

SECTION 73
CHESTER VILLAGE DISTRICT REGULATIONS

73.1 AUTHORITY

73.1.1 Authority and Uniformity.

It is the intention of the Commission to adopt use regulations and design standards for the area known as the Chester Village, which area is shown on the Maps identified in Section 73.6. Thus, this Section 73 is entitled Chester Village District Regulations.

However, the authority for the adoption of these Regulations is Connecticut General Statutes Section 8-2, which requires that the regulations within each district be uniform throughout the district.

In order to comply with the uniformity requirements of Connecticut General Statutes Section 8-2, there are hereby created two District Use Boundaries (U-1 and U-2). Within the U-1 District Use Boundary there is created one Design Standards Boundary (D-1). Within the U-2 District Use Boundary there is created three Design Standards Boundaries (D-1, D-2 and D-3). The result is the creation of the four separate districts for the purposes of Connecticut General Statutes Section 8-2 which are shown on the Maps referenced in Section 7.6. These separate districts are sometimes referred to herein as "sub-districts."

The provisions of Section 73.1 through 73.5, inclusive, apply to all four of the Village districts whose boundaries are identified in the Maps referenced in Section 73.6. Section 73.7 sets forth the Uses and Section 73.8 sets forth the Design Standards for each of the sub-districts.

73.2 PURPOSE AND INTENT

73.2.1 Purpose:

The purpose of the Chester Village District Regulations is to protect and enhance the distinctive character and scale of the Village of Chester by implementing and giving due consideration to recommendations set forth in the Town of Chester Plan of Conservation & Development.

73.2.2 Intent:

The intent of these regulations is to ensure that, regardless of differences in architectural style from building to building; all buildings are to complement each other and continue to promote a cohesive character made up of diverse parts. The intent of these regulations is to give due consideration to the character of the Village and its peculiar suitability for particular uses and with a view to conserving the value of buildings. The Village District Regulations are not intended to regulate building styles but rather to encourage creative

design that considers the relative scale and proportions, massing, and the framework that guide the composition of buildings collectively, of the spaces they create, of the landscaping of those spaces, and of the architectural components located in those spaces so they form a cohesive whole.

73.3 APPLICABILITY

73.3.1 These regulations shall apply to all activities for which a zoning permit is required under Section 121 of the Chester Zoning Regulations, unless these regulations specify otherwise. These regulations shall not apply to:

- .1 Routine Maintenance: Activities that occur on a regular basis in order to keep a property in good condition, including painting.
- .2 Basic Repairs: Repairs that do not increase or decrease the floor area, height, or horizontal footprint of a building, or change a roof line, or add or remove parts of the building envelope.
- .3 Safety Repairs: Repairs, certified by the Building Inspector or similar agent that are required for the public safety because of an unsafe or dangerous condition, but do not meet the definition of Basic Repairs.

73.3.2 If the Safety Repairs are performed on an emergency basis without certification of zoning compliance under Conn. Gen Stat. §8-3 (f), the Planning & Zoning Commission reserves the right to require a subsequent Application under Section 73.3.3.1 of these Regulations to ensure that the emergency Safety Repairs are consistent with these regulations, to the extent feasible.

73.3.3 General Principal Uses as specified in Section 73.7.3, the Village District – Use Matrix and which comply with Section 73.8.3, the Required Characteristics Matrix, do not require an application for a Special Exception, except Alterations:.

- .1 Alterations: means new construction or substantial reconstruction visible from public roadways, including alterations, additions, reconstruction, rehabilitation and demolition. In no instance shall any Alteration, including demolition occur prior to approval by the Planning & Zoning Commission under these regulations.

73.3.4 Special Principal Uses as specified in Section 73.7.3, the Village District – Use Matrix require an application for a Special Exception.

73.3.5 Any Use not specified in the Section 73.7.3 Village District – Use Matrix is prohibited.

73.3.6 Accessory Structures are permitted where indicated by the “Design Standards”.

- .1 Accessory Structure “Uses” will be consistent with the Uses indicated in the Section 73.7.3 Village District – Use Matrix.

73.3.7 Procedure to determine activities requiring Planning & Zoning Commission Special Exception approval:

- .1 Refer to the following Maps to determine which “Use” and “Design Standards” sub-district applies to the application property:
 - Map 1: Village District Boundary
This map delineates the overall boundary of the Village Districts
 - Map 2: Village District Use Boundaries
This map delineates the “Use” district boundaries within the Village District and is made up of two (2) separate sub-districts (U-1, U-2)
 - Map 3: Village District Design Standards Boundaries
This map delineates the “Design Standards” boundaries within the Village Districts and is made up of three (3) separate sub-districts (D-1, D-2, D-3)
- .2 Check application’s consistency with the “Use” Regulations set forth below.
- .3 Check application’s consistency with the “Design Standards” Regulations set forth below.
- .4 Review Application Requirements as set forth below.
- .5 Submit Application to the Planning & Zoning Commission with all required information as set forth below.

73.4 APPLICATION REQUIREMENTS

73.4.1 All Applications for General Principal Uses (GP) shall contain the information required under Section 120 –Zoning Permits.

73.4.2 All Applications for Special Exceptions (SE) shall meet the requirements set forth in Section 120 and Section 130 of the Chester Zoning Regulations.

.1 When applications for Special Exception are reviewed, due consideration will be given to the Use proposed and its various effects on the permitted Uses on any adjacent properties, particularly in instances when Special Exception Use applications abut adjacent Residential Zones.

.2 Special Exception Uses that are determined to cause an adverse effect to abutting residential zones, as described in Section 120, Paragraph 120G (including all sub-paragraphs) and Section 130, Paragraph 130.A.1 of these Regulations, shall be prohibited.

73.4.3 Any information required by any other applicable section of these regulations. If not otherwise required, the following is required for a Village District Application, unless waived by the Planning & Zoning Commission:

- .1 A-2 Survey
- .2 Architectural Floor Plans
- .3 Architectural Exterior Elevations, indicating materials and including building mounted signage and lighting
- .4 Landscaping Plan, including signage and lighting

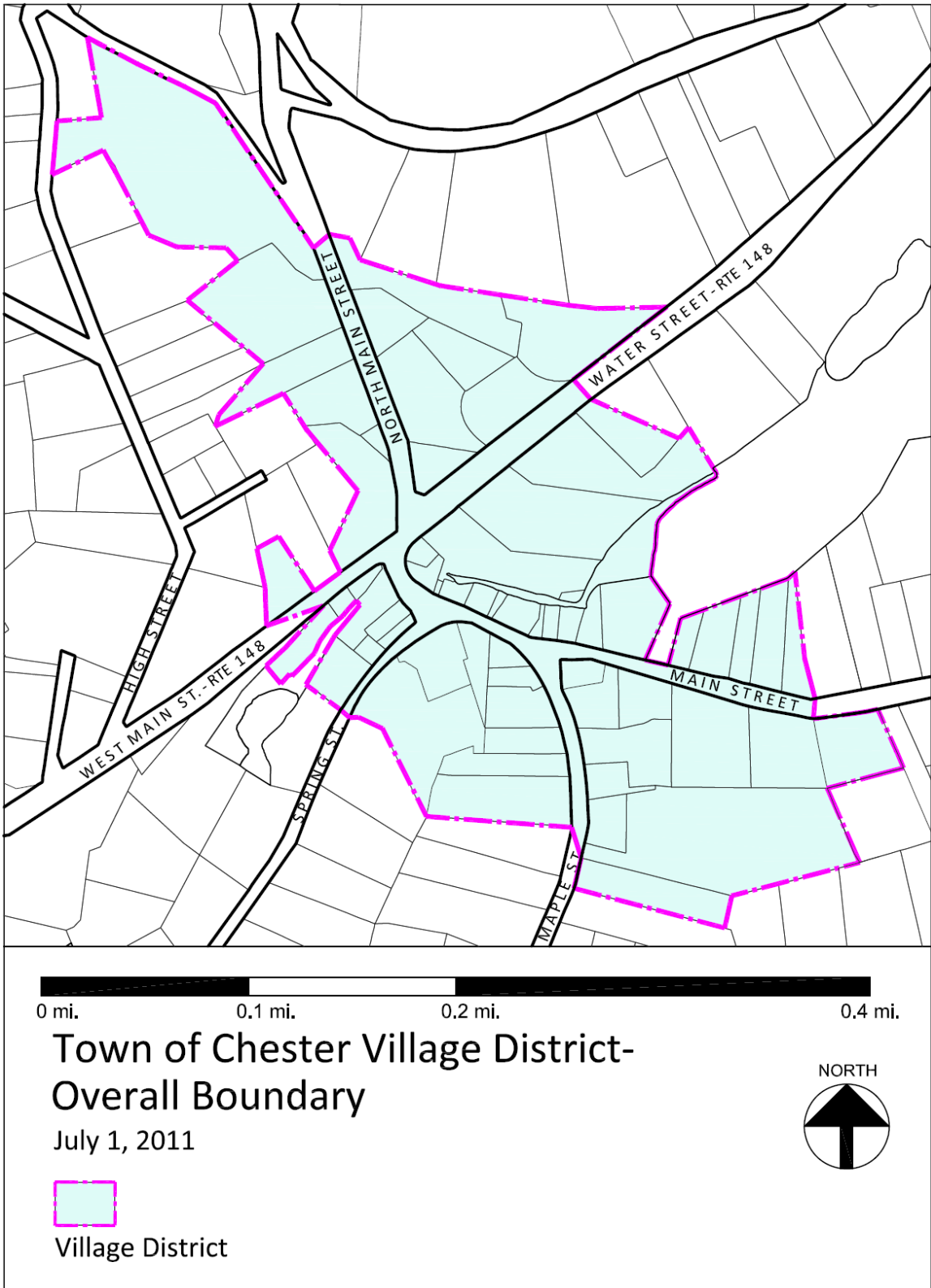
73.5 REVIEW PROCESS

- 73.5.1 The Planning & Zoning Commission may seek the recommendations of any town or regional agency or outside specialist of its choosing, including but not limited to, a licensed architect, a licensed landscape architect, a certified planner, the regional planning agency, the municipality's historical society, the Connecticut Trust for Historic Preservation and the University of Connecticut College of Agriculture and Natural Resources. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

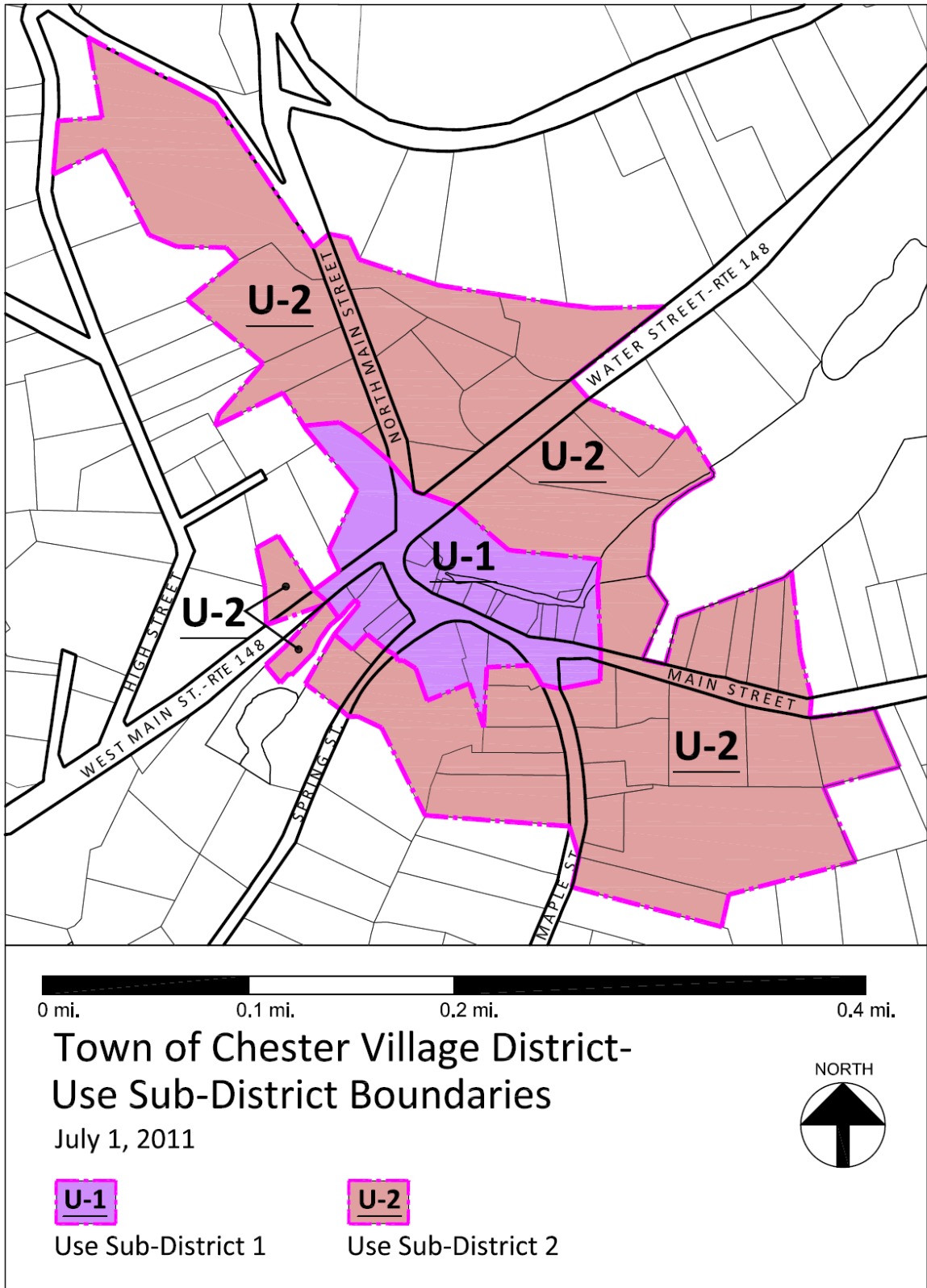
73.6 MAPS

The following pages contain the three (3) maps that delineate the boundaries for the different regulations:

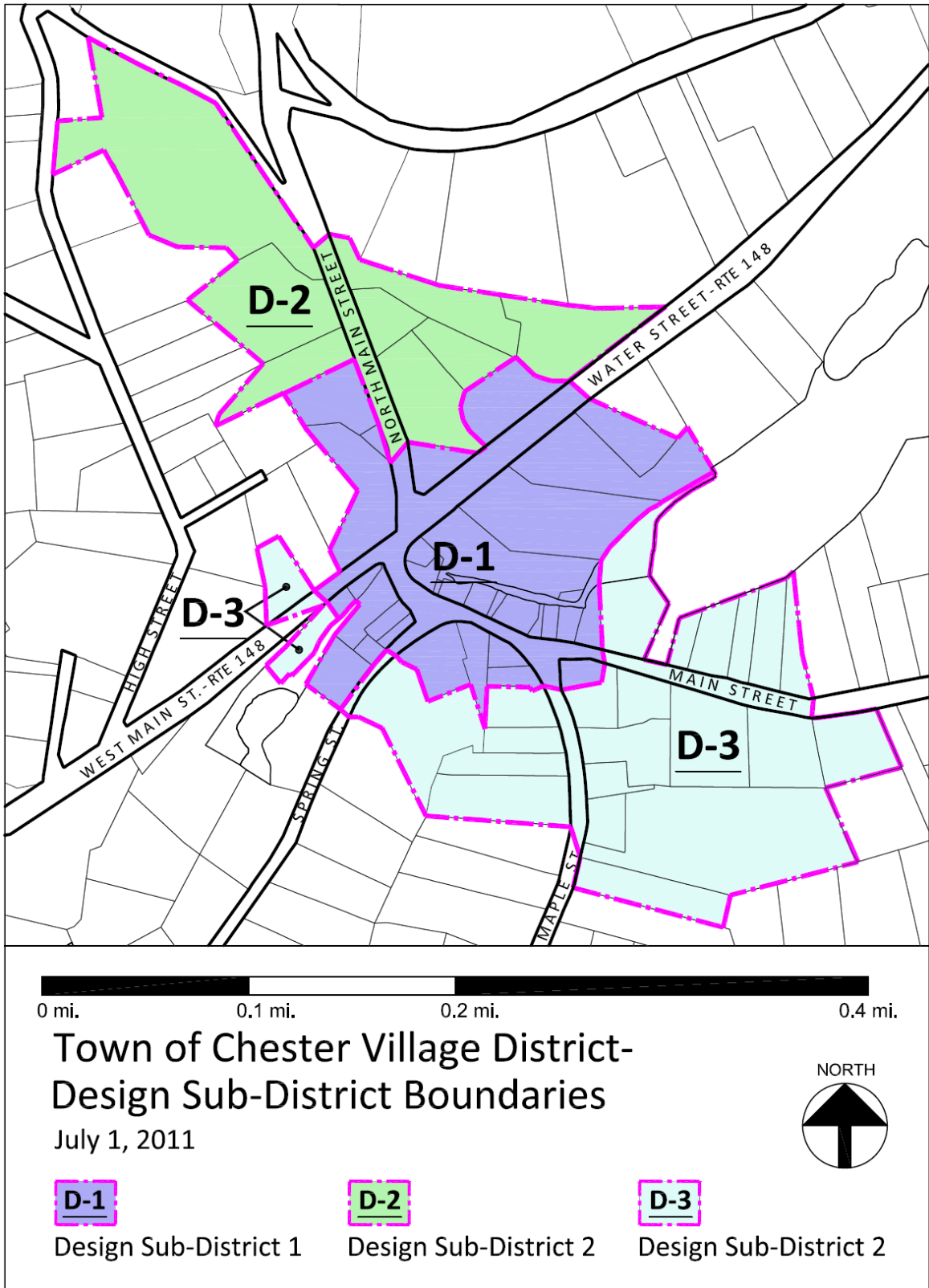
73.6.1 Map 1: Village District Boundary



73.6.2 Map 2: Village District “Use” Boundaries



73.6.3 Map 3: Village District “Design Standards” Boundaries



73.7 VILLAGE DISTRICT – USES

General Principal Uses and Special Exception Uses, herein referred to as permitted uses, vary within each “Use” sub-district as defined by the “Use” Map. A description of each “Use” sub-district is as follows:

73.7.1 Use 1 – sub-district (U-1):

U-1 is a Mixed-Use sub-district permitting buildings to contain a variety of uses as follows:

- .1 First (Ground) Floor: Allowable uses at the first floor are retail stores or shops that sell commodities, restaurants, professional offices and other non-residential uses of similar nature as determined by the Commission.
- .2 Second Floor: Allowable uses at the second floor are an extension of a permitted First Floor Use, Offices or a residential use.
- .3 Third Floor: Allowable use at the third floor is a residential use, or an extension of the second floor office use below.

73.7.2 Use 2 – sub-district (U-2):

U-2 is a Mixed-Use sub-district permitting buildings to contain a variety of uses as follows:

- .1 First (Ground) Floor: Allowable uses at the first floor are retail stores or shops that sell commodities, restaurants, and other non-residential uses of similar nature as determined by the Commission, Offices or a residential use.
- .2 Second Floor: Allowable uses at the second floor are an extension of a permitted First Floor Use, Offices or a residential use.
- .3 Third Floor: The allowable use at the third floor is a residential use.

73.7.3 Village District – Use Matrix

USE	U-1	U-2
Residential:		
1 or 2 -family dwelling	---	GP
Accessory Dwelling (attached or detached)	GP	GP
Home Occupation	GP	GP
Multiple dwellings, (i.e. apts., condos)	GP	GP
Bed & Breakfast	SE	SE**
Hotel	SE	SE**
Retail	GP	GP
Restaurant / Café	SE	SE**
Food Service shop	GP	SE**
Art Facility / Gallery	GP	GP
Theater	SE	SE**
Educational	GP	GP
Offices:		
Professional Offices	GP	GP
Doctor or Dentist Office	SE*	GP
Healthcare or Wellness Office	SE*	GP

Roadside Stand	---	GP
Church, Day Care, School	SE	SE**
Health Club	SE	SE**
Police, Fire, Municipal	SE	SE**
Park & Playground	SE	SE**
Public Parking Garages and Parking Lots	SE	SE**

* - See Paragraph 73.7.1 for allowable uses by floor level, if applicable

** - See Paragraph 73.7.1 and 73.7.2 for allowable uses by floor level, if applicable

Village District – Use Matrix – Legend

GP: General Principal Use (GP)

SE: Special Principal Use (SE)

---: Not Permitted, but see also Section 73.7.4

73.7.4 Uses not expressly noted in the matrix are not permitted. The Uses set forth above shall have the same meaning as set forth under Section 20 of the Chester Zoning Regulations. In the event of a difference in terminology, the terms used herein shall be given their ordinary meaning.

73.8 VILLAGE DISTRICT – DESIGN STANDARDS

Design Standards vary by each sub-district as defined by the “Design Standards” Map.

73.8.1 In addition to other applicable sections of the regulations, the following general Design Standards shall apply to the application review process by the Planning & Zoning Commission:

The Planning & Zoning Commission shall consider the existing Village District context as a guide in determining whether any proposed application complies with the provisions of these regulations.

- .1 Site Development: In evaluating lot characteristics, building setbacks from the street, side setbacks from adjacent buildings, and orientation of buildings shall be consistent with and recognize the rhythm, spacing and orientation of other existing adjacent buildings.
 - .1 Building Setbacks at Corner Lots shall be based on lots having two (2) Front Yard Setbacks and two (2) Side Yard Setbacks.
 - .2 The relative scale and proportion, and the massing of buildings shall be generally consistent within each sub-district.
 - .3 Large expanses of walls without features such as windows or doors are to be discouraged while the addition of architectural details in keeping with the existing character of the Village is encouraged.
 - .4 Building Form and Materials:
 - .1 Plain unfinished concrete, plain unfinished metal, and plain unfinished plywood are not permitted building materials for the exterior façade(s) of any building unless such materials are approved by the Planning & Zoning Commission within its discretion.

- .2 Fixed mechanical equipment shall be concealed within the roof or enclosed within a structure.
 - .1 Solar Energy Equipment is exempt from the foregoing.
- .5 Landscaping: Landscaping shall be evaluated for its compatibility with the rest of the Village and for the manner in which it complements the scale and style of the property.
- .6 Walkways: New walkways shall be connected to, or planned and built for future connection to, the network of sidewalks in the Village District.
 - .1 Bituminous asphalt sidewalks are prohibited
- .7 Tree Protection: Trees larger than 8 inches in DBH (diameter at a height of four feet above ground level) located within 15 feet of the edge of road surface shall not be removed without prior permission from the Planning & Zoning Commission. Public safety aspect of tree maintenance and removal remains with the Tree Warden and the Chester Board of Selectmen. Design aspects for the removal of trees larger than 8 inches in DBH remains under the purview of the Planning & Zoning Commission.
- .8 Recognized Commercial Design: Standardized design of structures readily recognizable as regional or national “multiple business locations” including, but not limited to: retail stores, banks, restaurants or convenience stores are hereby prohibited in the Village District.
- .9 Signage: In addition to Section 111 - Signs of these Regulations, the following restrictions shall apply:
 - .1 All exterior signs shall be compatible with their surroundings with regard to size, shape and color.
 - .2 Standardized “multiple business locations” signage including, but not limited to, retail stores, banks, restaurants or convenience stores are hereby prohibited.
 - .3 The placement of signs shall avoid disrupting the public view of historical or significant structures or architectural elements.
- .10 Parking: In addition to off-street parking requirements indicated herein refer to Section 110 of these regulations for general parking requirements

73.8.2 For planning purposes a description of each Design Standards Sub-District is as follows:

- .1 Design Standard 1 – Sub-district (D-1):
D-1 is characterized by a densely constructed core made of an eclectic grouping of buildings that are historic in nature but not from any single period, and most are constructed of stone or wood. The limits of the sub-district are defined by existing construction patterns as well as topographic characteristics.
- .2 Design Standard 2 – Sub-district (D-2):
D-2 is mostly characterized by existing residential and commercial buildings of small relative scale and proportions. The building locations relative to the street are generally consistent. Off-street parking is to the side or rear of the property. The limits of the district are defined by the relationship to adjoining

districts as well as topographic characteristics. The design standards will allow a more densely developed building lot with emphasis on the street edge.

.3 Design Standard 3 – Sub-district (D-3):

D-3 is characterized by residential buildings of small relative scale and proportions. Like D-2, most of the buildings are set close to the front property line and create a visual edge to the street. Off-street parking is to the side or rear of the property. The limits of the district are defined by the relationship to adjoining districts, as well as topographic characteristics.

73.8.3 Required Characteristics Matrix – Village Sub-Districts: D-1, D-2, and D-3

LOT Characteristics	D-1	D-2	D-3
Minimum Area Buildable Land	Existing	Existing	Existing
Minimum Lot Area	Existing	Existing	Existing
Minimum Lot Width	Existing	Existing	Existing
Minimum Lot Rectangle	Existing	Existing	Existing
Family Dwelling Units per ½ acre	6	4	4
Minimum Front Setback	0' (15' max.)	5' (20' max.)	15' (30' max.)
Minimum Side Setbacks (each)	0' (15' max.)	10' (30' total)	15' (40' total)
Minimum Rear Setbacks (each)	0'	10'	20'
Maximum Building Coverage	100%	45%	35%
Maximum Building Height	35'	35'	35'

Further clarifications of the Required Characteristics are outlined below:

.1 Minimum Lot Area (Dimensional):

Individual lot sizes existing as of record as shown on the Chester Assessor’s maps on the date of adoption of these regulations are henceforth considered to be conforming lot sizes. If an error exists in the Chester Assessor’s maps, the Planning & Zoning Commission may accept such correction as the existing lot for the purposes of this regulation.

.1 Lot sizes are to remain as they are as of the date of these regulations, unless a modification of lot lines, such as an adjustment to eliminate an encroachment of a building onto another property is approved by the Commission where it determines such a modification is consistent with the purpose and intent of these regulations.

.2 Minimum Front Yard Setback:

Front Yard Setbacks for each property will be reviewed and determined by the Planning & Zoning Commission within the requirements set forth in the Required Characteristics Matrix and subject to the further requirements set forth below:

.1 In sub-district D-1, the face of building shall be no closer to the property line and the street curb line than exists as of the date of these regulations.

Exception:

.1 At properties where the location of an existing building face is inconsistent with the location of adjacent building faces.

.2 In sub-district D-2, it is the intent of these regulations to create a denser streetscape.

- .3 In sub-district D-3, it is the intent of these regulations to create a consistent street edge with the building faces regardless of property line/street curb line.
- .3 Minimum Side Yard Setback:
Side Yard Setbacks for each property will be reviewed and determined by the Planning & Zoning Commission using the requirements set forth in the Required Characteristics Matrix and as further set forth below:
 - .1 The Planning & Zoning Commission may modify off street parking requirements so that parking occurs to the rear of the property where applicable. In no instance shall any proposed modifications reduce existing or required off-street parking.
- .4 Minimum Rear Yard Setback:
 - .1 The Planning & Zoning Commission may modify off street parking requirements so that parking occurs to the rear of the property where applicable. In no instance shall any proposed modifications reduce existing or required off-street parking.
- .5 Maximum Building Coverage:
Maximum Building Coverage may be reduced in the D-2 and D-3 districts, even if setbacks and off-street parking requirements can be met, if the Planning & Zoning Commission determines such a reduction is required for consistency with the purpose and intent of these regulations.

73.8.4 Accessory Structures:

Accessory Structures are permitted within Sub-Districts D-2 and D-3 with the following criteria:

- .1 Accessory Structures must be subordinate in appearance, relative scale and proportion, and massing to the Principal Structure on the property.
- .2 The face of an Accessory Structure must be set back from the face of the Principal Structure on the property.
- .3 Side Yard Setbacks may be reduced to 5' for Accessory Structures based, in part, on its scale and massing relative to the Primary Structure on its property and abutting properties, as determined, for each property, by the Planning & Zoning Commission.

Effective July 2, 2011