

**SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission**

**RPC  
Representatives**

**Bethany:**  
Vacant

**Branford:**  
Charles Andres

**East Haven:**  
Sal Brancati

**Guilford:**  
Matthew Yorzinski

**Hamden:**  
Robert Roscow

**Madison:**  
Joel Miller

**Meriden:**  
Kevin Curry

**Milford:**  
Jim Quish

**New Haven:**  
Elias Estabrook

**North Branford:**  
Trish Mase

**North Haven:**  
James Giulietti

**Orange:**  
Ralph Aschettino

**Wallingford:**  
Jeffrey Kohan

**West Haven:**  
Kathleen Hendricks

**Woodbridge:**  
Andrew Skolnick

To: Regional Planning Commission  
From: Eugene Livshits, Senior Regional Planner  
Subject: Thursday, September 12, 2019 RPC Meeting at 5:15pm at SCRCOG, 127 Washington Ave,  
4th Floor West, North Haven, CT 06473

**AGENDA**

**1. Administration**

1.1. Minutes of the August 08, 2019 RPC Meeting **1**

**2. Action Items**

2.1. City of West Haven: Proposed Zoning Regulation Amendments to add Section 21 – Village District Regulations. Submitted by: City of West Haven. Received: August 15, 2019. Public Hearing: September 19, 2019 **2**

2.2. City of Milford: Proposed Zoning Regulation Amendments pertaining to Electronic Digital Billboard Signs. Submitted by: City of Milford. Received: August 20, 2019. Public Hearing: TBD **14**

2.3. Town of East Haven: Proposed Zoning Regulation Amendments to add Section 37A – Affordable Housing Development District. Submitted by: Private Applicant. Received: August 28, 2019. Public Hearing: October 02, 2019 **19**

2.4. Town of Seymour: Proposed Zoning Regulation Amendments to add Section 18A – Affordable Housing Zone. Submitted by: Private Applicant. Received: August 14, 2019. Public Hearing: TBD **33**

**3. Other Business**

*The agenda and attachments for this meeting are available on our website at [www.scrco.org](http://www.scrco.org). Please contact SCRCOG at (203) 234-7555 for a copy of agenda in a language other than English. Auxiliary aids/services and limited English proficiency translators will be provided with two week's notice.*

*La Agenda y Adjuntos para esta reunión están disponibles en nuestro sitio web en [www.scrco.org](http://www.scrco.org). Favor en contactar con SCRCOG al (203) 234-7555 para obtener una copia de la Agenda en un idioma distinto al Inglés. Ayudas/servicios auxiliares e intérpretes para personas de Dominio Limitado del Inglés serán proporcionados con dos semanas de aviso.*

**SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission**

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**DRAFT - Not yet approved by the Commission**

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Senior Regional Planner  
Subject: Minutes for Thursday, August 08, 2019 Meeting at 5:15 pm at SCRCOG, 127 Washington Avenue, 4<sup>th</sup> Floor West, North Haven, CT 06473

**Present:** Jeffrey Kohan, Charles Andres, James Giuliatti, Ralph Aschettino, Trish Mase, Andrew Skolnick, Ernest Pagan, Eugene Livshits

**1 Administration**

*1.1 Minutes of the April 11, 2019 RPC meeting.*

Motion to accept the minutes as presented: Andrew Skolnick. Second: James Giuliatti. Vote: Unanimous.

**2 Statutory Referrals**

*2.1 Town of Hamden: Proposed Plan of Conservation and Development Update*

By resolution, the RPC has determined that the proposed Plan of Conservation and Development for the Town of Hamden appears to be consistent with the policies and goals identified in both the State and Regional Plans of Conservation and Development.

Motion: Charles Andres. Second: Ralph Aschettino. Vote: Unanimous.

*2.2 Town of North Branford: Proposed Plan of Conservation and Development Update*

By resolution, the RPC has determined that the proposed Plan of Conservation and Development for the Town of North Branford appears to be consistent with the policies and goals identified in both the State and Regional Plans of Conservation and Development.

Motion: Ralph Aschettino. Second: Andrew Skolnick. Vote: Unanimous.

*2.3 Town of North Haven: Proposed Zoning Regulation Amendments pertaining to residential apartments above commercial uses in the CB-20 Zoning Districts*

By resolution, the RPC has determined that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Charles Andres. Second: Andrew Skolnick. Vote: Unanimous. Recuse: James Giuliatti

**3 Other Business**

Motion to Adjourn: Ralph Aschettino. Second: Charles Andres. Vote: Unanimous.

## **Referral 2.1: City of West Haven**

### **Subject:**

Proposed Zoning Regulation Amendments to add Section 21 – Village District Regulations

### **Staff Recommendation:**

The proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

### **Background:**

The City of West Haven has proposed Section 21 – Village District Regulation in accordance with Connecticut General Statutes and Section 86 of the West Haven Zoning Regulations. The Village District is an overlay zone established by a zone change approved by the City of West Haven Planning and Zoning Commission. The Village District regulations are applicable to new construction, renovations, changes in facades, substantial reconstruction, or rehabilitation of any structure, or property in the public view within the district boundary.

The regulations address, but are not limited to the following: design and placement of buildings, maintenance of public views, parking and vehicle circulation, pedestrian circulation and safety. Exemptions to the regulations include maintenance of existing structures (repairs, minor alternation, exterior architectural modifications that do not substantially alter the building/structure, interior modification that do not change the use of building/structure, changes in use permitted by the Village District regulations).

The proposed regulations establish design principles and standards that can be reviewed within the agenda packet.

### **Communication:**

In researching this proposal, I notified the adjacent municipalities in the South Central Region.



# CITY OF WEST HAVEN, CONNECTICUT

## Planning and Development Department

City Hall | 355 Main Street | First Floor West Haven, Connecticut 06516-0312  
Phone 203.937.3580 Fax 203.937.3742



August 15, 2019

# RECEIVED

TO: **South Central Regional Council of Governments**  
State of CT DEEP

AUG 15 2019

**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS**

RE: Planning and Zoning Application # ZR 19-038

The City of West Haven hereby refers the following application to your agency for your review, in accordance with Sections 8-3b, 8-3h, 8-7d, 22a-104 and 22a-113p of the Connecticut General Statutes and Section 86 of the West Haven Zoning Regulations:

Text Change Application – West Haven Planning and Zoning Commission – File # ZR-19-038

- Applicant proposes to add a new Section 21 to the Zoning Regulations to create a new Village District Regulation, pursuant to Sections 8-2 and 8-2j of the Connecticut General Statutes and Section 86 of the City of West Haven Zoning Regulations.

The West Haven Planning and Zoning Commission plans to hold a special public hearing on this application on Thursday, September 19, 2019 at 7:00 PM in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT.

Copies of the proposed amendments are enclosed for your review. Please submit any comments on the proposed application by the date of this public hearing. Thank you for your assistance. Please contact me if you have any questions on this application.

Sincerely,

David W. Killeen  
Assistant City Planner



## **SECTION 21. Village District**

### **21.1 Purpose**

The Village Districts act, passed by the Connecticut General Assembly in 1998, is an aggressive tool to help municipalities protect and preserve their community character and historic development patterns. The enabling statute allows cities and towns to designate “village districts” as a way of preserving neighborhoods, village centers, and business districts that have distinctive community character, notable landscape features, and historic structures.

The purpose of this Village District Overlay (VDO) is to protect the distinctive character, landscape, and historic structures and development pattern within this overlay area while encouraging a mixed use, walkable district that is attractive to residents, employees, and visitors. New construction or substantial rehabilitation in the VDO should be compatible with the existing character of the district and reinforce both the existing development patterns and the connections to the area.

An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional standards or criteria for properties in addition to those of the underlying zoning district.

### **21.2 Authority**

These regulations are enacted pursuant to C.G.S. §§ 8-2 and 8-2j, as amended, to protect the distinctive character, landscape, and historic structures within the West Haven Village District (WHVD) assuring that new construction, demolition, renovations substantial reconstruction, and rehabilitation of property or properties within the WHVD will be in keeping with the established architectural features, scale and character of the district. The WHVD shall be an overlay district, the regulations of which shall be in addition to the regulations to the underlying zone districts.

### **21.3 Scope and Applicability**

#### **1. Village District Boundaries**

The Village District Overlay (VDO) is an overlay zone which is established by a Change of Zone approved by the Planning and Zoning Commission (under Section 86 of the Zoning Regulations currently). Once established, the Village District Overlay (VDO) zone may be extended or modified by approval of subsequent Change(s) of Zone by the Planning and Zoning Commission.

#### **2. Applicability**

These regulations and appropriate reviews apply to the following activities: new construction, renovations, changes in façades (alterations to existing building facades such that the appearance of the building changes), substantial reconstruction, or rehabilitation of any structure, property or properties in public view within the VDO. The scope of the application of these regulations includes:

- I. The design and placement of buildings;
- II. The maintenance of public views, which includes the size and placement of signs;
- III. Parking and vehicular circulation;
- IV. Pedestrian circulation and safety;
- V. The design, paving materials, and placement of public roadways
- VI. The uses of buildings and structures, as well as any other element or aspects that the Planning and Zoning Commission deems appropriate in order to protect the distinctive character of the VDO.

**c. Applicable projects**

- I. Construction of buildings, structures, and accessory structures, including additions and alterations to existing buildings and structures, resulting in an increase in gross building floor area of more than one-thousand (1,000) square feet or an increase in building area coverage of more than five hundred (500) square feet.
- II. Construction, reconstruction or alteration of a building façade, including signage, that exceeds thirty percent (30%) of the vertical plane area of any façade or portion of façade visible from within the Village District from any public street roadway, public pedestrian walkway or park.
- III. Construction of new or modification of existing driveways, parking areas, outside storage, signage, lighting, landscaping, fences, walls, pedestrian walks and terraces, and related site features, that exceeds two thousand (2,000) square feet or thirty percent (30%) of site area.

**d. Exemptions**

The following projects and activities shall be exempt from review under the VDO section of the zoning regulations. This is maintenance of existing structures and not replacement/renovation.

- i. Repairs, minor alterations, and maintenance of an existing residential structure, as well as exterior steps, walkways and driveways. These minor repairs, alterations and maintenance include replacing roof shingles or other forms of roofing, adding windows, shutters, siding, stonework, brickwork, utility services, fencing, or other changes in structure's features that do not result in a significant impact on the design, function, architectural character or visual appearance of the structure;
- ii. Exterior architectural modifications that do not substantially alter the existing height, bulk, or façade of an existing building or structure (with the exception of non-enclosed decks);
- iii. Interior modifications that do not result in the change in use of the building.
- iv. Changes in use of a building or structure to a permitted use in the VDO Zone, requiring no change in the building exterior or site not otherwise exempt.

**21.4 Design Principles**

The following Design Principles shall apply to new construction and substantial reconstruction and rehabilitation of properties within the Village District. These Design Principles are consistent with the legislative requirements of CGS § 8-2j.

- a. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, and the terrain in the district and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
- b. All spaces, structures and related site improvements visible from public roadways, public spaces, walkways, and bikeways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.
- c. The color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping.
- d. The removal or disruption of historic traditional or significant structures or architectural elements shall be minimized.
- e. The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district.



- f. Proposed streets shall be connected to the existing district road network, wherever possible.
- g. Open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting.
- h. Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the district shall be integrated into the site design.
- i. The landscape design shall complement the district's landscape patterns.
- j. The exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings.
- k. The scale, proportions, massing, and detailing of any proposed building shall be in proportion to the scale, proportion, massing, and detailing in the district.

## 21.5 Design Standards

The following design standards shall apply to new construction, substantial reconstruction and rehabilitation of properties, and changes that alter the exterior appearance of buildings within the Village District and in view from public streets, public spaces, walkways, or bikeways. Where applicable, these standards are designed to supplement existing regulations in the Zoning Regulations.

### a. Building Placement and Orientation

- i. **Building Placement** - Building placement shall respect existing patterns of building placement for the street on which they are located and define the edges of streets and public spaces. The individuality of the building shall be subordinated to the overall continuity of the streets and public spaces. Buildings shall be placed to conceal parking at the interior or rear of building lots.
- ii. **Building Setbacks** - Infill buildings shall match the setback from the front lot line of the immediately adjacent buildings. If the setbacks do not match, the infill building may match one or the other, or may be an average of the two setbacks. *See Figure A.*

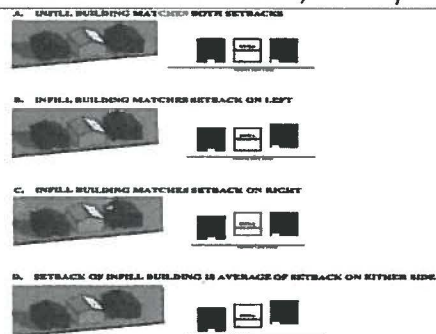


Figure A - Building Setbacks

- iii. **Building Orientation** - Buildings shall be oriented with the primary building façade(s) facing the primary street frontage(s) of the site. Building massing and façades shall be designed to frame streets and public spaces to provide a sense of spatial enclosure and to define street edges. Building entrances, storefronts and windows shall be oriented to the primary street(s) with transparency to streets and public spaces.
- iv. **Design Treatment of Edges** - Buildings that are not physically adjoined to abutters shall treat side yards and the spaces between buildings in a manner consistent with existing patterns of use, in terms of setbacks and use. Landscaping shall be used to define street edges and to buffer and screen edges that may have a negative visual impact, such as

parking or loading areas. Access driveways and curb cuts using side yards may be combined between adjoining properties to access parking for multiple buildings at the interior of the block.

**b. Building Massing and Form**

- i. **Relationship to Existing Context** -Building massing, form, and scale shall be complementary to and respectful of the patterns of existing buildings in the immediate vicinity. *See Figure B.*



Figure B – Relationship to Existing Context

- ii. **Building Form** - The shape and massing of new and renovated buildings shall provide a balance among building height, story-height, building width and block width. The shape and massing of the building shall complement the abutting structures and define the edges of streets and open spaces. *See Figure B.*
- iii. **Scale** - The scale of proposed new or substantially rehabilitated buildings shall be compatible with the surrounding architecture and landscape context. Elements that may help to relate building massing proportionally shall include: articulated building bases through a change in material or color; placement of windows in a regular pattern; articulation of building entries with canopies, porches or awnings, and façade and roof projections (such as bay windows or dormers).
- iv. **Proportion** - The proportions of building elements shall be generally compatible with existing structures and the features and components of the façade.
- v. **Height** - Infill buildings visible from public streets, public spaces, walkways, or bikeways shall continue the patterns of height of adjacent existing properties. Where the discrepancy between the proposed height and existing height patterns is greater than ten feet, the Joint Committee shall review design proposals with the Applicant for context sensitivity based upon the following: articulation of façade; building mass, scale, bulk and proportion; or other building massing considerations.
- vi. **Building Roofs** - Roofing materials visible from public streets, public spaces, walkways, or bikeways shall be of high quality and durable, including, but not limited to: slate, copper, ceramic slate tile, clay tile, concrete tile, or ribbed metal or architectural asphalt shingle. Flat horizontal roofs are exempted from this standard. Roofing materials shall



not call undue attention to the roof itself with bright or contrasting colors, unless historically documented. Building mechanical equipment and solar panels located on building roofs, sites, or other locations shall be not be visible from the street.

### c. Building Façades

- i. **Façade Design and Relationship to Existing Context** - The façade, or primary building elevation, of new construction or substantial rehabilitation shall be compatible with the façade design of neighboring buildings so as to create continuity across projects and the street edge. Primary building façades with frontage along the street shall be sensitive to the existing context of building façades along that street. At least two of the following design elements should be repeated in adjacent buildings, excluding parking structures: design treatment at the ground level, relative location and size of doors, window style and proportions, location of signs, dominant façade material, dominant color, bay window style, and roof form. There shall be a direct vertical correspondence between the design of the façade of the upper floors and the ground level retail façades. New construction and substantial rehabilitation of properties adjacent to public open spaces shall be oriented to define the edges of those open spaces and provide a transparent ground floor to activate the public space. *See Figure C.*



Figure C - Façade Design and Relationship to Existing Context

- ii. **Placement and Treatment of Entries** - Entrances shall be oriented to the primary street frontage and address the street with an active and welcoming entry composition that is integrated into the overall massing and configuration of the building form. Building and shop entrances shall be recessed to a minimum depth equal to the width of the door to prevent doors from swinging into the sidewalk. Building entries may add components to the building façade such as storefronts, canopies, porches, and stoops and shall provide a high level of visibility and transparency into ground floor uses. *See Figure D.*



Figure D – Placement of Treatment of Entries

- iii. **Façade Materials** - Materials shall be selected to be compatible with or complementary to the Village District. Materials on the façade that are subject to deterioration (plywood or plastic) shall be avoided or removed and replaced. Building façade exterior materials,

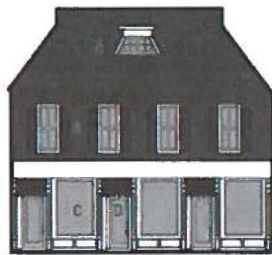
including architectural trim and cladding, shall be of high quality and durable, including but not limited to: stone, brick, wood, metal, glass, sustainable cement masonry board products and integrated or textured masonry. Uninterrupted, multi-level glazing may not be used as a primary façade design treatment. Repairs and alterations must not damage or destroy materials, features or finishes that are important in defining the building's historic character. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- iv. **Roof Parapet and Cornice Lines** - Building cornice lines shall be maintained, preserved or recreated to define building façades and create façade components consistent with historic parapet or cornice lines as originally designed and built in Village District. See *Figure E*



Figure E – Roof Parapet and Cornice Lines

- v. **Proportion and Pattern of Windows** - Original window patterns and openings shall be preserved or restored, including conservation and repair to preserve historical details, in the redevelopment of existing structures. New construction shall acknowledge and respond to existing adjacent window patterns in proportion, scale, rhythm and number of openings. See *Figure F*



A: Decorative Window  
B: Typical Pattern for Second Story  
C: Ground Floor Display Windows  
D: Inset Glazed Doors

Figure F – Proportion and Pattern of Windows

- vi. **Transparency** - Building façades facing the principal street or public open space shall have at least 25% of the overall façade in transparent windows and at least 40% of the ground floor façade in transparent windows. Along the secondary façades that face pedestrian alleys or connections, façades must achieve at least 15% transparency. Windows on the ground floor of the primary façade shall not be mirrored or use tinted glass or be obstructed by curtains, shades, or blinds. See *Figure G*.

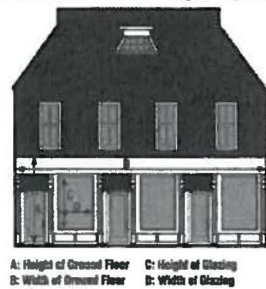


Figure G

Figure G - Transparency

- vii. **Awnings and Signage** - Awnings and signs may not obscure important architectural details by crossing over pilasters or covering windows. Multiple awnings or signs on a single building shall be consistent in size, profile, location, material, color and design. On multi-tenant buildings the awnings and signs shall be allowed to vary in color and details, but shall be located at the same height on the building façade. *See Figure H.*

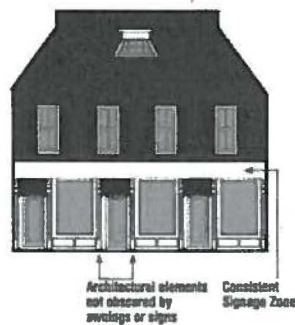


Figure H – Awnings and Signage

#### d. Landscape

- i. **Landscape Use and Orientation** - Landscape features shall shield negative views and define edges, and frame streets and public spaces. Plantings shall not obscure site entrances and exit drives, access ways, or road intersections or impair visibility of commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor and adequate height clearances for sidewalk circulation. Site and landscape features shall be integrated with the design of new construction and reflect a coordinated site and building design.
- ii. **Open Spaces** - Landscape features shall shield negative views and define edges, and frame streets and public spaces. Plantings shall not obscure site entrances and exit drives, access ways, or road intersections or impair visibility of commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor and adequate height clearances for sidewalk circulation. Site and landscape features shall be integrated with the design of new construction and reflect a coordinated site and building design.
- iii. **Site and Street Edges** - Landscape features shall shield negative views and define edges, and frame streets and public spaces. Plantings shall not obscure site entrances and exit drives, access ways, or road intersections or impair visibility of commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor and adequate height clearances for sidewalk circulation. Site and landscape features shall be



integrated with the design of new construction and reflect a coordinated site and building design.

- iv. **Rain Gardens** - Rain gardens may be provided as a contributing element of the site drainage, and integrated into the overall site. The plantings should be well adapted to wetland edge environments, including grasses, hedges, shrubs, or trees that tolerate intermittent wet conditions and extended dry periods. The design should prevent long-term standing water that would damage the plantings.

#### e. Parking

- i. **Parking Placement** - Parking shall be located at the interior of blocks, behind buildings, or at the rear of sites, away from prominent site edges, public spaces, and streets. See Figure I.

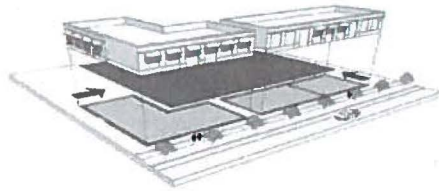


Figure I – Parking Placement

- ii. **Screening and Landscaping** - Parking areas shall be separated from the street with landscaped buffers of between five feet and eight feet in width. Parking areas on secondary streets may also be screened by other site components, including fences, gates, walls, permanent planters, or hedges. Landscaped medians shall be provided between parking spaces to break up the impervious surfaces and mitigate the visual impact of parking. No landscape island shall be less than 6' wide with a minimum width of 10' is required for planting strips with trees. See Figure J.



Figure J – Screening and Landscaping

Figure J

- iii. **Structured Parking** - Structured parking, where provided, shall be at the interior of a block, surrounded on visible edges by active uses to avoid inactive street edges created by the parking structure. Alternatively, the structured parking could be arranged such that the ground floor area facing the main street is available for commercial space.
- iv. **Curbs and Curb Cuts** - Granite curbs shall be used to protect planting areas and to define sidewalks, walkways, and parking area edges. Curb cuts shall be minimized and combined whenever possible. Every curb cut shall provide a continuous and uninterrupted pedestrian walkway.

#### f. Streetscape and Sidewalks

- i. **Pedestrian Access** - New construction and public infrastructure improvements shall reinforce a network of continuous, convenient and safe pedestrian connections along sidewalks to and from all pedestrian entrances of all garages, parking lots and parking structures and all public, resident, and employee entrances to every building. Sidewalks and pedestrian paths should incorporate appropriate lighting, street furniture, landscaping, and signage consistent with the Village District. The network should not include streets or spaces that are primarily used for vehicular connections, deliveries and services.
- ii. **Sidewalk Configuration** - Sidewalks shall have a minimum unobstructed width of 4'-0". Sidewalks shall be widened to accommodate street trees, landscaping, and outdoor furnishing and amenities. Sidewalks shall be continuous and uninterrupted at driveways and curb cuts to reinforce priority for pedestrians. *See Figure K.*

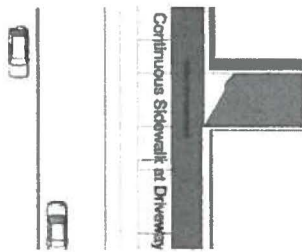


Figure K – Sidewalk Configurations

- iii. **Special Paving** - Unit pavers may be used to enhance the character of sidewalks, pathways, and plazas. Existing brick or pavers shall be maintained or replaced and shall be introduced if adjacent sidewalks are brick. When employed, unit pavers should be selected and set in a manner that limits uneven surfaces or joints that would become an impediment to accessibility. An acceptable method includes providing a sub-base of wire-mesh reinforced concrete below the setting bed, and mortared joints. *See Figure L.*



Figure L – Special Paving

- iv. **Passageways** - Passageways through buildings that connect the principal streets to parking shall include displays relevant to adjacent businesses, public art, and/or wayfinding signage related to the Village District and lighting that provides a safe environment for pedestrians.
- v. **Street Furniture** - Permanent street furniture including light fixtures, benches, bike racks, trash and recycling receptacles, and newspaper stands shall be integrated with street and sidewalk circulation to ensure adequate clearances, access and convenience of the location of these amenities. Street furniture shall be clustered at convenient locations that are plainly visible and accessible and must be located such that the minimum 4'-0" sidewalk clearances are maintained.

- vi. Public Art** - Public art may be used to define and punctuate public spaces. Art installations shall maintain clearances in public spaces, and be constructed of materials that are durable, easily maintained and that do not present safety hazards.

#### **21.6 Design Review Process**

An architect or architectural firm, contracted by the Commissioner of Planning and Development and/or designate as its consultant for the application, must conduct the reviews and submit its recommendations to the Planning and Zoning Commission within 35 days after the commission receives the application. The consultant's report must be entered into the public hearing record and the commission must consider it in making its decision.

The Planning & Zoning Commission is the governing body with regards to approval/denial of applications. In addition to the report of the architectural review noted above the commission may seek recommendations of any city agency or regional council or outside specialist. Any and all reports or recommendations shall be entered into the public hearing records.

If the commission grants or denies an application, it shall state upon the record the reasons for its decisions. If the commission denies an application, the reason for the denial shall cite the specific regulations under which the application was denied. Notice of the decision shall be published in the newspaper as do all other decisions by the commission.

## **Referral 2.2: City of Milford**

### **Subject:**

Proposed Zoning Regulation Amendments pertaining to Electronic Digital Billboard Signs

### **Staff Recommendation:**

The proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

### **Background:**

The City of Milford has proposed zoning regulation amendment revisions to Sections 5.2.1, 5.2.5, 5.3.6, and 11.2.

In Section 5.2.1, language is proposed to exempt electronic digital billboard signs from the provisions of Section 5.2, except as provided in Section 5.2.5. The proposed Section 5.2.5 details standards applicable to electronic digital billboard signs, including illumination and measurements. A 14' by 48' sign cannot exceed 0.3 foot-candles of illumination over ambient light levels as measured by a foot-candle meter from a distance of 250 feet perpendicular to the sign face (certified by a licensed architect or engineer). A table of alternative measuring distances and the prescribed foot-candle levels can be reviewed in the agenda packet.

Proposed Section 5.3.6 details the eligibility standards for electronic digital billboards. The signs would be allowed in the following zoning districts LI, CDD-1, CDD-3, CDD-5, ICD and ID.

The signs are subject to a zoning permit and several additional conditions.

Additional conditions include the following: limited to the conversion from existing conforming and legally non-conforming advertising signs; ground signs located on real property, which abut the non-access highway line of the I-95 or an access ramp or ROW of the I-95; compliance with Section 5.2.5; illuminated display facing I-95 (90 degrees or less) and located no more than 200 feet from the I-95. Section 11.2 adds a definition for the electronic digital billboard sign.

The applicable zones along the I-95 are within 500 feet of the Town of Orange and City of West Haven.

### **Communication:**

In researching this proposal, I notified the adjacent municipalities in the South Central Region.





# City of Milford, Connecticut

Founded 1639  
70 West River Street ♦ Milford, Connecticut ♦ 06460-3317  
[www.ci.milford.ct.us](http://www.ci.milford.ct.us)

Department of Permitting  
and Land Use

David B. Sulkis,  
City Planner

## Zoning Regulation Amendment #17-12

**TO:**

X
X
X
X
X
X
X

 South Central Regional Council of Governments  
Greater Bridgeport Regional Planning Council  
City Attorney, City of Milford  
State of CT DEEP  
City of West Haven, City Clerk  
Town of Stratford, City Clerk  
Town of Orange, City Clerk

**FROM:** David B. Sulkis, City Planner/DBS

**DATE:** 4/9/18; Revised 10/8/2018; Reintroduced 8/6/19

**RE:** **Proposed Zoning Regulation Text Revision to Sections 5.2.1, 5.2.5, 5.3.6, 11.2**

In accordance with Milford Zoning Regulations 10.3 and CT General Statute's 8-3b and 22a-104, the distribution of the following proposed regulation changes is submitted for your agency's review and comment. Please provide this office with acknowledgment of your receipt of this memorandum and provide your comments or approval within 35 days of the above date.

### **EXISTING TEXT:**

**5.2.1 General Purpose:** This regulation of outdoor lighting applies to both permanently installed outdoor light fixtures and temporary installation of lighting for special events (i.e. carnivals, grand openings), and is necessary to prevent misdirected or excessive artificial light, caused by inappropriate or misarranged light fixtures that produce direct glare, light trespass, and also that such regulation is necessary to improve or maintain nighttime public safety, utility and security.

### **PROPOSED TEXT: (Changes indicated in bold italicized text)**

**5.2.1 General Purpose:** This regulation of outdoor lighting applies to both permanently installed outdoor light fixtures and temporary installation of lighting for special events (i.e. carnivals, grand openings), and is necessary to prevent misdirected or excessive artificial light, caused by inappropriate or misarranged light fixtures that produce direct glare, light trespass, and also that such regulation is necessary to improve or maintain nighttime public safety, utility and

security. *Electronic Digital Billboard Signs shall be exempt from the provisions of this section 5.2., except as provided in Section 5.2.5.*

*(NEW) 5.2.5 – Electronic Digital Billboard Signs shall conform to the following standards in lieu of providing a Lighting Plan as set forth in section 5.2.4:*

- 1. Illumination produced by an Electronic Digital Billboard Sign with a face size of 14' x 48' shall not exceed 0.3 foot-candles of illumination over ambient light levels as measured by a foot-candle meter from a distance of 250 feet perpendicular to the Sign face as certified by a licensed architect or engineer.*
- 2. Measurements shall be taken as close to perpendicular to the face of the Electronic Digital Billboard Sign face as practical.*
- 3. If site conditions will not allow measurements from 250', or in the event it is found not to be practical to measure the foot-candle level of a Digital Billboard Sign at the 250' distance prescribed above, a measurer may opt to measure the Sign at any of the alternative measuring distances described in the table set forth below. In the event the sign measurer chooses to measure the Sign using an alternative measuring distance, the prescribed foot-candle level above ambient light shall not exceed the prescribed levels, as certified by a licensed architect or engineer, based on the alternative measuring distances set forth in the following table:*

<u><i>Alternative Measuring Distance</i></u>	<u><i>Prescribed Foot-Candle Level</i></u>
<i>100</i>	<i>1.88</i>
<i>125</i>	<i>1.2</i>
<i>150</i>	<i>0.83</i>
<i>200</i>	<i>0.47</i>
<i>250</i>	<i>0.3</i>
<i>275</i>	<i>0.25</i>
<i>300</i>	<i>0.21</i>
<i>325</i>	<i>0.18</i>
<i>350</i>	<i>0.15</i>
<i>400</i>	<i>0.12</i>

*(NEW) 5.3.6(A) – Electronic Digital Billboard Signs.*

*5.3.6(A) – Electronic Digital Billboard Signs in LI, CDD-1, CDD-3, CDD-5, ICD and ID Zoning Districts:*

*Subject to all other provisions and limitations of these Regulations, Electronic Digital Billboard Signs shall be allowed in LI, CDD-1, CDD-3, CDD-5, ICD and ID Zoning Districts, subject to a zoning permit and the following additional conditions and safeguards. Electronic Digital Billboard Signs shall:*

- 1. Be limited to the conversion from conforming and legal non-conforming Commercial Advertising Signs existing as of the effective date of this Regulation to an Electronic Digital Billboard Sign provided that there is no increase in the non-conformity including but not limited to height, distance, size and location requirements.*
- 2. Be erected as a ground sign and located on real property in the LI, CDD-1, CDD-3, CDD-5, ICD and ID Zoning Districts, which abuts the non-access highway line of the I-95 road system or an access ramp or Right of Way with respect thereto (hereinafter collectively the "I-95 Corridor").*
- 3. Comply with the provisions of section 5.2.5.*
- 4. Have the illuminated display facing the I-95 Corridor at an angle of 90 degrees or less at the point nearest the sign structure.*
- 5. Have the illuminated display located no more than a distance of 200 feet from the I-95 Corridor.*
- 6. Except as specifically set forth in this subsection, the restrictions in Sections 5.3.7.9 and 5.3.7.16 shall continue in full force and effect. Electronic Digital Billboard Signs shall not be considered "flashing signs or advertising devices" or "Electronic message signs" for the purposes of these Regulations.*
- 7. Subject to the requirements of this section, V-Type Commercial Advertising Signs and/or Back to Back Commercial Advertising Signs (where they currently exist on the effective date of this regulation) shall be allowed under the definition of Electronic Digital Billboard Signs, notwithstanding anything else in these regulations to the contrary.*

Article XI Definitions; Section 11.2 OTHER TERMS:

**(NEW) Signs, Electronic Digital Billboard.** *An Electronic Digital Billboard Sign is a billboard that displays digital images that are changed remotely. Electronic Digital Billboard Signs shall conform to the following:*

- 1. Change content no more frequently than once every ten (10) seconds;*
- 2. The static display shall not move, appear to move or change in intensity;*



3. *Must automatically adjust the brightness not to exceed 0.3 foot-candles above ambient light conditions measured at a distance of 250', or must meet the foot-candle level prescribed for Alternative Measuring Distance, as prescribed in Section 5.2.5;*
4. *Must have an ambient light sensing device installed on the sign structure that will adjust the brightness as ambient light conditions change;*
5. *Must utilize dimming software; and*
6. *Light produced by an Electronic Digital Billboard Sign with a face size of 14' x 48' shall not exceed 0.3 foot-candles over ambient light levels measured at a distance of 250', or must meet the foot-candle level prescribed for Alternative Measuring Distance, as prescribed in section 5.2.5.*

**(NEW) Signs, LED Display.** *A flat panel display which uses an array of light-emitting diodes as pixels for a static visual display.*

**(NEW) Signs, Commercial Advertising, V-Type.** *A structure with two (2) sign faces forming the shape of the letter "V" when viewed from above, with an angle between the two faces of not more than 60 degrees.*

**(NEW) Signs, Commercial Advertising, Back to Back.** *A structure with two (2) parallel sign faces oriented in opposite directions.*

### **REASON FOR CHANGE:**

To allow modernization and conversion of existing conforming and legal non-conforming billboards abutting the I-95 Corridor to Electronic Digital Billboard Signs.

A petition for substantially the same change in regulations has previously been filed:

Yes \_\_\_\_\_ No X If yes, date of hearing: [date]

This regulation change is proposed by:

Petitioner: Mr. Dominick DeMartino through his agent Kevin J. Curseaden, Esq.

Cc: James Quish, Chairman, P & Z  
Joseph D. Griffith, Director,  
DPLU

## **Referral 2.3: Town of East Haven**

### **Subject:**

Proposed Zoning Regulation Amendments to add Section 37A – Affordable Housing Development District

### **Background:**

A private applicant has proposed Section 37A – Affordable Housing Development District in the Town of East Haven. The proposed amendments include the applicable definitions associated with the “Affordable Housing Development (AHD)”. A minimum of 30% of the units must be deed restricted as affordable units in accordance with the provisions of the Connecticut General Statutes, the restrictions will need to be in place for a minimum of 40 years.

The qualifying standards for the zone change to an AHD include location in R-3 or R-5 Zone, 60’ frontage on State highway 80, served by public water and by state or municipally approved private sanitary sewers or public sanitary sewers, site is between 10 and 75 acres. The proposed regulations include sections on procedures and approval for an AHD Zone Change. The procedures associated with with an AHD Application are included with the proposed amendments. The procedures require, but are not limited to, an A-2 survey map, site development plan, report by a licensed traffic engineer, summary of proposed number of dwelling units, map depicting topography at two foot contour intervals, flood plain, flood hazard, wetland areas and watercourses, report by professional engineer addressing characteristics of the surface water flow and/or drainage, feasibility or final approval from the GNHWPCA, and an affordability plan.

The maximum number of dwelling units per buildable acre is ten, if a greater number is proposed an economic analysis is required. The minimum setbacks for the buildings are 50 feet, the maximum height is five livable stories above finished grade, and the maximum lot coverage is 40%. The parking spaces are to be a minimum of 9’ by 18’ and 1.5 parking spaces per unit is required. Open space is required to be suitably landscaped and readily usable for circulation, parking, recreation, for the residents and/or for conservation.

The proposed AHD may potentially be located within 500 feet of the Town of North Branford.

### **Communication:**

In researching this proposal, I notified the adjacent municipalities in the South Central Region.

**TOWN of EAST HAVEN**  
**APPLICATION for ZONE and/or TEXT CHANGE**

DATE RECEIVED \_\_\_\_\_ FEES SUBMITTED \_\_\_\_\_

TYPE OF APPLICATION BEING SUBMITTED:

- [A] Zone Change [ ]  
[B] Text Change New - [x] Modified - [ ]  
[C] Planned Development District [ ]  
[D] Office Campus District [ ]  
[E] Planned Elderly Facilities District [ ]

The undersigned applicant hereby petitions the East Haven Planning and Zoning Commission to hold the required Public Hearings and to consider the following ZONE Change [ ] ... TEXT Change [x] .. If the petition is for a TEXT change attach the proposed TEXT change to this application. If the petition is for a ZONE change; it is to change the Existing \_\_\_\_\_ Zone to a proposed \_\_\_\_\_ Zoning district on the following parcels of land

[1] Applicant's name: The Bluffs, LLC

[2] Applicant's address: 218 Foxon Road, East Haven, CT 06513

[3] Applicant's phone: c/o Bernard Pellegrino (203)787-2225

[4] Subject parcel(s)  
map# \_\_\_\_\_ block # \_\_\_\_\_ parcel # \_\_\_\_\_  
map# \_\_\_\_\_ block # \_\_\_\_\_ parcel # \_\_\_\_\_  
map# \_\_\_\_\_ block # \_\_\_\_\_ parcel # \_\_\_\_\_

[5] Present Zoning District: \_\_\_\_\_ Minimum Lot Size in Present Zone \_\_\_\_\_

Proposed Zoning District: \_\_\_\_\_ Minimum Lot Size in Proposed Zone \_\_\_\_\_

Size of Parcel being petitioned for a zone change {-include Assessor's card[s] for all parcels included in the proposed change}.

Is Assessor's [field] Card attached to this petition? Yes [ ] No [ ]

[6] The proposed U S E of the subject parcel is: \_\_\_\_\_  
\_\_\_\_\_ in accordance with

Section: Add Section 37A of the East Haven Zoning Regulations.

**TOWN of EAST HAVEN**  
**APPLICATION for ZONE and/or TEXT CHANGE**

[7] How will the proposed Zone Change and/or Text Change relate to the Town of East Haven's Plan of Development? See Attached

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[8] The applicant believes that this Zone Change and/or Text Change will be beneficial to the Town of East Haven for the following reasons: See Attached

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[9] The following questions must be answered completely. The Applicant is responsible for adherence to the appropriate State and/or Federal Agencies (unless otherwise indicated)

[9a] Is the proposed Zone and or Text Change affecting land, or it's use within 500 feet of a Town line [C.G.S. 8-3b] ? Yes ☒ No ☐  
{Town makes notification to the Municipality and to the Regional Planning Agency}

[9b] Is the proposed Zone Change affecting land or it's use within 500 feet of a Town Line...or...will it have a significant impact on another Municipality [traffic, drainage etc.] [C.G.S. 8-3h] Yes ☐ No ☐ {Town makes notification} N/A

[9c] Will the proposed Zone and/or Text Change result in a **subdivision** within 500 feet of a Town Line? [C.G.S. 8-26b] Yes ☐ No ☒ {Town makes notification}

[9d] Will the proposed Zone and/or Text Change result in a **subdivision** within 500 feet of a Town Line...or...will it have a significant impact on another Municipality? [traffic, drainage, etc.] [C.G.S. 8-26f] Yes ☐ No ☒ {Town makes notification}

[9e] Will the proposed Zone and/or Text Change have any type of effect on anything within the COASTAL AREA BOUNDARY [C.G.S. 22a-104e] If so, contact the TOWN ENGINEER for a CA.M. [Coastal Area Management] Report. ~~No~~ Yes

[9f] Will the proposed Zone and/or Text Change result in a Site Plan requiring a Coastal Site Plan Review [C.G.S. 22A-105]; if so, contact the TOWN ENGINEER. ~~No~~ Yes

[9g] Will the proposed Zone and/or Text Change result in the creation of any SHORELINE FLOOD and EROSION CONTROL STRUCTURES [C.G.S. 22a-109d], if so, contact the TOWN ENGINEER. ~~No~~ Yes

[9h] Will the proposed Zone and/or Text Change affect an area of INLAND WETLANDS and/or WATERCOURSE; if so, contact the TOWN ENGINEER. ~~No~~ Yes

Attachment to Application for Text Change for  
The Creation of an Affordable Housing Development District (AHDD)

The applicant hereby requests that the Commission amend its zoning regulations to add the proposed Section 37A for the creation of an AHDD.

The requested text change would permit the development of an AHDD on eligible sites in the Town of East Haven. The proposed text change will permit the development of such developments with the goal of increasing the availability of affordable housing in Town while at the same time protecting the substantial public interest of health, safety and welfare.

The requested text change reasonably addresses the need for such housing as set forth in the Town's Plan of Conservation and Development (POCD). The Town does not meet the State's 10% exemption for affordable housing as required under Connecticut General Statutes Section 8-30g.

The applicant believes that this text change will be beneficial to the Town because it will permit the reasonable development of affordable housing developments which will increase the Town's affordable housing stock, which need is not outweighed by any substantial public interests that would be negatively affected if this application is not approved.

For all of the foregoing reasons the applicant respectfully requests that the Commission look favorably upon this application.

## **SECTION 37A AFFORDABLE HOUSING DEVELOPMENT DISTRICT**

### **37A.1 Purpose.**

The purpose of the Affordable Housing Development District is encourage affordable housing in the Town of East Haven by providing opportunities for a diversity of housing types and sizes, consistent with soil types, terrain, infrastructure capacity and available services. A minimum of thirty percent (30%) of the units must be deed restricted as affordable units in accordance with the provisions of Connecticut General Statutes Section 8-30g. The deed restrictions shall be for a minimum of forty (40) years.

This Section shall detail the procedures and criteria for approval of an Affordable Housing District Zone Change Petition and approval of an Affordable Housing Development.

### **37A.2 Definitions.**

**37A.2.1** An "Affordable Housing Development" ("AHD") is a residential development which meets one or more of the following criteria:

- A) It is "assisted housing" which means that it is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code; or
- B) It is a "Set-aside development" which means a development in which not less than thirty per cent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent of the median income. In a set-aside development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than fifteen per cent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty per cent of the median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty per cent of the median income;

**37A.2.2** An "Affordable Housing District" ("AH District") is an overlay zoning district within which Affordable Housing Developments are permitted in accordance with the requirements set forth in this Section 37A.

**37A.2.3** A "Market Rate Dwelling Unit" is a dwelling unit with a purchase or lease price that is not restricted by the terms, conditions and requirements of this Section and is set by the private real estate market.

**37A.2.4** An "Affordable Housing Dwelling Unit" is a dwelling unit that is restricted in price so as to be affordable to households earning no more than eighty percent (80%) or sixty percent (60%) , as applicable, of the area median household income as calculated by the U.S. Department of Housing and Urban Development (HUD).

### **37A.3 Qualifying Standards For An Affordable Housing District Zone Change.**

**37A.3.1** No tract of land shall be considered for an AH District Zone Change unless it meets the following minimum qualifying standards:

- 1) The tract is located within the R-3 or R-5 zone.
- 2) The tract shall have a minimum of 60' of frontage on a State Highway 80. In addition to frontage on the foregoing road, the tract may have access on other roads if the Planning and Zoning Commission finds traffic conditions warrant it.
- 3) The site is served by public water and by state or municipally approved private sanitary sewers or by public sanitary sewers.
- 4) The site is not less than 10 acres nor more than 75 acres.

### **37A.4 Procedure for an Affordable Housing Zone Change Petition.**

**37A.4.1** The applicant shall submit the original plus six (6) copies of an AH District Zone Map Change Petition and of the submittals required by Section 37A.4.2 of these Regulations to the Commission in conformity with the requirements of Section 37A.4.2 and Section 58 of these Regulations. Where the submittal requirements of Section 58 & Section 37A differ, the submittal requirements of Section 37A shall control.

**37A.4.2** The following documents, reports, and maps shall accompany the AH District Zone Map Change Petition:

- A) A map drawn to a scale of not smaller than 200 feet to the inch, covering the area of the proposed change and all area in the Town



within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines and the names and addresses of the current property owners as indicated in the East Haven Assessor's records.

- B) A conceptual site plan of the tract that is the subject of the Zone Change Petition drawn to a scale of not less than 100 feet to the inch containing the following information:
  - a) The approximate location of each of the areas to be used at the site and their intended purpose (residential, Open Space, recreational, parking, etc.).
  - b) Proposed density of the site, delineated in units per acre.
  - c) The proposed percentage of Affordable Housing Units.
- C) **Fee.** A check made payable to the Collector, Town of East Haven, Connecticut, for the applicable application fee for a zone change.
- D) An A-2 survey depicting the property area proposed to be changed.

### **37A.5 Approval of an Affordable Housing District Zone Change Petition.**

**37A.5.1** After a public hearing called and conducted pursuant to the Connecticut General Statutes, as amended, the Commission shall approve a petition seeking creation of an AH District unless it finds the following:

- A) Denial of the petition is required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; such substantial public interests clearly outweigh the need for affordable housing; and such substantial public interests cannot be otherwise protected by reasonable changes to the petition; or
- B) The petition would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses or the petition does not propose assisted housing, as defined in Section 37A.2.2 of these Regulations.

**37A.5.2** If the petition is approved, the Commission shall assign the parcel an AH District classification. The effective date of the zone change shall be as fixed by the Commission in accordance with the Connecticut General Statutes, as amended, provided that the applicant provides the Commission with a final zone

change map (prepared in accordance with these Regulations and that map has been stamped and signed by the Commission and filed by the applicant in the office of the Town Clerk. The official zoning map shall be amended accordingly following the effective date of any such zone change.

### **37A.6 Procedure For An Affordable Housing Development Application.**

**37A.6.1** An AHD Application shall be filed in the office of the East Haven Planning and Zoning Commission. The application shall be accompanied by the fee required for a Site Plan Application. Additionally, to the extent that the submittal requirements of Section 37A.6.4 and Section 37A.4.2 (Zone Change Petition) are the same, the applicant is not required to submit duplicate submittals but may use the Section 37A.4.2 submittals to satisfy the requirements of Section 37A.6.4.

**37A.6.2** If the applicant desires to develop the AHD in phases, that request must be set forth in the Site Plan application, and the Commission shall undertake Site Development review for all phases proposed for immediate development, simultaneously with its review of the AHD application.

### **37A.6.3. Affordable Housing Development Application**

The applicant may file an AHD application concurrently with the filing of an AH District Zone Change Petition or after its application for an AH District Zone Change has been approved by the Commission. In addition to the requirements of Section 33, SITE PLAN APPROVAL, the applicant shall submit the following with its AHD Application:

- 1) An A-2 survey map of the entire parcel of land on which the AH Development is proposed showing the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent records of the Town of East Haven Assessor.
- 2) A Site Development Plan at a minimum of 1 inch = 40 feet, including:
  - a) Existing and proposed property lines and the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent Assessor's records.
  - b) Parcel size and dimensions.
  - c) Existing and proposed grade contours at 2 feet intervals.
  - d) Storm drainage, sewage disposal, and water supply facilities.
  - e) The location of each of the areas to be used at the

- site and their intended purpose (residential, Open Space, recreational, parking, etc.).
- f) Locations of existing structures, uses, roads, and other features of the parcel.
  - g) All existing and proposed, public and private, streets, highways, and rights of way; access to and from the existing town roads; proposed parking and loading areas; driveways; and other proposed points of access to residential and nonresidential uses.
  - h) All existing and proposed utilities and connections, including utility terminal boxes.
  - i) The existing and proposed pedestrian circulation system including its interrelationship with the vehicular circulation system, Open Space system, and other areas of common use.
  - j) A landscape plan describing the proposed treatment of the interior and perimeter of the AHD and the materials and techniques to be used, such as trees and/or shrubs, lawn, living screens, berms, fences, and all natural terrain to remain in its natural conditions (such as rocky outcrops, swamps, ponds, open space, etc.).
  - k) Proposed density of the site as authorized by the AH District within which the property is located.
  - l) The proposed percentage of deed restricted affordable housing units and their proposed location.
- 3) A report prepared by a licensed traffic engineer describing the feasibility of proper management of the traffic anticipated from the proposed development, including the adequacy of streets and traffic controls and a description of proposed improvements, if any, to accommodate projected traffic.
  - 4) A written summary of the proposed number of dwelling units broken down by number of bedrooms and the number of Affordable Housing Units, including the calculation used to determine the total number of dwelling units allowed pursuant to this Section 37A.
  - 5) A map showing topography at two (2) foot contour intervals and depicting all flood plain, flood hazard, wetlands areas, and watercourses.

- 6) A detailed map of that part or phase of the entire tract which is proposed for immediate development showing proposed location and building envelope of buildings, other structures, signs, outdoor illumination, and outside storage areas.
- 7) Preliminary building plans detailing the following:
  - a) A typical floor plan.
  - b) Typical elevations (front, back, and both sides). Identical buildings do not require multiple elevations.
  - c) Exterior design standards, including the proposed product types for the buildings and proposed textures and materials.
- 8) A summary table indicating compliance with the qualifying and design standards of these Regulations. The table shall show proposed phasing (if any); the number, type, and size (number of bedrooms, floor area, etc.) of buildings and dwelling units; the number of parking spaces required and provided; square feet and percent of lot area covered by pavement, sidewalks, walkways, and buildings; lot area; frontage; and landscape requirements.
- 9) A written report prepared by a professional engineer addressing the characteristics of the surface water flow and/or drainage anticipated from the proposed development and the proposed means and manner of its disposition, including appropriate sedimentation and erosion controls and detailing all necessary easements.
- 10) A copy of the feasibility approval or final approval issued for the project by the Greater New Haven Water Pollution Control Authority.
- 11) An "Affordability Plan" conforming with Section 8-30g of the Connecticut General Statutes and Section 8-30g-7 of the Regulations of the State of Connecticut Agencies.

### **37A.7 Approval of An Affordable Housing Development Application.**

**37A.7.1** The Commission shall approve an AHD Application unless it finds the following:

- A) Denial of the application is required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; such substantial public interests clearly outweigh the

need for affordable housing; such substantial public interests cannot be otherwise protected by reasonable changes to the application; or

- B) The application would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses; or the application does not propose “assisted housing” or a “set aside development” as defined in Section 37A.2.1 of these Regulations.

**37A.7.2** In determining whether or not to approve the application, the Commission shall consider the following factors:

- A) Whether the application complies with all the requirements of this Section 37A of the Zoning Regulations.
- B) Whether provisions for water, sewerage, and stormwater, are adequate; and do not overburden existing water, sewer, and stormwater drainage facilities on-site or off-site.
- C) If applicable, whether the proposed development violates its aquifer protection approval, if any.
- D) Whether the pedestrian circulation system is adequate for the pedestrian traffic anticipated in the development.
- E) Whether on-site, and resultant off-site, traffic and circulation patterns create traffic safety hazards or substantial traffic congestion within the AHD or at intersections of AHD access drives and existing, public streets.

**37A.7.3** The Commission may attach appropriate modifications to an approval of an AHD Application to assure compliance with this Section 37A and to protect substantial public interests in health, safety, or other matters the Commission is legally authorized to consider which interest is jeopardized by the proposed AHD and which clearly outweighs the need for affordable housing.

**37A.7.4 Affordable Housing Restrictive Covenant:**

- A) As a condition of approval of an AHD Application, the applicant shall be required to execute an “Affordable Housing Restrictive Covenant” complying with Section 8-30g of the Connecticut General Statutes and Section 8-30g-9 of the Regulations of Connecticut State Agencies.
- B) This covenant shall run with the land and be enforceable by the Town of East Haven until released by the Town or until automatically released by operation of the Connecticut General Statutes as amended.

- C) Such restrictions shall also be contained in the lease for rental of Affordable Housing Units.

**37A.7.5** Approval of an AHD Application shall be conditioned upon the applicant's filing a bond with surety with the Commission to assure completion of the public improvements for the development as shown on the approved map submitted in connection with the AHD Application.

**37A.7.6** Upon completion of the public improvements to the satisfaction of the Commission, the Commission shall release the bond. Public improvements shall mean public streets, sidewalks, street lighting, storm and sanitary sewer facilities, and any other physical improvements proposed for public ownership.

**37A.7.7** Where Affordable Housing Units are to be sold and owned by individual owner's maintenance of the common improvements shall be assumed by a fully organized and functioning homeowners' or unit owners' association which association has the authority and ability to assume this responsibility. The obligations of maintenance of common improvements shall be clearly outlined in the deeds to all affected owners.

**37A.7.9** The Commission may extend its development approval upon application by the developer, or its successor, as provided in the Connecticut General Statutes.

**37A.8 Design Standards and Dimensional Requirements For Affordable Housing Developments.** The following standards shall apply to the design and development of all AHDs:

**37A.8.1** In order to meet the purposes of these Regulations and to increase the supply of affordable housing in the Town of East Haven, the maximum number of dwelling units per net buildable acre in an AHD is as follows: Ten (10) units per acre. If the applicant proposes a density greater than the maximum density specified in this Section, the applicant shall submit to the Commission an economic analysis detailing why the project requires the higher density.

**37A.8.2** All buildings in any AHD shall comply with the following, minimum dimensional requirements:

Minimum setback from street line	50 ft.
Minimum setback from side line	50 ft.
Minimum setback from rear line	50 ft.
Maximum height of structure	Five livable stories above finished grade
Maximum lot coverage	40 %

**37A.8.3** All utilities shall be underground.

**37A.8.4** Affordable Housing Units shall be substantially similar to market rate units in terms of building design, materials, finish quality, size, and workmanship and shall be dispersed throughout the development.

**37A.8.5** Parking shall be provided as follows:

- A) Parking spaces shall be a minimum size of 9' x 18'.
- B) 1.5 parking spaces per unit shall be required.

**37A.8.6** Concrete sidewalks shall be provided adjacent to all streets and roadways. In addition, concrete sidewalks shall connect buildings, bus stops, parking areas, and recreation areas. Where the sidewalks are secondary and used only on a limited basis, they may be surfaced with wood chips, grass, quarter inch stone, or other suitable, nonpermanent materials.

**37A.8.7** Exterior lighting shall be provided and maintained within the AHD to ensure proper illumination of streets, parking areas, building entrances, walkways, recreation facilities (if appropriate), and wherever else they may be required for the safety of vehicular and pedestrian traffic. All exterior lights shall be low-level, and glare from any light sources shall be shielded from dwelling unit interiors, public highways, and abutting properties so that light falling outside the AHD shall be of low intensity and shall not cause a nuisance from excessive glare or shine into the eyes of anyone external to the site. All lighting provided for Town roads shall conform to the requirements of the Town's street lighting policy.

**37A.8.8 Open Space:** All land not designated as a lot or utilized for dwellings, buildings, driveways, parking, sidewalks, or accessory structures and all common, usable, outdoor space shall be deemed "Open Space". Such Open Space shall be suitably landscaped and in such condition, size, and shape as to be readily usable for circulation, parking, recreation for the residents and/or for conservation.

**37A.8.9 Modification Of Design Standards And Dimensional Requirements:**

- A) The Commission may modify the design standards in this Section 37A if it finds the following:
  - 1) Strict compliance with the design standards is not required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider;
  - 2) Such substantial public interests do not clearly outweigh the need for affordable housing; and



- 3) Such substantial public interests can be protected by reasonable changes to the application.
- B) Application for modification of any design standards shall be made at the time as the AHD Application is made. The applicant shall set forth, in writing, the reasons for the waiver request and the specific design standard sought to be waived.

**37A.9 Conflict.** Where the provisions of Sections 37 conflict with the requirements of this Section 37A, the provisions of this Section 37A shall be controlling.

## **Referral 2.4: Town of Seymour**

### **Subject:**

Proposed Zoning Regulation Amendments to add Section 18A – Affordable Housing Zone (AHZ)

### **Background:**

A private applicant has proposed Section 18A – Affordable Housing Zone in the Town of Seymour. The proposed amendment is a floating zone that can be established within the MF and R-18 zones. A minimum of 30% of the units must be deed restricted as affordable units in accordance with the provisions of the Connecticut General Statutes, the restrictions will need to be in place for a minimum of 40 years. Definitions pertaining to the “Affordable Housing Development” is included with the proposed amendments.

The eligible parcels must be within an existing MF or R-18 zoning district, as long as, no more than 2 acres are within the R-18 zone. The parcels need to have a minimum lot area of 4 acres and 200 foot square has to be able to fit within the the boundary. Noncontiguous property across a road may be utilized for drainage and utility purposes. Proposed dwelling units must be served by the municipal sanitary sewer system and a public water supply system. If a development contains 24 or more dwelling units a minimum of two connections to a public road are required. Developments with less than 24 dwelling units require one connection to a public road.

Developments in the AHZ are governed by the provisions in the proposed section , and not by the Seymour Zoning Regulations (unless otherwise stated in Section 18A). The minimum lot area per dwelling unit is 4,750 square feet. At least 50% of the area used for calculating permitted density is to be reserved as open space for the benefit of the residents of the Affordable Housing Development. Principal buildings have a setback requirement of 20 feet from each other or the curb of an internal roadway, The front yard setback is 60 feet, the rear yard and side yards have a setback requirement of 35 feet. The total lot coverage is 20%, but the calculation is limited to the buildings. The maximum building height is 45 feet and the parking requirement is 1.75 spaces per dwelling unit.

The applicable zoning districts are within 500 feet of the Town of Bethany and the Town of Woodbridge.

### **Communication:**

In researching this proposal, I notified the adjacent municipalities in the South Central Region.

August 12, 2019

**VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED**

South Central Regional Council of Governments  
ATTN: Eugene Livshits, Senior Regional Planner  
127 Washington Avenue  
4<sup>th</sup> Floor West  
North Haven, CT 06473

**Jason A. Klein**

Associate  
Phone: 203.252.2669  
Fax: 203.325.8608  
jklein@carmodylaw.com

707 Summer Street  
3<sup>rd</sup> Floor  
Stamford, CT 06901

**RECEIVED**

**AUG 14 2019**

**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS**

**Re: Bladens Ridge Affordable Housing Development**  
*Property:* 20 Spring Street, 16 Smith Street & 17 Smith Street, Seymour, CT  
*Applications:* Applications for Zoning Map Change, Zoning Regulation Change, and Site Plan Approval  
*Applicant:* SHC Seymour Springs, LLC

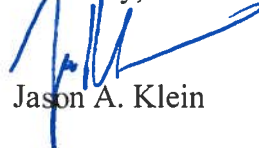
Dear Mr Livshits:

Our firm represents SHC Seymour Springs, LLC (the "Applicant") in the above-referenced Land Use Applications recently filed with the Seymour Planning & Zoning Commission. The Applicant is seeking Zoning Map Change, Zoning Regulation Change and Site Plan Approvals in connection with the above-captioned Applications for the Bladens Ridge Affordable Housing Development, a "set-aside development" under General Statutes § 8-30g. In accordance with Conn. Gen. Stat. Sec. 8-3b enclosed herewith please find one (1) copy of the following materials related to the proposed Zoning Map Change and Zoning Regulation Change applications:

- A letter from L. Feinberg, Esq, summarizing the proposed Text Amendment and Zone Change, dated August 6, 2019;
- An executed Town of Seymour Zone Change/Text Change Application Form;
- A copy of the Proposed Text Amendment, dated August 6, 2019; and
- A reduced- size (11x17) copy of a Zone Change Map depicting the boundaries of the proposed Zone Change, entitled "Zone Change Map, Bladens Ridge Affordable Housing Development, 20 Spring Street, Seymour, Connecticut, Z-1," dated June 25, 2019.

You may receive or may have already received a copy of these materials from the Town of Seymour Planning and Zoning Commission. All application materials are on file in the Office of the Seymour Planning and Zoning Commission, Seymour Town Hall, 1 First Street, Seymour, CT 06483. If you have any questions regarding the application you may contact me, or, you may contact the Seymour Zoning Enforcement Department at 203-881-5007.

Sincerely,



Jason A. Klein

{57211607}

**TOWN OF SEYMOUR - PLANNING AND ZONING COMMISSION**  
**APPLICATION FOR ZONE CHANGE / TEXT CHANGE**



**APPLICATION NUMBER:** \_\_\_\_\_

**1) APPLICANT**

Name SHC Seymour Springs LLC  
Business Address c/o Agent: Lisa Feinberg, Esq., 707 Summer Street, Stamford, CT 06901 Phone c/o Agent: 203-425-4200  
Home Address n/a Phone n/a  
Email c/o Agent: lfeinberg@carmodylaw.com

**2) OWNER(S) OF RECORD**

Name SHC Seymour Springs LLC  
Business Address P.O. Box 3457, Stamford, CT 06905 Phone c/o Agent: 203-425-4200  
Home Address n/a Phone n/a  
Email c/o Agent: lfeinberg@carmodylaw.com

**3) DESCRIPTION OF PARCEL**

Location 20 Spring Street, 16 Smith Street, and 17 Smith Street, Seymour, Connecticut  
Area (acres) 10.6 +/- acres (Sq. Ft. if less than 2 acres) n/a  
Parcel I.D Number 20 Spring Street: 8-12-51-0 Zone 20 Spring Street: MF & R-18  
16 Smith Street: 8-12-50-0 16 Smith Street: R-18  
17 Smith Street: 8-12-32-0 17 Smith Street: R-18

**4) ZONE CHANGE INFORMATION**

Present Zone MF and R-18 Proposed Zone AHZ (Affordable Housing Zone)  
Reason for Proposed Change : To construct new affordable housing units under General Statutes Sec. 8-30g pursuant to new zoning regulations of new Affordable Housing Zone (AHZ), concurrently proposed herewith.  
Please see attached narrative for further information.

**5) TEXT CHANGE INFORMATION**

Present Section 3.0 Proposed Section Revised 3.0 and New Section 18A  
Present Text (Attach Copy) \_\_\_\_\_ Proposed Text (Attach Copy) \_\_\_\_\_  
Reason for Proposed Text Change : To provide standards in the Seymour Zoning Regulations for affordable housing developments under General Statutes Sec. 8-30g. Please see attached narrative for further information.

**6) APPLICANT'S SIGNATURE**

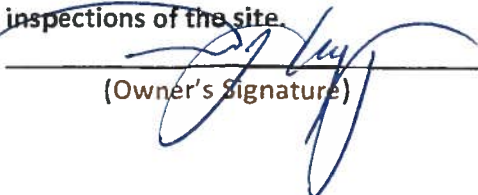
The undersigned warrants the truth of all statements made in conjunction with this application and consents to inspections of the site.

  
(Applicant's Signature)

Lisa Feinberg, Agent  
(Print or Type Name and Title)

**7) OWNER'S SIGNATURE**

The undersigned owner(s) of record consent(s) to the submission of this application and to inspections of the site.

  
(Owner's Signature)

Gerard J. May Jr. President  
(Print or Type Name and Title)

August 6, 2019

Joseph Ziehl  
Chairman  
Seymour Planning & Zoning Commission  
1 First Street  
Seymour, Connecticut 06483

**Re: Applications of SHC Seymour Springs LLC to Amend the Seymour Zoning Regulations and Zoning Map**

Dear Chairman Ziehl:

In compliance with § 22.0-(b) of the Seymour Zoning Regulations, SHC Seymour Springs LLC submits this letter detailing the reasons for the proposed amendment to the Zoning Regulations for the Town of Seymour ("Regulations"), creating a new "Affordable Housing Zone" ("AHZ") as a new section to the Regulations, specifically § 18A (the "AHZ Regulations"). A copy of the proposed text amendment is included herewith.

In addition, while not required by the Regulations, also detailed herein is an explanation of the companion zone map change, concurrently filed herewith. The proposed boundaries of the zone change are detailed on the enclosed plan titled "Zone Change Map," dated June 25, 2019, prepared by John Paul Garcia and Associates P.C. ("Map").

**I. Regulation Amendment**

This amendment is proposed for the following reasons:

1. The AHZ Regulations will facilitate the development of rental housing with both market rate and affordable units, on limited qualifying parcels, in a manner that is consistent with soil types, terrain and infrastructure capacity.
2. The AHZ Regulations are modeled off the existing Regulations, particularly the regulations for the Multi-Family ("MF") zone and the Mixed-Use District ("MD") floating zone. Any proposed deviations from those Regulations are to further the purpose and intent of the AHZ to foster the development of affordable housing that is compatible with area soils, terrain and infrastructure capacity, as well as adjacent residential uses.

3. Adoption of the AHZ Regulations is in accordance with Seymour's comprehensive plan, which "is to be found in the scheme of the zoning regulations themselves."<sup>1</sup> "The requirement of a comprehensive plan is generally satisfied when the zoning authority acts with the intention of promoting the best interests of the entire community."<sup>2</sup> Seymour's existing Regulations contain numerous standards providing for the development of multi-family housing in Seymour, and contain existing standards requiring affordable units in three- and four-family dwellings.<sup>3</sup> Yet, the percentage of affordable housing units in town is 5.75%, well below the 10% required by State statute. The proposed AHZ regulations are modeled after those existing standards, while carving out specific requirements for the development of an affordable housing community under General Statutes § 8-30g.

4. The AHZ Regulation is in accordance with the Plan of Conservation and Development for the Town of Seymour, adopted September 8, 2016 (the "POCD"), specifically the following provisions, all provided on Page 9:

- "Maintain the housing diversity to meet the needs of the community";
  - As noted at page 93, Seymour's multifamily developments maintain its housing diversity because they "provide more affordable housing to the younger population, the elderly population, and small families";
- "Continue to work with the Seymour Housing Authority to meet the needs of the elderly population and the need for more sustainable affordable housing options";
- "Require a specific percentage of parcel area to be preserved as open space . . ."

## II. Zoning Map Amendment

As detailed on the Map, the specific properties subject to the zone change are 20 Spring Street, 16 Smith Street, and 17 Smith Street, Seymour, Connecticut (collectively, the "Property"). The Property is approximately 10.6± acres. The current zoning designation for the majority of the Property is Multi-Family (MF). A small portion of 20 Spring Street, and all of 16 and 17 Smith Street, is zoned Residential R-18. Rezoning the Property to AHZ is appropriate for the following reasons:

1. The Property satisfies §§ 18A.3 and 18A.4 governing site eligibility and requirements for AHZ designation.

2. The proposed zone change is in accordance with Seymour's comprehensive plan. First, the proposed zone change will benefit the community as a whole by fostering the development of housing that meets the unique demands of Seymour's older residents and its young or new professionals, as well as additional housing opportunities that will support the economic wellbeing of the Town and its businesses.

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<sup>1</sup>*Michel v. Planning & Zoning Comm'n of Town of Monroe*, 28 Conn. App. 314, 319, 612 A.2d 778, 781 (1992).

<sup>2</sup>9 R. Fuller, Connecticut Practice Series: Land Use Law and Practice (4th ed.) § 4:3.

<sup>3</sup>See Regulations § 10.3.



3. In addition, conformity with the comprehensive plan is evident from a review of Seymour's Zoning Map itself. The Zoning Map indicates that the adjacent area consists of MF zoned parcels dedicated to multi-family use intermixed within and adjacent to properties zoned R-18. The Property is also within easy walking distance of Seymour's commercial zones and public transportation, making it an ideal location for affordable housing. This is supported by the fact that the Seymour Housing Authority developed approximately 80 elderly housing units and 56 assisted living units down the street from the Property. Rezoning the Property to AHZ would continue to permit only residential use at the Property, specifically multi-family housing as permitted today. The only distinction is the AHZ sets specific standards to require and enable a certain percentage of affordable units in the development, in a manner that is consistent with soils, terrain and infrastructure capacity, and not injurious to the surrounding residential uses.

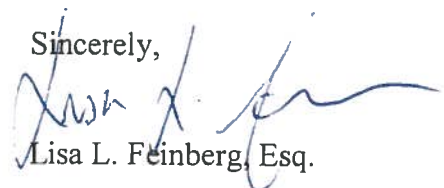
4. Rezoning the Property to AHZ is in accordance with, and furthers, the "key purpose of § 8-30g . . . to encourage and facilitate the much-needed development of affordable housing throughout the state."<sup>4</sup>

5. Rezoning the Property to AHZ is in accordance with, and furthers, the intent of the AHZ district, as provided in Section I-1 above.

6. The proposed zone change is in accordance with the Plan of Conservation and Development for the reasons provided in Section I-4 above.

I thank you for your time and attention, and I look forward to advice as to when this matter will be scheduled for public hearing.

Sincerely,



Lisa L. Feinberg, Esq.

cc: Jerry Kiley  
Vincent Marino, Esq.

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<sup>4</sup>*Mackowski v. Planning & Zoning Comm'n of Town of Stratford*, 59 Conn. App. 608, 616 (2000).

**A. Add the following text to § 3.0 of the Zoning Regulations as provided in underlined bold.**

3.0. – Zoning district and map.

a) The Town of Seymour is hereby divided into the following zoning districts:

...

**g) The Affordable Housing Zone (AHZ) is a floating zone that may be established within the MF and R-18 zoning districts. Requirements and standards are contained in Section 18A.**

**B. Add the following new section as “Section 18A” to the Zoning Regulations as follows:**

18A.0. – Affordable Housing Zone (AHZ).

18A.1 *Intent and Purpose.* The purpose of this Affordable Housing Zone regulation is to establish regulations governing the development of a residential community that will provide the Town of Seymour and the region with multi-family market-rate rental units and rental units that are subject to long-term restrictions that will ensure their accessibility for moderate income and low-income households. This regulation establishes standards to facilitate such development on selected parcels on which construction will be consistent with soil types, terrain, and infrastructure capacity.

18A.2 *Definitions.*

- a) “Affordable Housing Development” means a housing development, including but not limited to Garden Apartments, Town Houses, and Dwellings, in which not less than 30% of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing as defined in § 8-30g of the Connecticut General Statutes for persons and families whose income is less than or equal to 80 percent of the area median income, for at least 40 years after the initial occupation of the proposed development.

18A.3 *Eligible Zoning Districts and Parcels.* Parcels may be zoned AHZ upon satisfaction of the following requirements:

- a) Existing zoning designation of Multi-Family (MF) District or R-18 District; provided however, no more than two (2) acres can be zoned R-18.
- b) Satisfaction of the Site Requirements of Section 18A.4; and



- c) Satisfaction of the Development Standards of Section 18A.7.
- d) An AHZ parcel may utilize noncontiguous property across a road for drainage and utility purposes, only. Such site area shall not count towards calculation of lot area as provided in Sections 18A.4 below, and shall not count toward compliance with any required development standard provided in Section 18A.7.

18A.4 *Site Requirements.*

- a) Each dwelling unit shall be served by the municipal sanitary sewer system and a public water supply system.
- b) Developments containing 24 or more dwelling units shall have at least two connections to a public road. One connection shall have a pavement width of at least 24 feet and a lot area width of at least 50 feet. The second connection may be for emergency vehicles only. Developments of less than 24 units shall have at least one connection that meets the 24-foot/50-foot standard described above.
- c) Parcels shall have a minimum lot area of 4.0 acres and such size and shape that a 200-foot square will fit totally within its boundaries.

18A.5 *Permitted Uses.*

- a) Affordable Housing Development.
- b) Uses customary incidental and subordinate to the above uses when located on the same lot, such as tenant amenities and facilities management office.

18A.6. *Affordable Units.* The purpose of the AHZ is to facilitate a residential development containing both market-rate and price-restricted units that comply with Section 8-30g of the Connecticut General Statutes. Such price-restricted, a/k/a “affordable” units, are referred to herein as “Affordable Units.” The following requirements shall apply to Affordable Units in an Affordable Housing Development.

- a) Affordable Units shall be of a construction quality that is comparable to market-rate units within a development.
- b) Affordable Units shall be built on a *pro rata* basis as construction proceeds.
- c) Calculation of the maximum monthly payment for an Affordable Unit, so as to satisfy General Statutes § 8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development (a) for a rental unit, as in effect on the day the lease is signed; and (b) for an

ownership unit, as in effect on the day a bond for deed or similar contract of conveyance is accepted by the seller.

- d) The maximum payment that the occupant for an Affordable Unit shall not be greater than the amount that will preserve such unit as "affordable housing" as that term is defined in General Statutes § 8-30g, and shall include the following:
  - a. For rental housing, the maximum monthly housing payment shall include the cost of rent; common charges in the case of a rental in a common interest community, if the tenant is directly responsible; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.
  - b. For ownership housing, the maximum monthly housing payment shall include periodic mortgage payments, based on a commercially reasonable down payment for affordable housing buyers and prevailing interest rates at the time of sale; taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.
- e) Affordable Units shall be occupied only as a tenant's or purchaser's principal residence. Subletting of Affordable Units shall be prohibited.
- f) At the same time that the market-rate units in an AHZ development are advertised to the general public, notice of availability of the Affordable Units shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Seymour, and providing notice to the Seymour Board of Selectmen, the Seymour Town Clerk, and the Seymour Planning and Zoning Commission.
- g) Each deed or lease for an Affordable Unit will contain substantially the following provision:

This unit is sold or rented as an "affordable housing unit" as defined in Connecticut General Statutes § 8-30g, and is available only to persons or families whose income is at or below eighty percent (80%) or sixty percent (60%), as applicable, of the area median income for Seymour or the statewide median income, whichever is less, as annually determined by the U.S. Department of Housing and Urban Development. This development has been approved by agencies of the Town of Seymour based in part on the condition that a defined percentage of the units will be preserved as affordable housing

units. The restrictions related to affordability are required by law to be strictly enforced.

- h) The forty (40) year affordability period shall be calculated separately for each Affordable Unit in an AHZ development, and the period shall begin on the date, as defined at closing, or initial occupancy of the Unit.
- i) In conjunction with an application for approval of a site plan for an AHZ development, the applicant shall submit an "Affordability Plan," which shall describe how the regulations regarding affordability will be administered. The Affordability Plan shall include provisions for administration of and compliance with the provision of this section, notice procedures to the general public of the availability of affordable units, identification of those units which are to be designated affordable, procedures for verification and periodic confirmation of unit occupancy income, and compliance with affordability requirements.
- j) A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the Planning and Zoning Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

**18A.7. Development Standards.**

- a) Development in the AHZ shall be exclusively governed by the provisions of this Section 18A, and not those contained in the body of the zoning regulations, unless otherwise provided in this Section 18A.
- b) *Density.* The parcel shall have a minimum lot area of 4,750 square feet for each dwelling unit.
- c) *Open Space.* At least 50% of the area used for the purpose of calculating permitted density shall be reserved as open space for the benefit of the residents of the Affordable Housing Development only. Open space shall include all pervious lot area and shall be designated on the site plan and distributed throughout the project in a reasonably uniform manner so that all residents may benefit.
- d) *Yards and Setbacks.* Principal buildings shall be set back at least 20 feet from each other or from the curb of any internal roadway. The required front yard shall be 60 feet from the property line, the required rear yard shall be 35 feet from the property line, and the required side yard shall be 35 feet from the property line.

- e) *Lot Coverage.* There shall be no limit to the number of principal buildings. Total lot coverage shall not exceed 20% of lot area. The calculation of lot coverage shall be limited to buildings only.
- f) *Building Height.* Buildings shall be no more than 45 feet high. Building height is the vertical distance measured from average level of the finished ground surface across the front of the building(s) to the highest point of the roof surface, if the roof is flat, or the mean level between the eaves and the highest point of the roof, if the roof is not flat.
- g) *Parking.* Parking shall be provided at a minimum of 1.75 spaces per dwelling unit. Parallel parking is permitted on internal roadways.
- h) *Signs.* Two freestanding signs having an area not to exceed 50 square feet identifying the development are permitted. In addition, there may be one ground sign or wall sign per building, not to exceed an area of 10 square feet except that a sign identifying a community building may be up to 30 square feet. Street name and directional signs are allowed as needed.
- i) *Landscaping.* All areas not covered by either a principal or accessory building or pavement shall either be left in its natural state or shall have a ground cover of grass or planting sufficient to prevent wind or water erosion and present a pleasing experience.

**18A.8. Utility and Driveway Requirements.**

- a) There shall be a public water supply and municipal sewer system adequate to meet the needs of the development.
- b) All utilities shall be installed underground.
- c) Detailed utility structures such as dumpsters, air conditioning units, transformers and the like shall be enclosed by buildings, embankments, fences, walls, plantings, or otherwise screened from pedestrian view. There is no maximum height for retaining walls.
- d) All common areas are to be maintained by the property owner, if a rental community, or by an association of unit owners, or a designee.
- e) All internal roads and driveways shall be private.

- f) There shall be a storm drainage system which shall collect, carry off and dispose of surface water runoff.

18A.9. *Application Procedures and Requirements.* An affordable housing application seeking a change of zone shall include the submission of a conceptual site plan describing the proposed development's total number of residential units and their arrangement on the property and the proposed development's roads and traffic circulation, sewage disposal and water supply.