

AVON ZONING ORDINANCE

**CHAPTER 26. REVISION HISTORY**

**CHAPTER 26. INSTITUTIONAL USE DISTRICT (INST)**

<b>Ordinance #</b>	<b>Plan Commission Approval Date</b>	<b>Town Council Adoption Date</b>	<b>Description</b>
2010-08	06-28-10	07-08-10	Chapter 26: Adoption of Institutional Use District (INST)
2010-20	09-27-10	10-14-10	Permitted Uses consolidated into Chapter 27: Permitted Use Table.

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## CHAPTER 26. INSTITUTIONAL USE DISTRICT (INST)

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### Section 26-1 Purpose

The INST: Institutional Use *Districts* are established to promote and maintain the development facilities for Institutional use within the Town of Avon. The development of Institutional facilities or the major expansion of existing Institutional facilities within the INST: Institutional Use *Districts* shall be subject to the approval of an Institutional Use Master Plan, as provided for in Chapter 26, C., below, to assure that the development of a particular Institutional use and related facilities, is compatible with nearby residential neighborhoods.

### Section 26-2 *Permitted Uses SEE Chapter 27: Permitted Use Table*

### Section 26-3 Accessory Uses

1. The provisions of Section 13-3 Accessory Uses shall be applicable to development within the INST: Institutional Use *District* to the extent that the items regulated in Section 13-3 Accessory Uses are proposed for development at an Institutional use site.
2. In addition, *Accessory Uses* in the INST: Institutional Use *District* may include:
  - A. those *Buildings, Structures* or facilities which are typically related to a Institutional use,
  - B. such other primary or accessory Institutional uses included in a Institutional Use Master Plan filed with and approved by the *Plan Commission*; or,
  - C. if no Institutional Use Master Plan exists, any Institutional use or use incidental to a Institutional use, which is reasonably related to existing Institutional use facilities.

### Section 26-4 Temporary Uses

1. The provisions of Section 13-13 Temporary Uses shall be applicable to all temporary development within the INST: Institutional Use *District* to the extent that the items regulated in Section 13-13 Temporary Uses are proposed for development at an Institutional use site.
2. All *Temporary Uses* in the INST: Institutional Use *District* shall obtain an *Improvement Location Permit*, if required by Section 13-13 Temporary Uses. In addition, *Temporary Uses* in the INST: Institutional Use *District* may include:
  - A. any concert, festival, tournament, or other social activity related to a Town-Recognized Special Event; or,
  - B. other *Temporary Uses* as approved by the *Director* of the Department of Planning and Zoning as being compatible with the approved Institutional Use Master Plan or existing facilities.

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3. Unless specified in an approved Institutional Use Master Plan, specifically approved by the *Director*, or otherwise specifically authorized by Section 13-13 Temporary Uses, no Institutional use may conduct more than four (4) *Temporary Uses* in any calendar year, and no individual *Temporary Use* shall exceed ten (10) days in duration.

### Section 26-5 Development Standards.

1. Minimum *Lot Area* – There shall be no minimum *Lot Area* requirement provided sufficient land area is available for all *Buildings*, *Parking Areas*, other improvements and landscaping as appropriate for the site.
2. Minimum *Lot Width* – 100 feet.
3. Minimum *Lot Frontage* – 100 feet on a *Public Street*.
4. Maximum *Lot Coverage* – Not applicable.
5. Minimum Yards and Building Setbacks
  - A. Front - a minimum *Front Yard* and *Building Setback* measured from the *Proposed Right-of-Way* shall be provided as follows, unless an alternate standard is specified in an approved Institutional Use Master Plan:
    - (a) *Interstate Street*: 60'
    - (b) *Primary Arterial Street*: 30'
    - (c) *Secondary Arterial Street*: 30'
    - (d) *Collector Street*: 30'
    - (e) *Local Street / Cul-de-sac Street*: 30'
6. Side Yard and Rear Yard - a minimum *Side Yard* and a minimum *Rear Yard* shall be provided along all *Side Lot Lines* and *Rear Lot Lines* as follows:
  - A. *Primary Building* – 15'
  - B. *Accessory Buildings or Structures* – 10'
7. A minimum 25' *Side and Rear Bufferyard* shall be provided along all *Side* and *Rear Lot* lines for the following uses: Electric Relay Station, Public Utility Substations, Pumping Station, Water Towers, Water Treatment Plant, Institutional / State Maintenance Facility, Storage Tanks (non hazardous), Penal or Correctional Institution, Neighborhood Recycling Point, Recycling Facility, and Resource Recovery Facility.
8. Use of *Minimum Yards* and *Bufferyards* – All *Minimum Yards* and *Bufferyards* shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from *Structures* except where specifically permitted below:
  - A. Minimum *Front Yards* and *Front Bufferyards* – may include:
    - (a) *Driveways*, greenways, trails, or walkways and shall otherwise be maintained as open space free from *Buildings* or *Structures*.
  - B. *Minimum Side Yards*, *Minimum Rear Yards*, *Minimum Side Bufferyards* and *Minimum Rear Bufferyards* – may include:
  - C. *Interior Access Driveways*, or greenways, trails, or walkways connecting to adjoining projects or subdivisions, provided the remainder of said *Yards* or *Bufferyards* shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as open space free from *Buildings* or *Structures*.
9. *Maximum Building Height* -
  - A. *Primary Building* – 35', unless a greater height is specified in an approved Institutional Use Master Plan.

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- B. *Accessory Building or Structures* – 25’, unless a greater height is specified in an approved Institutional Use Master Plan.
  - C. *Architectural Accent Feature* – 65’, unless a greater height is specified in an approved Institutional Use Master Plan.
10. *Minimum Main Floor Area* – Not Applicable.
  11. *Off-Street Parking* – See Chapter 15 – Off-Street Parking and Loading.
  12. *Signs* – The regulations contained in Chapter 18-7 (1) shall apply to the INST: Institutional Use *District*, unless, however, other permanent *Signs* or *Temporary Signs* included in an overall *Sign Program* (which includes the general number, size, type and location of *Signs*) which is approved by the *Plan Commission* as part of an approved Institutional Use Master Plan.
  13. *Landscape Requirements* –
    - A. Landscaping for all uses identified as “Permitted” in table 26-1 shall comply with the provisions of Section 16-11 (4)(A) and provide landscaping buffer yards and landscaping consistent with this section unless an alternate standard is specified in an approved Institutional Use Master Plan;
    - B. For all uses identified as a “Special Exception” in table 26-1, buffer yards and landscaping compliant with terms of Section 16-11(4) (B) shall be provided, unless an alternate standard is specified in an approved Institutional Use Master Plan.
  14. *Lighting Requirements* – The terms of Chapter 14, Section 15, shall apply unless an alternate standard is specified in an approved Institutional Use Master Plan for any outdoor lighting fixture, including lighting fixtures for *Parking Areas*.
  15. *Building Materials* – The provisions of Chapter 4, Section 8(6)(A) shall be applicable to all *Buildings*, unless an alternative standard is specified in an approved Institutional Use Master Plan.
    - A. New Construction and Additions to Existing Buildings shall be subject to the terms of Chapter 4-8 (6)
    - B. Exterior Building Façade Renovations With No Building Additions Or Minor Building Additions and Exterior Building Façade Renovations with Major Building Additions shall be subject to review and approval by the Zoning Administrator.

### Section 26-6 Institutional Use Master Plan Approvals.

#### Approval of Institutional Use Master Plans

1. The following shall be deemed to be approved Institutional Use Master Plans:
  - A. A Institutional Use Master Plan submitted for *Plan Commission* approval as part of a requested petition for zone map change or, if the property is already zoned to the INST: Institutional Use *District*, submitted for *Plan Commission* approval as part of a *Development Plan*.
  - B. The latest plan for development at an Institutional use site approved by the *Board of Zoning Appeals* in connection with a *Special Exception* grant prior to the adoption of this INST: Institutional Use *District*.
2. In the event of a legally established non-conforming Institutional use for which there has been no *Plan Commission* approval of a Institutional Use Master Plan or grant of a *Special Exception* by the *Board of Zoning Appeals*, the Institutional Use Master Plan shall be interpreted as being the primary facilities, *Accessory Uses* and physical development of the site in existence on the date of adoption of this Ordinance.
3. Institutional Use Master Plan approvals may be obtained for a total project at one time or in phases.

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- A. Phases may include physical areas of development (i.e., portions of an overall site) or elements of a development (i.e., *Building* elevations, a *Sign* program, landscaping, parking, etc.).
- B. If phases are of physical areas of development, the initial phase shall be depicted on an *Overall Plan* for the entire site.
- C. As the approval of each subsequent phase is requested, an updated *Overall Plan* which incorporates the prior approved phases and the proposed phase shall be required.
- D. Any initial Institutional Use Master Plan or subsequent phases of approval may include a request for waivers as authorized by Chapter 26, C., 6. below.

### Section 26-7 Applicability

1. New Institutional Uses – A Institutional Use Master Plan shall be approved by the *Plan Commission* prior to the development of a new Institutional use.
2. Major Expansions – A Institutional Use Master Plan shall be approved by the *Plan Commission* prior to any major expansion (i.e., greater than 10,000 square feet or in excess of 20% of *Gross Floor Area* of existing buildings, or 30% increase in paved surface parking area) or the development of additional real estate at an existing Institutional use site.
3. Minor Expansions – Minor expansions of existing facilities (i.e., less than 10,000 square feet and less than excess of 20% of *Gross Floor Area* of existing buildings or less than 30% increase in paved surface parking area) and the addition of *Accessory Uses* or *Temporary Uses* shall be subject only to *Director's* review of an *Improvement Location Permit* application for compliance with the provisions of Chapter 26, A. and Chapter 26, B., above.
4. Amendments – Amendments to Institutional Use Master Plans shall be determined in compliance with the process outlined in Chapter 4-8(9).
5. After an Institutional Use Master Plan has been approved for a particular Institutional use by the *Plan Commission* pursuant to this Chapter 26, C., all development within that Institutional use site shall be subject only to *Director's* review of *Improvement Location Permit* applications for individual improvements for:
  - A. compliance with the *Permitted Uses* of Chapter 26, A., above;
  - B. compliance with the *Development Standards* of Chapter 26, B., above;
  - C. substantial compliance with an approved Institutional Use Master Plan; and,
  - D. compliance with any waivers which may have been granted by the *Plan Commission* pursuant to Chapter 26, C., 6., below (or by the *Board of Zoning Appeals* in connection with a *Special Exception* grant prior to the adoption of this INST: Institutional Use *District*).

### Section 26-8 Procedures and Filing Requirements.

1. Notwithstanding anything in this Ordinance to the contrary, unless filed as part of a petition for zone map change, an Institutional Use Master Plan shall be filed as a *Development Plan* under same procedures as set forth in Chapter 4 of this Ordinance for Development Plan Review.
2. *Development Requirements* for the INST: Institutional Use *District* shall include the *development Standards* of Chapter 26, B., above, and the additional *Development Requirements* specified below.
3. The additional *Development Requirements* which shall be satisfied prior to the approval of a *Development Plan* for Architectural and Site Design Review for any development within a INST: Institutional Use *District* include the following:
  - A. A Institutional Use Master Plan, which shall include, at a minimum, general guidelines for the improvement of a Institutional use site, including but not limited to: a listing the size of the Institutional facility proposed; the overall layout and design of the site (i.e., location, size

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- and scope of *Buildings or Structures, Off-Street Parking Areas and Signs*); conceptual *Building* elevations for major *Buildings or Structures*; proposed site lighting; and, conceptual
- B.** landscape plans;
  - C.** each Institutional Use Master Plan shall demonstrate compliance with all applicable *Development Standards* of the INST: Institutional Use *District* for which a waiver is not provided for in this Chapter; and,
  - D.** Each Institutional Use Master Plan shall demonstrate compliance with all applicable provisions of the Subdivision Control Ordinance for which a waiver has not been granted.

### Section 26-9 Findings

- 1.** The *Plan Commission* may approve a *Development Plan* for Architectural and Site Design Review as proposed by a Institutional Use Master Plan upon finding that:
  - A.** the *Development Plan* complies with all applicable *Development Standards* of INST: Institutional Use *District* for which a waiver has not been granted;
  - B.** the *Development Plan* complies with all applicable provisions of the Subdivision Control Ordinance for which a waiver has not been granted;
  - C.** the proposed development is consistent with the *Comprehensive Plan*;
  - D.** the proposed development is appropriate to the site and its surroundings; and,
  - E.** the proposed development is consistent with the intent and purpose of this Ordinance.

### Section 26-10 Waivers

- 1.** In order to encourage creativity in the design of Institutional facilities within the Town of Avon, the *Plan Commission* may grant a waiver of any of the *Development Requirements* specified in this Chapter 26, B., for:
  - A.** Minimum *Front Yards*; Maximum *Building Height*; *Signs*; Landscaping; Lighting; and *Building Materials*, upon finding that the proposed Institutional use development:
  - B.** Represents an innovative and appropriate development of a Institutional use, including site design features, *Building* materials, lighting and landscaping which will enhance the use or value of area properties and the safety and functionality of the Institutional use;
  - C.** Is consistent with and compatible with development located in the immediately surrounding area; and,
  - D.** Is consistent with the intent and purpose of this Ordinance.