:

- Support the village center redevelopment with projects that support multiple modes of accessibility and transit.**
- Support village center vitality with uses and spaces that contribute to the commercial and entertainment aspects of the village center and promote attractiveness for visitors and patrons of the area.**
- Reinforce the village center as a civic place with spaces for small public gatherings and discourse.**
- Use examples of existing architecture and design in the AVC as models for renovation and new design.**

k. MUDP Dimensional Requirements

- 1) Minimum lot size for each ACDD: 5 acres, unless waived by the Commission. In order for an applicant to receive a waiver of this requirement, the applicant must demonstrate, and the Commission must make a determination, that there are unique characteristics of the subject area (such as physical characteristics of the land, unique relationship to the balance of the MUDP, or other special circumstances) that warrant a waiver of the minimum lot size requirements and that providing a waiver would produce a better overall development design.**
- 2) Maximum building height: To be determine by the Commission, but in no case higher than 40 feet as measured according to the definition of “building height” in Section II of these regulations.**
- 3) Maximum overall MUDP impervious surface coverage: 50%**
- 4) Maximum overall MUDP building coverage: 30%**
- 5) Minimum overall MUDP usable open space: 15%**
- 6) Setbacks for MUDP perimeter**
 - General setback requirement: Minimum of 20 feet, maximum of 40 feet, unless waived by the Commission.**
 - Setback for MUDP boundaries adjacent to or across a public right-of-way from a residential use or residential zone: Minimum of 35 feet, maximum of 60 feet and landscaped and design in accordance with the “B Bufferyard” standards under Section VII.A of these regulations.**

l. Performance Standards

- 1) Usable open space**
 - a. At minimum of 15% of developable land area within the AVC shall be usable open space. The determination of whether designated areas constitute usable open space shall be made at the sole discretion of the Planning Commission.**
- 2) Pedestrian Walkways, Non-Motorized Vehicular Accommodations, Accessibility and Connectivity**
 - a. All MUDP developments must provide a cohesive and coherent system of pedestrian connections and non-motorized vehicular accommodations linking together the various ACDDs.**

- b. All MUDP developments must integrate pedestrian connections and non-motorized vehicular accommodations to the Farmington Valley Greenway trail as part of their overall design.
- c. All MUDP developments must provide pedestrian connections between development within the Avon Village Center Zone and Route 44 and Route 10.

3) Truck Traffic Circulation and Deliveries

- a. Truck traffic associated with pickups and deliveries for uses in the Avon Village Center Zone is allowed only during approved hours of operation, generally 6 a.m. to 7 p.m. unless otherwise designated by the Commission.
- b. Truck traffic shall not impede general traffic circulation within the Avon Village Center Zone. As part of any proposed development, an applicant shall provide reasonable off-street accommodations for all expected truck traffic associated with such development.
- c. As part of any ACDD application, an applicant shall submit information describing the expected number, size and frequency of delivery and pickup vehicles to service the proposed development in each ACDD.

4) Low Impact Development

- a. All MUDP developments shall implement low impact development (LID) and best management practices wherever and whenever feasible. When considering issues of overall site design, storm water drainage and infrastructure design, developers within a MUDP shall first consider LID best management practices (BMPs). If such BMPs are shown to be inappropriate or infeasible for use in a particular area or areas of the MUDP, conventional development methods may be considered and utilized. LID BMP categories shall include, but not be limited to, the following:
 - Hydrologic design elements (infiltration, retention and detention, biofilters)
 - Permeable pavement elements and disconnected impervious surfaces
 - Roadway, parking lot, driveway and pedestrian circulation design elements
 - Structural design elements (green roofs, rain water harvesting, foundation planting)
 - Landscaping design elements (soil amendments, street trees, selection of appropriate plant species)
- b. All storm water runoff generated from land development and land use conversion activities shall not discharge untreated storm water runoff

directly to a wetland, local water body, municipal drainage system, or abutting property, without adequate treatment.

- c. The implementation and use of any alternative energy infrastructure, including but not limited to solar panels, micro wind turbines and micro water turbines, shall be appropriately integrated within buildings and structures so as to minimize any visual impacts associated with such infrastructure.**

5) Environmental Impact

- a. Any environmental impacts or potential environmental impacts identified as part of a report submitted by the applicant per Section VI.I.6.c.9 herein, or any environmental impacts or potential environmental impacts identified through the peer review process under Section VI.I.6.e herein, must be addressed to the satisfaction of the Commission prior to the start of construction.**