



**RPC
Representatives**

Bethany:
Mary Shurtleff

Branford:
Charles Andres

East Haven:
David Anderson

Guilford:
Peter Goletz

Hamden:
Richard Szczypek

Madison:
Christopher Traugh
(Secretary)

Meriden:
David White

Milford:
Susan Shaw

New Haven:
Kevin DiAdamo

North Branford:
Frances Lescovich

North Haven:
Vacant

Orange:
Paul Kaplan

Wallingford:
James Fitzsimmons

West Haven:
John Panza

Woodbridge:
Peggy Rubens-Duhl
(Chair)

AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, December 8, 2011 RPC Meeting, 5:15pm @ SCRCOG Offices: 127
Washington Avenue, North Haven, CT 06473

1. Administration

1.1. Minutes of the November 10, 2011 RPC Meeting **1**

2. Statutory Referrals – December Action Items

2.1. City of Meriden: Proposed Zoning Regulation Amendments to address Height of Structures on Narrow Lots, Suitable Yards and Nonconforming Two and Three Family Homes. Submitted by: City of Meriden. Received: November 7, 2011. Public Hearing: TBD **3**

2.2. City of Milford: Proposed Zoning Regulation Amendments to Building Heights in Residential Zones. Submitted by: City of Milford. Received: November 10, 2011. Public Hearing: TBD **13**

2.3. Town of Stratford: Proposed Zoning Regulation Amendments to Section 4.1.6.11 pertaining to residence apartments within one half mile of a CA, CF, LB, or LBB District. Submitted by: Private Applicant. Received: November 18, 2011. Public Hearing: December 20, 2011. **18**

2.4. City of Milford: Proposed Zoning Regulation Amendments to Section 2.5.5 (Lot Access and Rear Lots) and Section 9.2.3 (Prohibited Variances). Submitted by: City of Milford. Received: November 28, 2011. Public Hearing: TBD **22**

3. Other Business

3.1. Nominating Committee

3.2. RPC Annual Dinner



DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, November 10, 2011 Meeting

Present: Peggy Rubens-Duhl, Charles Andres, David Anderson, Kevin DiAdamo, Mary Shurtleff, Peter Goletz (during referral 2.4), John Panza, Eugene Livshits

1 Administration

1.1 Minutes of the October 13, 2011 RPC meeting. Motion to accept the minutes as presented: John Panza. Second: David Anderson. Vote: Unanimous.

2 Statutory Referrals

2.1 Town of Durham: Proposed Zoning Regulation Amendments to Section 13.03.07 – Performance Bond and Section 13.05.08 – Surety Bond

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 negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: David Anderson. Second: Mary Shurtleff. Vote: Unanimous.

2.2 City of Derby: Proposed Zoning Regulation Amendment pertaining to Animated Signs

By resolution, the RPC has determined that the proposed Zoning Regulation Amendment to Section 195-71C (Signs Permitted in Business Zones) does not have a definition pertaining to Pylon Signs and an Alternative Signage Program. There are standards that have not been identified pertaining to the size, illumination and time-intervals for animations, which would be needed to adequately assess potential inter-municipal impacts. There do not appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Peggy Rubens-Duhl. Second: Charles Andres. Vote: Unanimous.

2.3 Town of Stratford: Proposed Zoning Regulation Amendments to Section 15.3 – Exemptions

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 negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: David Anderson. Second: Mary Shurtleff. Vote: Unanimous.



2.4 Town of Stratford: Proposed Zoning Regulation Amendment to add new Section 3.29 – Transit Oriented Development

The staff recommendation was amended to reference the study completed by the Town of Stratford's Planning Study Committee.

By resolution, the RPC has determined that the proposed regulations for a Transit Centered Development district need to be clarified to identify if the type of district being established is a floating or overlay zone. The regulations are currently missing standards associated with commercial and industrial development. The commission should consider establishing design guidelines/standards for the proposed district to ensure consistency with the Town's Plan of Conservation and Development and the study completed by the Town of Stratford Planning Study Committee in the spring of 2010. Motion to accept amended staff recommendation: Charles Andres. Second: John Panza. Vote: Unanimous.

2.5 Town of Stratford: Proposed Zoning Regulation Amendments to Sections 1.48 and 3.17 pertaining to Swimming Pools

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 negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Peggy Rubens-Duhl. Second: Peter Goletz. Vote: Unanimous.

2.6 City of Milford: Proposed Zoning Regulation Amendment to add Section 6.2.6.1 and Definition of First Floor

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 negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: David Anderson. Second: Peter Goletz. Vote: Unanimous.

2.7 City of West Haven: Proposed Zoning Regulation Amendments to Section 80 – Planning and Development Department, Section 83 – Enforcement, and Section 88 – Zoning Board of Appeals

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 negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Mary Shurtleff. Second: Kevin DiAdamo. Vote: Unanimous. Abstain: John Panza

3 Other Business

3.1 Motion to adopt the 2012 Regional Planning Commission Meeting Schedule: Peggy Rubens-Duhl. Second: Mary Shurtleff. Vote: Unanimous

Motion to Adjourn: Peggy Rubens-Duhl. Second: Mary Shurtleff. Vote: Unanimous.

Referral 2.1 City of Meriden

Subject:

Proposed Zoning Regulation Amendments to address Height of Structures on Narrow Lots, Suitable Yards and Nonconforming Two and Three Family Homes

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 negative impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The City of Meriden has proposed Zoning Regulation Amendments to address height of structures on narrow lots, suitable (liveable) yards and nonconforming two and three Family Homes.

The specific amendments pertaining to heights involved defining “Height Restricted Band” which is an area parallel to the minimum side yard requirement for a distance of 5 feet toward the center of the lot. The height restrict band would be represented in Diagram 5B – Various Lot and Bulk Definitions. Section 213.49A – Exceptions and Modifications – Height Limit would be expanded with two new subsections (3) and (4), which regulates height of buildings within the height restricted band to 30 feet on lots within the S-R, R-1 and R-2 Zones. The lots 60 feet or wider have a restriction of 30 feet, while lots narrower than 60 feet have a restriction of 2 stories not to exceed 30 feet. The restrictions would be depicted in Section 213-12B – Schedule of Land Use and Bulk Regulations in a form of a footnote as the height in three zones would be depicted as 35/30¹².

The amendments pertaining to suitable yards include a requirement for a landscape plan for a residential lot, which shows grading and groundcover. The lawn area should be equivalent to the building footprint and cannot exceed 10% grade in any direction. An additional requirement for the lawn area is the inclusion of a garden or mulch or an uncovered patio or pool as allowed under the regulations. A building permit could not be provided for new or expanded residences that are on nonconforming lots with an area or density variance unless there is an approved landscape plan. In the case where the lots were created prior to the approval of the section and modified thereafter, the Planning Department can approve two smaller lawn areas, which is greater in size than the home footprint. Lawn areas could also be approved for single family lots in multi-family districts. The front yard for residential lots in all zones should be pervious except for an inclusion of a driveway or walkway. Vehicle parking should not be created on a front yard beyond the driveway unless a landscape plan is approved.

The requirements for driveways and garages are described in further detail within the proposed section. Two, three and multifamily residential uses and lots that only permit single family homes have been added to the non-conforming uses provision.

Communication:

In researching this proposal, I spoke with the planning staff for Meriden and notified the adjacent municipalities in the South Central Region.

**PLANNING
COMMISSION-DIVISION
CITY OF MERIDEN**



Telephone (203) 630-4081 • Fax (203) 630-5883

November 2, 2011

South Central Connecticut Regional Council of Governments
127 Washington Avenue, 4th Fl. West
North Haven, CT 06473

Dear Regional Planning Agency:

Enclosed are proposed text amendments to Zoning for the City of Meriden. A hearing is tentatively scheduled for November 22, 2011 depending upon your schedule. Please consider at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Skoglund", written over a large, stylized checkmark or flourish.

Thomas Skoglund, AICP
Assistant Planning Director

PROPOSED ZONING AMENDMENTS RE:

Height of structures on narrow lots; suitable (liveable) yards;
non-conforming two and three family homes.

(Planning Staff 10/28/11)

The proposed amendments addressing this height issue include:

1. Amend Section 213-7 "Definitions – H" after definition of "Height of Building" by adding the following new definition:
"HEIGHT RESTRICTED BAND – An area parallel to the minimum side yard setback requirement for a distance of 5' towards the center of the lot". (See Diagram 5B)
2. Amend Diagram 5B "Various Lot and Bulk Definitions" to show the "Height Restricted Band".
3. Amend Section 213-49A "Exceptions and Modifications – Height Limits" by adding two subsections (3) and (4) to read:

"(3) On 60' or wider lots in the S-R, R-1 and R-2 zones, the maximum height of buildings within the Height Restricted Band shall be 30';

(4) On lots narrower than 60' in the S-R, R-1, R-2 zones, the maximum height of buildings shall be 2 stories (not to exceed 30')."
4. Amend Section 213-12B "SCHEDULE OF LAND USE AND BULK REGULATIONS":
 - Add "/30¹²" to the existing 35' in the "Maximum Height" column in the S-R, R-1 and R-2 zones"
 - Add footnote #12 to read: "within the Building Restricted Band, this maximum building height is 30'; On nonconforming lots narrower than 60' in the R-R, S-R, R-1 and R-2 zones, the maximum height of buildings shall be two stories (not to exceed 30')".

The proposed amendments addressing the suitable (liveable) yards include:

1. Amend Section 213-48D(1) "Yards", specifically subsections a and b which shall read:
 - "a. Suitably landscaped residential yards shall include a large front, rear or side yard area of lawn.
 - (1) No single family residential lot shall be created without an approved (suitable) Landscape Plan showing grading and groundcover for which development will need to conform with. Said large lawn area should be at least equivalent to the size of the single family home structure's footprint, generally rectangular with the smallest dimension at least 25' in length. Said large lawn area shall be generally level (not exceeding 10% grade in any direction). Said large lawn area may include garden or mulch, or host an uncovered patio or pool as allowed under regulation.

- (2) No building permit for a new or expanded footprint residence shall be granted on any single family lot of nonconforming size or lot with area and/or density variance, without an approved (suitable) Landscape Plan. For lots created prior to approval of this section, and not modified thereafter, the Planning Department may approve two smaller lawn areas, greater in overall size than the home footprint, to meet the intent of the large yard requirement. Other lawn areas may be approved for single family lots in Multiple-Family Districts.
 - b. The required front yards of residential lots in all zones should be landscaped and not be impervious except for driveway and walks. There should be no vehicle parking created, expanded, or made more permanent in the front yard beyond the driveway described in (e) below, unless a Landscape Plan has been approved.”
2. Amend Section 213-48D(1) “Yards”, by adding subsection (e) to read:
- “e. Driveways on residential lots in all zones and garages are accessory and should be incidental and subordinate features rather than dominant; garage location to the rear of residential structures, or to the side for wide lots, should be considered, and excess protruding garages avoided.
- (1) Driveways on all residential lots in all zones, including shared driveways, shall not exceed 24’ in width for access to the street.
 - (2) There shall not be more than one driveway in front of the residential structure for a lot of 60’ in width or less.
 - (3) The total surface area for vehicles between the front of the residential structure(s) and the street being accessed shall not exceed 24’ in width except in a case where the City Planning Department, following a review of alternatives, finds the layout for such vehicle accessory use is otherwise necessary, a Landscape Plan is approved, or a site plan is approved by the Planning Commission.
 - (4) For multi-family development said total surfaced area for vehicles leading to garages shall not exceed 50% of the front width of the residential building except that the Planning Commission as part of an overall site plan that includes significant offsetting beneficial design aspects may consider approval of such design as an alternative.”
3. Amend Section 213-48D (3) by adding the following sentence to end of the existing requirement: “Further, no residential garage shall be closer than 20’ from the street line”.

The proposed amendment addressing the expansion of non-conforming two and three family homes is to revise Section 213-60B (1) “Existing non-conforming uses, buildings and structures – Enlargement” by adding the bolded text:

- (1) Nonconforming uses. No nonconforming use of land shall be enlarged, extended or altered and no building or other structure or part thereof devoted to a nonconforming use, **including two family, three family, and multi family residential uses in Districts and lots that only allow single family homes**, shall be enlarged, extended, reconstructed ...

MEMORANDUM

TO: City Council
Planning Commission
South Central Regional Council of Governments

FROM: Planning Staff (DJC & TS)

DATE: October 28, 2011

SUBJECT: Zoning Amendments:

- More compatible Single Family and Two Family Building Heights;
- Prohibiting Expansion of Nonconforming and Two and Three Family Residences; and
- Provide for and Improving more livable yards on residential lots

The Plan of Conservation and Development (POCD) calls for review of the City's Zoning Regulations and other land use regulatory documents and instruments, and to revise regulations as necessary to ensure that residential development will occur in the areas desired and in forms and densities that are appropriate.

In December 2009, the City Council approved most of the proposed targeted improvements in lot dimensional standards, erosion control, fill, and yards. Three items were tabled to allow for rewording and further consideration:

- 1) Height of structures on narrow lots;
- 2) Suitable (liveable) yards;
- 3) Nonconforming two and three family homes.

Following are the two revised zoning amendments and explanatory summary for each of the proposed amendments.

HEIGHT OF STRUCTURE ON NARROW LOTS

Meriden's residential single and two family neighborhoods include thousands of relatively narrow existing lots. Redevelopment or infill of narrow lots has a greater chance of incompatible building heights. For instance, narrow lots (such as 60 ft. wide) in a neighborhood of single story ranches might be built/rebuilt with a three story 35 ft. high structure up to required side yard (6 ft. on 60 ft. lot). The narrowness of such a lot would increase the likelihood such structure would be built right to the allowed side yard setback (6 ft.) possibly interfering with sunlight to the adjacent lot as well as creating incompatibility. Also, possible incompatible situations from a tall building addition (between 30-35 ft.) on a lot greater than 60 ft. of width, can be softened by not building to the maximum height at the side setback line.

The current proposal reduces the maximum height of building to 30 ft. within a 5 ft. wide strip inward from the required setback.

There are a significant number of lots that are narrower than 60 ft. and are considered non-conforming. Lot size and building height equal bulk. Therefore, on the relatively smaller lots, taller buildings cause an incompatible bulkiness. Infill, additions and rebuilds to a lower height level may have a decent chance of being positive and compatible, but cases of overbuilding beyond two stories could be negative. Changing the regulation to prevent vertical overbuilding is proposed by limiting the height of buildings on non-conforming lots in the S-R, R-1 and R-2 zones to two stories.

The proposed amendments addressing this height issue include:

1. Amend Section 213-7 "Definitions – H" after definition of "Height of Building" by adding the following new definition:

"HEIGHT RESTRICTED BAND – An area parallel to the minimum side yard setback requirement for a distance of 5' towards the center of the lot". (See Diagram 5B)

2. Amend Diagram 5B "Various Lot and Bulk Definitions" to show the "Height Restricted Band".

3. Amend Section 213-49A "Exceptions and Modifications – Height Limits" by adding two subsections (3) and (4) to read:

"(3) On 60' or wider lots in the S-R, R-1 and R-2 zones, the maximum height of buildings within the Height Restricted Band shall be 30';

(4) On lots narrower than 60' in the S-R, R-1, R-2 zones, the maximum height of buildings shall be 2 stories (not to exceed 30')."

4. Amend Section 213-12B "SCHEDULE OF LAND USE AND BULK REGULATIONS":

- Add "/30¹²" to the existing 35' in the "Maximum Height" column in the S-R, R-1 and R-2 zones"

- Add footnote #12 to read: "within the Building Restricted Band, this maximum building height is 30'; On nonconforming lots narrower than 60' in the R-R, S-R, R-1 and R-2 zones, the maximum height of buildings shall be two stories (not to exceed 30')."

SUITABLE (LIVEABLE) YARDS

In recent years Meriden has revised its single family lot dimensions in several ways. In December 2009, the City approved some zoning informational requirements for lands with sensitive resources as part of the effort to qualitatively improve single family lot yards. However, this covers only a small percentage of single family residential lands, and the term "suitable yards" remains undefined, and therefore is difficult to implement.

An objective for newly created single family home lots is to include a sizeable usable yard; if there is an addition or rebuild, adequate usable yard space should be maintained. One of the questions raised by City Council was: would it be feasible or appropriate to implement the proposed suitable yard requirements for single family homes on very small non-conforming lots, including those in multi-family districts? To answer this question, staff considered different sized lots. It appears that the vast majority of existing lots include enough yard space to meet the requirement, especially when the yard space can be provided in two places. With very small existing lots, the proposed regulation could have the effect of preserving grassed yards, and limiting additions that would eliminate said yard. There are still pockets of single family homes in the R-3 District. The density allowed by zoning only encourages very small single family home lots; therefore a flexible standard is needed. The yard standard is not proposed for lots with more than one unit because the parking requirements start to make the yard hard to achieve on small non-conforming lots.

Design of residential parking can have a significant influence on neighborhood appeal. The proposed standards should help lessen future incompatible situations. In some districts, residential building is allowed closer than 20 ft. from the street. In such cases a garage may be built too close to the sidewalk, thus the car parked in front of the garage hangs over the sidewalk.

Therefore, the proposal is to:

- a. Enhance yard landscaping provisions;
- b. Better describe and define "suitably landscaped" yards;
- c. Discourage expansive parking area in the front to reduce detrimental impacts;
- d. Make sure single family residential lots have a usable landscaped yard in proportion to the home footprint. This would normally be easy but on completely sloped lots it could require a retaining wall(s) or for an abnormally small lot it could (appropriately) limit the home footprint;
- e. Place emphasis on review of single family yards to avoid/reduce bad lots.

The proposed amendments addressing the suitable (liveable) yards include:

1. Amend Section 213-48D(1) "Yards", specifically subsections a and b which shall read:
 - "a. Suitably landscaped residential yards shall include a large front, rear or side yard area of lawn.
 - (1) No single family residential lot shall be created without an approved (suitable) Landscape Plan showing grading and groundcover for which development will need to conform with. Said large lawn area should be at least equivalent to the size of the single family home structure's footprint, generally rectangular with the smallest dimension at least 25' in length. Said large lawn area shall be generally level (not exceeding 10% grade in any direction). Said large lawn area may include garden or mulch, or host an uncovered patio or pool as allowed under regulation.
 - (2) No building permit for a new or expanded footprint residence shall be granted on any single family lot of nonconforming size or lot with area and/or density variance, without an approved (suitable) Landscape Plan. For lots created prior to approval of this section, and not modified thereafter, the Planning Department may approve

two smaller lawn areas, greater in overall size than the home footprint, to meet the intent of the large yard requirement. Other lawn areas may be approved for single family lots in Multiple-Family Districts.

- b. The required front yards of residential lots in all zones should be landscaped and not be impervious except for driveway and walks. There should be no vehicle parking created, expanded, or made more permanent in the front yard beyond the driveway described in (e) below, unless a Landscape Plan has been approved.”

2. Amend Section 213-48D(1) “Yards”, by adding subsection (e) to read:

“ e. Driveways on residential lots in all zones and garages are accessory and should be incidental and subordinate features rather than dominant; garage location to the rear of residential structures, or to the side for wide lots, should be considered, and excess protruding garages avoided.

- (1) Driveways on all residential lots in all zones, including shared driveways, shall not exceed 24’ in width for access to the street.
- (2) There shall not be more than one driveway in front of the residential structure for a lot of 60’ in width or less.
- (3) The total surface area for vehicles between the front of the residential structure(s) and the street being accessed shall not exceed 24’ in width except in a case where the City Planning Department, following a review of alternatives, finds the layout for such vehicle accessory use is otherwise necessary, a Landscape Plan is approved, or a site plan is approved by the Planning Commission.
- (4) For multi-family development said total surfaced area for vehicles leading to garages shall not exceed 50% of the front width of the residential building except that the Planning Commission as part of an overall site plan that includes significant offsetting beneficial design aspects may consider approval of such design as an alternative.”

3. Amend Section 213-48D (3) by adding the following sentence to end of the existing requirement: “Further, no residential garage shall be closer than 20’ from the street line”.

NONCONFORMING TWO AND THREE FAMILY HOMES

Because the zoning is not completely clear, there have been cases where additions have been allowed that increase overbuilding on non-conforming lots. The single family districts specify only single family homes, therefore a proper interpretation of zoning seems to be that if there is more than one residential unit (2 or 3 units) it is a non-conforming use and there should be no building enlargement allowed. In the R-2 District, single family dwellings are listed as a use separate from two and three family uses. The two and three family use is only a conforming use if there is a lot large enough to accommodate it (minimum of 4,000 square feet per unit in the R-2 District). Therefore, a proper interpretation of zoning is that a residential use with more than one unit on a lot of less than 8,000 square feet in R-2 is non-conforming and should not be enlarged. This has not always been the interpretation therefore it needs to be explicitly stated in zoning. The scale of building and parking to land area is sometimes a neighborhood compatibility issue when there is more density than intended and allowed in zoning.

The proposal specifically identifies two families, three family residential uses in Districts and lots that only allow single family homes as non-conforming and prohibits the expansion of such structures. The result would preserve the reasonable scale of building to land existing in most single family and R-2 neighborhoods, not allowing worst cases of overly dense non-compatible and non-conforming development.

The proposed amendment addressing the expansion of non-conforming two and three family homes is to revise Section 213-60B (1) “Existing non-conforming uses, buildings and structures – Enlargement” by adding the bolded text:

- (1) Nonconforming uses. No nonconforming use of land shall be enlarged, extended or altered and no building or other structure or part thereof devoted to a nonconforming use, **including two family, three family, and multi family residential uses in Districts and lots that only allow single family homes,** shall be enlarged, extended, reconstructed ...

ZONING

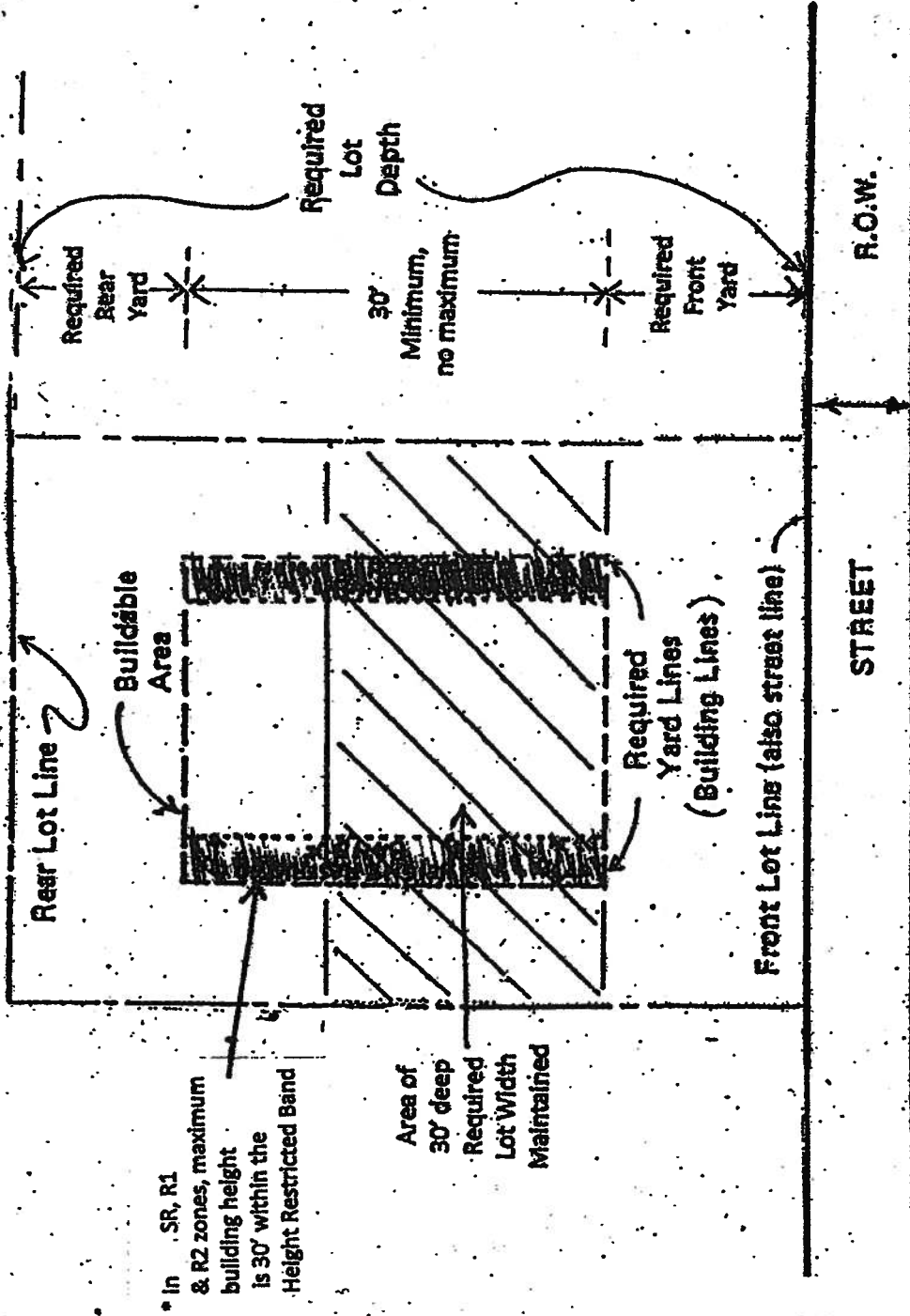


DIAGRAM 5B.

VARIOUS LOT AND BULK DEFINITIONS

Referral 2.2 City of Milford

Subject:

Proposed Zoning Regulation Amendments to Building Heights in Residential Zones

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 negative impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The City of Milford has proposed Zoning Regulation Amendments to add a new subsection 3.1.4.2 – Building Heights in Residential Zones. The section applies to the R-A, R-30, R-18, R-12.5, R-10, R-7.5 and R-5 zoning districts. The height limit pertaining to architectural features, highest main ridge or peak of a proposed structure cannot exceed 45 feet or 10 feet above the 35 foot maximum height as measured from the mid-point of the roof. The provisions pertaining to height will apply to solar panels, skylights, roof-top mechanical equipment, cupolas, domes, turrets, bell towers, clock towers, roof ventilators and roof parapets. An additional provision is the application of Section 4.1.13 (Exception to Height Requirements) to church spires and belfries, pole-type television antennas and chimneys.

Communication:

In researching this proposal, I spoke with the planning staff for Milford and notified the adjacent municipalities in the South Central Region.



City of Milford, Connecticut

- Founded 1639 -

70 West River Street - Milford, CT 06460-3317

Tel 203-783-3245 FAX 203-783-3303

Website: www.ci.milford.ct.us

E-mail: planning@ci.milford.ct.us

Planning and Zoning
Board

David B. Sulkis, A.I.C.P.
City Planner

November 4, 2011

Via Certified Mail

Judy Gott, Executive Director
South Central Council of Governments
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

RE: PROPOSED ZONE REGULATION TEXT CHANGES

Dear Ms. Gott:

In accordance with the provisions of Connecticut General Statute 8-3b, the Planning and Zoning Board is considering the adoption of the enclosed text additions to the City of Milford Zoning Regulations.

3.1.4.2. Building Height in Residential Zones

It is understood that your comments will be forthcoming within thirty-five (35) days of your receipt of the referral document.

Very truly yours,

David B. Sulkis, AICP
City Planner

DBS/pl
Enclosure

C: Jocelyn Mathiasen, Director, DPLU

SECTION 3.1 ONE FAMILY RESIDENTIAL DISTRICTS: R-A, R-30, R-18, R-12.5, R-10, R-7.5 AND R-5.

3.1.4.1 Building Height in Residential Zones

- (1)** This section applies to all properties in the R-A, R-30, R-18, R-12.5, R-10, R-7.5, and R-5 zones.
- (2)** In no instance shall any architectural feature, highest main ridge, or peak of a proposed structure exceed forty-five (45) feet or ten (10) feet above the maximum 35-foot height limitation (measured from the mid-point of the roof).
- (3)** The number of points necessary for an "average" computation shall be based on appropriate contour intervals or spot elevations as required by the Planning and Zoning Board. The existing level shall mean the actual or approved elevations of the property at the time of the application.
- (4)** The provisions with respect to height shall apply to solar panels, skylights, roof-top mechanical equipment, cupolas, domes, turrets, bell towers, clock towers, roof ventilators, and roof parapets.
- (5)** Section 4.1.13 shall apply to church spires and belfries, pole-type television antennas and chimneys.

10/18/11

Section 2.2

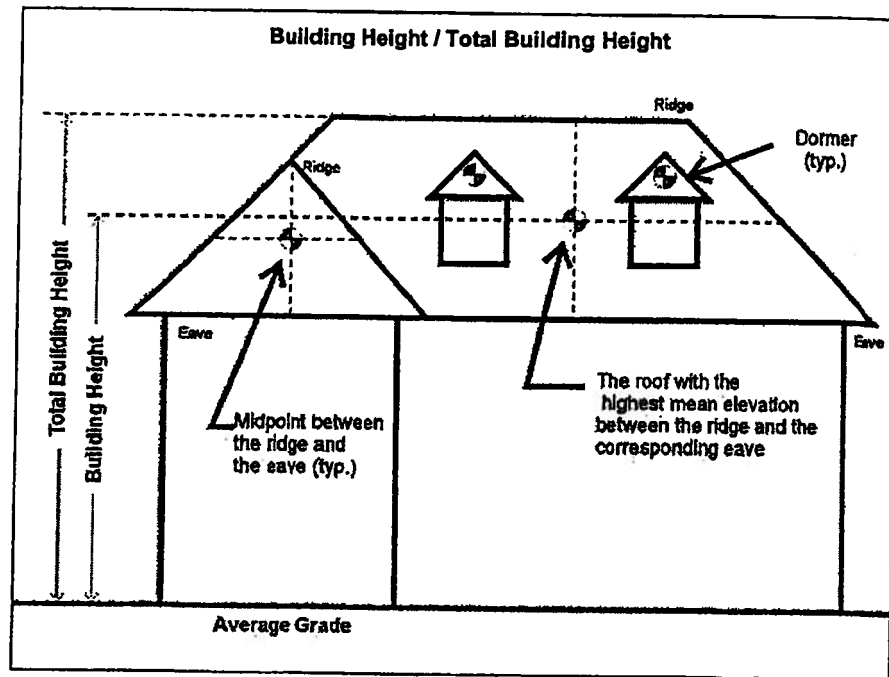
HEIGHT, ANTENNA - The distance measured from the ground elevation at the base of an antenna or any appurtenances thereto to the highest point of the antenna or any appurtenances thereto.

HEIGHT, BUILDING – The vertical distance from the average grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest of the following elevations on the building or other structure:

- the elevation of the highest point of the highest dome, flat, shed, or mansard roof, including the top of any parapet;
- for roofs which are gable, hip, or A-frame roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave,
- for roofs which are gambrel roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave or the elevation of the highest pitch-break, whichever is greater, and
- for roofs which are salt box roofs, the mean elevation of the side of the salt box roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave.

HEIGHT, TOTAL BUILDING – The vertical distance from the average grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest of the following elevations on a building or other structure:

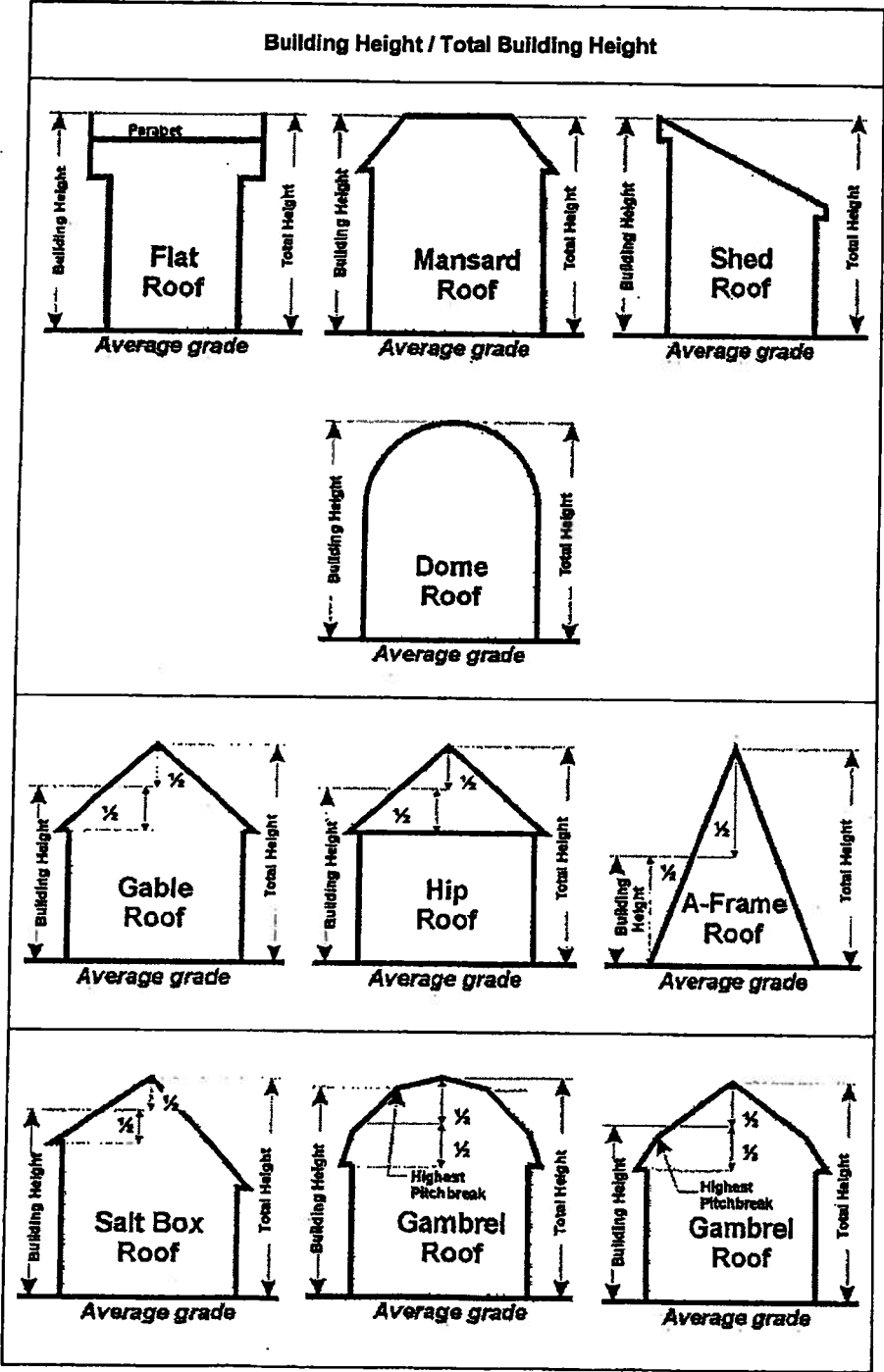
- the elevation of the highest point of the highest dome, flat, or mansard roof, including the top of any parapet; or
- the highest point of the highest ridge, including any dormer, of all gable, hip, gambrel, shed, A-frame, and salt box roofs.



Continued on next page

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Definitions



Referral 2.3 Town of Stratford

Subject:

Proposed Zoning Regulation Amendment to Section 4.1.6.11 pertaining to residence apartments within one half mile of a CA, CF, LB, or LBB District

Staff Recommendation:

The proposed Zoning Regulation Amendment does not appear to cause any negative inter-municipal impacts to the Towns in the South Central Region nor do there appear to be negative impacts to the habitat or ecosystem of the Long Island Sound.

Background:

A private applicant in the Town of Stratford has proposed a Zoning Regulation Amendment to Section 4.1.6.11. The amendment exempts residence apartment development, which consists of individual single family units not contained in a structure having multiple residential units, from the requirements identified in the section. The requirements include a minimum land area requirement of 30,000 square feet and the development to be located within a half mile of a CA, CF, LB or LBB District.

The following provision has been deleted: “Full and continuous sidewalks must exist between the apartments and said CA, CF, LB, or LBB Zoning District, to allow for safe pedestrian access. Nonconforming uses are not to be considered as equivalent to CA, CF, LB or LBB, nor are locations where there is the requirement by pedestrians to reach said commercial districts by crossing a major artery or state highway, unless a walk light exists at the time of the petition, allowing safe crossing from the residence apartment to the commercial area and safe crossing back again.”

Communication:

In researching this proposal, I spoke with the Planning and Zoning Administrator for Stratford and notified the adjacent municipalities in the South Central Region.

November 16, 2011

South Central Regional
Council of Governments
127 Washington Avenue
4th Floor West
North Haven, CT 06473-1715

Attention: Peggy Rubens-Duhl

The following is referred to your Agency:

Attorney Benjamin Proto, Jr. proposes to amend Section 4.1.6.11 of the Zoning Regulations as described in the attached amendment. The amendment modifies the requirement that residence apartments must be located within one-half mile of a Stratford CA, CF, LB or LBB District.

This application will be heard at a public hearing of the Zoning Commission to be held Tuesday evening, December 20, 2011 at 7:00 P.M. in the Council Chamber, Town Hall.

Regards,



GARY LORENTSON
Planning & Zoning Administrator
ZONING COMMISSION

GL/ej

BENJAMIN S. PROTO, JR.
Attorney at Law
2090 Cutspring Road
Stratford, CT 06614
(203) 378-9595
(203) 260-2121

Also admitted:
District of Columbia
New Hampshire

fax (203) 378-7765
email: bproto@optonline.net

November 16, 2011

Mr. Gary Lorentson
Town of Stratford
Planning & Zoning Office
2725 Main Street
Stratford, CT 06615

RE: Proposed Amendment to Stratford Zoning
Regulations, Section 4.1.6.11

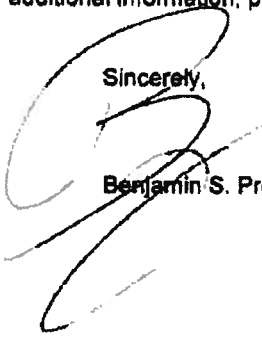
Dear Gary:

Please accept this letter as application to the Stratford Zoning Commission for a proposed Amendment to Section 4.1.6.11. The proposed Amendment is attached. Enclosed is a check in the amount of \$660.00 for the Application fee.

I would appreciate your placing this proposed Amendment on the December, 2011 Public Hearing Agenda as well as the corresponding Administrative Agenda.

If you require any additional information, please contact me.

Sincerely,


Benjamin S. Proto, Jr.

4.1.6.11. Residence apartments subject to the limitations set forth in Section 5.3 and subject to the approval of the Zoning Commission as a Special Case, but in no instance shall residence apartments be approved with a total land area less than 30,000 square feet, nor shall any apartments be approved if not located within one-half mile radius of Stratford CA, CF, LB, or LBB Zoning District, EXCEPT THAT ANY RESIDENCE APARTMENT DEVELOPMENT CONSISTING SOLELY OF INDIVIDUAL SINGLE FAMILY RESIDENTIAL UNITS WHICH UNITS ARE NOT CONTAINED IN A STRUCTURE HAVING MULTIPLE RESIDENTIAL UNITS, SHALL BE EXEMPT FROM THE REQUIREMENT THAT SAID RESIDENCE APARTMENT DEVELOPMENT BE LOCATED WITHIN ONE-HALF MILE RADIUS OF A STRATFORD CA, CF, LB OR LBB ZONING DISTRICT. Nonconforming uses are not to be considered as equivalent to CA, CF, LB or LBB. The property to be served for residence apartments must be served by sanitary sewer, storm water systems and by public utilities, which shall include public water supply.

Referral 2.4 City of Milford

Subject:

Proposed Zoning Regulation Amendments to Section 2.5.5 (Lot Access and Rear Lots) and Section 9.2.3 (Prohibited Variances)

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 negative impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The City of Milford has proposed Zoning Regulation Amendments pertaining to prohibited variances and lot access and rear lots. The amendment to prohibited variances adds a new subsection (4), which states “No application shall be accepted to vary the width, depth, setback or lot area of a conforming lot or structure for the purpose of creating a subdivision or resubdivision.”

The amendment to lot access and rear lots has been condensed and the specific requirements pertaining to acreage, frontage and width of access has been removed. The requirements would be located in the Subdivision Regulations.

Communication:

In researching this proposal, I spoke with the planning staff for Milford and notified the adjacent municipalities in the South Central Region.



City of Milford, Connecticut

- Founded 1639 -

Department of Permitting
and Land Use

70 West River Street - Milford, CT 06460-3317
Tel 203-783-3374 FAX 203-783-3351
Website: www.ci.milford.ct.us

November 25, 2011

Via Certified Mail

Judy Gott, Executive Director
South Central Council of Governments
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

RE: PROPOSED ZONE REGULATION TEXT CHANGES

Dear Ms. Gott:

In accordance with the provisions of Connecticut General Statute 8-3b, the Planning and Zoning Board is considering the adoption of the enclosed text changes to the City of Milford Zoning Regulations.

Sections 2.5.5 Lot Access and Rear Lots

And

Section 9.2.3 Prohibited Variances

It is understood that your comments will be forthcoming within thirty-five (35) days of your receipt of the referral document.

Very truly yours,

David B. Sulkis
David B. Sulkis, AICP
City Planner

DBS/pl
Enclosure

C: Jocelyn Mathiasen, Director, DPLU

Proposed changes to the Zoning Regulations

Sections 2.5.5 and 9.2.3

2.5.5 Lot Access and Rear Lots: No Zoning Permit or Building Permit shall be issued for any building unless the lot, upon which such building is to be erected, fronts on a municipally acceptable street, on an accepted public street, or on a street in an approved subdivision. This provision shall not be deemed to prevent the issuance of a Zoning Permit and Building Permit for farm or accessory buildings not designed or used for human occupancy.

FOR INFORMATION ONLY

Any rear lot created shall be in accordance with the Subdivision regulations of the Planning and Zoning Board and shall be limited to one allowable office, business, industrial, or other non-residential use in an applicable Zoning District, or one single family dwelling in an applicable District."

9.2.3 Prohibited Variances

(4) No application shall be accepted to vary the width, depth, set back or lot area of a conforming lot or structure for the purpose of creating a subdivision or resubdivision.

Proposed change to the subdivision regulations

Change section **3.2.10 Rear Lots** of the subdivision regulations to as follows:

Rear lots shall have a minimum area of one acre, exclusive of any fee simple access way. This access way shall be the lots legal street frontage, the width of which shall be at least 25 feet for residential uses and at least 50 feet for non-residential uses. The access way shall front on a municipally acceptable street, on an accepted public street, or on a street in an approved subdivision. Such rear lots shall have 150 foot minimum lot width and depth, exclusive of the access way, they shall be generally rectangular in shape and shall otherwise conform with the Zoning regulations. The rear lot shall be limited to one allowable office, business, industrial, or other non-residential use in an applicable Zoning District, or one single family dwelling in an applicable District.