



## Recommended Zoning Amendments: SP-DD

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Date: 12/19/2024

**Purpose:** Facilitate development within the SP-DD zone and update zoning regulations to respond to current market conditions.

**Description:** The recommended amendments would lower the permit requirements for multiple uses from a Special Permit to a Site Plan, add permitted uses, and reduce lot requirements.

**Geographic Extents:** SP-DD

**Potential Impacts:** May incentivize development within the SP-DD.

**Context:** The SP-DD zone occupies approximately 163 acres, 113 acres of which are comprised of 12 parcels with the remaining areas being rights-of-way of the Berlin Turnpike and Route 9 (see map on page 3 for reference). Only three of the 12 parcels are developed, comprising a total of 6 acres. Only two of the parcels are developable under the SP-DD regulations without a modification of the standards due to minimum lot size (10 acres) and minimum lot width (400 feet) requirements; neither of these parcels has direct access to the Berlin Turnpike.

### Recommended Zoning Amendments:

1. Lower the permit requirement from Special Permit to Site Plan in the SP-DD by amending the Zoning Regulations as follows:
  - a. Amend Section VI.C.2 of the Zoning Regulations to remove the following Special Permit Uses:
    - ~~a.~~ Retail uses, including shopping malls, provided that no retail establishment occupy over 50,000 square feet of building area, except if included within enclosed shopping malls in excess of 500,000 square feet.
    - ~~a.b.~~ Stores and shops for the conduct of personal service businesses; and,
    - ~~b.c.~~ General business, medical and professional offices.
    - ~~c.d.~~ Hotels, with a minimum of 100 rooms.
    - ~~d.e.~~ Restaurants, excluding drive-through restaurants.
    - ~~e.f.~~ Banks and financial services.
    - ~~g.~~ Indoor commercial recreational facilities, when a part of shopping center.
    - ~~f.h.~~ Schools operated for profit; studios of dance, photography, graphic design, painting or similar endeavors.



- b. Add new Section VI.C.2 (and renumber existing Section VI.C.2 and subsequent sections) to the Zoning Regulations as follows:

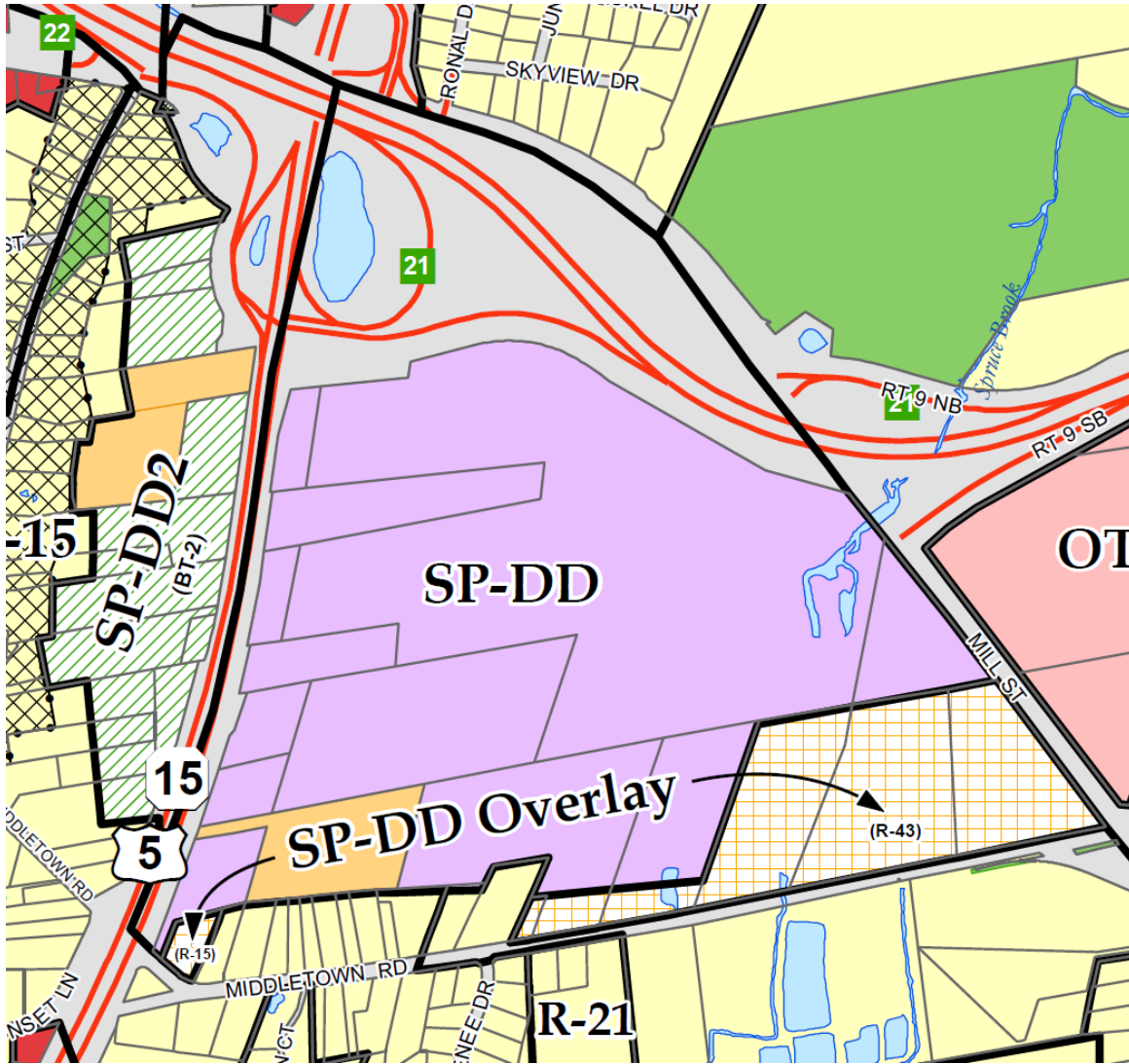
2. Site Plan Uses. The following principal uses shall be permitted in the SP-DD, subject to site plan approval by the commission in accordance with Section XIII:

- a. Banks and financial services.
- b. General business, medical and professional offices.
- c. Hotels, with a minimum of 100 rooms.
- d. Indoor commercial recreational facilities, when a part of shopping center.
- e. Restaurants, excluding drive-through restaurants.
- f. Retail uses, including shopping malls, provided that no retail establishment occupy over 50,000 square feet of building area, except if included within enclosed shopping malls in excess of 500,000 square feet.
- g. Stores and shops for the conduct of personal service businesses
- f. Schools operated for profit; studios of dance, photography, graphic design, painting or similar endeavors
- g-h.



2. Allow additional Special Permit uses in the SP-DD by adding the following uses to existing Section VI.C.2 of the Zoning Regulations:
  - Mixed Use Residential Development (40% commercial gross floor area minimum and 20% minimum affordable housing requirement)
  - Adult and Child Day Care
  - Assisted Living Facilities
  - Banquet Halls and other Food and Beverage Service
  - Continuing Care Retirement Communities
  - Health and Fitness Clubs
  - Medical or Dental Laboratories
  - Research and Development Facilities
  - Retail Establishments greater than 50,000 square feet
  - Indoor/Outdoor Recreation Facilities
  - Nursery or Garden Supply Store
  - Sales and service for boats, vehicles, and equipment
  - Car Washes
  - Restaurants with Drive-Thrus
3. Reduce the lot requirements of the SP-DD by amending the Area and Bulk Requirements of Section VI.J as follows:
  - a. Change Item 1. Minimum Front Yard from 100 feet to 50 feet.
  - b. Change Item 2. Minimum Side Yard from 100 feet to 50 feet.
  - c. Change Item 3. Minimum Rear Yard from 100 feet to 50 feet.
  - d. Change Item 10. Minimum Lot Width from 400 feet to 200 feet.
  - e. Change Item 11. Maximum Floor Area from 1.0 to 1.5.
  - f. Amend Footnote 11 as follows:

(11) ~~For existing, nonconforming lots in the SP-DD zone that are less than the required minimum lot size, these dimensional requirements will be halved.~~ For lots in the SP-DD zone which are developed jointly in conformance with a master plan approved by the commission, **the minimum lots size shall be 5 acres, and the** commission may reduce ~~the minimum lot size requirement and~~ may reduce or eliminate the setback requirements.



SP-DD Zone. Source: Town of Berlin Zoning Map (for reference only)